

Senate Bill 861

Sponsored by Senator EDWARDS

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**.

Directs court to consider electronic location information that shows stolen bicycle is located in place to be searched as probable cause when issuing search warrant.

A BILL FOR AN ACT

1
2 Relating to search warrants; creating new provisions; amending ORS 133.555.

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

4 **SECTION 1.** ORS 133.555 is amended to read:

5 133.555. (1) Before acting on the application, the judge may examine on oath the affiants, and
6 the applicant and any witnesses the applicant may produce, and may call such witnesses as the
7 judge considers necessary to a decision. The judge shall make and keep a record of any testimony
8 taken before the judge. The record shall be admissible as evidence on any motion to suppress.

9 (2) If the judge finds that the application meets the requirements of ORS 133.545 and that, on
10 the basis of the record made before the judge, there is probable cause to believe that the search
11 will discover things specified in the application and subject to seizure under ORS 133.535, the judge
12 shall issue a search warrant based on the finding of the judge and in accordance with the require-
13 ments of ORS 133.545 to 133.615. If the judge does not so find, the judge shall deny the application.

14 (3) The judge may orally authorize a police officer, a district attorney or a special agent em-
15 ployed under ORS 131.805 to sign the judge's name on a duplicate original warrant. A duplicate
16 original warrant shall be a search warrant for the purposes of ORS 133.535 to 133.615, and it shall
17 be returned to the judge as provided in ORS 133.615. In such cases a judge shall enter on the face
18 of the original warrant the exact time of the issuance of the warrant and shall sign and file the
19 original warrant in the manner provided by law.

20 (4) Until the warrant is executed, the proceedings upon application for a search warrant shall
21 be conducted with secrecy appropriate to the circumstances.

22 **(5)(a) A judge shall consider electronic location information, indicating that a bicycle re-**
23 **ported as stolen is located in the place to be searched as described in the warrant affidavit,**
24 **as probable cause that the place to be searched contains evidence concerning the commission**
25 **of a criminal offense.**

26 **(b) As used in this subsection, "electronic location information" means location infor-**
27 **mation obtained from an electronic location tracking device.**

28 **SECTION 2. The amendments to ORS 133.555 by section 1 of this 2015 Act apply to war-**
29 **rants issued on or after the effective date of this 2015 Act.**
30

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.