



**OLC Testimony in Support of SB 995  
House Judiciary Committee  
May 14<sup>th</sup>, 2019**

**Chair Williamson, Vice-Chairs Gorsek and Sprenger, and Members of the Committee:**

On behalf of the Oregon Law Center, I submit this testimony in support of SB 995, which would improve Oregon's Sexual Assault Protection Order (SAPO) statutes to ensure that they better meet the needs of survivors.

The Oregon Law Center is a statewide non-profit entity whose mission is to provide access to justice for low-income Oregonians through the provision of the highest quality civil legal services. Many of our clients seek our assistance to address legal issues related to domestic violence, sexual assault, sexual harassment, and stalking. These issues greatly contribute to the vulnerability of our clients, and further trap them in poverty.

Protection orders have been found to be an effective tool in reducing violence and establishing safety for victims. Oregon's Sexual Assault Protection Orders are available in certain cases where a person was subjected to unwanted sexual abuse by a person who does not meet the definition of family member or intimate partner under the *Family Abuse Prevention Act*, and who is not covered by any other form of protection order. While there are not many SAPOs issued each year - an average of less than 90 per year statewide - this is an extremely important form of relief for those survivors who need protection. Almost 40% of the victims protected by these orders in Oregon, since 2014, are minor victims of assault.

**Problem:**

Under current law, this important form of relief for vulnerable survivors is often difficult to access:

- Current law requires a survivor to seek relief within 6 months of the assault, or she/he is ineligible.
  - This limitation creates an access problem, because often, survivors of sexual abuse face great trauma in coming forward to seek relief, due to shame, fear, PTSD, or other factors. This can be especially true of victims who are minors at the time of the assault. It may take a survivor more than 6 months to have the ability to come forward safely to disclose abuse and seek safety services.
- Current law provides that a SAPO order is only 1 year long.
  - This is insufficient protection for survivors of sexual assault. After the trauma of assault, if a survivor takes the brave step of coming forward to disclose the abuse and access the court process, she often may have to go



# Oregon Law Center

WORKING TOGETHER TO ACHIEVE JUSTICE FOR LOW INCOME OREGONIANS

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through extended hearings over a period of months, only to see the protection order expire a few months later. Survivors of abuse seeking the stability and safety that can be provided by a protection order ought to be able to rely on that relief for a period of time long enough to allow healing.

- Current law does not provide any authority for alternative methods of service.
  - A perpetrator who seeks to avoid service ought not to escape court oversight. The current law leaves survivors without protection in some of the more egregious cases in which a savvy perpetrator successfully avoids service by law enforcement.

## **Solution:**

SB 995 resolves the above difficulties to ensure that SAPO orders can deliver the protection that survivors of sexual abuse and assault deserve:

- Removes the requirement that a sexual assault restraining order be filed within 180 days of a sexual assault. This ensures that relief is available when a survivor is able to come forward, without imposing arbitrary deadlines. The survivor would still have to show qualifying assault and reasonable fear for physical safety in order to qualify, and the burden of proof still rests with the survivor.
- Provides that a SAPO order shall be effective for a period of five years or, if the petitioner is under 18 years at the time of entry, until the person attains 19 years of age, whichever occurs later. This ensures a longer period of safety that the survivor can count on for stability and recovery.
- Provides for a permanent restraining order if the perpetrator has been convicted of sexual assault crimes, and allows for a permanent order according to the court's discretion, if there are serious indicators of lethality.
- Provides that a court may order service by an alternative method in accordance with ORCP 7D(6)(a) on proof of the petitioner's due diligence in attempting to effect service.

The CDC has found that Oregon has one of the highest rates of sexual violence in the nation. And yet, sexual assault is one of the most under-reported crimes in the nation. There are many barriers to a survivor's coming forward to report to law enforcement. SB 995 removes barriers to protection and ensures that victims of sexual violence are provided the safety they need in the aftermath of assault.

For all of these reasons, we urge support of the bill. Thank you for your time and for the consideration of this important issue.

Sincerely,  
Sybil Hebb