

# Senate Bill 950

Sponsored by Senator DEMBROW, Representative PILUSO; Senator GELSER

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes judicial officer to prevent activities that threaten access to state courthouses and court proceedings, and to prevent interruption of judicial administration, including protecting privilege from civil arrest at courthouses and court proceedings.

Provides that person is not subject to civil arrest in state courthouse while attending court proceeding or having legal business in courthouse. Authorizes Attorney General or private person to bring civil action for violation.

## A BILL FOR AN ACT

Relating to civil arrest; creating new provisions; and amending ORS 1.240.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 1.240 is amended to read:

1.240. Every judicial officer has power:

(1) To preserve and enforce order in the immediate presence of the judicial officer, and in the proceedings before the judicial officer, when the judicial officer is performing a duty imposed by statute.

(2) To compel obedience to the lawful orders of the judicial officer, as provided by statute.

(3) To compel the attendance of persons to testify in a proceeding pending before the judicial officer in the cases and manner provided by statute.

(4) To administer oaths in a proceeding pending before the judicial officer, and in all other cases where it may be necessary, in the exercise of the powers and the performance of the duties of the judicial officer.

**(5) To prevent activities that threaten access to court proceedings and courthouses of this state, and to prevent interruption of judicial administration, including protecting the privilege from civil arrest, as defined in section 2 of this 2019 Act, at court proceedings and courthouses of this state.**

**SECTION 2.** (1) As used in this section, "civil arrest" means an arrest for a reason other than the commission of a crime or for contempt of court.

**(2) A person is not subject to civil arrest in a courthouse of this state while attending a court proceeding or having legal business in the courthouse.**

**(3) The Attorney General may bring a civil action in the name of the State of Oregon to obtain appropriate equitable and declaratory relief if the Attorney General has reasonable cause to believe that a violation of this section has occurred.**

**(4) A person may bring a civil action for damages incurred as a result of a violation of this section. The court may award reasonable attorney fees to a prevailing plaintiff under this subsection.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.