

February 21, 2017

Senator Sara Gelser, Chair
Senate Committee on Human Services, Members

RE: SB 652 (Testimony in Opposition)

Dear Chair Gelser and Members:

I have been a lawyer in public defense firms since 2003. I have represented many Oregonians charged with violating restraining orders. Sometimes, my clients are charged and punished fairly for willful violations of the restraining order. However, often these charges stem from incidents where petitioners had initiated contact with my clients. I have seen numerous times where a traffic stop reveals that both petitioner and respondent have been living together under mutual agreement in violation of the restraining order for weeks or months. Sadly, the respondent is always put in jail, risking his or her livelihood to support his or her family. This is why I support SB 562.

One of my cases stands out as reflective of my support for the bill. My client was having a dinner date on a patio at a local restaurant. His ex-girlfriend, who had a restraining order against him, walked up the stairs to the restaurant's patio. She saw him, but did not turn and walk away. Instead, she and her friend walked across the patio, and sat at the bar inside the restaurant. My client waited to pay his bill before leaving the restaurant's patio with his date. His ex-girlfriend called the police, accusing him of violating the restraining order. Charges were filed and the judge found my client in violation of the restraining order. My client now has a stain on his record because his ex-girlfriend wanted to disrupt his date.

My hope is this bill's provision will ensure that restraining orders are used to keep petitioners safe, and are no longer used for other purposes.

Sincerely,

Joel Abraham Wirtz
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