

D R A F T

SUMMARY

Excludes subpoenas issued by district attorneys for grand juries from certain notice, content and procedural requirements applicable to summonses and subpoenas issued to financial institutions for financial records of customers.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to subpoenas issued to financial institutions for customer financial
3 records; amending ORS 192.596; and declaring an emergency.

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

5 **SECTION 1.** ORS 192.596 is amended to read:

6 192.596. (1) A financial institution may disclose financial records of a
7 customer to a state or local agency, and a state or local agency may request
8 and receive such records, pursuant to a lawful summons or subpoena, served
9 upon the financial institution, as provided in this section or ORS chapter 25.

10 (2) **Except for a subpoena issued by a district attorney for a grand**
11 **jury**, the state or local agency issuing such summons or subpoena shall make
12 personal service of a copy of it upon the customer.

13 (3) The summons or subpoena shall name the agency issuing it, and shall
14 specify the statutory authority under which the financial records are being
15 obtained. **A subpoena issued by a district attorney for a grand jury need**
16 **not specify the statutory authority under which the financial records**
17 **are being obtained.**

18 (4) **Except for a subpoena issued by a district attorney for a grand**
19 **jury**, the summons or subpoena shall state that service of a copy thereof has

1 been made upon the customer, and shall state the date upon which service
2 was accomplished.

3 (5) Except as provided in subsection (6) of this section, a financial insti-
4 tution shall not disclose the financial records of a customer to a state or
5 local agency, in response to a summons or subpoena served upon it, for a
6 period of 10 days following service of a copy thereof upon the customer, un-
7 less the customer has consented to earlier disclosure. If the customer moves
8 to quash such summons or subpoena, and the financial institution receives
9 written notice of such action from the customer, all within 10 days following
10 the date upon which a copy of the summons or subpoena was served upon
11 the customer, the financial institution shall not disclose the financial records
12 of said customer pursuant to said summons or subpoena unless:

13 (a) The customer thereafter consents in writing to the disclosure; or

14 (b) A court orders disclosure of the financial records to the state or local
15 agency, pursuant to the summons or subpoena.

16 (6)(a) Pursuant to the issuance of a summons or subpoena, a state or local
17 agency may petition the court, and the court, upon a showing of reasonable
18 cause to believe that a law subject to the jurisdiction of the petitioning
19 agency has been or is about to be violated, may order that service upon the
20 customer pursuant to subsection (2) of this section, information concerning
21 such service required by subsection (4) of this section, and the 10-day period
22 provided for in subsection (5) of this section be waived or shortened.

23 **(b) In response to a subpoena issued by a district attorney for a**
24 **grand jury, a financial institution shall disclose the financial records**
25 **of a customer within the time period described in ORS 192.602. The**
26 **10-day period described in subsection (5) of this section does not apply**
27 **to the response of the financial institution.**

28 (7) Where the court grants such petition, a copy of the court order
29 granting the same shall be attached to the summons or subpoena, and shall
30 therewith be served upon the financial institution.

31 (8) The provisions of subsections (2) to (7) of this section do not apply to

1 subpoenas issued pursuant to ORS chapter 25.

2 **SECTION 2. This 2019 Act being necessary for the immediate pres-**
3 **ervation of the public peace, health and safety, an emergency is de-**
4 **clared to exist, and this 2019 Act takes effect on its passage.**

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