

House Bill 3036

Sponsored by Representative SPRENGER

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**.

Permits judge, in determining whether person's alleged violation of restraining order violates condition of release or other probation condition, to take into consideration whether person was provoked into violating restraining order.

A BILL FOR AN ACT

1
2 Relating to violations of restraining orders.

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

4 **SECTION 1. (1) As used in this section, "restraining order" means an order issued pur-**
5 **suant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718, 124.015, 124.020, 133.035, 163.738,**
6 **163.765, 163.767 or 419B.845.**

7 **(2) If a person was charged with contempt for a violation of a restraining order, a judge,**
8 **in determining whether the person's alleged violation of the restraining order violates a**
9 **condition of release or other probation condition, may take into consideration whether the**
10 **person was provoked into violating the restraining order.**

11 **(3) A person is provoked into violating a restraining order under this section if:**

12 **(a) The person protected by the restraining order repeatedly contacts the person subject**
13 **to the restraining order in person, by telephone or by other means;**

14 **(b) The person subject to the restraining order makes a reasonable attempt to ignore any**
15 **contact by the person protected by the restraining order;**

16 **(c) The person protected by the restraining order continues to contact the person subject**
17 **to the restraining order;**

18 **(d) A reasonable person in the position of the person subject to the restraining order**
19 **would respond to the repeated contact by the person protected by the restraining order; and**

20 **(e) The person subject to the restraining order contacts, other than in person, the person**
21 **protected by the restraining order and requests that the person refrain from future contact.**

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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.