

House Bill 2343

Introduced and printed pursuant to House Rule 12.00. Presession filed (at the request of House Interim Committee on Judiciary)

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**.

Provides that release decision for defendant charged with sex crime or crime constituting domestic violence must include order prohibiting attempted contact with victim and third-party contact with victim while defendant is in custody.

A BILL FOR AN ACT

1
2 Relating to crime; amending ORS 135.247.

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

4 **SECTION 1.** ORS 135.247 is amended to read:

5 135.247. (1) When a release assistance officer or a release assistance deputy makes a release
6 decision under ORS 135.235 involving a defendant charged with a sex crime or a crime constituting
7 domestic violence, the release assistance officer or deputy shall include in the decision an order that
8 the defendant be prohibited from contacting **or attempting to contact** the victim, **either directly**
9 **or through a third party**, while the defendant is in custody. The release assistance officer or
10 deputy shall provide the defendant with a written copy of the order.

11 (2) When a defendant who is charged with a sex crime or a crime that constitutes domestic vi-
12 olence is arraigned, the court shall enter an order continuing an order issued under subsection (1)
13 of this section or, if no such order has been entered, enter an order prohibiting the defendant from
14 contacting **or attempting to contact** the victim, **either directly or through a third party**, while
15 the defendant is in custody.

16 (3) Except as provided in subsection (4) of this section, an order described in subsection (1) or
17 (2) of this section:

18 (a) Shall apply at any time during which the defendant is held in custody on the charge; and

19 (b) Shall remain valid until the defendant is sentenced for the crime, the charge is dismissed or
20 the defendant is acquitted of the crime.

21 (4) Upon petition of the victim, the court may enter an order terminating an order entered under
22 subsection (1) or (2) of this section if the court finds, after a hearing on the petition, that termi-
23 nating the order is in the best interests of the parties and the community.

24 (5) As used in this section:

25 (a) "Domestic violence" has the meaning given that term in ORS 135.230.

26 (b) "Sex crime" has the meaning given that term in ORS 181.805.

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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.