

Enrolled
Senate Bill 483

Sponsored by Senator PROZANSKI; Senator MANNING JR (Pre-session filed.)

CHAPTER

AN ACT

Relating to unlawful use of a global positioning system device; creating new provisions; and amending ORS 161.005.

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

SECTION 1. (1) A person commits the crime of unlawful use of a global positioning system device if the person knowingly affixes a global positioning system device to a motor vehicle without consent of the owner of the motor vehicle.

(2)(a) Except as provided in paragraph (b) of this subsection, unlawful use of a global positioning system device is a Class A misdemeanor.

(b) Unlawful use of a global positioning system device is a Class C felony if, at the time of the offense, the person:

(A) Has been previously convicted of stalking under ORS 163.732, violating a court’s stalking order under ORS 163.750 or committing an equivalent crime in another jurisdiction; or

(B) Is the subject of a citation issued under ORS 163.735, an order issued under ORS 30.866, 107.700 to 107.735 or 163.738 or another court order prohibiting the person from contacting another person.

(3) This section does not apply to:

(a) A police officer who affixes a global positioning system device to a motor vehicle pursuant to a warrant or court order; or

(b) A person who affixes a global positioning system device to a motor vehicle operated by a motor carrier.

(4) As used in this section:

(a) “Global positioning system device” means an electronic device that permits the tracking of a person or object by means of global positioning system coordinates.

(b) “Motor carrier” has the meaning given that term in ORS 825.005.

(c) “Police officer” has the meaning given that term in ORS 133.525.

SECTION 2. ORS 161.005, as amended by section 4, chapter 22, Oregon Laws 2016, is amended to read:

161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305 to 163.467, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700, 163.701, 164.005, 164.015 to 164.135, 164.138,

164.140, 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350, 167.810 and 167.820 and section 1, chapter 22, Oregon Laws 2016, **and section 1 of this 2017 Act** shall be known and may be cited as Oregon Criminal Code of 1971.

Passed by Senate June 28, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House July 6, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

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Dennis Richardson, Secretary of State