

**PRELIMINARY** STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

**REVENUE:** May have revenue impact, statement not yet issued

**FISCAL:** May have fiscal impact, statement not yet issued

**SUBSEQUENT REFERRAL TO:**

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**Action:**

**Vote:**

Yeas:

Nays:

Exc.:

**Prepared By:** Eric Deitrick, Counsel

**Meeting Dates:** 3/10

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**WHAT THE MEASURE DOES:** Requires police officer to inform persons of right to refuse a request to search. Requires court to consider a failure to inform as a factor in the voluntariness of consent.

**ISSUES DISCUSSED:**

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** Police officers have statutory authority to stop and detain persons if the officer has a reasonable suspicion that the person is engaged in criminal behavior or probable cause that the person has committed a traffic violation. During these detentions, the officer may make certain inquiries. Based on these inquiries, the officer may want to search the person or their property for contraband or evidence of a crime. A warrant is not required for these searches so long as the person consents to the search.

Senate Bill 575 amends ORS 131.615 and 810.410 and requires officers to inform a person of their right to refuse a request to search. It also requires the court to consider a failure to inform as a factor in whether any consent was voluntary.