



**TO: Sen. Floyd Prozanski, Chair
Members of the Senate Judiciary Committee**

FR: Oregon District Attorneys Association

RE: SB 1510

February 2, 2022

The Oregon District Attorneys Association appreciated the opportunity to engage with the stakeholder table over the past interim in the crafting of SB 1510. We believe important revisions were made to this bill and flag the following as items that we believe continue to deserve attention.

Section 1 – Consent

SB 1510 in its present form adds to the present uncertainty in Oregon search and seizure law. Search and seizure law in Oregon has been in a state of flux in the past few years. Oregon Supreme Court and Oregon Court of Appeals decisions have impacted the ability of officers to interact with people during stops, conduct inventories, and largely eliminated the mobile vehicle exception to the warrant requirement. Each of those decisions has introduced uncertainty into search and seizure law that is slowly being resolved as cases work their way through the appellate courts. SB 1510 would add to that uncertainty by having an unknown and unpredictable impact on the voluntariness analysis and an unknown remedy for violation of the new informed consent requirements. Introducing additional uncertainty into the consent analysis could lead to the suppression of otherwise lawfully obtained evidence.

Section 6 – Traffic Stops

ODAA continues to have concerns with limitations on law enforcement's authority to stop a vehicle if one headlight or one taillight is out. This poses a demonstrable safety risk to the public. First, a car's lights are what give those around them an awareness of their presence and a perception of the other car's location in relation to their own. The lack of proper and functional lighting is especially hazardous on darker roads or in adverse weather conditions where visibility is limited. In addition, when law enforcement stops a person for lighting being out, it is often the first time the person becomes aware that the light needs replacing. This ensures the safety of the motorist and those driving around them.