

Enrolled
Senate Bill 391

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 Senate Interim Committee on Judiciary)

CHAPTER

AN ACT

Relating to security release deposits; creating new provisions; and amending ORS 135.270.

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

SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 135.230 to 135.290.

SECTION 2. (1) A law enforcement agency may not seize any cash, cashier's checks, money orders, credit cards, stocks, bonds or real or personal property that a person deposits, or attempts to deposit, with the clerk of the court, or a person designated by a magistrate to take security under ORS 135.270, in order to obtain security release as described in ORS 135.265 unless the law enforcement agency first obtains:

(a) A search warrant issued pursuant to ORS 133.545 authorizing seizure of the cash, cashier's checks, money orders, credit cards, stocks, bonds or real or personal property as items subject to search and seizure as described in ORS 133.535; or

(b) A court order under ORS 131A.060 directing seizure of the cash, cashier's checks, money orders, credit cards, stocks, bonds or real or personal property as property subject to forfeiture under ORS 131A.020.

(2) After seizing cash, cashier's checks, money orders, credit cards, stocks, bonds or real or personal property under subsection (1) of this section, a law enforcement agency may not further transfer or distribute the cash, cashier's checks, money orders, credit cards, stocks, bonds or real or personal property to any person or entity without a court order specifically authorizing the transfer or distribution.

(3) As used in this section, "law enforcement agency" has the meaning given that term in ORS 131A.005.

SECTION 3. ORS 135.270 is amended to read:

135.270. (1) When a security amount has been set by a magistrate for a particular offense or for a defendant's release, any person designated by the magistrate may take the security and release the defendant to appear in accordance with the conditions of the release agreement. The person designated by the magistrate shall give a receipt to the defendant for the security so taken and within a reasonable time deposit the security with the clerk of the court having jurisdiction of the offense.

(2) If a magistrate has designated a person to take security and release defendants under subsection (1) of this section, the clerk of the court shall continue to accept the security release deposits described in ORS 135.265 during the normal business hours of the court.

Passed by Senate April 9, 2015

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 9, 2015

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State