

## HOUSE AMENDMENTS TO HOUSE BILL 2399

By COMMITTEE ON JUDICIARY

April 17

- 1 On page 1 of the printed bill, line 2, delete “137.101, 138.045,”.  
2 In line 3, delete “166.720” and insert “192.603”.  
3 Delete lines 5 through 23.  
4 On page 2, delete lines 1 through 32.  
5 In line 33, delete “3” and insert “1”.  
6 In line 35, restore the bracketed material and delete the boldfaced material and after “(1)(a)”  
7 insert “, (b)”.  
8 On page 3, line 38, delete “4” and insert “2”.  
9 On page 4, line 24, delete “5” and insert “3”.  
10 On page 5, line 1, delete “6” and insert “4”.  
11 In line 42, delete “7” and insert “5”.  
12 On page 6, delete lines 20 through 45 and delete page 7 and insert:  
13 **“SECTION 6. ORS 192.603 is amended to read:**  
14 **“192.603. (1) As used in this section:**  
15 **“(a) ‘Account information’ means, whether or not the financial institution has an ac-**  
16 **count under a particular customer’s name, the number of customer account items dishon-**  
17 **ored or that created overdrafts, dollar volume of dishonored items and items that when paid**  
18 **created overdrafts, a statement explaining any credit arrangement between the financial in-**  
19 **stitution and the customer to pay overdrafts, dates and amounts of deposits and debits to a**  
20 **customer’s account, copies of deposit slips and deposited items, the account balance on such**  
21 **dates, a copy of the customer’s signature card and the dates the account opened or closed.**  
22 **“(b) ‘Secure electronic message’ means an electronic message that is encrypted or oth-**  
23 **erwise transmitted in a manner that is reasonably calculated to prevent accidental, unlawful**  
24 **or unauthorized disclosure or access to parties not authorized to receive or access the elec-**  
25 **tronic message.**  
26 **“[(1)] (2) When a police or sheriff’s department or district attorney’s office in this state requests**  
27 **account information from a financial institution to assist in a criminal investigation, the financial**  
28 **institution shall supply a statement setting forth the requested account information with respect to**  
29 **a customer **or a customer** account specified by the police or sheriff’s department or district**  
30 **attorney’s office, for a period of up to three months prior to and three months following the date**  
31 **of occurrence of the account transaction giving rise to the criminal investigation. The disclosure**  
32 **statement required under this subsection may include only account information as defined in sub-**  
33 **section [(2)] (1) of this section. **If the police or sheriff’s department or district attorney’s office****  
34 **makes the request by sending a secure electronic message to the financial institution, the**  
35 **financial institution shall respond to the request in a secure electronic message. The police**

1 or sheriff's department or district attorney's office requesting the information shall, within 24 hours  
2 of making the request, confirm the request in a written or **secure** electronic message delivered or  
3 mailed to the financial institution, setting forth the nature of the account information sought, the  
4 time period for which account information is sought, and that the information has been requested  
5 pursuant to a criminal investigation.

6 *"[(2) As used in this section, 'account information' means, whether or not the financial institution  
7 has an account under a particular customer's name, the number of customer account items dishonored  
8 or which created overdrafts, dollar volume of dishonored items and items which when paid created  
9 overdrafts, a statement explaining any credit arrangement between the financial institution and the  
10 customer to pay overdrafts, dates and amounts of deposits and debits to a customer's account, copies  
11 of deposit slips and deposited items, the account balance on such dates, a copy of the customer's sig-  
12 nature card and the dates the account opened or closed.]*

13 **"SECTION 7. (1) The amendments to ORS 164.115 by section 5 of this 2019 Act apply to  
14 crimes committed on or after the effective date of this 2019 Act.**

15 **"(2) The amendments to ORS 138.261 by section 1 of this 2019 Act apply to appeals taken  
16 on or after the effective date of this 2019 Act for which the time limit in ORS 138.071 has  
17 not expired.**

18 **"(3) The amendments to ORS 138.650 by section 4 of this 2019 Act apply to proceedings  
19 in which the notice of appeal is filed on or after the effective date of this 2019 Act."**

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