

Enrolled House Bill 2925

Sponsored by Representative HOLVEY; Representative HICKS, Senators MONNES ANDERSON,
ROSENBAUM (Presession filed.)

CHAPTER

AN ACT

Relating to protective orders; creating new provisions; amending ORS 135.290; and declaring an emergency.

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

SECTION 1. (1) When a release assistance officer or a release assistance deputy makes a release decision under ORS 135.235 involving a defendant charged with a sex crime or a crime constituting domestic violence, the release assistance officer or deputy shall include in the decision an order that the defendant be prohibited from contacting the victim while the defendant is in custody. The release assistance officer or deputy shall provide the defendant with a written copy of the order.

(2) When a defendant who is charged with a sex crime or a crime that constitutes domestic violence is arraigned, the court shall enter an order continuing an order issued under subsection (1) of this section or, if no such order has been entered, enter an order prohibiting the defendant from contacting the victim while the defendant is in custody.

(3) Except as provided in subsection (4) of this section, an order described in subsection (1) or (2) of this section:

(a) Shall apply at any time during which the defendant is held in custody on the charge; and

(b) Shall remain valid until the defendant is sentenced for the crime, the charge is dismissed or the defendant is acquitted of the crime.

(4) Upon petition of the victim, the court may enter an order terminating an order entered under subsection (1) or (2) of this section if the court finds, after a hearing on the petition, that terminating the order is in the best interests of the parties and the community.

(5) As used in this section:

(a) "Domestic violence" has the meaning given that term in ORS 135.230.

(b) "Sex crime" has the meaning given that term in ORS 181.594.

SECTION 2. ORS 135.290 is amended to read:

135.290. (1) A supervisor of a defendant on conditional release who knowingly aids the defendant in breach of the conditional release or who knowingly fails to report the defendant's breach is punishable by contempt.

(2) A defendant [who knowingly breaches any of the regulations in the release agreement imposed pursuant to ORS 135.260 is punishable] **may be punished** by contempt **if the defendant knowingly:**

(a) Breaches any of the regulations in the release agreement imposed pursuant to ORS 135.260; or

(b) Violates an order entered under section 1 of this 2011 Act.

SECTION 3. Section 1 of this 2011 Act and the amendments to ORS 135.290 by section 2 of this 2011 Act apply to persons charged with a crime committed on or after the effective date of this 2011 Act.

SECTION 4. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House April 21, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 18, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State