

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 2628 A
CARRIER: Rep. Lininger

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 03/19/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 03/05, 03/19

Vote:

Yeas: 6 - Barker, Greenlick, Krieger, Lininger, Post, Williamson

Exc: 3 - Barton, Olson, Sprenger

Prepared By: Jeff Rhoades, Counsel

WHAT THE MEASURE DOES:

Disallows all filing fees, service fees and hearing fees in action for court's stalking protective order even if additional relief sought. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Violence Against Women Act
- Grant funding utilized for combatting domestic violence
- Minimal fiscal impact of the bill
- The mechanics of hearings for stalking protective orders

EFFECT OF COMMITTEE AMENDMENT:

Removes provisions allowing court to include protections for petitioner's children and animals in stalking protective order.

BACKGROUND:

ORS 30.866 sets out the requirements for seeking relief from the court in the form of a stalking protective order. As currently drafted, ORS 30.866 provides that, "no filing fee, service fee or hearing fee shall be charged for a proceeding under this section if a court's stalking order is the only relief sought." Therefore, if a victim of stalking is suing a respondent by seeking a divorce, or is party to another proceeding against a respondent, fees may be charged to the victim for the filing of the stalking order petition.

The Violence Against Women Act (VAWA) allows for the federal government to provide funding to the states for combatting domestic violence. Certain VAWA funding streams are conditioned upon states not charging fees for seeking a protective order against an abuser. House Bill 2628 A removes all possibility of filing fees and thus allows Oregon to continue to receive VAWA funding.