

REVENUE: No revenue impact

FISCAL: No fiscal impact

---

<b>Action:</b>	Do Pass
<b>Vote:</b>	10 - 0 - 0
<b>Yeas:</b>	Garrett, Hicks, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	4/28, 5/16

---

**WHAT THE MEASURE DOES:** Authorizes the sheriff to serve a copy of a protective order transmitted by electronic communication device from a court or law enforcement agency. Allows an order to modify a restraining order to be served by mail under some circumstances. Provides that when peace officers accompany restrained persons to their household in order for them to gather essential personal effects before exclusion that the persons will have 20 minutes to gather their personal effects and will only be permitted to do so once. Grants peace officers civil and criminal immunity from all liability committed by restrained persons during the gathering of their effects.

**ISSUES DISCUSSED:**

- Family Abuse and Protection Act as a legal authorization for law enforcement entry into a private residence
- Compliance with e-court framework

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORS 107.720 allows for service by fax but does not yet reflect electronic service formats such as \*.pdf. Senate Bill 396 A allows sheriffs to enter the fact of the service of the restraining order into the Law Enforcement Database System (LEDS) without waiting for the receipt of an affidavit of service. This is presented by proponents as both a time-saving and safety enhancing device. The receipt and processing of an affidavit of service requires the requisite personnel to be available at their desks to make the entry of data, which can create delays in processing time.

Current ORS 419B.845 does not provide guidance as to the duration or scope of a restrained person's ability to gather personal effects before exclusion from a residence or other building. The Family Abuse and Protection Act (FAPA) contains the 20 minute time allocation for the gathering of personal effects. This statute is located at ORS 107.700 to ORS 107.735.