

SB 1011 -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/21, 4/4

WHAT THE MEASURE DOES:

Prohibits the court from ordering, and requires the court to terminate, spousal support upon the motion of the paying spouse, when the receiving spouse has been convicted of attempted murder or conspiracy to commit murder of the paying spouse. Designates that when a paying spouse moves to terminate payments because the receiving spouse has been a convicted of attempted murder or conspiracy to commit murder of the paying spouse there is a change in circumstances sufficient for reconsideration of support provision.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Permits the court to deny spousal support or any insurance benefit upon petition for dissolution of marriage, or to terminate spousal support upon the motion of the paying spouse, when the receiving spouse has been convicted of attempted murder or conspiracy to commit murder of the paying spouse. Clarifies the language to state that a receiving spouse's conviction for the attempted murder or conspiracy to commit the murder of the paying spouse qualifies as a change in circumstances sufficient for reconsideration of support provisions.

BACKGROUND:

ORS 107.105 offers the court a variety of factors to be considered by the court when ordering compensatory spousal support in a judgment for annulment, dissolution or separation. ORS 107.135 provides generally that a spouse seeking to modify or terminate a spousal support award must demonstrate a substantial change in economic circumstances. Failure to do so is a bar to any change in the underlying support award.

California law recently changed to bar a receiving spouse from obtaining spousal support from a paying spouse that they have attempted to or conspired to murder. Cal. Fam. Code § 4324.

Senate Bill 1011 would prohibit the court, upon the motion of the paying spouse, from ordering spousal support and would, upon the motion of the paying spouse require payments be terminated if the receiving spouse has been convicted of of attempted murder or conspiracy to commit murder of the paying spouse.