

SB 483 A STAFF MEASURE SUMMARY

Carrier: Rep. Barker

Joint Committee On Ways and Means

Action Date: 06/23/17

Action: Do Pass the A-Eng bill.

House Vote

Yeas: 10 - Gomberg, Holvey, Huffman, McLane, Nathanson, Rayfield, Smith Warner, Stark, Whisnant, Williamson

Exc: 1 - Smith G

Senate Vote

Yeas: 10 - Devlin, Frederick, Girod, Hansell, Johnson, Manning Jr, Monroe, Roblan, Steiner Hayward, Thomsen

Exc: 2 - DeBoer, Winters

Fiscal: Fiscal impact issued

Revenue: No revenue impact

Prepared By: John Terpening, Fiscal Analyst

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:

- Fiscal impact of the measure
- Owner of the vehicle may attach GPS device without penalty
- Use of "attach" versus "place in or on"

EFFECT OF AMENDMENT:

No amendment.

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 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.