

**SB 995 A STAFF MEASURE SUMMARY****Carrier:** Sen. Gelser**Senate Committee On Judiciary****Action Date:** 04/08/19**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-2-0-0**Yeas:** 5 - Bentz, Fagan, Gelser, Manning Jr, Prozanski**Nays:** 2 - Linthicum, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 4/8**WHAT THE MEASURE DOES:**

Removes requirement that a Sexual Assault Protection Order (SAPO) be filed within 180 days of a sexual assault. Provides that a SAPO shall be effective for a period of five years or, if the petitioner is under 18 years at the time of entry or renewal, until the person attains 19 years of age, whichever occurs later. Allows the court to enter a permanent restraining order in certain circumstances. Requires a court to enter a permanent order if, at the time of the petition or renewal of the order, the respondent has been convicted of a crime involving sexual abuse against the petitioner. Provides that a court may allow service by an alternative method in accordance with Oregon Rules of Civil Procedure (ORCP) 7D(6)(a) on finding of proof that petitioner exercised due diligence in attempting to effectuate service.

**ISSUES DISCUSSED:**

- Orders only available to a narrow scope of individuals
- Yearly renewal overly burdensome to petitioners
- Alternative service alleviates unfair burden on petitioners if the respondent evades service
- Limited circumstances where court could grant permanent protective order

**EFFECT OF AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

A Sexual Abuse Protective Order (SAPO) is available in certain cases where a person was subjected to sexual abuse by another person who is not a family member or intimate partner. A petitioner may ask for a SAPO as long as the respondent is 18 or older. If a petitioner is under the age of 12, a parent or guardian must file for the petitioner. A guardian ad litem can also be appointed. To be eligible for a SAPO, the respondent must not already be prohibited from contacting a person by a restraining order from another state, Indian tribe, or territory; a stalking protective order; an Elderly Persons and Persons With Disabilities Abuse Prevention Act restraining order; a no contact order entered in a criminal case; or a restraining order entered in a juvenile court dependency case. To grant a SAPO, the court must find that the person who sexually abused or assaulted the petitioner made the petitioner have sexual contact without the person's consent or made the person have sexual contact when the person was not capable of consenting. The abuse must have happened in the last 180 days and the petition must establish that the person is in reasonable fear for their physical safety. A person is not required to have called the police in order to get a SAPO.

The respondent has 30 days from the date of service to ask for a hearing contesting the SAPO. If the respondent does not ask for a hearing, the SAPO will stay in effect for one year from the date it was issued. If the respondent does ask for a hearing, the court will schedule it within 21 days of the request. At the hearing, a petitioner must

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prove that they have been sexually abused and that they reasonably fear for their physical safety. A SAPO lasts for one year from the date the judge signs it or until a judge terminates it. It can be renewed for one year at a time if the judge finds it is objectively reasonable for a person to fear for their physical safety if the order is not renewed. A respondent may request a modification to an order at any time after 30 days from service.

Senate Bill 995 A amends the default duration of a SAPO and provides authority for the court to allow for alternative methods of service in certain circumstances.