

HOUSE AMENDMENTS TO HOUSE BILL 2474

By COMMITTEE ON JUDICIARY

April 12

1 On page 1 of the printed bill, delete lines 5 through 30 and insert:

2 “**SECTION 1.** ORS 192.596 is amended to read:

3 “192.596. (1) A financial institution may disclose financial records of a customer to a state or
4 local agency, and a state or local agency may request and receive such records, pursuant to a lawful
5 summons or subpoena, served upon the financial institution, as provided in this section or ORS
6 chapter 25.

7 “(2) **Except for a subpoena issued by a district attorney for a grand jury, or by the At-**
8 **torney General under ORS 180.073,** the state or local agency issuing such summons or subpoena
9 shall make personal service of a copy of it upon the customer.

10 “(3) The summons or subpoena shall name the agency issuing it, and shall specify the statutory
11 authority under which the financial records are being obtained.

12 “(4) **Except for a subpoena issued by a district attorney for a grand jury, or by the At-**
13 **torney General pursuant to ORS 180.073,** the summons or subpoena shall state that service of a
14 copy thereof has been made upon the customer, and shall state the date upon which service was
15 accomplished.

16 “(5) Except as provided in subsection (6) of this section, a financial institution shall not disclose
17 the financial records of a customer to a state or local agency, in response to a summons or subpoena
18 served upon it, for a period of 10 days following service of a copy thereof upon the customer, unless
19 the customer has consented to earlier disclosure. If the customer moves to quash such summons or
20 subpoena, and the financial institution receives written notice of such action from the customer, all
21 within 10 days following the date upon which a copy of the summons or subpoena was served upon
22 the customer, the financial institution shall not disclose the financial records of said customer pur-
23 suant to said summons or subpoena unless:

24 “(a) The customer thereafter consents in writing to the disclosure; or

25 “(b) A court orders disclosure of the financial records to the state or local agency, pursuant to
26 the summons or subpoena.

27 “(6)(a) Pursuant to the issuance of a summons or subpoena, a state or local agency may petition
28 the court, and the court, upon a showing of reasonable cause to believe that a law subject to the
29 jurisdiction of the petitioning agency has been or is about to be violated, may order that service
30 upon the customer pursuant to subsection (2) of this section, information concerning such service
31 required by subsection (4) of this section, and the 10-day period provided for in subsection (5) of this
32 section be waived or shortened.

33 “(b) **In response to a subpoena issued by a district attorney for a grand jury, or by the**
34 **Attorney General pursuant to ORS 180.073, a financial institution shall disclose the financial**
35 **records of a customer within the time period described in ORS 192.602. The 10-day period**

1 **described in subsection (5) of this section does not apply to the response of the financial in-**
2 **stitution.**

3 “(7) Where the court grants such petition, a copy of the court order granting the same shall be
4 attached to the summons or subpoena, and shall therewith be served upon the financial institution.

5 “(8) The provisions of subsections (2) to (7) of this section do not apply to subpoenas issued
6 pursuant to ORS chapter 25.”

7 On page 2, delete lines 1 through 14.
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