

SB 954 A -A3 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 5/4, 5/16

WHAT THE MEASURE DOES:

Permits a judge to authorize a search warrant in any judicial district where there is interrelated conduct in that district and the district of the judge issuing the warrant, and the interrelated conduct relates to certain controlled substance, psilocybin, or marijuana crimes. Defines interrelated conduct to include at least two incidents of activity connected by the same or similar intents, results, accomplices, victims, methods of commission, or connection to the same enterprise, and which are not isolated incidents. Prohibits an officer from applying for a warrant if the warrant request was already denied by judge in another district, except as already permitted when one or more objects of the search relate to an offense committed or triable in the judicial district authorizing the warrant. Clarifies that a duly assigned senior judge may issue warrants to the same extent as a circuit court judge, when authorized to do so by the presiding judge of that judicial district. Specifies a non-exclusive list of persons who may accompany an officer on execution of a search warrant as may be necessary for the successful execution of the warrant. Declares emergency, effective on passage.

REVENUE: No revenue impact

FISCAL: Has minimal fiscal impact

SENATE VOTE: Ayes, 24; Nays, 4

ISSUES DISCUSSED:

- HB 3000 - SB 1564 Task Force background
- Case counts are up with smaller and more indoor sites
- Geographic spread of illegal sites
- Authorization and oversight of senior judges
- Deconfliction when multiple jurisdictions are involved
- Illegal sites associated with homicides, thefts, environmental degradation, water theft, involuntary servitude, humanitarian issues and fires

EFFECT OF AMENDMENT:

-A3 Eliminates provisions authorizing search warrants based on interrelated conduct.

BACKGROUND:

The Task Force on Cannabis-Derived Intoxicants and Illegal Cannabis Production was created by House Bill 3000 (2021), and expanded by Senate Bill 1564 (2022), to consider twelve subjects for legislation, including changes to state law relating to the processing of search warrants in order to increase efficiency. The Task Force made several recommendations, including the proposals contained in the introduced version of this measure.

The Senate Committee on Judiciary adopted an amendment conforming Senate Bill 954 to House Bill 2225's provisions which clarify that a duly appointed and authorized senior judge may authorize a search warrant. ORS 1.300 (4) provides that a senior judge has all the judicial powers of an elected judge while the senior judge is serving under assignment to a judicial district.

Senate Bill 954 A authorizes issuance of a search warrant in any judicial district where there is interrelated conduct, clarifies that a duly authorized senior judge may issue a search warrant, and specifies persons who may

accompany law enforcement in the execution of a search warrant.

PRELIMINARY