

SB 315 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 4/12

WHAT THE MEASURE DOES:

Authorizes court to impose special condition of probation requiring person convicted of stalking or violating stalking protective order from residing within three miles of victim. Creates exception if probationer required to reside in county with population less than 130,000, probationer demonstrates that residing within three miles of victim would not jeopardize safety and welfare of victim or family member or probationer demonstrates would deprive probationer of residence that would be materially significant in aid of rehabilitation.

REVENUE: May have revenue impact, but no statement yet issued

FISCAL: May have fiscal impact, but no statement yet issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

BACKGROUND:

Pursuant to ORS 163.732, the crime of stalking is committed when a person knowingly alarms or coerces another person by engaging in repeated and unwanted contact, it is objectively reasonable for the person to have been alarmed or coerced and the contact causes the victim reasonable apprehension regarding the personal safety of the victim or a member of the victim's immediate family or household. Related, ORS 30.866 and ORS 163.730 to 163.755 authorize a court to issue a stalking protective order under similar circumstances. Both stalking and violating a court's stalking protective order are punishable as a Class A misdemeanor, unless the offender has a prior conviction for stalking or violating a court's stalking protective order, in which case the crimes are punishable as a Class C felony.