

SB 1011 A STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 04/04/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-0-0-0

Yeas: 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Addie Smith, Counsel

Meeting Dates: 3/21, 4/4

WHAT THE MEASURE DOES:

Allows the court to deny spousal support, insurance benefits, or to terminate an order for 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 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 provision.

ISSUES DISCUSSED:

- Recent case of attempted murder of paying spouse by receiving spouse
- Importance of judicial discretion when ordering spousal support
- Domestic violence and divorce proceedings
- Similar measure recently enacted in California

EFFECT OF AMENDMENT:

Makes denial or termination of support permissive rather than mandatory. Clarifies language regarding change in circumstances. Includes insurance benefits.

BACKGROUND:

When ordering compensatory spousal support in an annulment, dissolution, or separation, a court must consider a number of factors. ORS 107.105. Generally, a spouse seeking to modify or terminate a spousal support award must demonstrate a substantial change in economic circumstances. ORS 107.135. Failure to do so is a bar to any change in the underlying support award.

Senate Bill 1011 A allows the court to deny spousal support or any insurance benefit when the receiving spouse has been convicted of attempted murder or conspiracy to commit murder of the paying spouse and clarifies that a conviction for the attempted murder or conspiracy to commit the murder qualifies as a change in circumstances sufficient for reconsideration of support provision .