

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of the Department of Justice)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2399**

1 On page 1 of the printed bill, line 2, delete “138.045,”.

2 In line 3, delete “166.720” and insert “192.603”.

3 On page 2, delete lines 7 through 32.

4 In line 33, delete “3” and insert “2”.

5 In line 35, restore the bracketed material and delete the boldfaced mate-  
6 rial and after “(1)(a)” insert “, (b)”.

7 On page 3, line 38, delete “4” and insert “3”.

8 On page 4, line 24, delete “5” and insert “4”.

9 On page 5, line 1, delete “6” and insert “5”.

10 In line 42, delete “7” and insert “6”.

11 On page 6, delete lines 20 through 45 and delete page 7 and insert:

12 **“SECTION 7. ORS 192.603 is amended to read:**

13 **“192.603. (1) As used in this section:**

14 **“(a) ‘Account information’ means, whether or not the financial in-**  
15 **stitution has an account under a particular customer’s name, the**  
16 **number of customer account items dishonored or that created over-**  
17 **drafts, dollar volume of dishonored items and items that when paid**  
18 **created overdrafts, a statement explaining any credit arrangement**  
19 **between the financial institution and the customer to pay overdrafts,**  
20 **dates and amounts of deposits and debits to a customer’s account,**  
21 **copies of deposit slips and deposited items, the account balance on**

1 **such dates, a copy of the customer’s signature card and the dates the**  
2 **account opened or closed.**

3 **“(b) ‘Secure electronic message’ means an electronic message that**  
4 **is encrypted or otherwise transmitted in a manner that is reasonably**  
5 **calculated to prevent accidental, unlawful or unauthorized disclosure**  
6 **or access to parties not authorized to receive or access the electronic**  
7 **message.**

8 **“[(1)] (2) When a police or sheriff’s department or district attorney’s office**  
9 **in this state requests account information from a financial institution to**  
10 **assist in a criminal investigation, the financial institution shall supply a**  
11 **statement setting forth the requested account information with respect to a**  
12 **customer or a customer account specified by the police or sheriff’s depart-**  
13 **ment or district attorney’s office, for a period of up to three months prior**  
14 **to and three months following the date of occurrence of the account trans-**  
15 **action giving rise to the criminal investigation. The disclosure statement**  
16 **required under this subsection may include only account information as de-**  
17 **finied in subsection [(2)] (1) of this section. If the police or sheriff’s de-**  
18 **partment or district attorney’s office makes the request by sending a**  
19 **secure electronic message to the financial institution, the financial**  
20 **institution shall respond to the request in a secure electronic message.**  
21 **The police or sheriff’s department or district attorney’s office requesting the**  
22 **information shall, within 24 hours of making the request, confirm the request**  
23 **in a written or secure electronic message delivered or mailed to the finan-**  
24 **cial institution, setting forth the nature of the account information sought,**  
25 **the time period for which account information is sought, and that the in-**  
26 **formation has been requested pursuant to a criminal investigation.**

27 **“[(2) As used in this section, ‘account information’ means, whether or not**  
28 **the financial institution has an account under a particular customer’s name,**  
29 **the number of customer account items dishonored or which created overdrafts,**  
30 **dollar volume of dishonored items and items which when paid created over-**

1 *drafts, a statement explaining any credit arrangement between the financial*  
2 *institution and the customer to pay overdrafts, dates and amounts of deposits*  
3 *and debits to a customer's account, copies of deposit slips and deposited items,*  
4 *the account balance on such dates, a copy of the customer's signature card and*  
5 *the dates the account opened or closed.]*

6 **“SECTION 8. (1) The amendments to ORS 137.101 and 164.115 by**  
7 **sections 1 and 6 of this 2019 Act apply to crimes committed on or after**  
8 **the effective date of this 2019 Act.**

9 **“(2) The amendments to ORS 138.261 by section 2 of this 2019 Act**  
10 **apply to appeals taken on or after the effective date of this 2019 Act**  
11 **for which the time limit in ORS 138.071 has not expired.**

12 **“(3) The amendments to ORS 138.650 by section 5 of this 2019 Act**  
13 **apply to proceedings in which the notice of appeal is filed on or after**  
14 **the effective date of this 2019 Act.”.**

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