

**A-Engrossed**  
**Senate Bill 1547**

Ordered by the Senate February 11  
Including Senate Amendments dated February 11

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**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.

**Clarifies that state felony traffic offenses charged in Multnomah County will be heard in court facility in Portland.** Creates exception to requirement that court proceeding involving person in custody be transferred, **absent good cause**, from court facility in Gresham to Portland if defendant is not in custody and certain warrants have been vacated or executed.

Clarifies court procedure for proponent of decedent's will.

Requires notice of court order of appointment of guardian be provided in manner reasonably calculated to be received and understood by protected person. Permits provision of notice verbally or in writing and delivered in person, by telephone or by mail.

Modifies date of expiration of sexual abuse restraining order for orders entered when petitioner was under 18 years of age. Specifies procedures when service on respondent of sexual abuse restraining order is completed by alternative service.

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to courts; creating new provisions; amending ORS 3.014, 112.238, 125.082, 163.765 and  
3 163.773; and declaring an emergency.

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

5 **SECTION 1.** ORS 3.014 is amended to read:

6 3.014. (1) One of the judges of the fourth judicial district shall hold court in the City of Gresham,  
7 Multnomah County, as directed by the Chief Justice of the Supreme Court but in no event less than  
8 one day a week. All proceedings resulting from alleged state **misdemeanor** traffic offenses or **other**  
9 misdemeanors occurring east of 122nd Avenue extended to the north and south boundaries of  
10 Multnomah County shall be conducted in the court in Gresham unless the accused at first appear-  
11 ance in each action requests trial in Portland.

12 (2) A proceeding to be conducted in Gresham as provided in subsection (1) of this section  
13 shall, **unless good cause is shown**, be transferred without further order of the court to a court  
14 facility in Portland for all purposes if:

15 (a) The accused person is in the custody of a county sheriff or the Department of Corrections  
16 at the time set for any [*scheduled*] proceeding; [*or*]

17 **(b) The accused person is, during the pendency of the case, charged in Multnomah**  
18 **County with any felony; or**

19 [*(b)*] **(c)** A circuit court in the fourth judicial district issues a bench warrant or a warrant of  
20 arrest against the accused for any criminal action pending before the court.

21 **(3) Notwithstanding subsection (2) of this section, upon motion of any party, the pro-**

**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.

1 **ceeding shall, unless good cause is shown, be returned to the court in Gresham if the accused**  
2 **person is not in custody and all warrants issued by a circuit court in the fourth judicial**  
3 **district for the accused have been vacated or executed.**

4 [(3)] (4) Multnomah County shall provide facilities in the City of Gresham for a court judge to  
5 hold court as described under subsection (1) of this section.

6 **SECTION 2.** ORS 112.238 is amended to read:

7 112.238. (1) Although a writing was not executed in compliance with ORS 112.235, the writing  
8 may be treated as if it had been executed in compliance with ORS 112.235 if the proponent of the  
9 writing establishes by clear and convincing evidence that the decedent intended the writing to  
10 constitute:

- 11 (a) The decedent's will;
- 12 (b) A partial or complete revocation of the decedent's will; or
- 13 (c) An addition to or an alteration of the decedent's will.

14 (2) A writing described in subsection (1) of this section may be filed with the court for admin-  
15 istration as the decedent's will pursuant to ORS 113.035. The proponent of the writing shall give  
16 notice of the filing of the petition under ORS 113.035 to those persons identified in ORS 113.035 (5),  
17 (7), (8) and (9). Persons receiving notice under this subsection shall have 20 days after the notice  
18 was given to file written objections to the petition. The court may make a determination regarding  
19 the decedent's intent after a hearing or on the basis of affidavits.

20 (3) The proponent of a writing described in subsection (1) of this section may file a petition with  
21 the court to establish the decedent's intent that the writing was to be [*the decedent's will,*] a partial  
22 or complete revocation of the decedent's will[, or an addition to or an alteration of the decedent's  
23 will. The proponent shall give notice of the filing to any personal representative appointed by the  
24 court, the devisees named in any will admitted to probate and those persons identified in ORS  
25 113.035 (5). Persons receiving notice under this subsection shall have 20 days after the notice was  
26 given to file written objections to the petition. The court may make a determination regarding the  
27 decedent's intent after a hearing or on the basis of affidavits.

28 (4)(a) If the court determines that clear and convincing evidence exists showing that a writing  
29 described in subsection (1) of this section was intended by the decedent to accomplish one of the  
30 purposes set forth in subsection (1) of this section, the court shall:

- 31 (A) Prepare written findings of fact in support of the determination; and
- 32 (B) Enter a limited judgment that admits the writing for probate as the decedent's will or oth-  
33 erwise acknowledges the validity and intent of the writing.

34 (b) A determination under this subsection does not preclude the filing of a will contest under  
35 ORS 113.075, except that the will may not be contested on the grounds that the will was not exe-  
36 cuted in compliance with ORS 112.235.

37 (5) The fee imposed and collected by the court for the filing of a petition under this section shall  
38 be in accordance with ORS 21.135.

39 **SECTION 3.** ORS 125.082 is amended to read:

40 125.082. (1)(a) Upon appointment, a guardian shall deliver or mail to the persons described in  
41 ORS 125.060 (3) a notice of the order of appointment.

42 **(b) The notice provided to the protected person under this subsection must be reasonably**  
43 **calculated to be received and understood by the protected person and may be provided:**

- 44 **(A) Verbally in person or by telephone; or**
- 45 **(B) In writing and delivered in person or by first class mail.**

1 (2) A notice under this section must include:

2 (a) The title of the court in which the protective proceeding is pending and the clerk's file  
3 number;

4 (b) The name and address of the protected person and the attorney for the protected person, if  
5 any;

6 (c) The name and address of the guardian and the attorney for the guardian, if any;

7 (d) The date of the appointment of the guardian;

8 (e) A statement describing the authority awarded to the guardian and any limitations placed on  
9 the guardian's authority; and

10 (f) A statement advising the protected person or other interested person of the right of the  
11 protected person to seek removal of the guardian or termination of the guardianship.

12 (3) Proof of the giving of notice under this section must be filed in the protective proceeding  
13 not later than 30 days following the date of the guardian's appointment **and must include a**  
14 **statement describing the manner in which notice was given.**

15 **SECTION 4.** ORS 163.765 is amended to read:

16 163.765. (1) When a petition is filed in accordance with ORS 163.763, the circuit court shall hold  
17 an ex parte hearing in person or by telephone on the day the petition is filed or on the following  
18 judicial day. Upon a finding that it is objectively reasonable for a person in the petitioner's situation  
19 to fear for the person's physical safety if an order granting relief under ORS 163.760 to 163.777 is  
20 not entered and that the respondent has subjected the petitioner to sexual abuse, the circuit court:

21 (a) Shall enter an order restraining the respondent from contacting the petitioner and from in-  
22 timidating, molesting, interfering with or menacing the petitioner, or attempting to intimidate, mo-  
23 lest, interfere with or menace the petitioner.

24 (b) If the petitioner requests, may order:

25 (A) That the respondent be restrained from contacting the petitioner's children or family or  
26 household members;

27 (B) That the respondent be restrained from entering, or attempting to enter, a reasonable area  
28 surrounding the petitioner's residence;

29 (C) That the respondent be restrained from intimidating, molesting, interfering with or menacing  
30 any children or family or household members of the petitioner, or attempting to intimidate, molest,  
31 interfere with or menace any children or family or household members of the petitioner;

32 (D) That the respondent be restrained from entering, or attempting to enter, any premises and  
33 a reasonable area surrounding the premises when necessary to prevent the respondent from intim-  
34 idating, molesting, interfering with or menacing the petitioner or the petitioner's children or family  
35 or household members; and

36 (E) Other relief necessary to provide for the safety and welfare of the petitioner or the  
37 petitioner's children or family or household members.

38 (2) If the respondent is restrained from entering or attempting to enter an area surrounding the  
39 petitioner's residence or any other premises, the restraining order must specifically describe the  
40 area or premises.

41 (3) When the circuit court enters a restraining order under this section, the court shall set a  
42 security amount for the violation of the order.

43 (4) If the circuit court enters a restraining order under subsection (1) of this section:

44 (a) The clerk of the court shall provide, without charge, the number of certified true copies of  
45 the petition and the restraining order necessary to provide the petitioner with one copy and to effect

1 service and shall have a true copy of the petition and the restraining order delivered to the county  
2 sheriff for service upon the respondent, unless the circuit court finds that further service is unnec-  
3 essary because the respondent appeared in person before the court. In addition and upon request  
4 by the petitioner, the clerk of the court shall provide the petitioner, without charge, two exemplified  
5 copies of the petition and the restraining order.

6 (b) The county sheriff shall serve the respondent personally unless the petitioner elects to have  
7 the respondent served personally by another party. Proof of service shall be made in accordance  
8 with ORS 163.773. When the restraining order does not contain the respondent's date of birth and  
9 service is effected by the sheriff, the sheriff shall verify the respondent's date of birth with the re-  
10 spondent and shall record that date on the restraining order or proof of service entered into the  
11 Law Enforcement Data System under ORS 163.773.

12 (5)(a) If the county sheriff:

13 (A) Determines that the restraining order and petition are incomplete, the sheriff shall return  
14 the restraining order and petition to the clerk of the court. The clerk of the court shall notify the  
15 petitioner, at the address provided by the petitioner, of the error or omission.

16 (B) Cannot complete service within 10 days after accepting the restraining order and petition,  
17 the sheriff shall notify the petitioner, at the address provided by the petitioner, that the documents  
18 have not been served. If the petitioner does not respond within 10 days, the sheriff shall hold the  
19 restraining order and petition for future service and file a return to the clerk of the court showing  
20 that service was not completed.

21 (b) If a petitioner receives notice of incomplete service under paragraph (a)(B) of this subsection  
22 and cannot effect service on the respondent within 30 days after the granting or renewal of the re-  
23 straining order, the circuit court may order service by an alternative method in accordance with  
24 ORCP 7 D(6) on proof of the petitioner's due diligence in attempting to effect service.

25 (6)(a) Within 30 days after a restraining order is served under this section, the respondent may  
26 request a circuit court hearing upon any relief granted.

27 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the  
28 court shall notify the petitioner of the date and time of the hearing and shall supply the petitioner  
29 with a copy of the respondent's request for a hearing. The petitioner shall give the clerk of the court  
30 information sufficient to allow such notification.

31 (7) If the respondent fails to request a hearing within 30 days after a restraining order is served,  
32 the restraining order is confirmed by operation of law.

33 (8)(a) A restraining order entered under this section is effective for a period of five years or, if  
34 the petitioner is under 18 years of age at the time of entry, until [*the person attains 19 years of*  
35 *age*] **January 1 of the year following the petitioner's 18th birthday**, whichever occurs later, ex-  
36 cept as otherwise provided in paragraph (b) or (c) of this subsection or unless the restraining order  
37 is renewed, modified or terminated in accordance with ORS 163.760 to 163.777.

38 (b) The circuit court shall enter a permanent restraining order if, at the time of the petition or  
39 renewal of the order, the respondent has been convicted of a crime described in ORS 163.355 to  
40 163.445 committed against the petitioner.

41 (c) The circuit court may enter a permanent restraining order if the court finds that it is ob-  
42 jectively reasonable for a person in the petitioner's situation to fear for the person's physical safety  
43 and that the passage of time or a change in circumstances would not dissipate that fear. In making  
44 the finding, the court shall consider any information offered by the petitioner to support the request  
45 for a permanent restraining order, including but not limited to:

1 (A) Information that the respondent has a history of engaging in sexual abuse or domestic vi-  
2 olence as defined in ORS 135.230;

3 (B) If the petitioner is a minor, the fact that the respondent is related to the petitioner by blood  
4 or marriage; or

5 (C) Any vulnerability of the petitioner that is not likely to change over time.

6 **SECTION 5.** ORS 163.765, as amended by section 4 of this 2020 Act, is amended to read:

7 163.765. (1) When a petition is filed in accordance with ORS 163.763, the circuit court shall hold  
8 an ex parte hearing in person or by telephone on the day the petition is filed or on the following  
9 judicial day. Upon a finding that it is objectively reasonable for a person in the petitioner's situation  
10 to fear for the person's physical safety if an order granting relief under ORS 163.760 to 163.777 is  
11 not entered and that the respondent has subjected the petitioner to sexual abuse, the circuit court:

12 (a) Shall enter an order restraining the respondent from contacting the petitioner and from in-  
13 timidating, molesting, interfering with or menacing the petitioner, or attempting to intimidate, mo-  
14 lest, interfere with or menace the petitioner.

15 (b) If the petitioner requests, may order:

16 (A) That the respondent be restrained from contacting the petitioner's children or family or  
17 household members;

18 (B) That the respondent be restrained from entering, or attempting to enter, a reasonable area  
19 surrounding the petitioner's residence;

20 (C) That the respondent be restrained from intimidating, molesting, interfering with or menacing  
21 any children or family or household members of the petitioner, or attempting to intimidate, molest,  
22 interfere with or menace any children or family or household members of the petitioner;

23 (D) That the respondent be restrained from entering, or attempting to enter, any premises and  
24 a reasonable area surrounding the premises when necessary to prevent the respondent from intim-  
25 idating, molesting, interfering with or menacing the petitioner or the petitioner's children or family  
26 or household members; and

27 (E) Other relief necessary to provide for the safety and welfare of the petitioner or the  
28 petitioner's children or family or household members.

29 (2) If the respondent is restrained from entering or attempting to enter an area surrounding the  
30 petitioner's residence or any other premises, the restraining order must specifically describe the  
31 area or premises.

32 (3) When the circuit court enters a restraining order under this section, the court shall set a  
33 security amount for the violation of the order.

34 (4) If the circuit court enters a restraining order under subsection (1) of this section:

35 (a) The clerk of the court shall provide, without charge, the number of certified true copies of  
36 the petition and the restraining order necessary to provide the petitioner with one copy and to effect  
37 service and shall have a true copy of the petition and the restraining order delivered to the county  
38 sheriff for service upon the respondent, unless the circuit court finds that further service is unnec-  
39 essary because the respondent appeared in person before the court. In addition and upon request  
40 by the petitioner, the clerk of the court shall provide the petitioner, without charge, two exemplified  
41 copies of the petition and the restraining order.

42 (b) The county sheriff shall serve the respondent personally unless the petitioner elects to have  
43 the respondent served personally by another party. Proof of service shall be made in accordance  
44 with ORS 163.773. When the restraining order does not contain the respondent's date of birth and  
45 service is effected by the sheriff, the sheriff shall verify the respondent's date of birth with the re-

1 spondent and shall record that date on the restraining order or proof of service entered into the  
2 Law Enforcement Data System under ORS 163.773.

3 (5)(a) If the county sheriff:

4 (A) Determines that the restraining order and petition are incomplete, the sheriff shall return  
5 the restraining order and petition to the clerk of the court. The clerk of the court shall notify the  
6 petitioner, at the address provided by the petitioner, of the error or omission.

7 (B) Cannot complete service within 10 days after accepting the restraining order and petition,  
8 the sheriff shall notify the petitioner, at the address provided by the petitioner, that the documents  
9 have not been served. If the petitioner does not respond within 10 days, the sheriff shall hold the  
10 restraining order and petition for future service and file a return to the clerk of the court showing  
11 that service was not completed.

12 (b) If a petitioner receives notice of incomplete service under paragraph (a)(B) of this subsection  
13 and cannot effect service on the respondent within 30 days after the granting or renewal of the re-  
14 straining order, the circuit court may order service by an alternative method in accordance with  
15 ORCP 7 D(6) on proof of the petitioner's due diligence in attempting to effect service. **If appropri-**  
16 **ate, the court may order the use of a summons to effect service. The summons must include**  
17 **notice of where the respondent may obtain a complete copy of the order.**

18 (6)(a) Within 30 days after a restraining order is served under this section, the respondent may  
19 request a circuit court hearing upon any relief granted.

20 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the  
21 court shall notify the petitioner of the date and time of the hearing and shall supply the petitioner  
22 with a copy of the respondent's request for a hearing. The petitioner shall give the clerk of the court  
23 information sufficient to allow such notification.

24 (7) If the respondent fails to request a hearing within 30 days after a restraining order is served,  
25 the restraining order is confirmed by operation of law.

26 (8)(a) A restraining order entered under this section is effective for a period of five years or, if  
27 the petitioner is under 18 years of age at the time of entry, until January 1 of the year following  
28 the petitioner's 18th birthday, whichever occurs later, except as otherwise provided in paragraph (b)  
29 or (c) of this subsection or unless the restraining order is renewed, modified or terminated in ac-  
30 cordance with ORS 163.760 to 163.777.

31 (b) The circuit court shall enter a permanent restraining order if, at the time of the petition or  
32 renewal of the order, the respondent has been convicted of a crime described in ORS 163.355 to  
33 163.445 committed against the petitioner.

34 (c) The circuit court may enter a permanent restraining order if the court finds that it is ob-  
35 jectively reasonable for a person in the petitioner's situation to fear for the person's physical safety  
36 and that the passage of time or a change in circumstances would not dissipate that fear. In making  
37 the finding, the court shall consider any information offered by the petitioner to support the request  
38 for a permanent restraining order, including but not limited to:

39 (A) Information that the respondent has a history of engaging in sexual abuse or domestic vi-  
40 olence as defined in ORS 135.230;

41 (B) If the petitioner is a minor, the fact that the respondent is related to the petitioner by blood  
42 or marriage; or

43 (C) Any vulnerability of the petitioner that is not likely to change over time.

44 **SECTION 6.** ORS 163.773 is amended to read:

45 163.773. (1)(a) When a restraining order is issued in accordance with ORS 163.760 to 163.777 and

1 the person to be restrained has actual notice of the restraining order, the clerk of the court or any  
2 other person serving the petition and the restraining order shall immediately deliver to a county  
3 sheriff copies of the petition and the restraining order and a true copy of proof of service on which  
4 it is stated that the petition and the restraining order were served personally on the respondent.  
5 **If alternative service is ordered by the court, the person performing service shall instead**  
6 **immediately deliver to the county sheriff copies of the petition, the restraining order and, if**  
7 **applicable, the summons, and a true copy of proof of service on which it is stated that al-**  
8 **ternative service was completed in accordance with ORCP 7 D(6).** Proof of service may be made  
9 by affidavit or by declaration under penalty of perjury. If a restraining order entered by the circuit  
10 court recites that the respondent appeared in person before the court, the necessity for service of  
11 the restraining order and proof of service is waived.

12 (b) Upon receipt of a copy of the restraining order and notice of completion of any required  
13 service by a member of a law enforcement agency, the county sheriff shall immediately enter the  
14 restraining order into the Law Enforcement Data System maintained by the Department of State  
15 Police and the databases of the National Crime Information Center of the United States Department  
16 of Justice. If the petition and the restraining order were served on the respondent by a person other  
17 than a member of a law enforcement agency, **or if alternative service was ordered by the court**  
18 **and completed in accordance with ORCP 7 D(6),** the county sheriff shall enter the restraining  
19 order into the Law Enforcement Data System and the databases of the National Crime Information  
20 Center upon receipt of a true copy of proof of service. The sheriff shall provide the petitioner with  
21 a true copy of any required proof of service.

22 (c) Entry into the Law Enforcement Data System constitutes notice to all law enforcement  
23 agencies of the existence of the restraining order. Law enforcement agencies shall establish proce-  
24 dures adequate to ensure that an officer at the scene of an alleged violation of the restraining order  
25 may be informed of the existence and terms of the restraining order. The restraining order is fully  
26 enforceable in any county or tribal land in this state.

27 (d) When a restraining order has been entered into the Law Enforcement Data System and the  
28 databases of the National Crime Information Center of the United States Department of Justice  
29 under this subsection, a county sheriff shall cooperate with a request from a law enforcement  
30 agency from any other jurisdiction to verify the existence of the restraining order or to transmit a  
31 copy of the restraining order to the requesting jurisdiction.

32 (2) A sheriff may serve a restraining order issued under ORS 163.760 to 163.777 in the county  
33 in which the sheriff was elected and in any county that is adjacent to the county in which the sheriff  
34 was elected.

35 (3)(a) A sheriff may serve and enter into the Law Enforcement Data System a copy of a re-  
36 straining order issued under ORS 163.760 to 163.777 that was transmitted to the sheriff by a circuit  
37 court or law enforcement agency through an electronic communication device. Before transmitting  
38 a copy of a restraining order to a sheriff under this subsection through an electronic communication  
39 device, the person transmitting the copy must receive confirmation from the sheriff's office that an  
40 electronic communication device is available and operating.

41 (b) For purposes of this subsection, "electronic communication device" means a device by which  
42 any kind of electronic communication can be made, including but not limited to communication by  
43 telephonic facsimile and electronic mail.

44 (4) When a circuit court enters an order terminating a restraining order issued under ORS  
45 163.760 to 163.777 before the expiration date, the clerk of the court shall immediately deliver a copy

1 of the termination order to the county sheriff with whom the original restraining order was filed.  
2 Upon receipt of the termination order, the county sheriff shall promptly remove the original re-  
3 straining order from the Law Enforcement Data System and the databases of the National Crime  
4 Information Center of the United States Department of Justice.

5 (5)(a) A contempt proceeding for an alleged violation of a restraining order issued under ORS  
6 163.760 to 163.777 must be conducted by the circuit court that issued the restraining order or by the  
7 circuit court for the county in which the alleged violation of the restraining order occurs. If con-  
8 tempt proceedings are initiated in the circuit court for the county in which the alleged violation of  
9 the restraining order occurs, the person initiating the contempt proceedings shall file with the court  
10 a copy of the restraining order that is certified by the clerk of the court that originally issued the  
11 restraining order. Upon filing of the certified copy of the restraining order, the circuit court shall  
12 enforce the restraining order as though that court had originally issued the restraining order.

13 (b) Pending a contempt hearing for an alleged violation of a restraining order issued under ORS  
14 163.760 to 163.777, a person arrested and taken into custody pursuant to ORS 133.310 may be re-  
15 leased as provided in ORS 135.230 to 135.290.

16 (c) Service of process or other legal documents upon the petitioner is not a violation of a re-  
17 straining order entered under ORS 163.760 to 163.777 if the petitioner is served as provided in ORCP  
18 7 or 9.

19 **SECTION 7. (1) The amendments to ORS 3.014 and 125.082 by sections 1 and 3 of this 2020**  
20 **Act become operative on January 1, 2021.**

21 **(2) The amendments to ORS 163.765 and 163.773 by sections 5 and 6 of this 2020 Act be-**  
22 **come operative on the 91st day after the date on which the 2020 regular session of the**  
23 **Eightieth Legislative Assembly adjourns sine die.**

24 **SECTION 8. This 2020 Act being necessary for the immediate preservation of the public**  
25 **peace, health and safety, an emergency is declared to exist, and this 2020 Act takes effect**  
26 **on its passage.**

27