

SB 515 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 3/30

WHAT THE MEASURE DOES:

Modernizes definitions of "pen register" and "trap and trace device." Describes circumstances when law enforcement may use pen register or trap and trace device, without warrant or court order. Describes circumstances under which personal electronic data, location data or subscriber information may be obtained by law enforcement with and without warrant, court order or subpoena. Modifies circumstances under which law enforcement may utilize mobile tracking device.

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:

BACKGROUND:

The current definitions of "pen register," "trap and trace device" and "mobile tracking device" were adopted in 1989 and have not been updated since. More recently, the Legislative Assembly has updated the statutes pertaining to wiretapped communications and, in 2015, adopted ORS 133.539, which addresses the manner in which law enforcement may obtain forensic images of material contained on portable electronic devices.