

A-Engrossed
House Bill 2942

Ordered by the House April 25
Including House Amendments dated April 25

Sponsored by Representatives GELSER, SPRENGER; Representatives BARKER, BERGER, BREWER, DOHERTY, KOTEK, TOMEI (at the request of Oregon Sexual Assault Task Force) (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.

Authorizes issuance of protective order for certain persons who are victims of conduct constituting sex crime **or unwanted sexual contact**.

A BILL FOR AN ACT

1
2 Relating to protective orders for victims of sexual assault; creating new provisions; and amending
3 ORS 21.361, 36.185, 40.210, 90.453, 133.310, 133.381, 166.291 and 659A.270 and section 2, chapter
4 204, Oregon Laws 2005.

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

6 **SECTION 1. As used in sections 1 to 8 of this 2011 Act:**

7 (1) **“Family or household members,” “interfere,” “intimidate,” “menace” and “molest”**
8 **have the meanings given those terms in ORS 107.705.**

9 (2) **“Sexual contact” has the meaning given that term in ORS 163.305.**

10 **SECTION 2. (1) Any person who has been subjected to unwanted sexual contact within**
11 **the preceding 180 days may petition the circuit court for relief under sections 1 to 8 of this**
12 **2011 Act if:**

13 (a) **The person and the respondent are not family or household members;**

14 (b) **The respondent is at least 18 years of age;**

15 (c) **A foreign restraining order as defined in ORS 24.190, or an order issued pursuant to**
16 **ORS 30.866, 124.015, 124.020, 163.738 or 419B.845, is not restraining the respondent from con-**
17 **tacting the person; and**

18 (d) **A court has not entered an order in a criminal case that prohibits the respondent**
19 **from contacting the person.**

20 (2) **The person may seek relief by filing a petition with the circuit court alleging that the**
21 **respondent subjected the person to unwanted sexual contact within the 180 days preceding**
22 **the filing of the petition. The petition must set forth sufficient facts to support the allegation**
23 **but need not demonstrate that the respondent has been charged with or convicted of a crime**
24 **involving the sexual contact. Statements in the petition must be made under oath or affir-**
25 **mation.**

26 (3) **The circuit court has jurisdiction over all proceedings under sections 1 to 8 of this**
27 **2011 Act.**

28 (4) **The petitioner has the burden of proving a claim under sections 1 to 8 of this 2011**

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 Act by a preponderance of the evidence.

2 (5) A petition filed under sections 1 to 8 of this 2011 Act must disclose the existence of
3 any criminal proceedings related to the allegations.

4 (6) For the purpose of computing the 180-day period described in subsection (1) of this
5 section, the following periods of time may not be counted as part of the 180-day period:

6 (a) Any time during which the respondent is incarcerated.

7 (b) Any time during which the respondent has a principal residence more than 100 miles
8 from the principal residence of the petitioner.

9 (c) Any time during which the respondent is subject to an order described in subsection
10 (1)(c) or (d) of this section.

11 **SECTION 3.** (1) When a person files a petition under section 2 of this 2011 Act, the court
12 shall hold an ex parte hearing in person or by telephone on the day the petition is filed or
13 on the following judicial day. Upon a showing that the respondent has subjected the
14 petitioner to unwanted sexual contact within 180 days preceding the filing of the petition, the
15 court shall, if requested by the petitioner, order:

16 (a) That the respondent be restrained from entering, or attempting to enter, a reasonable
17 area surrounding the petitioner's residence;

18 (b) That the respondent be restrained from intimidating, molesting, interfering with or
19 menacing the petitioner, or attempting to intimidate, molest, interfere with or menace the
20 petitioner;

21 (c) That the respondent be restrained from intimidating, molesting, interfering with or
22 menacing any family or household members of the petitioner or attempting to intimidate,
23 molest, interfere with or menace any family or household members of the petitioner;

24 (d) That the respondent be restrained from entering or attempting to enter on any
25 premises and a reasonable area surrounding the premises when it appears to the court that
26 the restraint is necessary to prevent the respondent from intimidating, molesting, interfer-
27 ing with or menacing the petitioner or the petitioner's family and household members, except
28 that a court may not restrain the respondent from entering or attempting to enter a sec-
29 ondary or career school attended by the respondent;

30 (e) That the respondent have no contact with the petitioner in person, by telephone or
31 by mail; or

32 (f) Other relief that the court considers necessary to provide for the safety and welfare
33 of the petitioner and the petitioner's family and household members.

34 (2) The court's order under this section is effective for a period of one year or until the
35 order is withdrawn or amended.

36 (3) If the respondent is restrained from entering or attempting to enter an area sur-
37 rounding the petitioner's residence or any other premises, the order must specifically de-
38 scribe the area.

39 (4)(a) The Attorney General's Sexual Assault Task Force shall, after obtaining the ap-
40 proval of the Chief Justice of the Supreme Court, produce:

41 (A) The forms for the petition and order, and any related forms, for use under sections
42 1 to 8 of this 2011 Act; and

43 (B) An instructional brochure explaining the rights set forth in sections 1 to 8 of this
44 2011 Act.

45 (b) The Attorney General's Sexual Assault Task Force shall provide the forms and the

1 instructional brochure to the clerks of the circuit court who shall make the forms and bro-
2 chure available to the public.

3 (5) If the court orders relief:

4 (a) The clerk of the court shall provide without charge the number of certified true
5 copies of the petition and order necessary to provide the petitioner with one copy and to ef-
6 fect service and shall have a true copy of the petition and order delivered to the county
7 sheriff for service upon the respondent, unless the court finds that further service is un-
8 necessary because the respondent appeared in person before the court. In addition and upon
9 request by the petitioner, the clerk shall provide the petitioner, without charge, two exem-
10 plified copies of the petition and order.

11 (b) The county sheriff shall serve the respondent personally unless the petitioner elects
12 to have the respondent served personally by another party. Proof of service shall be made
13 in accordance with section 5 of this 2011 Act. When the order does not contain the
14 respondent's date of birth and service is effected by the sheriff, the sheriff shall verify the
15 respondent's date of birth with the respondent and shall record that date on the order or
16 proof of service entered into the Law Enforcement Data System under section 5 of this 2011
17 Act.

18 (c) A filing fee, service fee or hearing fee may not be charged for proceedings seeking
19 only the relief provided under sections 1 to 8 of this 2011 Act.

20 (6) If the county sheriff:

21 (a) Determines that the order and petition are incomplete, the sheriff shall return the
22 order and petition to the clerk of the court. The clerk of the court shall notify the petitioner,
23 at the address provided by the petitioner, of the error or omission.

24 (b) After accepting the order and petition, cannot complete service within 10 days, the
25 sheriff shall notify the petitioner, at the address provided by the petitioner, that the docu-
26 ments have not been served. If the petitioner does not respond within 10 days, the sheriff
27 shall hold the order and petition for future service and file a return to the clerk of the court
28 showing that service was not completed.

29 (7)(a) Within 30 days after a restraining order is served under this section, the respond-
30 ent may request a court hearing upon any relief granted. The hearing request form shall be
31 available from the clerk of the court in the form prescribed by the State Court Administra-
32 tor.

33 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk
34 of the court shall notify the petitioner of the date and time of the hearing and shall supply
35 the petitioner with a copy of the respondent's request for a hearing. The petitioner shall give
36 to the clerk of the court information sufficient to allow for the notification.

37 (8) If the respondent fails to request a hearing within 30 days after a restraining order
38 is served, the restraining order is confirmed by operation of law.

39 (9) Service of process or other legal documents upon the petitioner is not a violation of
40 this section if the petitioner is served as provided in ORCP 7 or 9.

41 **SECTION 4.** (1) If the respondent requests a hearing pursuant to section 3 (7) of this 2011
42 Act, the court shall hold the hearing within 21 days after the request.

43 (2)(a) If notice of the hearing is inadequate to provide a party with sufficient notice of
44 the hearing, the court may extend the date of the hearing for up to five days so that the
45 party may seek representation.

1 (b) If one party is represented by an attorney at the hearing, the court may extend the
2 date of the hearing for up to five days at the other party's request so that the other party
3 may seek representation.

4 (3) If the court continues the order issued under section 3 of this 2011 Act, with or
5 without changes, at a hearing about which the respondent received actual notice and the
6 opportunity to be heard, the court shall include in the order a certificate in substantially the
7 following form in a separate section immediately above the signature of the judge:

8
9
10 **CERTIFICATE OF COMPLIANCE**
11 **WITH THE VIOLENCE**
12 **AGAINST WOMEN ACT**
13

14 **This protective order meets all full faith and credit requirements of the Violence Against**
15 **Women Act, 18 U.S.C. 2265 (1994). This court has jurisdiction over the parties and the subject**
16 **matter. The respondent was afforded notice and timely opportunity to be heard as provided**
17 **by the law of this jurisdiction. This order is valid and entitled to enforcement in this and all**
18 **other jurisdictions.**

21 (4) The court may approve a consent agreement if the court determines that the agree-
22 ment provides sufficient protections to the petitioner. The court may not approve a term in
23 a consent agreement that provides for restraint of a party to the agreement unless the other
24 party petitioned for and was granted an order under section 3 of this 2011 Act.

25 (5) An order or consent agreement made under this section may be amended at any time
26 and shall continue for a period of one year from the date of the order issued under section
27 3 of this 2011 Act.

28 (6) An undertaking may not be required in a proceeding under sections 1 to 8 of this 2011
29 Act.

30 (7) Any proceeding under sections 1 to 8 of this 2011 Act is in addition to any other
31 available civil or criminal remedies.

32 **SECTION 5. (1)(a) When a restraining order, authorized under this section or section 3**
33 **or 4 of this 2011 Act and including a security amount and an expiration date, is issued and**
34 **the person to be restrained has actual notice thereof, the clerk of the court or any other**
35 **person serving the petition and order shall deliver forthwith to a county sheriff a copy of the**
36 **petition, a true copy of the order and a true copy of the affidavit of proof of service on which**
37 **it is stated that the petition and order were personally served on the respondent. If an order**
38 **entered by the court recites that the respondent appeared in person before the court, the**
39 **necessity for further service of the order is waived and an accompanying proof of service is**
40 **not necessary. Upon receipt of a true copy of the order and completion of any required ser-**
41 **vice, the county sheriff shall forthwith enter the order into the Law Enforcement Data**
42 **System maintained by the Department of State Police and the databases of the National**
43 **Crime Information Center of the United States Department of Justice. The sheriff shall also**
44 **provide the petitioner with a true copy of the proof of service. Entry into the Law**
45 **Enforcement Data System constitutes notice to all law enforcement agencies of the existence**

1 of the order. Law enforcement agencies shall establish procedures adequate to ensure that
2 an officer at the scene of an alleged violation of the order may be informed of the existence
3 and terms of the order. The order shall be fully enforceable in any county or tribal land in
4 this state. The petitioner may elect to deliver documents personally to a county sheriff or
5 to have them delivered by another party for entry into the Law Enforcement Data System
6 and the databases of the National Crime Information Center of the United States Depart-
7 ment of Justice.

8 (b) When a restraining order has been entered into the Law Enforcement Data System
9 and the databases of the National Crime Information Center of the United States Depart-
10 ment of Justice under paragraph (a) of this subsection, a county sheriff shall cooperate with
11 a request from a law enforcement agency from any other jurisdiction to verify the existence
12 of the restraining order or to transmit a copy of the order to the requesting jurisdiction.

13 (2)(a) A restraining order shall remain in effect until the order expires or is terminated
14 by court order.

15 (b) When a restraining order has been entered under section 3 or 4 of this 2011 Act, the
16 restraining order may not be terminated upon a motion for dismissal by the petitioner unless
17 the motion is notarized.

18 (3) In any situation where a restraining order described in subsection (1) of this section
19 is terminated before the expiration date, the clerk of the court shall deliver forthwith a true
20 copy of the termination order to the county sheriff with whom the original order was filed.
21 Upon receipt of the termination order the county sheriff shall promptly remove the original
22 order from the Law Enforcement Data System and the databases of the National Crime In-
23 formation Center of the United States Department of Justice.

24 (4) Pending a contempt hearing for an alleged violation of a restraining order issued un-
25 der sections 1 to 8 of this 2011 Act, a person arrested and taken into custody may be released
26 as provided in ORS 135.230 to 135.290. Whenever a restraining order is issued under sections
27 1 to 8 of this 2011 Act, the issuing court shall set a security amount for the violation of the
28 order.

29 **SECTION 6.** (1) A sheriff may serve a restraining order under section 3 or 4 of this 2011
30 Act in the county in which the sheriff was elected and in any other county that is adjacent
31 to the county in which the sheriff was elected.

32 (2) A sheriff may serve and enter into the Law Enforcement Data System a facsimile of
33 a certified true copy of a restraining order under section 3 or 4 of this 2011 Act that was
34 transmitted to the sheriff by a trial court administrator or another sheriff using a telephonic
35 facsimile device. A copy of the facsimile must be attached to the sheriff's return of service.
36 Before transmitting a restraining order to a sheriff under this subsection, the person sending
37 the facsimile must receive confirmation by telephone from the sheriff's office that a tele-
38 phonic facsimile communication device is available and operating.

39 **SECTION 7.** The court may renew an order entered under sections 1 to 8 of this 2011 Act
40 upon a finding that a person in the petitioner's situation would reasonably fear for the
41 person's physical safety if the order is not renewed. A finding that the respondent engaged
42 in further unwanted sexual contact against the petitioner is not required. A court may renew
43 an order on the basis of a sworn, ex parte petition alleging facts supporting the required
44 finding. If the renewal order is granted, the provisions of sections 3 (5) to (7) and 4 (3) of this
45 2011 Act apply, except that the court may hear no issue other than the basis for renewal

1 unless requested in the hearing request form and thereafter agreed to by the petitioner. The
 2 court shall hold a hearing required under this section within 21 days after the respondent's
 3 request.

4 **SECTION 8.** A petition under section 2 of this 2011 Act may be filed only in a county in
 5 which the petitioner or respondent resides. A contempt proceeding for an alleged violation
 6 of an order issued under sections 1 to 8 of this 2011 Act must be conducted by the court that
 7 issued the order, or by the circuit court for a county in which a violation of the restraining
 8 order occurs. If contempt proceedings are initiated in the circuit court for a county in which
 9 a violation of the restraining order occurs, the person initiating the contempt proceedings
 10 shall file with the court a copy of the restraining order, certified by the clerk of the court
 11 that issued the order. Upon filing of the certified copy of the restraining order, the court
 12 shall enforce the order as though that court had issued the order.

13 **SECTION 9.** ORS 21.361 is amended to read:

14 21.361. (1) The State Court Administrator may prescribe and charge a reasonable price, covering
 15 the costs of labor and material, for any forms provided by the courts of this state. The sums so
 16 collected shall be paid over to the State Treasurer and credited to the Court Forms Revolving Fund.

17 (2) Notwithstanding subsection (1) of this section, no charge shall be made for forms made
 18 available under the provisions of ORS 107.700 to 107.735 or 124.005 to 124.040 **or sections 1 to 8**
 19 **of this 2011 Act.**

20 **SECTION 10.** ORS 36.185 is amended to read:

21 36.185. After the appearance by all parties in any civil action, except proceedings under ORS
 22 107.700 to 107.735 or 124.005 to 124.040 **or sections 1 to 8 of this 2011 Act**, a judge of any circuit
 23 court may refer a civil dispute to mediation under the terms and conditions set forth in ORS 36.185
 24 to 36.210. When a party to a case files a written objection to mediation with the court, the action
 25 shall be removed from mediation and proceed in a normal fashion. All civil disputants shall be pro-
 26 vided with written information describing the mediation process, as provided or approved by the
 27 State Court Administrator, along with information on established court mediation opportunities.
 28 Filing parties shall be provided with this information at the time of filing a civil action. Responding
 29 parties shall be provided with this information by the filing party along with the initial service of
 30 filing documents upon the responding party.

31 **SECTION 11.** ORS 40.210 is amended to read:

32 40.210. (1) Notwithstanding any other provision of law, in a prosecution for a crime described
 33 in ORS 163.355 to 163.427, [or] in a prosecution for an attempt to commit one of these crimes **or in**
 34 **a proceeding conducted under sections 1 to 8 of this 2011 Act**, the following evidence is not
 35 admissible:

36 (a) Reputation or opinion evidence of the past sexual behavior of an alleged victim [*of the*
 37 *crime*] or a corroborating witness; or

38 (b) Reputation or opinion evidence presented for the purpose of showing that the manner of
 39 dress of an alleged victim [*of the crime*] incited the crime **or unwanted sexual contact** or indicated
 40 consent to the sexual acts alleged [*in the charge*].

41 (2) Notwithstanding any other provision of law, in a prosecution for a crime described in ORS
 42 163.355 to 163.427, [or] in a prosecution for an attempt to commit one of these crimes **or in a pro-**
 43 **ceeding conducted under sections 1 to 8 of this 2011 Act**, evidence of [*a*] **an alleged** victim's past
 44 sexual behavior other than reputation or opinion evidence is also not admissible, unless the evidence
 45 other than reputation or opinion evidence:

- 1 (a) Is admitted in accordance with subsection (4) of this section; and
2 (b) Is evidence that:
3 (A) Relates to the motive or bias of the alleged victim;
4 (B) Is necessary to rebut or explain scientific or medical evidence offered by the state; or
5 (C) Is otherwise constitutionally required to be admitted.
- 6 (3) Notwithstanding any other provision of law, in a prosecution for a crime described in ORS
7 163.355 to 163.427, [or] in a prosecution for an attempt to commit one of these crimes **or in a pro-**
8 **ceeding conducted under sections 1 to 8 of this 2011 Act**, evidence, other than reputation or
9 opinion evidence, of the manner of dress of the alleged victim or a corroborating witness, presented
10 by a person accused of committing the crime, **or the respondent in a proceeding conducted under**
11 **sections 1 to 8 of this 2011 Act**, is also not admissible, unless the evidence is:
- 12 (a) Admitted in accordance with subsection (4) of this section; and
13 (b) Is evidence that:
14 (A) Relates to the motive or bias of the alleged victim;
15 (B) Is necessary to rebut or explain scientific, medical or testimonial evidence offered by the
16 state;
17 (C) Is necessary to establish the identity of the **alleged** victim; or
18 (D) Is otherwise constitutionally required to be admitted.
- 19 (4)(a) If the person accused of committing rape, sodomy or sexual abuse or attempted rape,
20 sodomy or sexual abuse **or the respondent in a proceeding conducted under sections 1 to 8 of**
21 **this 2011 Act**, intends to offer evidence under subsection (2) or (3) of this section, the accused **or**
22 **respondent** shall make a written motion to offer the evidence not later than 15 days before the date
23 on which the trial in which the evidence is to be offered is scheduled to begin, except that the court
24 may allow the motion to be made at a later date, including during trial, if the court determines ei-
25 ther that the evidence is newly discovered and could not have been obtained earlier through the
26 exercise of due diligence or that the issue to which the evidence relates has newly arisen in the
27 case. Any motion made under this paragraph shall be served on all other parties, and on the alleged
28 victim through the office of the prosecutor.
- 29 (b) The motion described in paragraph (a) of this subsection shall be accompanied by a written
30 offer of proof. If the court determines that the offer of proof contains evidence described in sub-
31 section (2) or (3) of this section, the court shall order a hearing in camera to determine if the evi-
32 dence is admissible. At the hearing the parties may call witnesses, including the alleged victim, and
33 offer relevant evidence. Notwithstanding ORS 40.030 (2), if the relevancy of the evidence that the
34 accused **or respondent** seeks to offer in the trial depends upon the fulfillment of a condition of fact,
35 the court, at the hearing in camera or at a subsequent hearing in camera scheduled for the same
36 purpose, shall accept evidence on the issue of whether the condition of fact is fulfilled and shall
37 determine the issue.
- 38 (c) If the court determines on the basis of the hearing described in paragraph (b) of this sub-
39 section that the evidence the accused **or respondent** seeks to offer is relevant and that the
40 probative value of the evidence outweighs the danger of unfair prejudice, the evidence shall be ad-
41 missible in the trial to the extent an order made by the court specifies evidence that may be offered
42 and areas with respect to which a witness may be examined or cross-examined.
- 43 (d) An order admitting evidence **in a criminal prosecution** under this subsection may be ap-
44 pealed by the government before trial.
- 45 (5) For purposes of this section:

1 (a) **“Alleged victim” includes the petitioner in a proceeding conducted under sections 1**
2 **to 8 of this 2011 Act;**

3 [(a)] (b) “In camera” means out of the presence of the public and the jury; [and]

4 [(b)] (c) “Past sexual behavior” means sexual behavior other than:

5 (A) The sexual behavior with respect to which rape, sodomy or sexual abuse or attempted rape,
6 sodomy or sexual abuse is alleged; or

7 (B) **In a proceeding conducted under sections 1 to 8 of this 2011 Act, the alleged unwanted**
8 **sexual contact; and**

9 (d) **“Trial” includes a hearing conducted under sections 1 to 8 of this 2011 Act.**

10 **SECTION 12.** ORS 90.453 is amended to read:

11 90.453. (1) As used in this section:

12 (a) “Qualified third party” means a person that has had individual contact with the tenant and
13 is a law enforcement officer, attorney or licensed health professional or is a victim’s advocate at a
14 victim services provider.

15 (b) “Verification” means:

16 (A) A copy of a valid order of protection issued by a court pursuant to ORS 30.866, 107.095 (1)(c),
17 107.716, 107.718 or 163.738 or **section 3 or 4 of this 2011 Act** or any other federal, state, local or
18 tribal court order that restrains a person from contact with the tenant;

19 (B) A copy of a federal agency or state, local or tribal police report regarding an act of domestic
20 violence, sexual assault or stalking against the tenant;

21 (C) A copy of a conviction of any person for an act of domestic violence, sexual assault or
22 stalking against the tenant; or

23 (D) A statement substantially in the form set forth in subsection (3) of this section.

24 (c) “Victim services provider” means:

25 (A) A nonprofit agency or program receiving moneys administered by the Department of Human
26 Services or the Department of Justice that offers safety planning, counseling, support or advocacy
27 to victims of domestic violence, sexual assault or stalking; or

28 (B) A prosecution-based victim assistance program or unit.

29 (2)(a) If a tenant gives a landlord at least 14 days’ written notice, and the notice so requests,
30 the landlord shall release the tenant from the rental agreement.

31 (b) The notice given by the tenant must specify the release date.

32 (c) The notice must be accompanied by verification that the tenant:

33 (A) Is protected by a valid order of protection; or

34 (B) Has been the victim of domestic violence, sexual assault or stalking within the 90 days
35 preceding the date of the notice. For purposes of this subparagraph, any time the perpetrator was
36 incarcerated or residing more than 100 miles from the victim’s home does not count as part of the
37 90-day period.

38 (3) A verification statement must be signed by the tenant and the qualified third party and be
39 in substantially the following form:

40 _____
41
42 **QUALIFIED THIRD PARTY**
43 **VERIFICATION**
44
45 _____

1 Name of qualified third party

2

3 _____

4 Name of tenant

5

6 PART 1. STATEMENT BY TENANT

7

8 I, _____ (Name of tenant), do hereby state as follows:

9

10 (A) I or a minor member of my household have been a victim of domestic violence, sexual assault
11 or stalking, as those terms are defined in ORS 90.100.

12

13 (B) The most recent incident(s) that I rely on in support of this statement occurred on the fol-
14 lowing date(s): _____.

15

16 _____ The time since the most recent incident took place is less than 90 days; or

17

18 _____ The time since the most recent incident took place is less than 90 days if periods when the
19 perpetrator was incarcerated or was living more than 100 miles from my home are not counted. The
20 perpetrator was incarcerated from _____ to _____. The perpetrator
21 lived more than 100 miles from my home from _____ to _____.

22

23 (C) I hereby declare that the above statement is true to the best of my knowledge and belief,
24 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

25

26 _____

27 (Signature of tenant)

28 Date: _____

29

30 PART 2. STATEMENT BY QUALIFIED THIRD PARTY

31

32 I, _____ (Name of qualified third party), do hereby verify as follows:

33

34 (A) I am a law enforcement officer, attorney or licensed health professional or a victim's advo-
35 cate with a victims services provider, as defined in ORS 90.453.

36

37 (B) My name, business address and business telephone are as follows:

38 _____

39 _____

40 _____

41

42 (C) The person who signed the statement above has informed me that the person or a minor
43 member of the person's household is a victim of domestic violence, sexual assault or stalking, based
44 on incidents that occurred on the dates listed above.

45

1 (D) I reasonably believe the statement of the person above that the person or a minor member
2 of the person's household is a victim of domestic violence, sexual assault or stalking, as those terms
3 are defined in ORS 90.100. I understand that the person who made the statement may use this doc-
4 ument as a basis for gaining a release from the rental agreement with the person's landlord.

5
6 I hereby declare that the above statement is true to the best of my knowledge and belief, and
7 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

8
9 _____
10 (Signature of qualified third party
11 making this statement)

12 Date: _____
13 _____
14

15 (4) A tenant who is released from a rental agreement pursuant to subsection (2) of this section:

16 (a) Is not liable for rent or damages to the dwelling unit incurred after the release date; and

17 (b) Is not subject to any fee solely because of termination of the rental agreement.

18 (5) Notwithstanding the release from a rental agreement of a tenant who is a victim of domestic
19 violence, sexual assault or stalking, any other tenant remains subject to the rental agreement.

20 (6) A landlord may not disclose any information provided by a tenant under this section to a
21 third party unless the disclosure is:

22 (a) Consented to in writing by the tenant;

23 (b) Required for use in an eviction proceeding;

24 (c) Made to a qualified third party; or

25 (d) Required by law.

26 (7) The provision of a verification statement under subsection (2) of this section does not waive
27 the confidential or privileged nature of a communication between the victim of domestic violence,
28 sexual assault or stalking and a qualified third party.

29 **SECTION 13.** ORS 133.310 is amended to read:

30 133.310. (1) A peace officer may arrest a person without a warrant if the officer has probable
31 cause to believe that the person has committed any of the following:

32 (a) A felony.

33 (b) A misdemeanor.

34 (c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater
35 than the maximum penalty allowed for a Class C misdemeanor.

36 (d) Any other crime committed in the officer's presence.

37 (2) A peace officer may arrest a person without a warrant when the peace officer is notified by
38 telegraph, telephone, radio or other mode of communication by another peace officer of any state
39 that there exists a duly issued warrant for the arrest of a person within the other peace officer's
40 jurisdiction.

41 (3) A peace officer shall arrest and take into custody a person without a warrant when the
42 peace officer has probable cause to believe that:

43 (a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718,
44 124.015, 124.020, 163.738 or 419B.845 or **section 3 or 4 of this 2011 Act** restraining the person;

45 (b) A true copy of the order and proof of service on the person has been filed as required in

1 ORS 107.720, 124.030, 163.741 or 419B.845 **or section 5 of this 2011 Act**; and

2 (c) The person to be arrested has violated the terms of that order.

3 (4) A peace officer shall arrest and take into custody a person without a warrant if:

4 (a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a copy
5 of the foreign restraining order to the officer and represents to the officer that the order supplied
6 is the most recent order in effect between the parties and that the person restrained by the order
7 has been personally served with a copy of the order or has actual notice of the order; and

8 (b) The peace officer has probable cause to believe that the person to be arrested has violated
9 the terms of the foreign restraining order.

10 (5) A peace officer shall arrest and take into custody a person without a warrant if:

11 (a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a copy
12 of the foreign restraining order with a court or has been identified by the officer as a party pro-
13 tected by a foreign restraining order entered in the Law Enforcement Data System or in the data-
14 bases of the National Crime Information Center of the United States Department of Justice; and

15 (b) The peace officer has probable cause to believe that the person to be arrested has violated
16 the terms of the foreign restraining order.

17 (6) A peace officer shall arrest and take into custody a person without a warrant if the peace
18 officer has probable cause to believe:

19 (a) The person has been charged with an offense and is presently released as to that charge
20 under ORS 135.230 to 135.290; and

21 (b) The person has failed to comply with a no contact condition of the release agreement.

22 **SECTION 14.** ORS 133.381 is amended to read:

23 133.381. (1) When a peace officer arrests a person pursuant to ORS 133.310 (3) or pursuant to
24 a warrant issued under ORS 33.075 by a court or judicial officer for the arrest of a person charged
25 with contempt for violating an order issued under ORS 107.095 (1)(c) or (d), 107.716, 107.718, 124.015
26 or 124.020 **or section 3 or 4 of this 2011 Act**, if the person is arrested in a county other than that
27 in which the warrant or order was originally issued, the peace officer shall take the person before
28 a magistrate as provided in ORS 133.450. If it becomes necessary to take the arrested person to the
29 county in which the warrant or order was originally issued, the costs of such transportation shall
30 be paid by that county.

31 (2) If a person arrested for the reasons described in subsection (1) of this section is subsequently
32 found subject to the imposition of sanctions for contempt, the court, in addition to any other sanc-
33 tion it may impose, may order the person to repay a county all costs of transportation incurred by
34 the county pursuant to subsection (1) of this section.

35 **SECTION 15.** ORS 659A.270 is amended to read:

36 659A.270. As used in ORS 659A.270 to 659A.285:

37 (1) "Covered employer" means an employer who employs six or more individuals in the State
38 of Oregon for each working day during each of 20 or more calendar workweeks in the year in which
39 an eligible employee takes leave to address domestic violence, sexual assault or stalking, or in the
40 year immediately preceding the year in which an eligible employee takes leave to address domestic
41 violence, sexual assault or stalking.

42 (2) "Eligible employee" means an employee who:

43 (a) Worked an average of more than 25 hours per week for a covered employer for at least 180
44 days immediately before the date the employee takes leave; and

45 (b) Is a victim of domestic violence, sexual assault or stalking or is the parent or guardian of

1 a minor child or dependent who is a victim of domestic violence, sexual assault or stalking.

2 (3) "Protective order" means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to
3 107.735, 124.005 to 124.040 or 163.730 to 163.750 **or sections 1 to 8 of this 2011 Act** or any other
4 order that restrains an individual from contact with an eligible employee or the employee's minor
5 child or dependent.

6 (4) "Victim of domestic violence" means:

7 (a) An individual who has been a victim of abuse, as defined in ORS 107.705; or

8 (b) Any other individual designated as a victim of domestic violence by rule adopted under ORS
9 659A.805.

10 (5) "Victim of sexual assault" means:

11 (a) An individual against whom a sexual offense has been committed as described in ORS 163.305
12 to 163.467 or 163.525; or

13 (b) Any other individual designated as a victim of sexual assault by rule adopted under ORS
14 659A.805.

15 (6) "Victim of stalking" means:

16 (a) An individual against whom stalking has been committed as described in ORS 163.732; or

17 (b) Any other individual designated as a victim of stalking by rule adopted under ORS 659A.805.

18 (7) "Victim services provider" means a prosecutor-based victim assistance program or a
19 nonprofit program offering safety planning, counseling, support or advocacy related to domestic vi-
20 olence, sexual assault or stalking.

21 **SECTION 16.** Section 2, chapter 204, Oregon Laws 2005, is amended to read:

22 **Sec. 2.** (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public
23 Utility Commission shall adopt rules to prohibit the termination of local exchange residential service
24 if the termination would significantly endanger a customer, or a person in the household of the
25 customer, who is:

26 (a) At risk of domestic violence, as defined in ORS 135.230;

27 (b) At risk of unwanted sexual contact, as defined in ORS 163.305;

28 (c) A person with a disability, as defined in ORS 124.005, who is at risk of abuse, as defined in
29 ORS 124.005 (1)(a), (d) or (e);

30 (d) An elderly person, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS
31 124.005 (1)(a), (d) or (e); or

32 (e) A victim of stalking, as described in ORS 163.732.

33 (2) A customer may establish that termination of local exchange residential service would sig-
34 nificantly endanger the customer, or a person in the household of the customer, by providing a
35 telecommunications public utility with an affidavit signed by the customer stating that termination
36 would place the customer, or a person in the household of the customer, at significant risk of do-
37 mestic violence, as defined in ORS 135.230, or of unwanted sexual contact, as defined in ORS
38 163.305. The customer must attach to the affidavit a copy of an order issued under ORS 30.866,
39 107.700 to 107.735, 124.005 to 124.040 or 163.738 **or sections 1 to 8 of this 2011 Act** that restrains
40 another person from contact with the customer, or a person in the household of the customer, or a
41 copy of any other court order that restrains another person from contact with the customer, or a
42 person in the household of the customer, by reason of a risk described in subsection (1) of this sec-
43 tion or by reason of stalking.

44 (3) The commission shall require that each telecommunications public utility establish proce-
45 dures for submitting and receiving affidavits under subsection (2) of this section.

1 (4) This section does not apply to termination of any telecommunication service other than local
2 exchange residential service.

3 (5) A customer submitting an affidavit as provided by subsection (2) of this section is not ex-
4 cused from paying for telecommunication service. Customers are required to enter into a reasonable
5 payment agreement with the telecommunications public utility if an overdue balance exists. Local
6 exchange residential service may be terminated if a customer refuses to enter into or fails to abide
7 by the terms of a reasonable payment agreement.

8 (6) Nothing in this section prevents the termination of local exchange residential service if the
9 telecommunications public utility providing the service does not have the technical ability to ter-
10 minate toll telecommunication service without also terminating local exchange residential service.

11 **SECTION 17.** ORS 166.291, as amended by section 7, chapter 826, Oregon Laws 2009, is
12 amended to read:

13 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
14 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
15 out in this section, shall issue the person a concealed handgun license if the person:

16 (a)(A) Is a citizen of the United States; or

17 (B) Is a legal resident alien who can document continuous residency in the county for at least
18 six months and has declared in writing to the United States Citizenship and Immigration Services
19 the intent to acquire citizenship status and can present proof of the written declaration to the
20 sheriff at the time of application for the license;

21 (b) Is at least 21 years of age;

22 (c) Is a resident of the county;

23 (d) Has no outstanding warrants for arrest;

24 (e) Is not free on any form of pretrial release;

25 (f) Demonstrates competence with a handgun by any one of the following:

26 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
27 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
28 of the course;

29 (B) Completion of any National Rifle Association firearms safety or training course if handgun
30 safety was a component of the course;

31 (C) Completion of any firearms safety or training course or class available to the general public
32 offered by law enforcement, community college, or private or public institution or organization or
33 firearms training school utilizing instructors certified by the National Rifle Association or a law
34 enforcement agency if handgun safety was a component of the course;

35 (D) Completion of any law enforcement firearms safety or training course or class offered for
36 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
37 cers if handgun safety was a component of the course;

38 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
39 ized shooting competition or military service;

40 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
41 revoked; or

42 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
43 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
44 was a component of the course;

45 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,

1 of a felony;

2 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
3 161.295, of a misdemeanor within the four years prior to the application;

4 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

5 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
6 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

7 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
8 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
9 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
10 volving violence, as defined in ORS 166.470;

11 (L) Has not been convicted of an offense involving controlled substances or participated in a
12 court-supervised drug diversion program, except this disability does not operate to exclude a person
13 if:

14 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
15 a court-supervised drug diversion program under ORS 135.907; or

16 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
17 has not been convicted of violating ORS 475.864 (3);

18 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
19 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act**;

20 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

21 (o) Is not required to register as a sex offender in any state.

22 (2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter 826,
23 Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person's record expunged under the laws of
24 this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
25 (1)(g) to (L) of this section.

26 (3) Before the sheriff may issue a license:

27 (a) The application must state the applicant's legal name, current address and telephone number,
28 date and place of birth, hair and eye color and height and weight. The application must also list the
29 applicant's residence address or addresses for the previous three years. The application must contain
30 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
31 section. The application may include the Social Security number of the applicant if the applicant
32 voluntarily provides this number. The application must be signed by the applicant.

33 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
34 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
35 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
36 records check is necessary, the sheriff shall request the Department of State Police to conduct the
37 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
38 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
39 check and may not keep any record of the fingerprints. The Department of State Police shall report
40 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
41 Police shall also furnish the sheriff with any information about the applicant that the Department
42 of State Police may have in its possession from its central bureau of criminal identification includ-
43 ing, but not limited to, manual or computerized criminal offender information.

44 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
45 quest. The forms shall be uniform throughout the state in substantially the following form:

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APPLICATION FOR LICENSE TO CARRY
CONCEALED HANDGUN

Date _____

I hereby declare as follows:

I am a citizen of the United States or a legal resident alien who can document continuous residency in the county for at least six months and have declared in writing to the United States Citizenship and Immigration Services my intention to become a citizen and can present proof of the written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have been discharged from the jurisdiction of the juvenile court for more than four years if, while a minor, I was found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years, been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense involving controlled substances or completed a court-supervised drug diversion program. There are no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act.** I have never received a dishonorable discharge from the Armed Forces of the United States. I am not required to register as a sex offender in any state. I understand I will be fingerprinted and photographed.

Legal name _____
Age _____ Date of birth _____
Place of birth _____
Social Security number _____

(Disclosure of your Social Security account number is voluntary. Solicitation of the number is authorized under ORS 166.291. It will be used only as a means of identification.)

Proof of identification (Two pieces of current identification are required, one of which must bear a photograph of the applicant. The type of identification and the number on the identification are to be filled in by the sheriff.):

- 1. _____
- 2. _____

Height _____ Weight _____
Hair color _____ Eye color _____

1 Current address _____

(List residence addresses for the
past three years on the back.)

5 City _____ County _____ Zip _____

6 Phone _____

8 I have read the entire text of this application, and the statements therein are correct and true.
9 (Making false statements on this application is a misdemeanor.)

(Signature of Applicant)

13 Character references.

Name	Address

Name	Address

19 Approved _____ Disapproved _____ by _____

21 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

22 Date _____ Fee Paid _____

23 License No. _____

- 26 (5)(a) Fees for concealed handgun licenses are:
 - 27 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
 - 28 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
 - 29 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.
- 30 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
 - 31 the concealed handgun license.
- 32 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
 - 33 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
 - 34 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
 - 35 performance of duties under those sections.
- 36 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
 - 37 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
 - 38 is an applicant for a concealed handgun license or is a license holder.
- 39 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
 - 40 for a resident of a contiguous state who has a compelling business interest or other legitimate
 - 41 demonstrated need.
- 42 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
 - 43 person:
 - 44 (a) Has a current Oregon driver license issued to the person showing a residence address in the
 - 45 county;

1 (b) Is registered to vote in the county and has a memorandum card issued to the person under
2 ORS 247.181 showing a residence address in the county;

3 (c) Has documentation showing that the person currently leases or owns real property in the
4 county; or

5 (d) Has documentation showing that the person filed an Oregon tax return for the most recent
6 tax year showing a residence address in the county.

7 **SECTION 18.** ORS 166.291, as amended by sections 7 and 10, chapter 826, Oregon Laws 2009,
8 is amended to read:

9 166.291. (1) The sheriff of a county, upon a person's application for an Oregon concealed
10 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
11 out in this section, shall issue the person a concealed handgun license if the person:

12 (a)(A) Is a citizen of the United States; or

13 (B) Is a legal resident alien who can document continuous residency in the county for at least
14 six months and has declared in writing to the United States Citizenship and Immigration Services
15 the intent to acquire citizenship status and can present proof of the written declaration to the
16 sheriff at the time of application for the license;

17 (b) Is at least 21 years of age;

18 (c) Is a resident of the county;

19 (d) Has no outstanding warrants for arrest;

20 (e) Is not free on any form of pretrial release;

21 (f) Demonstrates competence with a handgun by any one of the following:

22 (A) Completion of any hunter education or hunter safety course approved by the State Depart-
23 ment of Fish and Wildlife or a similar agency of another state if handgun safety was a component
24 of the course;

25 (B) Completion of any National Rifle Association firearms safety or training course if handgun
26 safety was a component of the course;

27 (C) Completion of any firearms safety or training course or class available to the general public
28 offered by law enforcement, community college, or private or public institution or organization or
29 firearms training school utilizing instructors certified by the National Rifle Association or a law
30 enforcement agency if handgun safety was a component of the course;

31 (D) Completion of any law enforcement firearms safety or training course or class offered for
32 security guards, investigators, reserve law enforcement officers or any other law enforcement offi-
33 cers if handgun safety was a component of the course;

34 (E) Presents evidence of equivalent experience with a handgun through participation in organ-
35 ized shooting competition or military service;

36 (F) Is licensed or has been licensed to carry a firearm in this state, unless the license has been
37 revoked; or

38 (G) Completion of any firearms training or safety course or class conducted by a firearms in-
39 structor certified by a law enforcement agency or the National Rifle Association if handgun safety
40 was a component of the course;

41 (g) Has never been convicted of a felony or found guilty, except for insanity under ORS 161.295,
42 of a felony;

43 (h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
44 161.295, of a misdemeanor within the four years prior to the application;

45 (i) Has not been committed to the Oregon Health Authority under ORS 426.130;

1 (j) Has not been found to be mentally ill and is not subject to an order under ORS 426.130 that
2 the person be prohibited from purchasing or possessing a firearm as a result of that mental illness;

3 (k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
4 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
5 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-
6 volving violence, as defined in ORS 166.470;

7 (L) Has not been convicted of an offense involving controlled substances or participated in a
8 court-supervised drug diversion program, except this disability does not operate to exclude a person
9 if:

10 (A) The person has been convicted only once of violating ORS 475.864 (3) and has not completed
11 a court-supervised drug diversion program under ORS 135.907; or

12 (B) The person has completed a court-supervised drug diversion program under ORS 135.907 and
13 has not been convicted of violating ORS 475.864 (3);

14 (m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
15 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act**;

16 (n) Has not received a dishonorable discharge from the Armed Forces of the United States; and

17 (o) Is not required to register as a sex offender in any state.

18 (2) A person who has been granted relief under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or
19 has had the person's record expunged under the laws of this state or equivalent laws of other ju-
20 risdictions is not subject to the disabilities in subsection (1)(g) to (L) of this section.

21 (3) Before the sheriff may issue a license:

22 (a) The application must state the applicant's legal name, current address and telephone number,
23 date and place of birth, hair and eye color and height and weight. The application must also list the
24 applicant's residence address or addresses for the previous three years. The application must contain
25 a statement by the applicant that the applicant meets the requirements of subsection (1) of this
26 section. The application may include the Social Security number of the applicant if the applicant
27 voluntarily provides this number. The application must be signed by the applicant.

28 (b) The applicant must submit to fingerprinting and photographing by the sheriff. The sheriff
29 shall fingerprint and photograph the applicant and shall conduct any investigation necessary to
30 corroborate the requirements listed under subsection (1) of this section. If a nationwide criminal
31 records check is necessary, the sheriff shall request the Department of State Police to conduct the
32 check, including fingerprint identification, through the Federal Bureau of Investigation. The Federal
33 Bureau of Investigation shall return the fingerprint cards used to conduct the criminal records
34 check and may not keep any record of the fingerprints. The Department of State Police shall report
35 the results of the fingerprint-based criminal records check to the sheriff. The Department of State
36 Police shall also furnish the sheriff with any information about the applicant that the Department
37 of State Police may have in its possession from its central bureau of criminal identification includ-
38 ing, but not limited to, manual or computerized criminal offender information.

39 (4) Application forms for concealed handgun licenses shall be supplied by the sheriff upon re-
40 quest. The forms shall be uniform throughout the state in substantially the following form:

41
42
43 APPLICATION FOR LICENSE TO CARRY
44 CONCEALED HANDGUN

45 Date_____

1 I hereby declare as follows:

2 I am a citizen of the United States or a legal resident alien who can document continuous res-
3 idency in the county for at least six months and have declared in writing to the United States Cit-
4 izenship and Immigration Services my intention to become a citizen and can present proof of the
5 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
6 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
7 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
8 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
9 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
10 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
11 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
12 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
13 volving controlled substances or completed a court-supervised drug diversion program. There are
14 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
15 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
16 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
17 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
18 to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have
19 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
20 sued under ORS 30.866, 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act**. I have
21 never received a dishonorable discharge from the Armed Forces of the United States. I am not re-
22 quired to register as a sex offender in any state. I understand I will be fingerprinted and photo-
23 graphed.

24
25 Legal name _____
26 Age _____ Date of birth _____
27 Place of birth _____
28 Social Security number _____

29 (Disclosure of your Social Security account number is voluntary. Solicitation of the number is au-
30 thorized under ORS 166.291. It will be used only as a means of identification.)

31
32 Proof of identification (Two pieces of current identification are required, one of which must bear a
33 photograph of the applicant. The type of identification and the number on the identification are to
34 be filled in by the sheriff.):

- 35 1. _____
- 36 2. _____

37
38 Height _____ Weight _____
39 Hair color _____ Eye color _____

40
41 Current address _____

(List residence addresses for the
past three years on the back.)

42
43
44
45 City _____ County _____ Zip _____

1 Phone _____

2

3 I have read the entire text of this application, and the statements therein are correct and true.

4 (Making false statements on this application is a misdemeanor.)

5

(Signature of Applicant)

6

7

8 Character references.

9

10 Name Address

11

12 Name Address

13

14 Approved _____ Disapproved _____ by _____

15

16 Competence with handgun demonstrated by _____ (to be filled in by sheriff)

17 Date _____ Fee Paid _____

18 License No. _____

19

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21 (5)(a) Fees for concealed handgun licenses are:

22 (A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.

23 (B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.

24 (C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

25 (b) The sheriff may enter into an agreement with the Department of Transportation to produce
26 the concealed handgun license.

27 (6) No civil or criminal liability shall attach to the sheriff or any authorized representative en-
28 gaged in the receipt and review of, or an investigation connected with, any application for, or in the
29 issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the lawful
30 performance of duties under those sections.

31 (7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
32 shall enter the applicant's name into the Law Enforcement Data System indicating that the person
33 is an applicant for a concealed handgun license or is a license holder.

34 (8) The county sheriff may waive the residency requirement in subsection (1)(c) of this section
35 for a resident of a contiguous state who has a compelling business interest or other legitimate
36 demonstrated need.

37 (9) For purposes of subsection (1)(c) of this section, a person is a resident of a county if the
38 person:

39 (a) Has a current Oregon driver license issued to the person showing a residence address in the
40 county;

41 (b) Is registered to vote in the county and has a memorandum card issued to the person under
42 ORS 247.181 showing a residence address in the county;

43 (c) Has documentation showing that the person currently leases or owns real property in the
44 county; or

45 (d) Has documentation showing that the person filed an Oregon tax return for the most recent

1 tax year showing a residence address in the county.

2 **SECTION 19.** Section 3 of this 2011 Act is amended to read:

3 **Sec. 3.** (1) When a person files a petition under section 2 of this 2011 Act, the court shall hold
4 an ex parte hearing in person or by telephone on the day the petition is filed or on the following
5 judicial day. Upon a showing that the respondent has subjected the petitioner to unwanted sexual
6 contact within 180 days preceding the filing of the petition, the court shall, if requested by the
7 petitioner, order:

8 (a) That the respondent be restrained from entering, or attempting to enter, a reasonable area
9 surrounding the petitioner's residence;

10 (b) That the respondent be restrained from intimidating, molesting, interfering with or menacing
11 the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

12 (c) That the respondent be restrained from intimidating, molesting, interfering with or menacing
13 any family or household members of the petitioner or attempting to intimidate, molest, interfere with
14 or menace any family or household members of the petitioner;

15 (d) That the respondent be restrained from entering or attempting to enter on any premises and
16 a reasonable area surrounding the premises when it appears to the court that the restraint is nec-
17 essary to prevent the respondent from intimidating, molesting, interfering with or menacing the
18 petitioner or the petitioner's family and household members, except that a court may not restrain
19 the respondent from entering or attempting to enter a secondary or career school attended by the
20 respondent;

21 (e) That the respondent have no contact with the petitioner in person, by telephone or by mail;
22 or

23 (f) Other relief that the court considers necessary to provide for the safety and welfare of the
24 petitioner and the petitioner's family and household members.

25 (2) The court's order under this section is effective for a period of one year or until the order
26 is withdrawn or amended.

27 (3) If the respondent is restrained from entering or attempting to enter an area surrounding the
28 petitioner's residence or any other premises, the order must specifically describe the area.

29 *[(4)(a) The Attorney General's Sexual Assault Task Force shall, after obtaining the approval of the
30 Chief Justice of the Supreme Court, produce:]*

31 *[(A) The forms for the petition and order, and any related forms, for use under sections 1 to 8 of
32 this 2011 Act; and]*

33 *[(B) An instructional brochure explaining the rights set forth in sections 1 to 8 of this 2011 Act.]*

34 *[(b) The Attorney General's Sexual Assault Task Force shall provide the forms and the instruc-
35 tional brochure to the clerks of the circuit court who shall make the forms and brochure available to
36 the public.]*

37 **(4) The State Court Administrator shall prescribe the content and form of the petition,
38 order and related forms for use under sections 1 to 8 of this 2011 Act. The clerk of the court
39 shall make available the forms and an instructional brochure explaining the rights set forth
40 under sections 1 to 8 of this 2011 Act.**

41 (5) If the court orders relief:

42 (a) The clerk of the court shall provide without charge the number of certified true copies of
43 the petition and order necessary to provide the petitioner with one copy and to effect service and
44 shall have a true copy of the petition and order delivered to the county sheriff for service upon the
45 respondent, unless the court finds that further service is unnecessary because the respondent ap-

1 peared in person before the court. In addition and upon request by the petitioner, the clerk shall
2 provide the petitioner, without charge, two exemplified copies of the petition and order.

3 (b) The county sheriff shall serve the respondent personally unless the petitioner elects to have
4 the respondent served personally by another party. Proof of service shall be made in accordance
5 with section 5 of this 2011 Act. When the order does not contain the respondent's date of birth and
6 service is effected by the sheriff, the sheriff shall verify the respondent's date of birth with the re-
7 spondent and shall record that date on the order or proof of service entered into the Law Enforce-
8 ment Data System under section 5 of this 2011 Act.

9 (c) A filing fee, service fee or hearing fee may not be charged for proceedings seeking only the
10 relief provided under sections 1 to 8 of this 2011 Act.

11 (6) If the county sheriff:

12 (a) Determines that the order and petition are incomplete, the sheriff shall return the order and
13 petition to the clerk of the court. The clerk of the court shall notify the petitioner, at the address
14 provided by the petitioner, of the error or omission.

15 (b) After accepting the order and petition, cannot complete service within 10 days, the sheriff
16 shall notify the petitioner, at the address provided by the petitioner, that the documents have not
17 been served. If the petitioner does not respond within 10 days, the sheriff shall hold the order and
18 petition for future service and file a return to the clerk of the court showing that service was not
19 completed.

20 (7)(a) Within 30 days after a restraining order is served under this section, the respondent may
21 request a court hearing upon any relief granted. The hearing request form shall be available from
22 the clerk of the court in the form prescribed by the State Court Administrator.

23 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the
24 court shall notify the petitioner of the date and time of the hearing and shall supply the petitioner
25 with a copy of the respondent's request for a hearing. The petitioner shall give to the clerk of the
26 court information sufficient to allow for the notification.

27 (8) If the respondent fails to request a hearing within 30 days after a restraining order is served,
28 the restraining order is confirmed by operation of law.

29 (9) Service of process or other legal documents upon the petitioner is not a violation of this
30 section if the petitioner is served as provided in ORCP 7 or 9.

31 **SECTION 20. The amendments to section 3 of this 2011 Act by section 19 of this 2011 Act**
32 **become operative on July 1, 2017.**

33 **SECTION 21. Sections 1 to 8 of this 2011 Act and the amendments to ORS 21.361, 36.185,**
34 **40.210, 90.453, 133.310, 133.381, 166.291 and 659A.270 and section 2, chapter 204, Oregon Laws**
35 **2005, by sections 9 to 18 of this 2011 Act apply to conduct occurring on or after the date that**
36 **is 180 days before the effective date of this 2011 Act.**

37