

Hello Chair Senator Floyd Prozanski, Vice-Chair Senator Kim Thatcher and members of the council. My name is Diana Marie Ogaz Gutman. I am a disabled Veteran who fought for our country in Operation Iraqi Freedom, and I am a Survivor of rape.

The crime was committed against me five years ago by a resident of Oregon; he has not been arrested and charged because he transported me out of the country and raped me in Canada, thus removing himself from Oregon's jurisdiction, and complicating Canada's investigation and prosecution. He held me down and covered my mouth until I blacked out.

When he dropped me off on my doorstep he verbally threatened to kill me if I said anything, and punctuated his threat with a text message **warning me that telling anyone what he did to me would complicate MY life. He made good on the warning he had sent by text message by punishing me for seeking a protection order against him by forcing me to appear in court eleven times over 9 months.** Contesting my protection order was his method of keeping his hand over my mouth long after raping me.

When I initially filed for the protection order, he filed a motion to contest it. He didn't show up to the hearing regarding the order (2) and I was granted my protection order. He appealed the ruling against him on the grounds that he could not receive mail **at the mailing address he himself provided the court.** He was successful in his appeal, costing me the peace of mind the protection order **should** have given me.

I had to be present for every hearing; including the one in which his appeal would be scheduled (3). Having been told that there was a detective waiting to collect a DNA sample from him, he had a note delivered to the judge saying he had been in a car accident and would be late. We sat through every other hearing on the docket and were the last people in the room when he walked in. He refused to provide a DNA sample to the detective who was still waiting for him.

His refusal turned out to be another stalling tactic that would postpone hearing number 7 only minutes after it should have started. I was there, ready to fight for peace of mind, so the man who raped me — and whispered a threat to kill me if I said anything — and texted me the reminder that he would complicate my life if I told on him — would not be allowed to continue to intimidate me as I tried to go about my life as it was before raped me. But there was a bench warrant out for his DNA, and the judge advised his lawyer that it would be in the [alleged rapist's] best interests to request that the hearing be postponed. Every hearing was torture for me. Getting ready for a hearing was torture for me. My (now) husband had to take time off from work to accompany me to the hearings.

The rapist's lawyer consumed the entirety of one of the hearings with arguments, and another had to be scheduled so he could continue. There were several off-record calls between the judge and both my lawyer and the rapist's. I couldn't rest, knowing that if a hearing were suddenly scheduled, and I didn't make it I would lose my protection. Until the matter was settled, I had no peace of mind, because I was still fighting just to feel safe living.

At the 11th hearing, while I was sitting in the hallway outside the courtroom, the rapist I had been forced to prepare myself to face again didn't even bother to show up; he sent his lawyer to offer a Civil No Contact order instead of a sexual assault protective order. I declined, and the lawyer withdrew the rapist's motion to contest. The 11th hearing was nine months after I was raped. The rapist was reminding me that **nine months earlier he had tried to impregnate me** without my consent, and without concern or consideration for the injuries I carry from my time in service as a member of the United States Army. I fought to preserve the system on which Oregon's legal code is founded, and a vindictive rapist was able to use the system to terrorize me through the legal system itself, and take every opportunity to deprive me of Peace of Mind.

I know he stopped fighting at nine months because I showed no symptoms of carrying his offspring. But do you know what his lawyer said the reason was? **His lawyer said the [rapist] was withdrawing his motion to contest because [my protection] would be ending in a couple of months anyways.**

Just over two months later I was back in the court, having to start the entire process of facing my rapist ten feet away from me all over again. I never even had the opportunity to relax.

There are no downsides to SB 816, The Peace of Mind Bill. It will make manipulators who know they're guilty think twice about contesting orders for the sake of vengeance; doing so will push out the expiration date to match their efforts. Even if they are willing to go through with it, they'll then be prohibited from doing it again for an entire year. If no order exists, nothing is affected. No one is punished by this bill. It will give survivors a year without facing their abuser. A year with Peace of Mind.

Humbly,  
Diana Marie Ogaz Gutman