

HB 2474-2
(LC 1627)
3/21/19 (DJ/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of the Oregon District Attorneys Association)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2474**

1 On page 1 of the printed bill, delete lines 5 through 30 and insert:

2 **“SECTION 1.** ORS 192.596 is amended to read:

3 “192.596. (1) A financial institution may disclose financial records of a
4 customer to a state or local agency, and a state or local agency may request
5 and receive such records, pursuant to a lawful summons or subpoena, served
6 upon the financial institution, as provided in this section or ORS chapter 25.

7 **“(2) Except for a subpoena issued by a district attorney for a grand**
8 **jury, or by the Attorney General under ORS 180.073,** the state or local
9 agency issuing such summons or subpoena shall make personal service of a
10 copy of it upon the customer.

11 **“(3)** The summons or subpoena shall name the agency issuing it, and shall
12 specify the statutory authority under which the financial records are being
13 obtained.

14 **“(4) Except for a subpoena issued by a district attorney for a grand**
15 **jury, or by the Attorney General pursuant to ORS 180.073,** the summons
16 or subpoena shall state that service of a copy thereof has been made upon
17 the customer, and shall state the date upon which service was accomplished.

18 **“(5)** Except as provided in subsection (6) of this section, a financial in-
19 stitution shall not disclose the financial records of a customer to a state or
20 local agency, in response to a summons or subpoena served upon it, for a
21 period of 10 days following service of a copy thereof upon the customer, un-

1 less the customer has consented to earlier disclosure. If the customer moves
2 to quash such summons or subpoena, and the financial institution receives
3 written notice of such action from the customer, all within 10 days following
4 the date upon which a copy of the summons or subpoena was served upon
5 the customer, the financial institution shall not disclose the financial records
6 of said customer pursuant to said summons or subpoena unless:

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

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

10 “(6)(a) Pursuant to the issuance of a summons or subpoena, a state or
11 local agency may petition the court, and the court, upon a showing of rea-
12 sonable cause to believe that a law subject to the jurisdiction of the peti-
13 tioning agency has been or is about to be violated, may order that service
14 upon the customer pursuant to subsection (2) of this section, information
15 concerning such service required by subsection (4) of this section, and the
16 10-day period provided for in subsection (5) of this section be waived or
17 shortened.

18 “(b) **In response to a subpoena issued by a district attorney for a**
19 **grand jury, or by the Attorney General pursuant to ORS 180.073, a fi-**
20 **ancial institution shall disclose the financial records of a customer**
21 **within the time period described in ORS 192.602. The 10-day period de-**
22 **scribed in subsection (5) of this section does not apply to the response**
23 **of the financial institution.**

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

27 “(8) The provisions of subsections (2) to (7) of this section do not apply
28 to subpoenas issued pursuant to ORS chapter 25.”

29 On page 2, delete lines 1 through 14.

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