

## **HB 4045 -2 STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Meeting Dates:** 2/9

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#### **WHAT THE MEASURE DOES:**

The measure requires “communications providers” responding to a search warrant in a domestic violence or stalking case to respond within 72 hours and creates a judicial process to identify and execute such warrants. The measure declares an emergency and is effective on passage, but delays operation of the new warrant process and requirement to May 1, 2026, to allow relevant entities to prepare.

#### **ISSUES DISCUSSED:**

##### **EFFECT OF AMENDMENT:**

-2 The amendment defines “social media platform” and requires an applicant for an expedited search warrant to include certain information in the application and indicating that it is subject to the expedited requirements. The amendment changes the 72-hour requirement to 72 hours for social media platforms and five days for other communications providers.

#### **BACKGROUND:**

In criminal cases, Oregon law provides for the ability to issue search warrants and subpoenas for evidence, for example under ORS 133.545 or ORS 136.583. ORS 136.583 requires recipients of "criminal process" for papers, documents, records, and other things to respond to the request within 20 days unless the applicant shows good cause that there is a need for production within a shorter or longer period.