

## **SB 1557 -2, -5, -7, -8 STAFF MEASURE SUMMARY**

### **Senate Committee On Judiciary**

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**Meeting Dates:** 2/2, 2/4, 2/9

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#### **WHAT THE MEASURE DOES:**

Modifies the process by which a person may file for contempt of court and specifies actions a court may take in a contempt proceeding; uses more specific and consistent terminology for the parties and pleadings in a contempt proceeding; allows the court to grant to the prevailing party attorney fees and costs under ORCP 68; states where actions for contempt shall be filed.

#### **ISSUES DISCUSSED:**

- Description of contempt proceedings and types of contempt
- In 2003, contempt issues were made separate cases due to the limitations of the electronic filing system
- SB 1557 focuses on remedial contempt, which is to compel compliance with a court order
- Contempt is a *suis generis* case (unique in that it is not criminal or civil)
- Most filings occur in family court, with unrepresented parties
- Inconsistency across courts in how contempt cases are handled
- Current statutes don't address venue
- Allows for the awarding of attorney fees outside of issuing a sanction
- Regarding the -2 and -7 amendments, the workgroup that worked on [SB 163 \(2025\)](#) requested a technical amendment to make court records access easier for those entitled to it

#### **EFFECT OF AMENDMENT:**

-2 Modifies confidentiality and sealing of court records relating to gestational surrogacy so that a case deciding parentage of a child born by assisted reproduction under a gestational surrogacy contract is confidential instead of sealed.

-5 Removes requirement that if a contempt defendant files a responsive pleading it must include any affirmative defense they want to assert. States instead that a court may grant a continuance for good cause related to a lack of responsive pleading or an insufficient responsive pleading.

-7 Modifies confidentiality and sealing of court records relating to gestational surrogacy so that a case deciding parentage of a child born by assisted reproduction under a gestational surrogacy contract is confidential instead of sealed. This portion takes effect on the 91st day after sine die.

Removes requirement that if a contempt defendant files a responsive pleading it must include any affirmative defense they want to assert. States instead that a court may grant a continuance for good cause related to a lack of responsive pleading or an insufficient responsive pleading.

States that venue requirements in the measure do not apply to Family Abuse Prevention Act cases.

-8 Removes requirement that if a contempt defendant files a responsive pleading it must include any affirmative defense they want to assert. States instead that a court may grant a continuance for good cause related to a lack of responsive pleading or an insufficient responsive pleading.

States that venue requirements in the measure do not apply to Family Abuse Prevention Act cases.

#### **BACKGROUND:**

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*This summary has not been adopted or officially endorsed by action of the committee.*

The ability to punish an act of contempt is part of the court's inherent power to enforce its orders, judgments and conduct in proceedings. "Contempt of court" means:

- Misconduct in the presence of the court that interferes with a court proceeding or with the administration of justice, or that impairs the respect due the court.
- Disobedience of, resistance to or obstruction of the court's authority, process, orders or judgments.
- Refusal as a witness to appear, be sworn or answer a question contrary to an order of the court.
- Refusal to produce a record, document or other object contrary to an order of the court.
- Violation of a statutory provision that specifically subjects the person to the contempt power of the court. (ORS 33.015)

There are three types of contempt of court proceedings: 1) summary, 2) punitive, and 3) remedial. A court may **summarily** impose a sanction upon a person who commits a contempt of court in the immediate view and presence of the court, to maintain the order of the court, or the authority or dignity of the court. A **punitive** sanction may be imposed to punish a past contempt of court that can no longer be fixed by compliance. A **remedial** sanction may be imposed to terminate a continuing contempt of court or to compensate for injury, damage or costs resulting from a past or continuing contempt of court. A finding of contempt is not a crime. Nor is it a civil finding, but it is its own judgment of contempt. Senate Bill 1557 focuses on remedial contempt.

Court records that are not confidential or sealed are available to the public. Certain categories of cases are confidential by law and access to those cases is limited. A person may also ask the court to make a case or document confidential or sealed, but the burden on the requestor is a high one. Accessing a sealed record generally requires a court order. Parties to a case can generally access records to a case that is confidential.