

HB 4045 -2 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Jules Dellinger, LPRO Analyst

Meeting Dates: 2/9, 2/11

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.

Detailed Summary

Defines "communications provider" and incorporates definitions for "social media platform," "electronic communication service provider," and "domestic violence" from other laws. Applies to search warrants for information from a communications provider related to domestic violence or stalking crimes. Requires a judge issuing the warrant to include certain information in the warrant and include specific indicators that the warrant requires immediate response. Requires the judge to order a response within 72 hours and requires communications providers to respond to the warrant within 72 hours. Encourages applicants for these warrants to indicate in the application that the warrant is subject to the new requirements.

ISSUES DISCUSSED:

- Reasons for the difference in response time requirements for social media platforms and other communications providers
- Difference between subpoenas and search warrants
- Reasons for delays in communications providers' responses to warrants

EFFECT OF AMENDMENT:

-2 The amendment changes the warrant requirements to require that the applicant, rather than the judge, specify in the application and proposed warrant that these new requirements apply, indicate in the warrant that an immediate response is required, and state that the communications provider must respond within the appropriate amount of time. It keeps the 72-hour requirement for "social media platforms" but changes the amount of time in which any other communications provider must respond to the warrant to five days.

Fiscal Impact: Has minimal fiscal impact

Revenue Impact: No revenue impact

BACKGROUND:

Article I, section 9 of the Oregon Constitution protects the right of the people "against unreasonable search, or seizure" and requires warrants to be issued only "upon probable cause, supported by oath, or affirmation, and particularly describing the place to be searched, and the person or thing to be seized." ORS 133.525 to 133.703 govern searches and seizures, including how search warrants are issued (133.545), their required contents (133.565), and their execution (133.575). ORS 133.545 specifies that only judges may issue search warrants and only a district attorney, police officer, or special agent may apply for one.

House Bill 4045, titled "Kristil's Law," is named after Kristil Krug, who was killed on December 14, 2023, after being stalked by someone claiming to be an ex-boyfriend from years before who was sending distressing messages and pictures indicating that he may have been following Kristil and her husband. Search warrants were issued to

communications providers to collect data on the messages being sent, but several were not responded to until after her murder elevated them as a priority. The search warrants helped to uncover the murderer, Kristil's husband, who had been posing as her ex-boyfriend before killing her.

PRELIMINARY