

Senate Bill 652

Sponsored by Senator KRUSE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Establishes automatic restraining order against petitioner in Family Abuse Prevention Act proceeding that restrains petitioner from directly or indirectly causing respondent to violate certain terms of Family Abuse Prevention Act order. Violation by petitioner may result in finding of contempt and provides respondent with affirmative defense in contempt proceeding.

A BILL FOR AN ACT

1
2 Relating to the Family Abuse Prevention Act.

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

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 107.700 to**
5 **107.735.**

6 **SECTION 2. (1) After a petition for relief under ORS 107.710 has been filed and an order**
7 **after an ex parte hearing has been issued and served in accordance with ORS 107.718, a re-**
8 **straining order is in effect against the petitioner as provided in subsection (2) of this section**
9 **until the order issued under ORS 107.718 is modified, set aside or expires, until the re-**
10 **straining order is modified or revoked under subsection (5) of this section or ORS 107.730 (1),**
11 **or until further order of the court.**

12 **(2) The restraining order issued under subsection (1) of this section applies when the**
13 **court's order provides for relief to the petitioner under ORS 107.718 (1)(c), (g) or (i) or ORS**
14 **107.730 (1).**

15 **(3) The restraining order issued under this section shall restrain the petitioner from di-**
16 **rectly or indirectly causing the respondent to violate the provisions of an order for relief**
17 **under ORS 107.718 (1)(c), (g) or (i) or ORS 107.730 (1).**

18 **(4) A violation of this section:**

19 **(a) May result in a finding of contempt against the petitioner; and**

20 **(b) Provides the respondent with an affirmative defense to an allegation or charge of**
21 **contempt for violation of an order issued under ORS 107.718 (1)(c), (g) or (i) or ORS 107.730**
22 **(1).**

23 **(5) The petitioner restrained under this section may apply to the court for further orders**
24 **to modify or revoke the restraining order issued under this section.**

25 **(6) A copy of the restraining order issued under this section shall include a notice that**
26 **the petitioner may request a hearing on the restraining order by filing a request for hearing**
27 **with the court. The form shall be established by court rule and must include the terms of**
28 **the restraining order described in this section.**

29 **(7) A copy of the restraining order issued under this section must be attached to the**
30 **order issued under ORS 107.718 or ORS 107.730 and served upon the respondent, and a copy**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **must be provided to the petitioner by the clerk of the court upon issuance of the order.**

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