

House Bill 2362

Sponsored by Representative THATCHER (at the request of Wendy Oran) (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 **as introduced**.

Allows person against whom stalking protective order was entered to file motion with court to enter order to seal records related to stalking protective order if certain conditions are met.

A BILL FOR AN ACT

1
2 Relating to court records.

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS 163.730 to**
5 **163.750.**

6 **SECTION 2. (1) A person against whom a stalking protective order was entered as au-**
7 **thorized by ORS 163.738 may file a motion with the court to enter an order to seal the re-**
8 **ords related to the stalking protective order and to prevent the records from being subject**
9 **to the inspection of any person except upon the order of a court.**

10 (2) A person may file a motion as provided by this section any time after:

11 (a) One year from the date that the stalking protective order is terminated by order of
12 the court; or

13 (b) Three years from the date that the stalking protective order lapses.

14 (3) When a court receives a motion filed as described in subsection (2) of this section, the
15 court shall:

16 (a) Schedule a hearing on the motion; and

17 (b) Mail a copy of the motion and notice of the hearing to the last-known address of the
18 person who petitioned for the stalking protective order.

19 (4) Upon hearing a motion filed as described in subsection (2) of this section, the court:

20 (a) Shall provide the person who petitioned for the stalking order with the opportunity
21 to make a statement at the hearing; and

22 (b) May require the filing of affidavits and the submission of any other evidence the court
23 deems proper.

24 (5) The court shall enter an order as described in subsection (1) of this section unless the
25 court makes written findings that:

26 (a) The person who filed the motion violated the stalking protective order while the order
27 was in effect; or

28 (b) The order would not be in the best interests of justice.

29 (6) Upon the court entering an order as described in subsection (1) of this section:

30 (a) The stalking protective order is deemed to have not been entered for purposes of the
31 law;

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 **(b) The person who filed the motion is deemed to have not had a stalking protective order**
2 **entered against the person and may answer accordingly any questions relating to its occur-**
3 **rence; and**

4 **(c) The clerk of the court shall immediately deliver a copy of the order to the county**
5 **sheriff with whom the original stalking protective order was filed and the county sheriff shall**
6 **promptly remove the original stalking protective order from the Law Enforcement Data**
7 **System and the databases of the National Crime Information Center of the United States**
8 **Department of Justice.**

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