

Enrolled
House Bill 3466

Sponsored by Representative WILLIAMSON; Representatives BARKER, BOONE, EVANS, FREDERICK, GALLEGOS, GORSEK, HACK, HELM, KENY-GUYER, MCLAIN, NATHANSON, NOSSE, OLSON, PILUSO, POST, READ, SPRENGER, TAYLOR, WEIDNER, Senators DEVLIN, JOHNSON, THATCHER

CHAPTER

AN ACT

Relating to contact with crime victims; amending ORS 135.247.

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

SECTION 1. ORS 135.247 is amended to read:

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

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

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

- (a) Shall apply at any time during which the defendant is held in custody on the charge; and
- (b) Shall remain valid until the defendant is sentenced for the crime, the charge is dismissed or the defendant is acquitted of the crime.

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

(5) An order described in subsection (1) or (2) of this section shall not limit contact with the victim by the defense attorney, or an agent of the defense attorney other than the defendant, in the manner prescribed by ORS 135.970 (2).

[5] (6) As used in this section:

- (a) "Domestic violence" has the meaning given that term in ORS 135.230.
- (b) "Sex crime" has the meaning given that term in ORS 181.805.

Passed by House April 13, 2015

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Timothy G. Sekerak, Chief Clerk of House

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Tina Kotek, Speaker of House

Passed by Senate May 26, 2015

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2015

Approved:

.....M,....., 2015

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2015

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Jeanne P. Atkins, Secretary of State