

SB 816 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/13, 3/13

WHAT THE MEASURE DOES:

Modifies the duration of certain restraining orders when restrained person requests hearing within relevant time frame. Declares emergency, effective on passage.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Amends the duration of certain restraining orders from one year to two years unless the order is withdrawn or amended. Applies to restraining orders entered or renewed after the effective date of the measure.

BACKGROUND:

When a person files a petition for a protection order under ORS 107.710, the circuit court is required to hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day. Upon a showing that the petitioner has been the victim of abuse committed by the respondent within 180 days preceding the filing of the petition, that there is an imminent danger of further abuse to the petitioner and that the respondent represents a credible threat to the physical safety of the petitioner or the petitioner's child, the court is obligated to enter an order that the respondent be restrained from contacting the petitioner.

The court's order is effective for a period of one year or until the order is withdrawn or amended. Within 30 days after a restraining order is served under this section, the respondent therein may request a court hearing to contest the order or any of the relief granted the petitioner therein. If the respondent fails to request a hearing within 30 days after a restraining order is served, the restraining order is confirmed by operation of law.

Senate Bill 816 would modify the duration of a restraining order to be one year from the date the court amends or continues the order if a hearing is requested by the respondent.