

A-Engrossed
Senate Bill 483

Ordered by the Senate April 26
Including Senate Amendments dated April 26

Sponsored by Senator PROZANSKI; Senator MANNING JR (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates crime of unlawful use of a global positioning system device. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both, or, if person at time of offense has certain previous convictions or is subject of certain court orders, five years' imprisonment, \$125,000 fine, or both.

A BILL FOR AN ACT

1
2 Relating to unlawful use of a global positioning system device; creating new provisions; and
3 amending ORS 161.005.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. (1) A person commits the crime of unlawful use of a global positioning sys-**
6 **tem device if the person knowingly affixes a global positioning system device to a motor ve-**
7 **hicle without consent of the owner of the motor vehicle.**

8 (2)(a) Except as provided in paragraph (b) of this subsection, unlawful use of a global
9 positioning system device is a Class A misdemeanor.

10 (b) Unlawful use of a global positioning system device is a Class C felony if, at the time
11 of the offense, the person:

12 (A) Has been previously convicted of stalking under ORS 163.732, violating a court's
13 stalking order under ORS 163.750 or committing an equivalent crime in another jurisdiction;
14 or

15 (B) Is the subject of a citation issued under ORS 163.735, an order issued under ORS
16 30.866, 107.700 to 107.735 or 163.738 or another court order prohibiting the person from con-
17 tacting another person.

18 (3) This section does not apply to:

19 (a) A police officer who affixes a global positioning system device to a motor vehicle
20 pursuant to a warrant or court order; or

21 (b) A person who affixes a global positioning system device to a motor vehicle operated
22 by a motor carrier.

23 (4) As used in this section:

24 (a) "Global positioning system device" means an electronic device that permits the
25 tracking of a person or object by means of global positioning system coordinates.

26 (b) "Motor carrier" has the meaning given that term in ORS 825.005.

27 (c) "Police officer" has the meaning given that term in ORS 133.525.

28 **SECTION 2.** ORS 161.005, as amended by section 4, chapter 22, Oregon Laws 2016, is amended

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.
New sections are in **boldfaced** type.

1 to read:
2 161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290
3 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737,
4 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to
5 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to
6 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433,
7 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 164.005, 164.015 to 164.135, 164.138,
8 164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002
9 to 165.102, 165.109, 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to
10 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340,
11 167.350, 167.810 and 167.820 and section 1, chapter 22, Oregon Laws 2016, **and section 1 of this 2017**
12 **Act** shall be known and may be cited as Oregon Criminal Code of 1971.
13
