

**PROPOSED AMENDMENTS TO
HOUSE BILL 3469**

1 On page 1 of the printed bill, line 2, after “ORS” insert “133.055,”.

2 On page 2, after line 25, insert:

3 **“SECTION 3.** ORS 133.055 is amended to read:

4 “133.055. (1) A peace officer may issue a criminal citation to a person if
5 the peace officer has probable cause to believe that the person has committed
6 a misdemeanor or has committed any felony that is subject to misdemeanor
7 treatment under ORS 161.705. The peace officer shall deliver a copy of the
8 criminal citation to the person. The criminal citation shall require the per-
9 son to appear at the court of the magistrate before whom the person would
10 be taken pursuant to ORS 133.450 if the person were arrested for the offense.

11 “(2)(a) Notwithstanding the provisions of subsection (1) of this section,
12 when a peace officer responds to an incident of domestic disturbance and has
13 probable cause to believe that an assault has occurred between family or
14 household members, as defined in ORS 107.705, or to believe that one such
15 person has placed the other in fear of imminent serious physical injury, the
16 **peace** officer shall arrest and take into custody the alleged assailant or po-
17 tential assailant.

18 “(b) When the peace officer makes an arrest under paragraph (a) of this
19 subsection, the peace officer is not required to arrest both persons.

20 “(c) When a peace officer makes an arrest under paragraph (a) of this
21 subsection, the peace officer shall make every effort to determine who is the
22 assailant or potential assailant by considering, among other factors:

1 “(A) The comparative extent of the injuries inflicted or the seriousness
2 of threats creating a fear of physical injury;

3 “(B) If reasonably ascertainable, the history of domestic violence between
4 the persons involved;

5 “(C) Whether any alleged crime was committed in self-defense; and

6 “(D) The potential for future assaults.

7 “**(d) When a peace officer makes an arrest under paragraph (a) of**
8 **this subsection, the peace officer shall conduct an evidence-based**
9 **lethality assessment on the arrested person.**

10 “[(d)] (e) As used in this subsection, ‘assault’ includes conduct constitut-
11 ing strangulation under ORS 163.187.

12 “(3) Whenever [any] a peace officer has reason to believe that a family
13 or household member, as defined in ORS 107.705, has been abused as defined
14 in ORS 107.705 or that an elderly person or a person with a disability has
15 been abused as defined in ORS 124.005, [that] **the peace** officer shall use all
16 reasonable means to prevent further abuse, including advising each person
17 of the availability of a shelter or other services in the community and giving
18 each person immediate notice of the legal rights and remedies available. The
19 notice shall consist of handing each person a copy of the following state-
20 ment:

21 “ _____
22 IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE OR ABUSE, you
23 can ask the district attorney to file a criminal complaint. You also have the
24 right to go to the circuit court and file a petition requesting any of the fol-
25 lowing orders for relief: (a) An order restraining your attacker from abusing
26 you; (b) an order directing your attacker to leave your household; (c) an or-
27 der preventing your attacker from entering your residence, school, business
28 or place of employment; (d) an order awarding you or the other parent cus-
29 tody of or parenting time with a minor child or children; (e) an order re-
30 straining your attacker from molesting or interfering with minor children in

1 your custody; (f) an order awarding you other relief the court considers
2 necessary to provide for your or your children's safety, including emergency
3 monetary assistance. Such orders are enforceable in every state.

4 You may also request an order awarding support for minor children in
5 your care or for your support if the other party has a legal obligation to
6 support you or your children.

7 You also have the right to sue for losses suffered as a result of the abuse,
8 including medical and moving expenses, loss of earnings or support, and
9 other out-of-pocket expenses for injuries sustained and damage to your
10 property. This can be done without an attorney in the small claims depart-
11 ment of a court if the total amount claimed is under \$10,000.

12 Similar relief may also be available in tribal courts.

13 For further information you may contact: _____.

14 “ _____ ”.

15 _____