

SB 352 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/27

WHAT THE MEASURE DOES:

Requires police officer to inform person stopped for traffic violation or on reasonable suspicion of criminal activity of the person's right to refuse search. Provides that failure to inform is prima facie evidence that search is involuntary. Declares emergency, effective on passage.

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:

A peace officer is permitted to stop a person when the officer reasonably suspects that the person has committed or is about to commit a crime. Oregon law sets several limitations on these stops, such as limiting the scope of the detention and specifying when the officer may request consent for a search. Oregon law also specifies when a police officer may stop a person for a traffic violation and establishes the scope of a traffic stop. Senate Bill 352 requires officers to inform the person stopped of the right to refuse a request for a search and that refusal alone will not result in arrest. It also prohibits an officer from threatening unlawful action in order to obtain consent to search. Finally, SB 352 specifies that a violation of these provisions constitutes prima facie evidence that the search was involuntary.