

**A-Engrossed**  
**House Bill 2628**

Ordered by the House March 23  
Including House Amendments dated March 23

Sponsored by Representative LININGER, Senator GELSER; Representatives BARKER, BARTON, BOONE, BUCKLEY, GREENLICK, LIVELY, PILUSO, SMITH WARNER (Presession 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.

Disallows all filing fees, service fees and hearing fees in action for court's protective stalking order, even if stalking order is not only relief sought in action.

*[Allows court to include in court's protective stalking order relief necessary to protect children and animals.]*

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to court's protective stalking orders; amending ORS 30.866; and declaring an emergency.

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

4 **SECTION 1.** ORS 30.866 is amended to read:

5 30.866. (1) A person may bring a civil action in a circuit court for a court's stalking protective  
6 order or for damages, or both, against a person if:

7 (a) The person intentionally, knowingly or recklessly engages in repeated and unwanted contact  
8 with the other person or a member of that person's immediate family or household thereby alarming  
9 or coercing the other person;

10 (b) It is objectively reasonable for a person in the victim's situation to have been alarmed or  
11 coerced by the contact; and

12 (c) The repeated and unwanted contact causes the victim reasonable apprehension regarding the  
13 personal safety of the victim or a member of the victim's immediate family or household.

14 (2) At the time the petition is filed, the court, upon a finding of probable cause based on the  
15 allegations in the petition, shall enter a temporary court's stalking protective order that may in-  
16 clude, but is not limited to, all contact listed in ORS 163.730. The petition and the temporary order  
17 shall be served upon the respondent with an order requiring the respondent to personally appear  
18 before the court to show cause why the temporary order should not be continued for an indefinite  
19 period.

20 (3)(a) At the hearing, whether or not the respondent appears, the court may continue the hear-  
21 ing for up to 30 days or may proceed to enter a court's stalking protective order and take other  
22 action as provided in ORS 163.738.

23 (b) If respondent fails to appear after being served as required by subsection (2) of this section,  
24 the court may issue a warrant of arrest as provided in ORS 133.110 in order to ensure the appear-  
25 ance of the respondent in court.

26 (4) The plaintiff may recover:

**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 (a) Both special and general damages, including damages for emotional distress;  
2 (b) Punitive damages; and  
3 (c) Reasonable attorney fees and costs.
- 4 (5) The court may enter an order under this section against a minor respondent without ap-  
5 pointment of a guardian ad litem.
- 6 (6) An action under this section must be commenced within two years of the conduct giving rise  
7 to the claim.
- 8 (7) Proof of the claim shall be by a preponderance of the evidence.
- 9 (8) The remedy provided by this section is in addition to any other remedy, civil or criminal,  
10 provided by law for the conduct giving rise to the claim.
- 11 (9) No filing fee, service fee or hearing fee [*shall*] **may** be charged for a proceeding under this  
12 section [*if a court's stalking order is the only relief sought*].
- 13 (10) If the respondent was provided notice and an opportunity to be heard, the court shall also  
14 include in the order, when appropriate, terms and findings sufficient under 18 U.S.C. 922 (d)(8) and  
15 (g)(8) to affect the respondent's ability to possess firearms and ammunition or engage in activities  
16 involving firearms.
- 17 (11) ORS 163.741 applies to protective orders issued under this section.
- 18 (12) Except for purposes of impeachment, a statement made by the respondent at a hearing un-  
19 der this section may not be used as evidence in a prosecution for stalking as defined in ORS 163.732  
20 or for violating a court's stalking protective order as defined in ORS 163.750.

21 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**  
22 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**  
23 **on its passage.**

24