

SB 483 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Action Date: 04/13/17

Action: Do pass with amendments. Refer to Ways and Means by prior reference. (Printed A-Eng).

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Creates crime of unlawful use of a global positioning system device. Punishes as Class A misdemeanor or, if defendant has certain stalking-related previous convictions or is subject to restraining order, punishes as Class C felony. Provides exemptions for law enforcement and motor carriers.

ISSUES DISCUSSED:

- Examples of individuals affixing GPS tracking devices to ex-partner's vehicle
- Stalking

EFFECT OF AMENDMENT:

Exempts law enforcement and motor carriers from scope of crime.

BACKGROUND:

Law enforcement officials have struggled to identify provisions of the law that are violated when a person affixes a GPS tracking device to the vehicle of another person. The law does, however, limit the authority of these officers to utilize GPS tracking devices for investigatory purposes. ORS 133.619 describes the manner in which a police officer may execute a warrant authorizing the installation or tracking of a mobile tracking device.

SB 483-A criminalizes knowingly affixing a GPS tracking device to a motor vehicle without the owner's consent, while preserving use of these devices by commercial motor carriers and law enforcement under a warrant or court order.