

Senate Bill 391

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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 **as introduced**.

Prohibits seizure of property deposited to obtain security release in criminal case by law enforcement agency without search warrant or court order. Prohibits transfer or distribution of property after seizure without court order.

A BILL FOR AN ACT

1
2 Relating to security release deposits.

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

4 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 135.230 to**
5 **135.290.**

6 **SECTION 2. (1) A law enforcement agency may not seize any cash, stocks, bonds or real**
7 **or personal property that a person deposits, or attempts to deposit, with the clerk of the**
8 **court in order to obtain security release as described in ORS 135.265 unless the law**
9 **enforcement agency first obtains:**

10 (a) A search warrant issued pursuant to ORS 133.545 authorizing seizure of the cash,
11 stocks, bonds or real or personal property as items subject to search and seizure as de-
12 scribed in ORS 133.535; or

13 (b) A court order under ORS 131A.060 directing seizure of the cash, stocks, bonds or real
14 or personal property as property subject to forfeiture under ORS 131A.020.

15 (2) After seizing cash, stocks, bonds or real or personal property under subsection (1) of
16 this section, a law enforcement agency may not further transfer or distribute the cash,
17 stocks, bonds or real or personal property to any person or entity without a court order
18 specifically authorizing the transfer or distribution.

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

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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.