

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 391**

1 On page 1 of the printed A-engrossed bill, delete lines 6 through 23 and
2 insert:

3 **SECTION 2. (1) A law enforcement agency may seize cash,**
4 **cashier’s checks, money orders, credit cards, stocks, bonds or real or**
5 **personal property that a person deposits, or attempts to deposit, with**
6 **the clerk of the court, or a person designated by a magistrate to take**
7 **security under ORS 135.270, in order to obtain security release as de-**
8 **scribed in ORS 135.265 only if the law enforcement agency obtains, ei-**
9 **ther before seizure or within 48 hours after seizure:**

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

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

17 **“(2) If a law enforcement agency does not obtain a search warrant**
18 **or court order as required by subsection (1) of this section, the law**
19 **enforcement agency shall redeposit the seized property as security and**
20 **the defendant may be released in accordance with ORS 135.265.**

21 **“(3) After seizing cash, cashier’s checks, money orders, credit cards,**
22 **stocks, bonds or real or personal property under subsection (1) of this**

1 **section, a law enforcement agency may not further transfer or dis-**
2 **tribute the cash, cashier's checks, money orders, credit cards, stocks,**
3 **bonds or real or personal property to any person or entity without a**
4 **court order specifically authorizing the transfer or distribution.**

5 **“(4) As used in this section, ‘law enforcement agency’ has the**
6 **meaning given that term in ORS 131A.005.”.**

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