

A-Engrossed
Senate Bill 186

Ordered by the Senate April 1
Including Senate Amendments dated April 1

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor John A. Kitzhaber, M.D., for Oregon State Police)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Expands list of crimes for which court may issue warrant authorizing installation or tracking of mobile tracking device. **Prohibits court from issuing warrant for longer than 30 days. Allows court to grant extensions in certain circumstances.**

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to mobile tracking devices; amending ORS 133.619; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 133.619 is amended to read:

5 133.619. (1) A warrant authorizing the installation or tracking of a mobile tracking device shall
6 be executed as provided in this section.

7 (2) The officer need not inform any person of the existence or content of the warrant prior to
8 its execution.

9 (3) Except as provided in subsection (4) of this section, the officer need not deliver or leave a
10 receipt for things seized or observations made under authority of the warrant.

11 (4) Within five days of the execution of the warrant, or, in the case of an ongoing investigation,
12 within such additional time as the issuing judge may allow upon application, the officer shall mail
13 a receipt for things seized or observations made under authority of the warrant to the following:

14 (a) If the mobile tracking device has been affixed to a vehicle, to the registered owner; and

15 (b) To such other persons as the court may direct in the warrant.

16 (5) The receipt provided for in subsection (4) of this section [*shall*] **must** include the dates and
17 times during which the officer monitored or attempted to monitor the mobile tracking device.

18 (6) A warrant authorizing the installation or tracking of a mobile tracking device shall [*only*]
19 be issued **only when** based upon the submission of an affidavit or oral statement as [*set forth*] **de-**
20 **scribed** in ORS 133.545, which affidavit or statement demonstrates that probable cause exists to
21 believe that an individual is committing or is about to commit:

22 (a) A particular felony of murder, kidnapping, arson, robbery or other crime dangerous to life
23 and punishable as a felony[, *any*];

24 (b) A crime punishable as a felony arising under ORS 475.752 or 475.806 to 475.894[.];

25 (c) **The crime of** unlawfully transporting metal property[, *any*] **under ORS 164.857 or a crime**
26 **described in ORS 165.118[.];**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 **(d)** Bribery, extortion, burglary or unauthorized use of a motor vehicle punishable as a felony[,
2 *or any*];

3 **(e)** A violation of a criminal provision of the wildlife laws as described in ORS 496.002;

4 **(f)** A violation of a criminal provision of the commercial fishing laws as described in ORS
5 **506.001**;

6 **(g)** A violation of ORS 704.020, 704.021, 704.030 or 704.065; or

7 **(h)** A conspiracy to commit [*any of the crimes*] a crime listed in this subsection.

8 **(7)** A court may not issue a warrant authorizing the installation or tracking of a mobile
9 tracking device for any period longer than is necessary to achieve the objective stated in the
10 affidavit or oral statement and in no event for longer than 30 days. The court may grant
11 extensions upon application, not to exceed 30 days per extension, only if:

12 **(a)** The application contains a statement setting forth the results thus far obtained from
13 the warrant, or a reasonable explanation of the failure to obtain results; and

14 **(b)** The court finds that probable cause still exists as described in subsection (6) of this
15 section at the time the application is made.

16 SECTION 2. This 2013 Act being necessary for the immediate preservation of the public
17 peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect
18 on its passage.
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