

# House Bill 2474

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

## 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**.

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 records; amending ORS  
3 192.596; 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 customer to a state or  
7 local agency, and a state or local agency may request and receive such records, pursuant to a lawful  
8 summons or subpoena, served upon the financial institution, as provided in this section or ORS  
9 chapter 25.

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

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

17 (4) **Except for a subpoena issued by a district attorney for a grand jury**, the summons or  
18 subpoena shall state that service of a copy thereof has been made upon the customer, and shall state  
19 the date upon which service was accomplished.

20 (5) Except as provided in subsection (6) of this section, a financial institution shall not disclose  
21 the financial records of a customer to a state or local agency, in response to a summons or subpoena  
22 served upon it, for a period of 10 days following service of a copy thereof upon the customer, unless  
23 the customer has consented to earlier disclosure. If the customer moves to quash such summons or  
24 subpoena, and the financial institution receives written notice of such action from the customer, all  
25 within 10 days following the date upon which a copy of the summons or subpoena was served upon  
26 the customer, the financial institution shall not disclose the financial records of said customer pur-  
27 suant to said summons or subpoena unless:

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

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

**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.

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

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

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

13 (8) The provisions of subsections (2) to (7) of this section do not apply to subpoenas issued pur-  
14 suant to ORS chapter 25.

15 **SECTION 2. This 2019 Act being necessary for the immediate preservation of the public**  
16 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
17 **on its passage.**

18 \_\_\_\_\_