

SB 954 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/15, 3/28

WHAT THE MEASURE DOES:

Permits a judge to authorize search warrant in any judicial district where there is interrelated conduct in that district and the district of the judge issuing the warrant. Defines interrelated conduct to include at least two incidents of activity connected by the same or similar intents, results, accomplices, victims, methods of commission, or connection to the same enterprise, and which are not isolated incidents. Clarifies that a duly assigned senior judge may issue warrants to the same extent as a circuit court judge, when authorized to do so by the presiding judge of that judicial district. Specifies a non-exclusive list of persons who may accompany an officer on execution of a search warrant as may be necessary for the successful execution of the warrant. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Intent to address large drug trafficking operations and labor trafficking
- Existing statewide task force for sex trafficking
- Concerns with judge shopping
- 'Isolated incident' term's similarity with Racketeer Influenced and Corrupt Organization Act requirements

EFFECT OF AMENDMENT:

- 1 Conforms changes to ORS 133.545 (3) to mirror House Bill 2225's changes to the same section.
- 2 Incorporates -1 amendments. Limits qualifying interrelated conduct to certain crimes relating to controlled substances, psilocybin, or marijuana. Prohibits an officer from applying for a warrant in a different judicial district if the warrant request was already denied by judge in another district, except as already permitted when one or more objects of the search relate to an offense committed or triable in the judicial district authorizing the warrant. Replaces term firefighters with "assistants to the State Fire Marshal" as persons who may be permitted to accompany law enforcement officers in the execution of a warrant.

BACKGROUND:

The Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Production was created by House Bill 3000 (2021), and expanded by Senate Bill 1564 (2022), to consider twelve subjects for legislation, including changes to state law relating to the processing of search warrants in order to increase efficiency. The Task Force made several recommendations, including the proposals contained in the measure.

ORS 1.300 (4) provides that a senior judge has all the judicial powers as an elected judge while the senior judge is serving under assignment to a judicial district. House Bill 2225 was pre-session filed by the Oregon Judicial Department and proposed similar changes to ORS 133.545(3) to clarify that a duly appointed and authorized senior judge may authorize search warrants. The House Committee on Judiciary voted unanimously, with one member excused, to move HB 2225 with a do pass recommendation and referral to Ways and Means.

Senate Bill 954 would authorize issuance of a search warrant in any judicial district where there is interrelated conduct, clarify that a duly authorized senior judge may issue a search warrant, and provide specific persons who may accompany law enforcement in the execution of a search warrant.