

Senate Bill 1147

Sponsored by Senator THATCHER, Representatives HELFRICH, BOICE; Representatives OSBORNE, RESCHKE, WRIGHT

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates a process for victims of some crimes to request permanent restraining orders. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 73.2).

Directs the court, at a victim's request, to enter an order at sentencing permanently restraining the defendant from contacting the victim when the defendant is convicted of specified crimes.

Creates a process by which a victim of a crime in which judgment was previously entered can request an order permanently restraining the defendant from contacting the victim.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1 Relating to permanent restraining orders for crime victims; and prescribing an effective date.

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

3 **SECTION 1. Sections 2 and 3 of this 2025 Act shall be known and may be cited as**
4 **Kayleigh's Law.**

5 **SECTION 2. (1) At the time of sentencing on a crime described in subsection (4) of this**
6 **section, at the request of the victim of the crime, or the prosecutor on behalf of the victim,**
7 **the court shall enter a restraining order prohibiting the defendant from contacting the vic-**
8 **tim.**

9 **(2)(a) A certified true copy of the restraining order shall be provided to the defendant**
10 **at the time of sentencing. The order must contain a declaration that the defendant appeared**
11 **in person before the court and received a copy of the order.**

12 **(b) The clerk of the court shall immediately deliver to the county sheriff a copy of the**
13 **restraining order. Upon receipt of a copy of the restraining order, the county sheriff shall**
14 **immediately enter the restraining order into the Law Enforcement Data System maintained**
15 **by the Department of State Police and the databases of the National Crime Information**
16 **Center of the United States Department of Justice.**

17 **(c) Entry into the Law Enforcement Data System constitutes notice to all law enforce-**
18 **ment agencies of the existence of the restraining order. The restraining order is fully en-**
19 **forceable in any county or tribal land in this state.**

20 **(d) When a restraining order has been entered into the Law Enforcement Data System**
21 **and the databases of the National Crime Information Center of the United States Depart-**
22 **ment of Justice under this subsection, a county sheriff shall cooperate with a request from**
23 **a law enforcement agency from any other jurisdiction to verify the existence of the re-**
24 **straining order or to transmit a copy of the restraining order to the requesting jurisdiction.**

25 **(3)(a) A restraining order described in this section does not expire, and is valid for the**
26 **defendant's natural lifetime unless any of the following occurs:**
27

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 (A) The defendant makes a showing to the court that either the victim has died, or that
 2 the conviction has been dismissed, set aside or overturned or that the defendant has been
 3 pardoned; or

4 (B) The victim submits a written request to the court for early termination of the order.

5 (b) The defendant may make a showing as described in this subsection by filing a motion
 6 for early termination of the order. If the court grants the motion, the court shall cause the
 7 victim to be notified of the termination of the order.

8 (c) If the victim files a written request for early termination of the order under this
 9 subsection, the court may hold a hearing to verify the victim's request. If the court termi-
 10 nates the order pursuant to the victim's request, the court shall cause the defendant to be
 11 notified of the termination of the order.

12 (d) If the court enters an order terminating a restraining order described in this section,
 13 the clerk of the court shall immediately deliver a copy of the termination order to the county
 14 sheriff with whom the original restraining order was filed. Upon receipt of the termination
 15 order, the county sheriff shall promptly remove the original restraining order from the Law
 16 Enforcement Data System and the databases of the National Crime Information Center of
 17 the United States Department of Justice.

18 (4) This section applies to convictions for:

19 (a) A crime listed in ORS 137.700 or 137.707;

20 (b) A sex crime as defined in ORS 163A.005 constituting a felony;

21 (c) Strangulation under ORS 163.187 constituting a felony;

22 (d) Assault in the fourth degree under ORS 163.160 (3), constituting domestic violence;

23 (e) Invasion of personal privacy in the first degree under ORS 163.701;

24 (f) Stalking under ORS 163.732 constituting a felony; and

25 (g) Any felony involving the discharge, use or threatened use of a dangerous or deadly
 26 weapon or knowingly or intentionally causing serious physical injury to another person.

27 **SECTION 3.** (1) A victim of a crime described in subsection (8) of this section may peti-
 28 tion the court for a restraining order prohibiting the defendant from contacting the victim
 29 if:

30 (a) The judgment of conviction was entered before the effective date of this 2025 Act; or

31 (b) The victim did not request issuance of the order at the time of sentencing.

32 (2) A petition for an order described in this section must be filed in the circuit court in
 33 which the judgment of conviction was entered.

34 (3) The court shall review the petition and may hold a hearing. If the court determines
 35 that the petitioner was the victim of a crime described in subsection (8) of this section, the
 36 court shall enter a restraining order prohibiting the defendant from contacting the
 37 petitioner.

38 (4)(a) If the circuit court enters a restraining order under this section:

39 (A) The clerk of the court shall provide, without charge, certified true copies of the pe-
 40 tition and the restraining order to the petitioner and shall have a certified true copy of the
 41 petition and the restraining order delivered to the county sheriff for service upon the de-
 42 fendant.

43 (B) The county sheriff shall cause the defendant to be served personally.

44 (b) Upon completion of service, the county sheriff shall immediately enter the restraining
 45 order into the Law Enforcement Data System maintained by the Department of State Police

1 and the databases of the National Crime Information Center of the United States Depart-
2 ment of Justice.

3 (c) Entry into the Law Enforcement Data System constitutes notice to all law enforce-
4 ment agencies of the existence of the restraining order. The restraining order is fully en-
5 forceable in any county or tribal land in this state.

6 (d) When a restraining order has been entered into the Law Enforcement Data System
7 and the databases of the National Crime Information Center of the United States Depart-
8 ment of Justice under this subsection, a county sheriff shall cooperate with a request from
9 a law enforcement agency from any other jurisdiction to verify the existence of the re-
10 straining order or to transmit a copy of the restraining order to the requesting jurisdiction.

11 (e) If the county sheriff cannot complete service within 14 days after accepting the re-
12 straining order and petition, the sheriff shall notify the petitioner, at the address provided
13 by the petitioner, that the documents have not been served. If the petitioner does not re-
14 spond within 10 days, the sheriff shall hold the restraining order and petition for future
15 service and file a return to the clerk of the court showing that service was not completed.

16 (5)(a) A restraining order described in this section does not expire, and is valid for the
17 defendant's natural lifetime unless any of the following occurs:

18 (A) The defendant makes a showing to the court that either the petitioner has died, or
19 that the conviction has been dismissed, set aside or overturned or that the defendant has
20 been pardoned; or

21 (B) The petitioner submits a written request to the court for early termination of the
22 order.

23 (b) The defendant may make a showing as described in this subsection by filing a motion
24 for early termination of the order. If the court grants the motion, the court shall cause the
25 petitioner to be notified of the termination of the order.

26 (c) If the petitioner files a written request for early termination of the order under this
27 subsection, the court may hold a hearing to verify the petitioner's request. If the court ter-
28 minates the order pursuant to the petitioner's request, the court shall cause the defendant
29 to be notified of the termination of the order.

30 (d) If the court enters an order terminating a restraining order described in this section,
31 the clerk of the court shall immediately deliver a copy of the termination order to the county
32 sheriff with whom the original restraining order was filed. Upon receipt of the termination
33 order, the county sheriff shall promptly remove the original restraining order from the Law
34 Enforcement Data System and the databases of the National Crime Information Center of
35 the United States Department of Justice.

36 (6) A filing fee, service fee or hearing fee may not be charged for proceedings described
37 in this section.

38 (7)(a) The State Court Administrator shall produce the forms for petitions and restrain-
39 ing orders for use under this section and section 2 of this 2025 Act.

40 (b) The State Court Administrator shall provide the forms to the clerks of the circuit
41 court who shall make the forms available to the public.

42 (8) This section applies to convictions for:

43 (a) A crime listed in ORS 137.700 or 137.707;

44 (b) A sex crime as defined in ORS 163A.005 constituting a felony;

45 (c) Strangulation under ORS 163.187 constituting a felony;

- 1 **(d) Assault in the fourth degree under ORS 163.160 (3), constituting domestic violence;**
- 2 **(e) Invasion of personal privacy in the first degree under ORS 163.701;**
- 3 **(f) Stalking under ORS 163.732 constituting a felony; and**
- 4 **(g) Any felony involving the discharge, use or threatened use of a dangerous or deadly**
- 5 **weapon or knowingly or intentionally causing serious physical injury to another person.**

6 **SECTION 4. Section 2 of this 2025 Act applies to sentencing proceedings occurring on or**

7 **after the effective date of this 2025 Act.**

8 **SECTION 5. This 2025 Act takes effect on the 91st day after the date on which the 2025**

9 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

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