

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2776**

1 On page 1 of the printed bill, delete lines 4 through 30.

2 On page 2, delete lines 1 through 42 and insert:

3 **SECTION 1. (1) A peace officer may inform a person in danger of**  
4 **abuse of the officer's ability to apply for an ex parte emergency pro-**  
5 **TECTIVE order and, with the person's consent or permission, may apply**  
6 **to a circuit court for the order when the peace officer has probable**  
7 **cause to believe:**

8 **"(a)(A) The peace officer has responded to an incident of domestic**  
9 **disturbance and the circumstances for mandatory arrest as described**  
10 **in ORS 133.055 (2)(a) exist; or**

11 **"(B) The person is in immediate danger of abuse by a family or**  
12 **household member; and**

13 **"(b) An emergency protective order is necessary to prevent the**  
14 **person from suffering the occurrence or recurrence of abuse.**

15 **"(2)(a) An application for an emergency protective order described**  
16 **in subsection (1) of this section shall consist of the proposed emer-**  
17 **gency protective order and the peace officer's declaration under pen-**  
18 **alty of perjury setting forth the facts and circumstances underlying**  
19 **entry of the order.**

20 **"(b) The proposed emergency protective order and the declaration**  
21 **may be sent to the court by electronic transmission that delivers a**  
22 **complete printable image of the order and signed declaration.**

1       **“(3) Upon examination of the application, a circuit court may enter**  
2 **an emergency protective order if the court finds there is probable**  
3 **cause that:**

4       **“(a)(A) The peace officer has responded to an incident of domestic**  
5 **disturbance and the circumstances for mandatory arrest as described**  
6 **in ORS 133.055 (2)(a) exist; or**

7       **“(B) A person is in immediate danger of abuse by a family or**  
8 **household member; and**

9       **“(b) An emergency protective order is necessary to prevent a person**  
10 **from suffering the occurrence or recurrence of abuse.**

11       **“(4) An emergency protective order entered under subsection (3) of**  
12 **this section shall:**

13       **“(a) Restrain the respondent from contacting the person protected**  
14 **by the order and from intimidating, molesting, interfering with or**  
15 **menacing the person, or attempting to intimidate, molest, interfere**  
16 **with or menace the protected person;**

17       **“(b) Include the findings of probable cause authorizing issuance of**  
18 **the order;**

19       **“(c) State the date that the order expires; and**

20       **“(d) State a security amount for a violation of the order.**

21       **“(5) If the circuit court enters an emergency protective order under**  
22 **subsection (3) of this section:**

23       **“(a) The peace officer shall provide, without charge, a certified true**  
24 **copy of the emergency protective order to the protected person and**  
25 **shall ensure that certified true copies of the order and the declaration**  
26 **are filed with the court.**

27       **“(b) A peace officer shall serve the respondent personally. Upon**  
28 **completion of service, the peace officer shall prepare a declaration**  
29 **under penalty of perjury of proof of service verifying that the emer-**  
30 **gency protective order was served personally on the respondent, file a**

1 **copy of the declaration with the court and enter the order into the**  
2 **Law Enforcement Data System maintained by the Department of State**  
3 **Police.**

4 **“(c) If the peace officer cannot complete service within one day of**  
5 **the emergency protective order’s entry, the peace officer shall notify**  
6 **the court that the documents have not been served.**

7 **“(6) Entry into the Law Enforcement Data System constitutes no-**  
8 **tice to all law enforcement agencies of the existence of the emergency**  
9 **protective order. Law enforcement agencies shall establish procedures**  
10 **adequate to ensure that an officer at the scene of an alleged violation**  
11 **of the emergency protective order may be informed of the existence**  
12 **and terms of the order. The emergency protective order is fully en-**  
13 **forceable in any county or tribal land in this state.**

14 **“(7)(a) An emergency protective order expires seven calendar days**  
15 **from the date the court signs the order.**

16 **“(b) An emergency protective order shall remain in effect until the**  
17 **order expires or is terminated by court order. If the order is termi-**  
18 **nated by court order, the clerk of the court shall immediately cause**  
19 **to be delivered a copy of the termination order to the peace officer**  
20 **who originally applied for the order. Upon receipt of the termination**  
21 **order, the peace officer shall promptly remove the emergency protec-**  
22 **tive order from the Law Enforcement Data System.**

23 **“(8)(a) A contempt proceeding for an alleged violation of an emer-**  
24 **gency protective order must be conducted by the circuit court that**  
25 **issued the order or by the circuit court for the county in which the**  
26 **alleged violation of the order occurs.**

27 **“(b) Pending a contempt hearing for an alleged violation of an**  
28 **emergency protective order, a person arrested and taken into custody**  
29 **pursuant to ORS 133.310 may be released as provided in ORS 135.230 to**  
30 **135.290.**

1       **“(9) The presiding judge of the circuit court in each county shall**  
2 **designate at least one judge to be reasonably available to enter, in**  
3 **person or by electronic transmission, ex parte emergency protective**  
4 **orders at all times whether or not the court is in session.**

5       **“(10) A peace officer acting in good faith shall not be liable in any**  
6 **civil action for applying to or not applying to a circuit court for an**  
7 **ex parte emergency protective order under this section.**

8       **“(11) A filing fee, service fee or hearing fee may not be charged for**  
9 **proceedings for ex parte emergency protective orders under this sec-**  
10 **tion.**

11       **“(12) The Department of State Police shall develop forms for emer-**  
12 **gency protective orders and declarations and shall submit the forms**  
13 **for approval by the State Court Administrator, the Oregon State**  
14 **Sheriffs’ Association and the Oregon Association Chiefs of Police. Af-**  
15 **ter obtaining approval, the department shall ensure that the forms are**  
16 **appropriately distributed and available for use.**

17       **“(13) As used in this section, ‘peace officer’ has the meaning given**  
18 **that term in ORS 161.015.”.**

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