

HB 2399-3
(LC 668)
4/3/19 (JLM/ps)

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 “137.101, 138.045,”.
- 2 In line 3, delete “166.720” and insert “192.603”.
- 3 Delete lines 5 through 23.
- 4 On page 2, delete lines 1 through 32.
- 5 In line 33, delete “3” and insert “1”.
- 6 In line 35, restore the bracketed material and delete the boldfaced mate-
7 rial and after “(1)(a)” insert “, (b)”.
- 8 On page 3, line 38, delete “4” and insert “2”.
- 9 On page 4, line 24, delete “5” and insert “3”.
- 10 On page 5, line 1, delete “6” and insert “4”.
- 11 In line 42, delete “7” and insert “5”.
- 12 On page 6, delete lines 20 through 45 and delete page 7 and insert:
13 **“SECTION 6.** ORS 192.603 is amended to read:
14 **“192.603. (1) As used in this section:**
15 **“(a) ‘Account information’ means, whether or not the financial in-**
16 **stitution has an account under a particular customer’s name, the**
17 **number of customer account items dishonored or that created over-**
18 **drafts, dollar volume of dishonored items and items that when paid**
19 **created overdrafts, a statement explaining any credit arrangement**
20 **between the financial institution and the customer to pay overdrafts,**
21 **dates and amounts of deposits and debits to a customer’s account,**

1 **copies of deposit slips and deposited items, the account balance on**
2 **such dates, a copy of the customer's signature card and the dates the**
3 **account opened or closed.**

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

9 **"[(1)] (2) When a police or sheriff's department or district attorney's office**
10 **in this state requests account information from a financial institution to**
11 **assist in a criminal investigation, the financial institution shall supply a**
12 **statement setting forth the requested account information with respect to a**
13 **customer or a customer account specified by the police or sheriff's depart-**
14 **ment or district attorney's office, for a period of up to three months prior**
15 **to and three months following the date of occurrence of the account trans-**
16 **action giving rise to the criminal investigation. The disclosure statement**
17 **required under this subsection may include only account information as de-**
18 **finied in subsection [(2)] (1) of this section. If the police or sheriff's de-**
19 **partment or district attorney's office makes the request by sending a**
20 **secure electronic message to the financial institution, the financial**
21 **institution shall respond to the request in a secure electronic message.**

22 **The police or sheriff's department or district attorney's office requesting the**
23 **information shall, within 24 hours of making the request, confirm the request**
24 **in a written or secure electronic message delivered or mailed to the finan-**
25 **cial institution, setting forth the nature of the account information sought,**
26 **the time period for which account information is sought, and that the in-**
27 **formation has been requested pursuant to a criminal investigation.**

28 *"[(2) As used in this section, 'account information' means, whether or not*
29 *the financial institution has an account under a particular customer's name,*
30 *the number of customer account items dishonored or which created overdrafts,*

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

7 **“SECTION 7. (1) The amendments to ORS 164.115 by section 5 of this**
8 **2019 Act apply to crimes committed on or after the effective date of**
9 **this 2019 Act.**

10 **“(2) The amendments to ORS 138.261 by section 1 of this 2019 Act**
11 **apply to appeals taken on or after the effective date of this 2019 Act**
12 **for which the time limit in ORS 138.071 has not expired.**

13 **“(3) The amendments to ORS 138.650 by section 4 of this 2019 Act**
14 **apply to proceedings in which the notice of appeal is filed on or after**
15 **the effective date of this 2019 Act.”.**

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