

OREGON LAW CENTER

921 SW Washington, Suite 516
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TESTIMONY ON HB 2779
Before the House Judiciary Committee
March 19th, 2013
Submitted by: Sybil Hebb

Chair Barker and members of the Committee:

On behalf of the Oregon Law Center (OLC), I submit this testimony in support of HB 2779, with the Dash 2 amendments. This bill, with amendments, would authorize the issuance of a civil protection order for sexual assault victims. I thank you for the opportunity to provide written comments, and apologize that a conflict prevents me from testifying in person this afternoon.

Domestic violence, sexual assault, and stalking are dangerous and destructive public health and safety issues that wreak havoc in the lives of our clients who are victims. It is part of OLC's mission to help people who are victims of these abuses to access the legal protections they need to provide safety for themselves and their children. We are able to help our clients who are victims of domestic violence or stalking to access civil protection orders in their journey to safety. Unfortunately, we cannot help our clients who are victims of sexual assault get this protection, because there is no such relief available under Oregon law.

Sexual assault can have devastating impact on a victim's feelings of safety and personal autonomy. It can take years for a victim to begin to feel safe again, particularly when there is or could be ongoing contact with the perpetrator. Protective orders are proven mechanisms for providing safety and security for victims, and for preventing future assault. Studies show that between 30 and 77% of victims report that having a protective order ends the violence, is consistently effective at decreasing the fear of harm for many victims.¹ It is crucial that the law provide such a protective remedy to victims of sexual assault.

The changes made by the Dash 2 amendments would:

- (1) Clarify that the standard used to assess whether or not a Petitioner has a reasonable fear for physical safety if the order were not granted is an objective standard, not a subjective one.
 - a. The changes made on page 2 of the printed bill, would read as follows:

(1)When a petition is filed in accordance with section 2 of this 2013 Act, the circuit court shall hold an ex parte hearing in person or by telephone on the day the petition is filed or on the following judicial day. Upon a showing that FINDING THAT IT IS OBJECTIVELY REASONABLE FOR a person in the petitioner's situation ~~would reasonably~~ TO fear for the person's physical safety if an order granting relief under sections 1 to 8 of this 2013 Act is not entered and that the respondent has subjected the petitioner to sexual abuse within the 180 days preceding the filing of the petition, the circuit court:.....
 - b. The change made on page 6 would insert that same standard into the renewal section.

¹ *Civil Protection Orders: A Guide for Improving Practice (2010)*. National Council of Juvenile and Family Court Judges. (http://www.ncjfci.org/images/stories/dept/fvd/pdf/cpo_guide.pdf)

c. This language would echo the language in the stalking statute, at ORS 163.732 (1)(b), 163.738(2)(a)(B)(ii), and in ORS 30.866. This standard has been in place for some time, is well known to the court, and is an appropriate comparison for the sexual assault context, since in the stalking circumstance, as in SAPO, the Petitioner and the Respondent are not intimate partners or family members.

(2) Amend Section 8 of the bill to require the approval of the Chief Justice of the Supreme Court prior to the court's dissemination of the sexual assault protection order forms, to make sure that the court has input. This is good practice and a necessary step, which it makes good sense to put into the statute.

Currently, 19 states have laws to allow all victims of sexual assault to petition for a civil protective order against their abuser.² We urge your support for HB 2779 with the Dash 2 amendments so that we might add Oregon to the list. Thank you for your consideration, and please feel free to contact me should you have questions.

Sincerely,

Sybil Hebb
Oregon Law Center

² *Sexual Assault Civil Protection Orders (CPOs) by State (2009)*. American Bar Association Commission on Domestic Violence. (http://www.rainn.org/pdf-files-and-other-documents/Public-Policy/Legal-resources/sa_cpo_chart.pdf)