

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

1
2 Relating to cell-site simulator devices.

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

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

5 (a) **"Cell-site simulator device" means a device that, in interacting with an electronic**
6 **communication device, purports to be a base transceiver station in order to connect with and**
7 **obtain personal electronic data or personal electronic metadata from the electronic commu-**
8 **nication device.**

9 (b) **"Electronic communication device" means any device that enables access to, or use**
10 **of, an electronic communication service.**

11 (c) **"Electronic communication service" has the meaning given that term in 18 U.S.C.**
12 **2510.**

13 (d) **"Personal electronic data" means information created by the user of an electronic**
14 **communication device that is stored electronically and that is not publicly available or ac-**
15 **cessible by the general public through lawful means, including but not limited to the content**
16 **of communications.**

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

21 (f) **"Public body" has the meaning given that term in ORS 174.109.**

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

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

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

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

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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.