

HB 4045 A STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/23

WHAT THE MEASURE DOES:

The measure requires social media platforms responding to a search warrant in a domestic violence or stalking case to do so within 72 hours, requires other communications providers to respond within five days, and establishes procedural requirements for such warrants. It declares this measure to be known as Kristil’s Law. The measure declares an emergency and is effective on passage, but it delays the operation of the new warrant process and requirement to May 1, 2026, to allow relevant entities to prepare.

HOUSE VOTE: Ayes, 55; Nays 0

FISCAL IMPACT: Has minimal fiscal impact

REVENUE IMPACT: No impact

Detailed Summary:

Defines “communications provider” and incorporates definitions for “social media platform,” “electronic communication service provider,” and “domestic violence” from other laws. Applies to search warrants for information from a communications provider related to domestic violence or stalking crimes. Requires social media platforms to respond to such warrants within 72 hours and requires other communications providers to respond within five days. Requires the applicant to specify in the application and proposed warrant that these new requirements apply, indicate in the warrant that an immediate response is required, and state that the communications provider must respond within the appropriate amount of time.

ISSUES DISCUSSED:

- Reasons for the difference in response time requirements for social media platforms and other communications providers
- Difference between subpoenas and search warrants
- Reasons for delays in communications providers’ responses to warrants

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Article I, Section 9 of the Oregon Constitution protects the right of the people “against unreasonable search, or seizure” and requires warrants to be issued only “upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.” ORS 133.525 to 133.703 governs searches and seizures, including the issuance (133.545), required contents (133.565), and execution (133.575) of search warrants. ORS 133.545 specifies that only judges may issue a search warrant and only district attorneys, police officers, or special agents may apply for one.

House Bill 4045 A, titled Kristil’s Law, is named after Kristil Krug, who was killed on December 14, 2023, after being stalked by someone claiming to be an ex-boyfriend who was sending distressing messages and pictures indicating that he may have been following Kristil and her husband. Authorities issued search warrants to communications providers to collect data on the messages, but several warrants did not receive a response until after her murder.

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The search warrants helped to uncover the suspect, Kristil's husband, who had been posing as her ex-boyfriend before killing her.

PRELIMINARY