

A-Engrossed
House Bill 2925

Ordered by the House April 18
Including House Amendments dated April 18

Sponsored by Representative HOLVEY; Representative HICKS (Pre-session filed.)

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.

Requires release assistance officer or deputy to include in release decision order prohibiting defendant from contacting victim while defendant is in custody for sex crime or crime constituting domestic violence.

Requires court to enter order prohibiting defendant from contacting victim when defendant is arraigned on sex crime or crime constituting domestic violence. [*Authorizes court, at victim's request, to enter additional order at sentencing for period of time equal to statutory maximum sentence for crime.*]

Authorizes victim to petition for termination of [*order*] **orders**.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to protective orders; creating new provisions; amending ORS 135.290; and declaring an
3 emergency.

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

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

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

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

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

19 **(b) Shall remain valid until the defendant is sentenced for the crime, the charge is dis-**
20 **missed or the defendant is acquitted of the crime.**

21 **(4) Upon petition of the victim, the court may enter an order terminating an order en-**
22 **tered under subsection (1) or (2) of this section if the court finds, after a hearing on the**
23 **petition, that terminating the order is in the best interests of the parties and the commu-**
24 **nity.**

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 **(5) As used in this section:**

2 **(a) “Domestic violence” has the meaning given that term in ORS 135.230.**

3 **(b) “Sex crime” has the meaning given that term in ORS 181.594.**

4 **SECTION 2.** ORS 135.290 is amended to read:

5 135.290. (1) A supervisor of a defendant on conditional release who knowingly aids the defendant
6 in breach of the conditional release or who knowingly fails to report the defendant’s breach is
7 punishable by contempt.

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

10 **(a) Breaches any of the regulations in the release agreement imposed pursuant to ORS**
11 **135.260; or**

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

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

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