

Enrolled House Bill 3148

Sponsored by Representative OSBORNE; Representatives BYNUM, GRAYBER, HIEB, LEVY B,
MORGAN, RESCHKE, STOUT, WRIGHT, Senator SOLLMAN

CHAPTER

AN ACT

Relating to missing persons; amending ORS 404.135.

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

SECTION 1. ORS 404.135 is amended to read:

404.135. (1) If a peace officer has probable cause to believe that an individual is missing and in danger, the officer may request that the Attorney General, a district attorney[,] or a city or county attorney [or a circuit court judge] execute in writing and cause to be served, **in the manner provided by ORCP 7**, an investigative subpoena **as described in this section**.

(2)(a) **If a person is unlikely to comply with an investigative subpoena issued under subsection (1) of this section in a timely manner or has already refused to comply with such a subpoena, a peace officer may petition the circuit court in and for the county in which the investigation is pending for a court order as described in this section.**

(b) **The court may hold a hearing on the petition upon request or upon its own motion. If the petitioner demonstrates that the person is unlikely to comply or has refused to comply with an investigative subpoena, the court may issue the order.**

(c) **Upon issuance of a court order under this subsection, the petitioner shall cause the order to be served in the manner described in ORCP 7.**

(3) **An investigative subpoena or court order issued under this section must include notice of the provisions of subsections (5) and (6) of this section.**

(4) **An investigative subpoena or court order issued under this section may be directed toward any person that [upon an individual who] is believed, by the Attorney General, the district attorney, the city or county attorney or the circuit court judge, to have information, documents or physical evidence that may be useful in locating the missing [person] individual.**

[(2)] (5) **Subject to subsection (6) of this section, the investigative subpoena or court order may require [requires] the person, under oath or otherwise, to appear and testify, to answer written interrogatories or to produce documents or physical evidence for examination, at a reasonable time and place as may be stated in the subpoena or court order, to further the investigation into the whereabouts of the missing individual.**

(6) **A person that receives a subpoena or court order issued under this section may apply to the circuit court in and for the county in which the investigation is pending for a protective order, modification or other relief from the subpoena or court order. An application under this subsection may also assert the person's constitutional right against self-incrimination or any other right.**

[(3)] (7) Information, documents or physical evidence obtained pursuant to this section may not be used for criminal investigation or prosecution **of the missing individual**.

[(4)] (8) This section does not alter the status of information, documents or physical evidence disclosed. Notwithstanding disclosure for the purpose of locating a missing individual, confidential information, documents or physical evidence retain their confidential status.

Passed by House April 10, 2023

Repassed by House June 23, 2023

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Timothy G. Sekerak, Chief Clerk of House

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Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

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Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

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Secretary of State