

House Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 02/19/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 02/19

House

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Williamson, Olson, Post, Sprenger, Lininger

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Allows circuit court judge to authorize execution of search warrant outside of issuing court's judicial district if search relates to elder abuse offense, the object of search is financial records, and proper place for trial on offense is not known. Clarifies law to include searches relating to criminal mistreatment in first degree, identity theft, aggravated identity theft, computer crime, fraudulent use of a credit card, forgery, criminal possession of a forged instrument, theft, or aggravated theft.

ISSUES DISCUSSED:

- Substance of the bill
- Ethical treatment of senior citizens
- Why senior citizens need protection
- Crimes to be enumerated in the amendment

EFFECT OF COMMITTEE AMENDMENT:

Expands measure to include searches relating to criminal mistreatment in first degree, identity theft, aggravated identity theft, computer crime, fraudulent use of a credit card, forgery, criminal possession of a forged instrument, theft, or aggravated theft.

BACKGROUND:

Search warrants must be issued by judges and usually limit the jurisdiction of the issuing court. For example, a search warrant issued from Marion County District Court is only executable in Marion County. In certain elder abuse cases involving financial exploitation, however, law enforcement may not be able to ascertain the specific district in which the abuse occurred, as transactions may be happening through online means, or at multiple financial institutions. In that case, law enforcement may choose not to pursue investigations of financial exploitation against elders.

House Bill 2225-A is the product of the Elder Abuse Prevention Work Group and was developed to address this problem. It provides a narrowly tailored exception to the jurisdiction requirements in ORS 133.545. It allows a court to issue a search warrant for searches outside of the jurisdiction in instances where elder abuse is alleged, the object of the search is financial records, and the proper location for trial is not yet known.