

HJR 13 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Whitney Perez, Counsel

Sub-Referral To: House Committee On Rules

Meeting Dates: 3/28

WHAT THE MEASURE DOES:

Proposes amendment to Oregon Constitution providing that a law authorizing police officer to ask person at any time if person is in possession of firearm is not law violating right of people against unreasonable search or seizure.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

In State v. Jimenez, the Oregon Supreme Court ruled that the Oregon Constitution's protection against unreasonable search and seizure does not permit police officers to "make routine weapons inquiries in all traffic investigations." Section 9, Article 1 of the Oregon Constitution protects the right of the people against unreasonable search and seizure. House Joint Resolution 13 proposes an amendment to provide that a law authorizing police officers to ask a person at any time if the person is in possession of a firearm is not a law violating this constitutional provision. HJR 13 refers this proposed amendment to the people for approval or rejection at the next general election.