



Vice-President
Charles Tauman

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Gaynelle Jensen

Secretary
Erin K. Olson

April 30, 2019

Senate Committee on Judiciary
Oregon State Capitol
900 Court Street NE
Salem, OR 97301

RE: House Bill 3117-A

Members

John Stein

Peter L. Deuel

Josh Lamborn

Mark Robben

Erin Greenawald

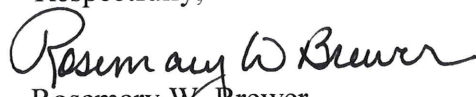
Dear Chair Prozanski, Vice-Chair Thatcher and Members of the Committee:

The Oregon Crime Victims Law Center (“OCVLC”) is a nonprofit legal clinic whose five staff attorneys and affiliated pro bono counsel provide free legal representation to crime victims to help them assert their rights in criminal cases, represent victims at contested restraining order hearings, and to advocate for them in related matters. OCVLC is writing to offer its support of HB 3117-A.

One of the issues faced by domestic violence victims seeking a final order of protection is proving that the victim remains in imminent danger after obtaining a temporary order. This has become significantly more difficult after a recent Court of Appeals ruling that a victim was no longer in imminent danger because there was no additional abuse after the victim obtained a temporary protective order. However, a temporary order should not be dismissed because it is doing what it is designed to do – keep the victim safe by keeping the abuser away from the victim. The victim still must prove at the hearing on a contested order that he or she has been the victim of qualifying abuse in the six months prior to applying for the order; that the respondent is a credible threat to the safety of the victim or the victim’s child; and that the victim has a reasonable fear for his or her physical safety.

A victim of domestic violence who takes steps to protect themselves should not lose that protection if there was no abuse after obtaining a temporary order. OCVLC supports HB 3117-A.

Respectfully,


Rosemary W. Brewer
Executive Director