

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	2/15, 3/15

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**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 a peace officer accompanies a restrained person to his or her household in order for person to gather essential personal effects before exclusion, that the person will have 20-minutes to gather personal effects and will only be permitted to do so once. Grants the peace officer civil and criminal immunity from all liability committed by the restrained person during the gathering of effects.

**ISSUES DISCUSSED:**

- The importance of having clear standby provisions when an individual is gathering personal effects
- Delays in processing affidavits of service in some counties
- The advantages of electronic transferral of restraining orders as compared with transmission via facsimile or fax

**EFFECT OF COMMITTEE AMENDMENT:** Expands definition of electronic communication devices and reincorporates facsimile as a valid method of conveying a protective order to the sheriff. Clarifies the rules surrounding personal service of requests under subsection (3). Establishes that the sheriff's responsibility to confirm that a device is working in the receiving office before transferring a copy of an order applies only when faxing or using electronic mail.

**BACKGROUND:** ORS 107.720 allows for service by fax, but does not yet reflect electronic service formats such as \*.pdf. This bill also 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.

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