

# House Bill 2713

Sponsored by Representatives GORSEK, PILUSO (Presession filed.)

## 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**.

Provides that evidence obtained during or as result of defendant's unlawful detention by peace officer is inadmissible in criminal proceeding against defendant.

## A BILL FOR AN ACT

1  
2 Relating to evidence obtained after unlawful detention.

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

4 **SECTION 1. (1) Notwithstanding ORS 136.432, if, at a hearing on a motion to suppress**  
5 **evidence, the court finds that a defendant was unlawfully detained by a peace officer, any**  
6 **evidence obtained during or as a result of the unlawful detention, including evidence found**  
7 **during a search incident to a lawful arrest, is not admissible in any criminal proceeding in**  
8 **this state against the defendant.**

9 (2) As used in this section, "peace officer" has the meaning given that term in ORS  
10 133.005.

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**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.