

Enrolled
Senate Bill 186

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CHAPTER

AN ACT

Relating to mobile tracking devices; amending ORS 133.619; and declaring an emergency.

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

SECTION 1. ORS 133.619 is amended to read:

133.619. (1) A warrant authorizing the installation or tracking of a mobile tracking device shall be executed as provided in this section.

(2) The officer need not inform any person of the existence or content of the warrant prior to its execution.

(3) Except as provided in subsection (4) of this section, the officer need not deliver or leave a receipt for things seized or observations made under authority of the warrant.

(4) Within five days of the execution of the warrant, or, in the case of an ongoing investigation, within such additional time as the issuing judge may allow upon application, the officer shall mail a receipt for things seized or observations made under authority of the warrant to the following:

- (a) If the mobile tracking device has been affixed to a vehicle, to the registered owner; and
- (b) To such other persons as the court may direct in the warrant.

(5) The receipt provided for in subsection (4) of this section [*shall*] **must** include the dates and times during which the officer monitored or attempted to monitor the mobile tracking device.

(6) A warrant authorizing the installation or tracking of a mobile tracking device shall [*only*] be issued **only when** based upon the submission of an affidavit or oral statement as [*set forth*] **described** in ORS 133.545, which affidavit or statement demonstrates that probable cause exists to believe that an individual is committing or is about to commit:

(a) A particular felony of murder, kidnapping, arson, robbery or other crime dangerous to life and punishable as a felony[, *any*];

(b) A crime punishable as a felony arising under ORS 475.752 or 475.806 to 475.894[.];

(c) **The crime of** unlawfully transporting metal property[, *any*] **under ORS 164.857 or a crime** described in ORS 165.118[.];

(d) Bribery, extortion, burglary or unauthorized use of a motor vehicle punishable as a felony[, *or any*];

(e) **A violation of a criminal provision of the wildlife laws as described in ORS 496.002;**

(f) **A violation of a criminal provision of the commercial fishing laws as described in ORS 506.001;**

(g) **A violation of ORS 704.020, 704.021, 704.030 or 704.065; or**

(h) A conspiracy to commit [*any of the crimes*] **a crime** listed in this subsection.

(7) A court may authorize the installation or tracking of a mobile tracking device for a period not to exceed 30 days. Upon application, the court may grant one or more extensions for a period not to exceed 30 days per extension.

SECTION 2. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Passed by Senate April 3, 2013

Repassed by Senate June 3, 2013

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House May 29, 2013

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2013

Approved:

.....M.,....., 2013

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M.,....., 2013

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Kate Brown, Secretary of State