

STAFF MEASURE SUMMARY

CARRIER: Sen. Gelser

Senate Committee On Judiciary

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 06/01/15

Action: Do Pass The A-Eng Bill.

Meeting Dates: 06/01

Vote:

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

Prepared By: Channa Newell, 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.

ISSUES DISCUSSED:

- Increases in technology lead to challenges determining where crime occurred
- Cannot obtain consent of elder to investigate financial crimes if elder is incapacitated
- If unable to determine proper place for trial, difficult to obtain search warrant
- Allowing limited search warrants for financial abuse against elders will facilitate investigations

EFFECT OF COMMITTEE AMENDMENT:

No amendment.

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 Circuit 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. In that case, law enforcement may choose not to pursue investigations of financial exploitation against elders.

House Bill 2225 A was 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.