Senate Bill 563

Sponsored by Senator KNOPP (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 as introduced.

Prohibits public body from using cell-site simulator device to obtain or use personal electronic data or personal electronic metadata unless public body obtains consent or pursuant to search warrant or established warrant exception.

A BILL FOR AN ACT

Relating to cell-site simulator devices.

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

SECTION 1. (1) As used in this section:

(a) “Cell-site simulator device” means a device that, in interacting with an electronic communication device, purports to be a base transceiver station in order to connect with and obtain personal electronic data or personal electronic metadata from the electronic communication device.

(b) “Electronic communication device” means any device that enables access to, or use of, an electronic communication service.

(c) “Electronic communication service” has the meaning given that term in 18 U.S.C. 2510.

(d) “Personal electronic data” means information created by the user of an electronic communication device that is stored electronically and that is not publicly available or accessible by the general public through lawful means, including but not limited to the content of communications.

(e) “Personal electronic metadata” includes local and long distance telephone connection records, records of session times, call duration and types of services utilized, telephone or instrument number or other unique identifying number and subscriber number or identity, including any temporarily or permanently assigned network or Internet protocol address.

(f) “Public body” has the meaning given that term in ORS 174.109.

(2) A public body may not use a cell-site simulator device to collect or use personal electronic data or personal electronic metadata unless:

(a) The owner or user of the electronic communication device consents to the collection or use of the personal electronic data or personal electronic metadata;

(b) The public body obtains the personal electronic data or personal electronic metadata pursuant to a warrant issued under ORS 133.525 to 133.703; or

(c) The public body obtains the personal electronic data or personal electronic metadata pursuant to an established exception to the warrant requirement.

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.