

HB 2779

Relating to protective orders for victims of sexual abuse

HB 2779 authorizes the issuance of protective orders in certain cases where persons have been subjected to sexual abuse.

The measure includes a one-time \$85,000 General Fund appropriation to the Oregon Judicial Department for costs related to programming the two current case management systems utilized by OJD, the Oregon Judicial Information Network and Oregon eCourt Case Information, to handle this new case type.

The Public Safety Subcommittee recommends HB 2779 be amended and reported out do pass as amended.

**77th OREGON LEGISLATIVE ASSEMBLY – 2013 Session
BUDGET REPORT AND MEASURE SUMMARY**

JOINT COMMITTEE ON WAYS AND MEANS

MEASURE: HB 2779-B

Carrier – House: Rep. Williamson

Carrier – Senate: Sen. Winters

Action: Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

Vote:

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

Prepared By: Kay Erickson, Department of Administrative Services

Reviewed By: John Terpening, Legislative Fiscal Office

Meeting Date: June 28, 2013

Agency

Oregon Judicial Department

Biennium

2013-15

Budget Summary*

	2011-13 Legislatively Approved Budget ⁽¹⁾	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$ Change	% Change
General Fund	\$ 0	\$ 0	\$ 85,000	\$ 85,000	100.0%
Total	\$ 0	\$ 0	\$ 85,000	\$ 85,000	100.0%

Position Summary

Authorized Positions	0	0	0	0
Full-time Equivalent (FTE) positions	0.00	0.00	0.00	0.00

⁽¹⁾ Includes adjustments through December 2012

* Excludes Capital Construction expenditures

Summary of Revenue Changes

The provisions of this bill are supported by General Fund revenues. The Public Safety Subcommittee increased the General Fund appropriation made in section 1 (2) of the Oregon Judicial Department’s budget bill (House Bill 5016) to fund the expenses associated with House Bill 2779-B.

Summary of Public Safety Subcommittee Action

House Bill 2779-B creates a new case type, protective orders for victims of sexual abuse. The measure authorizes the issuance of protective orders in cases where:

- The petitioner was subjected to unwanted sexual abuse within the preceding 180 days;
- A person in the petitioner’s situation would objectively fear for the petitioner’s physical safety;
- The respondent is 18 years of age or older and is not a family or household member; and
- A court has not entered an order in another case (criminal, child protection, or civil) that prohibits the respondent from contacting the petitioner.

The Oregon Judicial Department (OJD) estimates an increase in court workload related to petition filings in these cases. Court staff will need to enter the petitions into the case management system, transmit the forms to the county sheriff for service, send required copies and notices, and schedule the required hearings; and judges will spend time reviewing the cases and conduct hearings.

The Subcommittee approved a one-time appropriation in the amount of \$85,000 General Fund for the 2013-15 biennium for the design, programming and testing of the new notices in the Oregon Judicial Information Network (OJIN) and the agency's new interactive data system, Oregon eCourt Case Information (OECI). Because OJD is currently engaged in a comprehensive project to convert all previous case data now stored in OJIN to OECI, the notifications required in the bill necessitate modification of both systems.

Summary of Performance Measure Action

The Subcommittee did not discuss a Key Performance Measure for the activities related to this bill.

DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION

HB 2779-B

**Oregon Judicial Department
Kay Erickson - 503-378-4588**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE	
			LIMITED	NONLIMITED	LIMITED	NONLIMITED				
2011-13 Legislatively Approved Budget at Dec 2012 *	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0.00	
2013-15 ORBITS printed Current Service Level (CSL)*	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	0	0.00	
<u>SUBCOMMITTEE ADJUSTMENTS (from CSL)</u>										
SCR 102: Administration and Central Support										
Services and Supplies	\$ 85,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	85,000		
TOTAL ADJUSTMENTS	\$ 85,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	85,000	0	0.00
SUBCOMMITTEE RECOMMENDATION *	\$ 85,000	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	85,000	0	0.00
% Change from 2011-13 Leg Approved Budget	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		
% Change from 2013-15 Current Service Level	100.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%		

*Excludes Capital Construction Expenditures

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2779**

1 On page 1 of the printed A-engrossed bill, line 2, delete “and”.

2 In line 3, after “79E” insert “; appropriating money; and declaring an
3 emergency”.

4 On page 7, delete lines 25 through 39 and insert:

5 **“SECTION 10.** Section 8 of this 2013 Act is amended to read:

6 **“Sec. 8.** (1)(a) A filing fee, service fee or hearing fee may not be charged
7 for proceedings seeking only the relief provided under sections 1 to 8 of this
8 2013 Act.

9 “(b) An undertaking may not be required in any proceeding under sections
10 1 to 8 of this 2013 Act.

11 “(2) A proceeding under sections 1 to 8 of this 2013 Act is in addition to
12 any other available civil or criminal remedies.

13 “(3)(a) [*After obtaining the approval of the Chief Justice of the Supreme*
14 *Court, the Attorney General’s Sexual Assault Task Force*] **The State Court**
15 **Administrator** shall produce:

16 “(A) The forms for petitions and restraining orders, hearing requests and
17 any related forms for use under sections 1 to 8 of this 2013 Act; and

18 “(B) An instructional brochure explaining the rights set forth in sections
19 1 to 8 of this 2013 Act.

20 “(b) [*After obtaining the approval of the Chief Justice of the Supreme Court*
21 *of the forms and instructional brochures produced pursuant to this subsection,*
22 *the Attorney General’s Sexual Assault Task Force*] **The State Court Ad-**

1 **ministrator** shall provide the forms and copies of the instructional brochure
2 to the clerks of the circuit court who shall make the forms and brochures
3 available to the public.”.

4 On page 12, after line 14, insert:

5 **“SECTION 19. Notwithstanding any other provision of law, the**
6 **General Fund appropriation made to the Judicial Department by sec-**
7 **tion 1 (2), chapter _____, Oregon Laws 2013 (Enrolled House Bill 5016),**
8 **for the biennium beginning July 1, 2013, as modified by legislative or**
9 **Emergency Board action, is increased by \$85,000 for the purpose of**
10 **implementing the provisions of sections 1 to 8 of this 2013 Act.**

11 **“SECTION 20. Sections 1 to 8 of this 2013 Act and the amendments**
12 **to ORS 21.245, 36.185, 40.210, 107.835, 133.310, 133.381 and 659A.270 and**
13 **ORCP 79E by sections 11 to 18 of this 2013 Act become operative on**
14 **January 1, 2014.**

15 **“SECTION 21. This 2013 Act being necessary for the immediate**
16 **preservation of the public peace, health and safety, an emergency is**
17 **declared to exist, and this 2013 Act takes effect July 1, 2013.”.**

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