

HOUSE AMENDMENTS TO HOUSE BILL 2473

By COMMITTEE ON JUDICIARY

April 9

1 On page 1 of the printed bill, line 2, after “132.270,” delete the rest of the line and delete line
2 3 and insert “136.583, 166.065 and 813.160; and declaring an emergency.”.

3 Delete lines 5 through 24 and delete pages 2 through 4.

4 On page 5, delete lines 1 through 8 and insert:

5 “**SECTION 1.** ORS 136.583 is amended to read:

6 “136.583. (1) Notwithstanding ORS 136.557, 136.563, 136.565 or 136.567 and subject to ORS
7 136.580 (2), criminal process authorizing or commanding the seizure or production of papers, docu-
8 ments, records or other things may be issued to a recipient, regardless of whether the recipient or
9 the papers, documents, records or things are located within this state, if:

10 “(a) The criminal matter is triable in Oregon under ORS 131.205 to 131.235; and

11 “(b) The exercise of jurisdiction over the recipient is not inconsistent with the Constitution of
12 this state or the Constitution of the United States.

13 “(2) Criminal process that authorizes or commands the seizure or production of papers, docu-
14 ments, records or other things from a recipient may be served by:

15 “(a) Delivering a copy to the recipient personally; or

16 “(b) Sending a copy by:

17 “(A) Certified or registered mail, return receipt requested;

18 “(B) Express mail; or

19 “(C) Facsimile or electronic transmission, if the copy is sent in a manner that provides proof
20 of delivery.

21 “(3) When criminal process is served under subsection (2) of this section, the recipient shall
22 provide the applicant, or if the process is described in ORS 136.447 or 136.580 (2), the court, with
23 all of the papers, documents, records or other things described in the criminal process within 20
24 business days from the date the criminal process is received, unless:

25 “(a) The court, for good cause shown, includes in the process a requirement for production
26 within a period of time that is less than 20 business days;

27 “(b) The court, for good cause shown, extends the time for production to a period of time that
28 is more than 20 business days; or

29 “(c) The applicant consents to a request from the recipient for additional time to comply with
30 the process.

31 “(4) A recipient who seeks to quash or otherwise challenge the criminal process must seek relief
32 from the court that issued the process within the time required for production. The court shall hear
33 and decide the issue as soon as practicable. The consent of the applicant to additional time to
34 comply with the process under subsection (3)(c) of this section does not extend the date by which
35 a recipient must seek relief under this subsection.

1 “(5) Criminal process issued under this section must contain a notice on the first page of the
2 document that indicates:

3 “(a) That the process was issued under this section;

4 “(b) The date before which the recipient must respond to the process; and

5 “(c) That the deadline for seeking relief is not altered by the applicant’s consent to additional
6 time to respond to the process.

7 “(6) Upon order of the court or the written request of the applicant, the recipient of the process
8 shall verify the authenticity of the papers, documents, records or other things that the recipient
9 produces in response to the criminal process by providing an affidavit, **statement of authenticity**
10 or declaration that [*includes contact information for*] **identifies** the custodian or other qualified per-
11 son completing the document and attests to the nature of the papers, documents, records or other
12 things. An affidavit, **statement of authenticity** or declaration that complies with this subsection
13 [*may fulfill*] **fulfills** the requirements of ORS 40.460 (6), 40.505 and 132.320.

14 “(7) A party that intends to offer a paper, document, record or other thing into evidence under
15 this section must file written notice of that intention with the court and must disclose the
16 affidavit, **statement of authenticity** or declaration sufficiently in advance of offering the paper,
17 document, record or other thing into evidence to provide the adverse party with an opportunity to
18 challenge the affidavit, **statement of authenticity** or declaration and to have that challenge de-
19 termined without prejudice to the ability of the moving party to produce the custodian or other
20 qualified person at trial. **The written notice must include the contact information for the**
21 **custodian or other qualified person who signed the document.** A motion opposing admission of
22 the paper, document, record or other thing into evidence must be filed and determined by the court
23 before trial and with sufficient time to allow the party offering the paper, document, record or other
24 thing, if the motion is granted, to produce the custodian of the record or other qualified person at
25 trial, without creating a hardship on the party or the custodian or other qualified person.

26 “(8) Failure by a party that receives notice under subsection (7) of this section to timely file a
27 motion opposing admission of the paper, document, record or other thing constitutes a waiver of
28 objection to the admission of the evidence on the basis of the insufficiency of the affidavit, **state-**
29 **ment of authenticity** or declaration unless the court finds good cause to grant relief from the
30 waiver. If the court grants relief from the waiver, the court shall order the trial continued upon the
31 request of the proponent of the evidence and allow the proponent sufficient time to arrange for the
32 necessary witness to appear.

33 “(9) A recipient of criminal process under this section or any individual that responds to the
34 process is immune from civil and criminal liability for complying with the process and for any failure
35 to provide notice of any disclosure to a person who is the subject of, or identified in, the disclosure.

36 “(10) Nothing in this section limits the authority of a court to issue criminal process under any
37 other provision of law or prohibits a party from calling the custodian of the evidence or other
38 qualified person to testify regarding the evidence.

39 “(11) As used in this section:

40 “(a) ‘Applicant’ means:

41 “(A) A police officer or district attorney who applies for a search warrant or other court order
42 or seeks to issue a subpoena under this section; or

43 “(B) A defense attorney who applies for a court order or seeks to issue a subpoena under this
44 section.

45 “(b) ‘Contact information’ means a mailing address, email address or phone number.

1 “[(b)] (c) ‘Criminal process’ means a subpoena, search warrant or other court order.

2 “[(c)] (d) ‘Declaration’ means a declaration [*under penalty of perjury under ORCP 1 E or an*
3 *unsworn declaration under ORS 194.800 to 194.835, if the declarant is physically outside the bounda-*
4 *ries of the United States]* **under ORCP 1 E.**

5 “[(d)] (e) ‘Defense attorney’ means an attorney of record for a person charged with a crime who
6 is seeking the issuance of criminal process for the defense of the criminal case.

7 “[(e)] (f) ‘Recipient’ means a business entity or nonprofit entity that has conducted business or
8 engaged in transactions occurring at least in part in this state.

9 **“(g) ‘Statement of authenticity’ means a statement that attests to the authenticity,**
10 **truthfulness or correctness of specific papers, documents, records or other things, that is**
11 **signed by the custodian or other qualified person.”.**

12 In line 9, delete “4” and insert “2”.

13 On page 8, delete lines 18 through 45 and delete pages 9 through 11 and insert:

14 **“SECTION 3.** ORS 166.065 is amended to read:

15 “166.065. (1) A person commits the crime of harassment if the person intentionally:

16 “(a) Harasses or annoys another person by[:]

17 “[(A)] subjecting such other person to offensive physical contact; [or]

18 “[(B) *Publicly insulting such other person by abusive words or gestures in a manner intended and*

19 *likely to provoke a violent response;*]

20 “(b) Subjects another to alarm by conveying a false report, known by the conveyor to be false,
21 concerning death or serious physical injury to a person, which report reasonably would be expected
22 to cause alarm; or

23 “(c) Subjects another to alarm by conveying a telephonic, electronic or written threat to inflict
24 serious physical injury on that person or to commit a felony involving the person or property of that
25 person or any member of that person’s family, which threat reasonably would be expected to cause
26 alarm.

27 “(2)(a) A person is criminally liable for harassment if the person knowingly permits any tele-
28 phone or electronic device under the person’s control to be used in violation of subsection (1) of this
29 section.

30 “(b) Harassment that is committed under the circumstances described in subsection (1)(c) of this
31 section is committed in either the county in which the communication originated or the county in
32 which the communication was received.

33 “(3) Harassment is a Class B misdemeanor.

34 “(4) Notwithstanding subsection (3) of this section, harassment is a Class A misdemeanor if a
35 person violates:

36 “(a) Subsection [(1)(a)(A)] **(1)(a)** of this section by subjecting another person to offensive phys-
37 ical contact and:

38 “(A) The offensive physical contact consists of touching the sexual or other intimate parts of the
39 other person; or

40 “(B)(i) The victim of the offense is a family or household member of the person; and

41 “(ii) The offense is committed in the immediate presence of, or is witnessed by, the person’s or
42 the victim’s minor child or stepchild or a minor child residing within the household of the person
43 or victim; or

44 “(b) Subsection (1)(c) of this section and:

45 “(A) The person has a previous conviction under subsection (1)(c) of this section and the victim

1 of the current offense was the victim or a member of the family of the victim of the previous offense;

2 “(B) At the time the offense was committed, the victim was protected by a stalking protective
3 order, a restraining order as defined in ORS 24.190 or any other court order prohibiting the person
4 from contacting the victim;

5 “(C) At the time the offense was committed, the person reasonably believed the victim to be
6 under 18 years of age and more than three years younger than the person; or

7 “(D)(i) The person conveyed a threat to kill the other person or any member of the family of the
8 other person;

9 “(ii) The person expressed the intent to carry out the threat; and

10 “(iii) A reasonable person would believe that the threat was likely to be followed by action.

11 “(c) Subsection [(1)(a)(A)] (1)(a), (b) or (c) of this section by committing the crime of harassment
12 against:

13 “(A) An election worker who is performing the election worker’s official duties at the time the
14 harassment occurs; or

15 “(B) An election worker because of an action taken or decision made by the election worker
16 during the performance of the election worker’s official duties.

17 “(5) The Oregon Criminal Justice Commission shall classify harassment as described in sub-
18 section (4)(a)(B) of this section as a person Class A misdemeanor under the rules of the commission.

19 “(6)(a) As used in this section:

20 “(A) ‘Election worker’ has the meaning given that term in ORS 247.965.

21 “(B) ‘Electronic threat’ means a threat conveyed by electronic mail, the Internet, a telephone
22 text message or any other transmission of information by wire, radio, optical cable, cellular system,
23 electromagnetic system or other similar means.

24 “(C) ‘Family or household member’ has the meaning given that term in ORS 135.230.

25 “(b) For purposes of subsection (4) of this section, an offense is witnessed if the offense is seen
26 or directly perceived in any other manner by the minor child.

27 “**SECTION 4.** ORS 813.160 is amended to read:

28 “813.160. (1) A chemical analysis is valid under ORS 813.300 if:

29 “(a) It is an analysis of a person’s blood for alcohol content and is performed in:

30 “(A) A laboratory certified or accredited under 42 C.F.R. part 493 and approved for toxicology
31 testing;

32 “(B) A laboratory licensed under ORS 438.110 and approved for toxicology testing; or

33 “(C) A forensic laboratory established by the Department of State Police under ORS 181A.150
34 that is accredited by a national forensic accrediting organization.

35 “(b) It is an analysis of a person’s breath and is performed by an individual possessing a valid
36 permit to perform chemical analyses issued by the Department of State Police and is performed ac-
37 cording to methods approved by the Department of State Police. For purposes of this paragraph,
38 the Department of State Police shall do all of the following:

39 “(A) Approve methods of performing chemical analyses of a person’s breath.

40 “(B) Prepare manuals and conduct courses throughout the state for the training of police offi-
41 cers in chemical analyses of a person’s breath, which courses shall include, but are not limited to,
42 approved methods of chemical analyses, use of approved equipment and interpretation of test results
43 together with a written examination on these subjects.

44 “(C) Test and certify the accuracy of equipment to be used by police officers for chemical ana-
45 lyses of a person’s breath before regular use of the equipment and periodically thereafter at inter-

1 vals of not more than 90 days. Tests and certification required by this subparagraph must be
2 conducted by trained technicians. Certification under this subparagraph does not require a signed
3 document.

4 “(D) Ascertain the qualifications and competence of individuals to conduct chemical analyses in
5 accordance with one or more methods approved by the department.

6 “(E) Issue permits to individuals according to their qualifications. Permits may be issued to po-
7 lice officers only upon satisfactory completion of the prescribed training course and written exam-
8 ination. A permit must state the methods and equipment that the police officer is qualified to use.
9 Permits are subject to termination or revocation at the discretion of the Department of State Police.

10 “(2) In conducting a chemical test of the blood, only a duly licensed physician, **a phlebotomist**
11 or a person acting under the direction or control of a duly licensed physician may withdraw blood
12 or pierce human tissue. A licensed physician, **a phlebotomist** or a qualified person acting under the
13 direction or control of a duly licensed physician, is not civilly liable for withdrawing any bodily
14 substance, in a medically acceptable manner, at the request of a peace officer.

15 “(3) An individual who performs a chemical analysis of breath or blood under ORS 813.100 or
16 813.140 shall prepare and sign a written report of the findings of the test that must include the
17 identification of the police officer upon whose request the test was administered.

18 “(4) Any individual having custody of the report mentioned in subsection (3) of this section shall,
19 upon request of the person tested, furnish that person or that person’s attorney, a copy of the report.

20 “(5) The expense of conducting a chemical test as provided by ORS 813.100 or 813.140 must be
21 paid by the governmental unit on whose equipment the test is conducted or by the governmental
22 unit upon whose request the test was administered if no governmental unit’s equipment is used to
23 conduct the test.

24 “(6) As used in this section, ‘phlebotomist’ means a person who has been trained in
25 phlebotomy by an academic or medical institution.

26 “**SECTION 5.** (1) The amendments to ORS 132.270, 166.065 and 813.160 by sections 2 to 4
27 of this 2025 Act become operative on January 1, 2026.

28 “(2) The amendments to ORS 132.270 by section 2 of this 2025 Act apply to criminal pro-
29 ceedings based on conduct occurring on or after January 1, 2026.

30 “**SECTION 6.** This 2025 Act being necessary for the immediate preservation of the public
31 peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect
32 on its passage.”.