

HOUSE AMENDMENTS TO HOUSE BILL 2942

By COMMITTEE ON JUDICIARY

April 25

1 On page 1 of the printed bill, line 3, after “36.185,” insert “40.210, 90.453, 133.310, 133.381,”.

2 Delete lines 5 through 31 and delete pages 2 through 16 and insert:

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

4 **“(1) ‘Family or household members,’ ‘interfere,’ ‘intimidate,’ ‘menace’ and ‘molest’ have**
5 **the meanings given those terms in ORS 107.705.**

6 **“(2) ‘Sexual contact’ has the meaning given that term in ORS 163.305.**

7 **“SECTION 2. (1) Any person who has been subjected to unwanted sexual contact within**
8 **the preceding 180 days may petition the circuit court for relief under sections 1 to 8 of this**
9 **2011 Act if:**

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

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

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

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

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

23 **“(3) The circuit court has jurisdiction over all proceedings under sections 1 to 8 of this**
24 **2011 Act.**

25 **“(4) The petitioner has the burden of proving a claim under sections 1 to 8 of this 2011**
26 **Act by a preponderance of the evidence.**

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

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

31 **“(a) Any time during which the respondent is incarcerated.**

32 **“(b) Any time during which the respondent has a principal residence more than 100 miles**
33 **from the principal residence of the petitioner.**

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

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

6 **“(a) That the respondent be restrained from entering, or attempting to enter, a reason-**
7 **able area surrounding the petitioner’s residence;**

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

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

14 **“(d) That the respondent be restrained from entering or attempting to enter on any**
15 **premises and a reasonable area surrounding the premises when it appears to the court that**
16 **the restraint is necessary to prevent the respondent from intimidating, molesting, interfer-**
17 **ing with or menacing the petitioner or the petitioner’s family and household members, except**
18 **that a court may not restrain the respondent from entering or attempting to enter a sec-**
19 **ondary or career school attended by the respondent;**

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

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

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

26 **“(3) If the respondent is restrained from entering or attempting to enter an area sur-**
27 **rounding the petitioner’s residence or any other premises, the order must specifically de-**
28 **scribe the area.**

29 **“(4)(a) The Attorney General’s Sexual Assault Task Force shall, after obtaining the ap-**
30 **proval of the Chief Justice of the Supreme Court, produce:**

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

33 **“(B) An instructional brochure explaining the rights set forth in sections 1 to 8 of this**
34 **2011 Act.**

35 **“(b) The Attorney General’s Sexual Assault Task Force shall provide the forms and the**
36 **instructional brochure to the clerks of the circuit court who shall make the forms and bro-**
37 **chure available to the public.**

38 **“(5) If the court orders relief:**

39 **“(a) The clerk of the court shall provide without charge the number of certified true**
40 **copies of the petition and order necessary to provide the petitioner with one copy and to ef-**
41 **fect service and shall have a true copy of the petition and order delivered to the county**
42 **sheriff for service upon the respondent, unless the court finds that further service is un-**
43 **necessary because the respondent appeared in person before the court. In addition and upon**
44 **request by the petitioner, the clerk shall provide the petitioner, without charge, two exem-**
45 **plified copies of the petition and order.**

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

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

10 “(6) If the county sheriff:

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

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

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

23 “(b) If the respondent requests a hearing under paragraph (a) of this subsection, the
24 clerk of the court shall notify the petitioner of the date and time of the hearing and shall
25 supply the petitioner with a copy of the respondent’s request for a hearing. The petitioner
26 shall give to the clerk of the 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
28 is served, 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
30 this section if the petitioner is served as provided in ORCP 7 or 9.

31 “SECTION 4. (1) If the respondent requests a hearing pursuant to section 3 (7) of this
32 2011 Act, the court shall hold the hearing within 21 days after the request.

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

36 “(b) If one party is represented by an attorney at the hearing, the court may extend the
37 date of the hearing for up to five days at the other party’s request so that the other party
38 may seek representation.

39 “(3) If the court continues the order issued under section 3 of this 2011 Act, with or
40 without changes, at a hearing about which the respondent received actual notice and the
41 opportunity to be heard, the court shall include in the order a certificate in substantially the
42 following form in a separate section immediately above the signature of the judge:
43 “

44
45 CERTIFICATE OF COMPLIANCE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45

**WITH THE VIOLENCE
AGAINST WOMEN ACT**

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

“ _____

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

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

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

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

“**SECTION 5. (1)(a) When a restraining order, authorized under this section or section 3 or 4 of this 2011 Act and including a security amount and an expiration date, is issued and the person to be restrained has actual notice thereof, the clerk of the court or any other person serving the petition and order shall deliver forthwith to a county sheriff a copy of the petition, a true copy of the order and a true copy of the affidavit of proof of service on which it is stated that the petition and order were personally served on the respondent. If an order entered by the court recites that the respondent appeared in person before the court, the necessity for further service of the order is waived and an accompanying proof of service is not necessary. Upon receipt of a true copy of the order and completion of any required service, the county sheriff shall forthwith enter the order into the Law Enforcement Data System maintained by the Department of State Police and the databases of the National Crime Information Center of the United States Department of Justice. The sheriff shall also provide the petitioner with a true copy of the proof of service. Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure that an officer at the scene of an alleged violation of the order may be informed of the existence and terms of the order. The order shall be fully enforceable in any county or tribal land in this state. The petitioner may elect to deliver documents personally to a county sheriff or to have them delivered by another party for entry into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice.**

“(b) **When a restraining order has been entered into the Law Enforcement Data System and the databases of the National Crime Information Center of the United States Department of Justice under paragraph (a) of this subsection, a county sheriff shall cooperate with**

1 a request from a law enforcement agency from any other jurisdiction to verify the existence
2 of the restraining order or to transmit a copy of the order to the requesting jurisdiction.

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

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

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

14 “(4) Pending a contempt hearing for an alleged violation of a restraining order issued
15 under sections 1 to 8 of this 2011 Act, a person arrested and taken into custody may be re-
16 leased as provided in ORS 135.230 to 135.290. Whenever a restraining order is issued under
17 sections 1 to 8 of this 2011 Act, the issuing court shall set a security amount for the violation
18 of the order.

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

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

29 “SECTION 7. The court may renew an order entered under sections 1 to 8 of this 2011
30 Act upon a finding that a person in the petitioner’s situation would reasonably fear for the
31 person’s physical safety if the order is not renewed. A finding that the respondent engaged
32 in further unwanted sexual contact against the petitioner is not required. A court may renew
33 an order on the basis of a sworn, ex parte petition alleging facts supporting the required
34 finding. If the renewal order is granted, the provisions of sections 3 (5) to (7) and 4 (3) of this
35 2011 Act apply, except that the court may hear no issue other than the basis for renewal
36 unless requested in the hearing request form and thereafter agreed to by the petitioner. The
37 court shall hold a hearing required under this section within 21 days after the respondent’s
38 request.

39 “SECTION 8. A petition under section 2 of this 2011 Act may be filed only in a county in
40 which the petitioner or respondent resides. A contempt proceeding for an alleged violation
41 of an order issued under sections 1 to 8 of this 2011 Act must be conducted by the court that
42 issued the order, or by the circuit court for a county in which a violation of the restraining
43 order occurs. If contempt proceedings are initiated in the circuit court for a county in which
44 a violation of the restraining order occurs, the person initiating the contempt proceedings
45 shall file with the court a copy of the restraining order, certified by the clerk of the court

1 **that issued the order. Upon filing of the certified copy of the restraining order, the court**
2 **shall enforce the order as though that court had issued the order.**

3 **“SECTION 9.** ORS 21.361 is amended to read:

4 “21.361. (1) The State Court Administrator may prescribe and charge a reasonable price, cover-
5 ing the costs of labor and material, for any forms provided by the courts of this state. The sums so
6 collected shall be paid over to the State Treasurer and credited to the Court Forms Revolving Fund.

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

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

11 “36.185. After the appearance by all parties in any civil action, except proceedings under ORS
12 107.700 to 107.735 or 124.005 to 124.040 **or sections 1 to 8 of this 2011 Act**, a judge of any circuit
13 court may refer a civil dispute to mediation under the terms and conditions set forth in ORS 36.185
14 to 36.210. When a party to a case files a written objection to mediation with the court, the action
15 shall be removed from mediation and proceed in a normal fashion. All civil disputants shall be pro-
16 vided with written information describing the mediation process, as provided or approved by the
17 State Court Administrator, along with information on established court mediation opportunities.
18 Filing parties shall be provided with this information at the time of filing a civil action. Responding
19 parties shall be provided with this information by the filing party along with the initial service of
20 filing documents upon the responding party.

21 **“SECTION 11.** ORS 40.210 is amended to read:

22 “40.210. (1) Notwithstanding any other provision of law, in a prosecution for a crime described
23 in ORS 163.355 to 163.427, [*or*] in a prosecution for an attempt to commit one of these crimes **or in**
24 **a proceeding conducted under sections 1 to 8 of this 2011 Act**, the following evidence is not
25 admissible:

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

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

31 “(2) Notwithstanding any other provision of law, in a prosecution for a crime described in ORS
32 163.355 to 163.427, [*or*] in a prosecution for an attempt to commit one of these crimes **or in a pro-**
33 **ceeding conducted under sections 1 to 8 of this 2011 Act**, evidence of [*a*] **an alleged** victim’s past
34 sexual behavior other than reputation or opinion evidence is also not admissible, unless the evidence
35 other than reputation or opinion evidence:

36 “(a) Is admitted in accordance with subsection (4) of this section; and

37 “(b) Is evidence that:

38 “(A) Relates to the motive or bias of the alleged victim;

39 “(B) Is necessary to rebut or explain scientific or medical evidence offered by the state; or

40 “(C) Is otherwise constitutionally required to be admitted.

41 “(3) 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, other than reputation or
44 opinion evidence, of the manner of dress of the alleged victim or a corroborating witness, presented
45 by a person accused of committing the crime, **or the respondent in a proceeding conducted under**

1 **sections 1 to 8 of this 2011 Act**, is also not admissible, unless the evidence is:

2 “(a) Admitted in accordance with subsection (4) of this section; and

3 “(b) Is evidence that:

4 “(A) Relates to the motive or bias of the alleged victim;

5 “(B) Is necessary to rebut or explain scientific, medical or testimonial evidence offered by the
6 state;

7 “(C) Is necessary to establish the identity of the **alleged** victim; or

8 “(D) Is otherwise constitutionally required to be admitted.

9 “(4)(a) If the person accused of committing rape, sodomy or sexual abuse or attempted rape,
10 sodomy or sexual abuse **or the respondent in a proceeding conducted under sections 1 to 8 of**
11 **this 2011 Act**, intends to offer evidence under subsection (2) or (3) of this section, the accused **or**
12 **respondent** shall make a written motion to offer the evidence not later than 15 days before the date
13 on which the trial in which the evidence is to be offered is scheduled to begin, except that the court
14 may allow the motion to be made at a later date, including during trial, if the court determines ei-
15 ther that the evidence is newly discovered and could not have been obtained earlier through the
16 exercise of due diligence or that the issue to which the evidence relates has newly arisen in the
17 case. Any motion made under this paragraph shall be served on all other parties, and on the alleged
18 victim through the office of the prosecutor.

19 “(b) The motion described in paragraph (a) of this subsection shall be accompanied by a written
20 offer of proof. If the court determines that the offer of proof contains evidence described in sub-
21 section (2) or (3) of this section, the court shall order a hearing in camera to determine if the evi-
22 dence is admissible. At the hearing the parties may call witnesses, including the alleged victim, and
23 offer relevant evidence. Notwithstanding ORS 40.030 (2), if the relevancy of the evidence that the
24 accused **or respondent** seeks to offer in the trial depends upon the fulfillment of a condition of fact,
25 the court, at the hearing in camera or at a subsequent hearing in camera scheduled for the same
26 purpose, shall accept evidence on the issue of whether the condition of fact is fulfilled and shall
27 determine the issue.

28 “(c) If the court determines on the basis of the hearing described in paragraph (b) of this sub-
29 section that the evidence the accused **or respondent** seeks to offer is relevant and that the
30 probative value of the evidence outweighs the danger of unfair prejudice, the evidence shall be ad-
31 missible in the trial to the extent an order made by the court specifies evidence that may be offered
32 and areas with respect to which a witness may be examined or cross-examined.

33 “(d) An order admitting evidence **in a criminal prosecution** under this subsection may be ap-
34 pealed by the government before trial.

35 “(5) For purposes of this section:

36 “(a) ‘**Alleged victim**’ includes the petitioner in a proceeding conducted under sections 1
37 **to 8 of this 2011 Act**;

38 “[*a*] (b) ‘In camera’ means out of the presence of the public and the jury; [*and*]

39 “[*b*] (c) ‘Past sexual behavior’ means sexual behavior other than:

40 “(A) The sexual behavior with respect to which rape, sodomy or sexual abuse or attempted rape,
41 sodomy or sexual abuse is alleged; **or**

42 “(B) **In a proceeding conducted under sections 1 to 8 of this 2011 Act, the alleged un-**
43 **wanted sexual contact; and**

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

45 “**SECTION 12.** ORS 90.453 is amended to read:

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

2 "(a) 'Qualified third party' means a person that has had individual contact with the tenant and
3 is a law enforcement officer, attorney or licensed health professional or is a victim's advocate at a
4 victim services provider.

5 "(b) 'Verification' means:

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

9 "(B) A copy of a federal agency or state, local or tribal police report regarding an act of do-
10 mestic violence, sexual assault or stalking against the tenant;

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

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

14 "(c) 'Victim services provider' means:

15 "(A) A nonprofit agency or program receiving moneys administered by the Department of Hu-
16 man Services or the Department of Justice that offers safety planning, counseling, support or advo-
17 cacy to victims of domestic violence, sexual assault or stalking; or

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

19 "(2)(a) If a tenant gives a landlord at least 14 days' written notice, and the notice so requests,
20 the landlord shall release the tenant from the rental agreement.

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

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

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

24 "(B) Has been the victim of domestic violence, sexual assault or stalking within the 90 days
25 preceding the date of the notice. For purposes of this subparagraph, any time the perpetrator was
26 incarcerated or residing more than 100 miles from the victim's home does not count as part of the
27 90-day period.

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

30 " _____

31

32 QUALIFIED THIRD PARTY
33 VERIFICATION

34

35 _____

36 Name of qualified third party

37

38 _____

39 Name of tenant

40

41 PART 1. STATEMENT BY TENANT

42

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

44

45 (A) I or a minor member of my household have been a victim of domestic violence, sexual assault

1 or stalking, as those terms are defined in ORS 90.100.

2
3 (B) The most recent incident(s) that I rely on in support of this statement occurred on the fol-
4 lowing date(s): _____.

5
6 _____ The time since the most recent incident took place is less than 90 days; or

7
8 _____ The time since the most recent incident took place is less than 90 days if periods when the
9 perpetrator was incarcerated or was living more than 100 miles from my home are not counted. The
10 perpetrator was incarcerated from _____ to _____. The perpetrator
11 lived more than 100 miles from my home from _____ to _____.

12
13 (C) I hereby declare that the above statement is true to the best of my knowledge and belief,
14 and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

15
16 _____

17 (Signature of tenant)

18 Date: _____

19
20 PART 2. STATEMENT BY QUALIFIED THIRD PARTY

21
22 I, _____ (Name of qualified third party), do hereby verify as follows:

23
24 (A) I am a law enforcement officer, attorney or licensed health professional or a victim's advo-
25 cate with a victims services provider, as defined in ORS 90.453.

26
27 (B) My name, business address and business telephone are as follows:

28 _____
29 _____
30 _____

31
32 (C) The person who signed the statement above has informed me that the person or a minor
33 member of the person's household is a victim of domestic violence, sexual assault or stalking, based
34 on incidents that occurred on the dates listed above.

35
36 (D) I reasonably believe the statement of the person above that the person or a minor member
37 of the person's household is a victim of domestic violence, sexual assault or stalking, as those terms
38 are defined in ORS 90.100. I understand that the person who made the statement may use this doc-
39 ument as a basis for gaining a release from the rental agreement with the person's landlord.

40
41 I hereby declare that the above statement is true to the best of my knowledge and belief, and
42 that I understand it is made for use as evidence in court and is subject to penalty for perjury.

43
44 _____

45 (Signature of qualified third party)

1 making this statement)

2 Date: _____

3 “ _____

4

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

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

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

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

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

12 “(a) Consented to in writing by the tenant;

13 “(b) Required for use in an eviction proceeding;

14 “(c) Made to a qualified third party; or

15 “(d) Required by law.

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

19 “**SECTION 13.** ORS 133.310 is amended to read:

20 “133.310. (1) A peace officer may arrest a person without a warrant if the officer has probable
21 cause to believe that the person has committed any of the following:

22 “(a) A felony.

23 “(b) A misdemeanor.

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

26 “(d) Any other crime committed in the officer’s presence.

27 “(2) A peace officer may arrest a person without a warrant when the peace officer is notified
28 by telegraph, telephone, radio or other mode of communication by another peace officer of any state
29 that there exists a duly issued warrant for the arrest of a person within the other peace officer’s
30 jurisdiction.

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

33 “(a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718,
34 124.015, 124.020, 163.738 or 419B.845 **or section 3 or 4 of this 2011 Act** restraining the person;

35 “(b) A true copy of the order and proof of service on the person has been filed as required in
36 ORS 107.720, 124.030, 163.741 or 419B.845 **or section 5 of this 2011 Act**; and

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

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

39 “(a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a
40 copy of the foreign restraining order to the officer and represents to the officer that the order sup-
41 plied is the most recent order in effect between the parties and that the person restrained by the
42 order has been personally served with a copy of the order or has actual notice of the order; and

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

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

1 “(a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a
2 copy of the foreign restraining order with a court or has been identified by the officer as a party
3 protected by a foreign restraining order entered in the Law Enforcement Data System or in the
4 databases of the National Crime Information Center of the United States Department of Justice; and

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

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

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

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

12 “**SECTION 14.** ORS 133.381 is amended to read:

13 “133.381. (1) When a peace officer arrests a person pursuant to ORS 133.310 (3) or pursuant to
14 a warrant issued under ORS 33.075 by a court or judicial officer for the arrest of a person charged
15 with contempt for violating an order issued under ORS 107.095 (1)(c) or (d), 107.716, 107.718, 124.015
16 or 124.020 **or section 3 or 4 of this 2011 Act**, if the person is arrested in a county other than that
17 in which the warrant or order was originally issued, the peace officer shall take the person before
18 a magistrate as provided in ORS 133.450. If it becomes necessary to take the arrested person to the
19 county in which the warrant or order was originally issued, the costs of such transportation shall
20 be paid by that county.

21 “(2) If a person arrested for the reasons described in subsection (1) of this section is subse-
22 quently found subject to the imposition of sanctions for contempt, the court, in addition to any other
23 sanction it may impose, may order the person to repay a county all costs of transportation incurred
24 by the county pursuant to subsection (1) of this section.

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

26 “659A.270. As used in ORS 659A.270 to 659A.285:

27 “(1) ‘Covered employer’ means an employer who employs six or more individuals in the State
28 of Oregon for each working day during each of 20 or more calendar workweeks in the year in which
29 an eligible employee takes leave to address domestic violence, sexual assault or stalking, or in the
30 year immediately preceding the year in which an eligible employee takes leave to address domestic
31 violence, sexual assault or stalking.

32 “(2) ‘Eligible employee’ means an employee who:

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

35 “(b) Is a victim of domestic violence, sexual assault or stalking or is the parent or guardian of
36 a minor child or dependent who is a victim of domestic violence, sexual assault or stalking.

37 “(3) ‘Protective order’ means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to
38 107.735, 124.005 to 124.040 or 163.730 to 163.750 **or sections 1 to 8 of this 2011 Act** or any other
39 order that restrains an individual from contact with an eligible employee or the employee’s minor
40 child or dependent.

41 “(4) ‘Victim of domestic violence’ means:

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

43 “(b) Any other individual designated as a victim of domestic violence by rule adopted under ORS
44 659A.805.

45 “(5) ‘Victim of sexual assault’ means:

1 “(a) An individual against whom a sexual offense has been committed as described in ORS
2 163.305 to 163.467 or 163.525; or

3 “(b) Any other individual designated as a victim of sexual assault by rule adopted under ORS
4 659A.805.

5 “(6) ‘Victim of stalking’ means:

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

7 “(b) Any other individual designated as a victim of stalking by rule adopted under ORS
8 659A.805.

9 “(7) ‘Victim services provider’ means a prosecutor-based victim assistance program or a
10 nonprofit program offering safety planning, counseling, support or advocacy related to domestic vi-
11 olence, sexual assault or stalking.

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

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

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

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

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

21 “(d) An elderly person, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS
22 124.005 (1)(a), (d) or (e); or

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

24 “(2) A customer may establish that termination of local exchange residential service would sig-
25 nificantly endanger the customer, or a person in the household of the customer, by providing a
26 telecommunications public utility with an affidavit signed by the customer stating that termination
27 would place the customer, or a person in the household of the customer, at significant risk of do-
28 mestic violence, as defined in ORS 135.230, or of unwanted sexual contact, as defined in ORS
29 163.305. The customer must attach to the affidavit a copy of an order issued under ORS 30.866,
30 107.700 to 107.735, 124.005 to 124.040 or 163.738 **or sections 1 to 8 of this 2011 Act** that restrains
31 another person from contact with the customer, or a person in the household of the customer, or a
32 copy of any other court order that restrains another person from contact with the customer, or a
33 person in the household of the customer, by reason of a risk described in subsection (1) of this sec-
34 tion or by reason of stalking.

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

37 “(4) This section does not apply to termination of any telecommunication service other than lo-
38 cal exchange residential service.

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

44 “(6) Nothing in this section prevents the termination of local exchange residential service if the
45 telecommunications public utility providing the service does not have the technical ability to ter-

1 minate toll telecommunication service without also terminating local exchange residential service.

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

4 “166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed
5 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
6 out in this section, shall issue the person a concealed handgun license if the person:

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

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

12 “(b) Is at least 21 years of age;

13 “(c) Is a resident of the county;

14 “(d) Has no outstanding warrants for arrest;

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

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

17 “(A) Completion of any hunter education or hunter safety course approved by the State De-
18 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-
19 nent of the course;

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

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

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

29 “(E) Presents evidence of equivalent experience with a handgun through participation in or-
30 ganized shooting competition or military service;

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

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

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

38 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
39 161.295, of a misdemeanor within the four years prior to the application;

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

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

43 “(k) Has been discharged from the jurisdiction of the juvenile court for more than four years if,
44 while a minor, the person was found to be within the jurisdiction of the juvenile court for having
45 committed an act that, if committed by an adult, would constitute a felony or a misdemeanor in-

1 involving violence, as defined in ORS 166.470;

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

5 “(A) The person has been convicted only once of violating ORS 475.864 (3) and has not com-
6 pleted a court-supervised drug diversion program under ORS 135.907; or

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

9 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
10 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act**;

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

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

13 “(2) A person who has been granted relief under ORS 166.274 or 166.293 or section 5, chapter
14 826, Oregon Laws 2009, or 18 U.S.C. 925(c) or has had the person’s record expunged under the laws
15 of this state or equivalent laws of other jurisdictions is not subject to the disabilities in subsection
16 (1)(g) to (L) of this section.

17 “(3) Before the sheriff may issue a license:

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

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

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

37 “

38
39 APPLICATION FOR LICENSE TO CARRY
40 CONCEALED HANDGUN

41 Date_____

42 I hereby declare as follows:

43 I am a citizen of the United States or a legal resident alien who can document continuous res-
44 idency in the county for at least six months and have declared in writing to the United States Cit-
45 izenship and Immigration Services my intention to become a citizen and can present proof of the

1 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
2 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
3 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
4 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
5 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under
6 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
7 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
8 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
9 volving controlled substances or completed a court-supervised drug diversion program. There are
10 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
11 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
12 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
13 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
14 to petition for relief from the disability under ORS 166.274 or 166.293 or section 5, chapter 826,
15 Oregon Laws 2009, or 18 U.S.C. 925(c) or have had the records expunged. I am not subject to a ci-
16 tation issued under ORS 163.735 or an order issued under ORS 30.866, 107.700 to 107.735 or 163.738
17 **or sections 1 to 8 of this 2011 Act.** I have never received a dishonorable discharge from the Armed
18 Forces of the United States. I am not required to register as a sex offender in any state. I under-
19 stand I will be fingerprinted and photographed.

20

21 Legal name _____
22 Age _____ Date of birth _____
23 Place of birth _____
24 Social Security number _____

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

27

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

31 1. _____
32 2. _____

33

34 Height _____ Weight _____
35 Hair color _____ Eye color _____

36

37 Current address _____

38

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

39

40

41 City _____ County _____ Zip _____

42

43

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

Character references.

Name	Address

Approved _____ Disapproved _____ by _____

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

Date _____ Fee Paid _____

License No. _____

“ _____

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“166.291. (1) The sheriff of a county, upon a person’s application for an Oregon concealed

1 handgun license, upon receipt of the appropriate fees and after compliance with the procedures set
2 out in this section, shall issue the person a concealed handgun license if the person:

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

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

8 “(b) Is at least 21 years of age;

9 “(c) Is a resident of the county;

10 “(d) Has no outstanding warrants for arrest;

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

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

13 “(A) Completion of any hunter education or hunter safety course approved by the State De-
14 partment of Fish and Wildlife or a similar agency of another state if handgun safety was a compo-
15 nent of the course;

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

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

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

25 “(E) Presents evidence of equivalent experience with a handgun through participation in or-
26 ganized shooting competition or military service;

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

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

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

34 “(h) Has not been convicted of a misdemeanor or found guilty, except for insanity under ORS
35 161.295, of a misdemeanor within the four years prior to the application;

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

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

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

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

1 “(A) The person has been convicted only once of violating ORS 475.864 (3) and has not com-
2 pleted a court-supervised drug diversion program under ORS 135.907; or

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

5 “(m) Is not subject to a citation issued under ORS 163.735 or an order issued under ORS 30.866,
6 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act**;

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

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

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

12 “(3) Before the sheriff may issue a license:

13 “(a) The application must state the applicant’s legal name, current address and telephone num-
14 ber, date and place of birth, hair and eye color and height and weight. The application must also list
15 the applicant’s residence address or addresses for the previous three years. The application must
16 contain a statement by the applicant that the applicant meets the requirements of subsection (1) of
17 this section. The application may include the Social Security number of the applicant if the applicant
18 voluntarily provides this number. The application must be signed by the applicant.

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

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

32 “

33
34 APPLICATION FOR LICENSE TO CARRY
35 CONCEALED HANDGUN

36 Date_____

37 I hereby declare as follows:

38 I am a citizen of the United States or a legal resident alien who can document continuous res-
39 idency in the county for at least six months and have declared in writing to the United States Cit-
40 izenship and Immigration Services my intention to become a citizen and can present proof of the
41 written declaration to the sheriff at the time of this application. I am at least 21 years of age. I have
42 been discharged from the jurisdiction of the juvenile court for more than four years if, while a mi-
43 nor, I was found to be within the jurisdiction of the juvenile court for having committed an act that,
44 if committed by an adult, would constitute a felony or a misdemeanor involving violence, as defined
45 in ORS 166.470. I have never been convicted of a felony or found guilty, except for insanity under

1 ORS 161.295, of a felony in the State of Oregon or elsewhere. I have not, within the last four years,
2 been convicted of a misdemeanor or found guilty, except for insanity under ORS 161.295, of a
3 misdemeanor. Except as provided in ORS 166.291 (1)(L), I have not been convicted of an offense in-
4 volving controlled substances or completed a court-supervised drug diversion program. There are
5 no outstanding warrants for my arrest and I am not free on any form of pretrial release. I have not
6 been committed to the Oregon Health Authority under ORS 426.130, nor have I been found mentally
7 ill and presently subject to an order prohibiting me from purchasing or possessing a firearm because
8 of mental illness. If any of the previous conditions do apply to me, I have been granted relief or wish
9 to petition for relief from the disability under ORS 166.274 or 166.293 or 18 U.S.C. 925(c) or have
10 had the records expunged. I am not subject to a citation issued under ORS 163.735 or an order is-
11 sued under ORS 30.866, 107.700 to 107.735 or 163.738 **or sections 1 to 8 of this 2011 Act.** I have
12 never received a dishonorable discharge from the Armed Forces of the United States. I am not re-
13 quired to register as a sex offender in any state. I understand I will be fingerprinted and photo-
14 graphed.

15

16 Legal name _____
17 Age _____ Date of birth _____
18 Place of birth _____
19 Social Security number _____

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

22

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

26 1. _____
27 2. _____

28

29 Height _____ Weight _____
30 Hair color _____ Eye color _____

31

32 Current address _____

33

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

34

35

36 City _____ County _____ Zip _____

37 Phone _____

38

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

41

(Signature of Applicant)

42

43

44 Character references.

45 _____

1 Name Address
2 _____
3 Name Address
4

5 Approved _____ Disapproved _____ by _____
6

7 Competence with handgun demonstrated by _____ (to be filled in by sheriff)
8 Date _____ Fee Paid _____
9 License No. _____
10 “ _____
11

12 “(5)(a) Fees for concealed handgun licenses are:

13 “(A) \$15 to the Department of State Police for conducting the fingerprint check of the applicant.
14 “(B) \$50 to the sheriff for the issuance or renewal of a concealed handgun license.
15 “(C) \$15 to the sheriff for the duplication of a license because of loss or change of address.

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

18 “(6) No civil or criminal liability shall attach to the sheriff or any authorized representative
19 engaged in the receipt and review of, or an investigation connected with, any application for, or in
20 the issuance, denial or revocation of, any license under ORS 166.291 to 166.295 as a result of the
21 lawful performance of duties under those sections.

22 “(7) Immediately upon acceptance of an application for a concealed handgun license, the sheriff
23 shall enter the applicant’s name into the Law Enforcement Data System indicating that the person
24 is an applicant for a concealed handgun license or is a license holder.

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

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

30 “(a) Has a current Oregon driver license issued to the person showing a residence address in
31 the county;

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

34 “(c) Has documentation showing that the person currently leases or owns real property in the
35 county; or

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

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

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

44 “(a) That the respondent be restrained from entering, or attempting to enter, a reasonable area
45 surrounding the petitioner’s residence;

1 “(b) That the respondent be restrained from intimidating, molesting, interfering with or menac-
2 ing the petitioner, or attempting to intimidate, molest, interfere with or menace the petitioner;

3 “(c) That the respondent be restrained from intimidating, molesting, interfering with or menac-
4 ing any family or household members of the petitioner or attempting to intimidate, molest, interfere
5 with or menace any family or household members of the petitioner;

6 “(d) That the respondent be restrained from entering or attempting to enter on any premises and
7 a reasonable area surrounding the premises when it appears to the court that the restraint is nec-
8 essary to prevent the respondent from intimidating, molesting, interfering with or menacing the
9 petitioner or the petitioner’s family and household members, except that a court may not restrain
10 the respondent from entering or attempting to enter a secondary or career school attended by the
11 respondent;

12 “(e) That the respondent have no contact with the petitioner in person, by telephone or by mail;
13 or

14 “(f) Other relief that the court considers necessary to provide for the safety and welfare of the
15 petitioner and the petitioner’s family and household members.

16 “(2) The court’s order under this section is effective for a period of one year or until the order
17 is withdrawn or amended.

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

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

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

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

26 “[(b) *The Attorney General’s Sexual Assault Task Force shall provide the forms and the instruc-*
27 *tional brochure to the clerks of the circuit court who shall make the forms and brochure available to*
28 *the public.*]

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

33 “(5) If the court orders relief:

34 “(a) The clerk of the court shall provide without charge the number of certified true copies of
35 the petition and order necessary to provide the petitioner with one copy and to effect service and
36 shall have a true copy of the petition and order delivered to the county sheriff for service upon the
37 respondent, unless the court finds that further service is unnecessary because the respondent ap-
38 peared in person before the court. In addition and upon request by the petitioner, the clerk shall
39 provide the petitioner, without charge, two exemplified copies of the petition and order.

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

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

3 “(6) If the county sheriff:

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

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

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

15 “(b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk of the
16 court shall notify the petitioner of the date and time of the hearing and shall supply the petitioner
17 with a copy of the respondent’s request for a hearing. The petitioner shall give to the clerk of the
18 court information sufficient to allow for the notification.

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

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

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

25 **“SECTION 21. Sections 1 to 8 of this 2011 Act and the amendments to ORS 21.361, 36.185,
26 40.210, 90.453, 133.310, 133.381, 166.291 and 659A.270 and section 2, chapter 204, Oregon Laws
27 2005, by sections 9 to 18 of this 2011 Act apply to conduct occurring on or after the date that
28 is 180 days before the effective date of this 2011 Act.”.**