

Requested by Representative OSBORNE

**PROPOSED AMENDMENTS TO
HOUSE BILL 3148**

1 Delete lines 4 through 26 of the printed bill and insert:

2 **“SECTION 1.** ORS 404.135 is amended to read:

3 “404.135. (1) If a peace officer has probable cause to believe that an indi-
4 vidual is missing and in danger, the officer may request that the Attorney
5 General, a district attorney[,] **or** a city or county attorney [*or a circuit court*
6 *judge*] execute in writing and cause to be served, **in the manner provided**
7 **by ORCP 7**, an investigative subpoena **as described in this section.**

8 **“(2)(a) If a person is unlikely to comply with an investigative**
9 **subpoena issued under subsection (1) of this section in a timely man-**
10 **ner or has already refused to comply with such a subpoena, a peace**
11 **officer may petition the circuit court in and for the county in which**
12 **the investigation is pending for a court order as described in this sec-**
13 **tion.**

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

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

21 **“(3) An investigative subpoena or court order issued under this**

1 **section must include notice of the provisions of subsections (5) and (6)**
2 **of this section.**

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

9 **“[(2)] (5) Subject to subsection (6) of this section,** the investigative
10 subpoena **or court order may require** *[requires]* the person, under oath or
11 otherwise, to appear and testify, to answer written interrogatories or to
12 produce documents or physical evidence for examination, at a reasonable
13 time and place as may be stated in the subpoena **or court order,** to further
14 the investigation into the whereabouts of the missing individual.

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

21 **“[(3)] (7) Information, documents or physical evidence obtained pursuant**
22 **to this section may not be used for criminal investigation or prosecution of**
23 **the missing individual.**

24 **“[(4)] (8) This section does not alter the status of information, documents**
25 **or physical evidence disclosed. Notwithstanding disclosure for the purpose**
26 **of locating a missing individual, confidential information, documents or**
27 **physical evidence retain their confidential status.”.**

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