

Senate Bill 641

Sponsored by Senator SHIELDS, Representative WILLIAMSON, Senator KNOPP, Representative HUFFMAN (at the request of ACLU)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits public body from obtaining information from portable electronic device without warrant except when imminent threat to public safety exists. Provides that information obtained in violation of prohibition is not admissible in adjudicatory proceeding.

A BILL FOR AN ACT

1
2 Relating to privacy.

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

4 **SECTION 1. (1) As used in this section:**

5 (a) **"Location information service" means a global positioning service or other mapping,**
6 **locational or directional information service.**

7 (b) **"Portable electronic device" means any device designed to be easily moved from one**
8 **location to another and that contains electronic data or that enables access to, or use of,**
9 **an electronic communication service as defined in 18 U.S.C. 2510, remote computing service**
10 **as defined in 18 U.S.C. 2711 or location information service.**

11 (c) **"Public body" has the meaning given that term in ORS 174.109.**

12 (2) **Information contained in a portable electronic device is not subject to search by a**
13 **public body, including a search incident to a lawful arrest or for inventory purposes, except**
14 **pursuant to a warrant issued under ORS 133.525 to 133.703 or when there is an imminent**
15 **threat to public safety. A portable electronic device searched pursuant to this subsection**
16 **shall be returned to its owner as soon as practicable.**

17 (3) **Information obtained in violation of this section:**

18 (a) **Is not admissible in and may not be disclosed in a judicial proceeding, administrative**
19 **proceeding, arbitration proceeding or other adjudicatory proceeding; and**

20 (b) **May not be used to establish reasonable suspicion or probable cause to believe that**
21 **an offense has been committed.**
22

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.