

**A-Engrossed**  
**House Bill 3117**

Ordered by the House April 12  
Including House Amendments dated April 12

Sponsored by Representative NOSSE, Senator TAYLOR; Representatives HERNANDEZ, NERON, PILUSO, PRUSAK, SALINAS, WILDE, WILLIAMS, WILLIAMSON, Senators MANNING JR, WAGNER

**Corrected 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.

*[Extends period for filing restraining order under Family Abuse Prevention Act to two years from 180 days after date of abuse.]*

*[Extends period for elderly persons and persons with disabilities to file restraining order to two years from 180 days after date of abuse.]*

*[Extends period for filing sexual abuse restraining order to two years from 180 days after date of abuse.]*

**Modifies Family Abuse Prevention Act to authorize court to continue restraining order if abuse occurred within specified period, petitioner reasonably fears for petitioner's physical safety and respondent represents credible threat to physical safety of petitioner or petitioner's child.**

Declares emergency, effective on passage.

**A BILL FOR AN ACT**

1  
2 Relating to obtaining court orders to prohibit contact; creating new provisions; amending ORS  
3 107.716; and declaring an emergency.

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

5 **SECTION 1.** ORS 107.716 is amended to read:

6 107.716. (1) If the respondent requests a hearing pursuant to ORS 107.718 (10), the court shall  
7 hold the hearing within 21 days after the request. However, if the respondent contests the order  
8 granting temporary child custody to the petitioner, the court shall hold the hearing within five days  
9 after the request.

10 (2)(a) If the court determines under ORS 107.718 (2) that exceptional circumstances exist that  
11 affect the custody of a child, the court shall hold a hearing within 14 days after issuance of the  
12 restraining order. The clerk of the court shall provide a notice of the hearing along with the petition  
13 and order to the petitioner and, in accordance with ORS 107.718 (8), to the county sheriff for service  
14 on the respondent.

15 (b) The respondent may request an earlier hearing, to be held within five days after the request.  
16 The hearing request form shall be available from the clerk of the court in the form prescribed by  
17 the State Court Administrator under ORS 107.718 (7). If the respondent requests an earlier hearing,  
18 the clerk of the court shall notify the parties of the scheduled hearing date by mailing a notice of  
19 the time and place of hearing to the addresses provided in the petition or, for the respondent, to the  
20 address provided in the request for hearing, or as otherwise designated by a party.

21 (c) When the court schedules a hearing under this subsection, the respondent may not request  
22 a hearing under ORS 107.718 (10).

**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.

1 (3) In a hearing held pursuant to subsection (1) or (2) of this section[,];

2 (a) **The court may continue any order issued under ORS 107.718 if the court finds that:**

3 **(A) Abuse has occurred within the period specified in ORS 107.710 (1);**

4 **(B) The petitioner reasonably fears for the petitioner's physical safety; and**

5 **(C) The respondent represents a credible threat to the physical safety of the petitioner**  
6 **or the petitioner's child.**

7 (b) The court may cancel or change any order issued under ORS 107.718 and may assess against  
8 either party a reasonable attorney fee and such costs as may be incurred in the proceeding.

9 (4)(a) If service of a notice of hearing is inadequate to provide a party with sufficient notice of  
10 the hearing held pursuant to ORS 107.718 (2) or (10), the court may extend the date of the hearing  
11 for up to five days so that the party may seek representation.

12 (b) If one party is represented by an attorney at a hearing held pursuant to ORS 107.718 (2) or  
13 (10), the court may extend the date of the hearing for up to five days at the other party's request  
14 so that the other party may seek representation.

15 (5) If the court continues the order, with or without changes, at a hearing about which the re-  
16 spondent received actual notice and the opportunity to participate, the court shall include in the  
17 order a certificate in substantially the following form in a separate section immediately above the  
18 signature of the judge:

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21 **CERTIFICATE OF COMPLIANCE**  
22 **WITH THE VIOLENCE**  
23 **AGAINST WOMEN ACT**  
24

25 This protective order meets all full faith and credit requirements of the Violence Against Women  
26 Act, 18 U.S.C. 2265 (1994). This court has jurisdiction over the parties and the subject matter. The  
27 respondent was afforded notice and timely opportunity to be heard as provided by the law of this  
28 jurisdiction. This order is valid and entitled to enforcement in this and all other jurisdictions.

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31 (6) The court may approve any consent agreement to bring about a cessation of abuse of the  
32 parties. However, the court may not approve a term in a consent agreement that provides for re-  
33 straint of a party to the agreement unless the other party petitioned for and was granted an order  
34 under ORS 107.710. An order or consent agreement made under this section may be amended at any  
35 time and shall continue in effect for a period of one year from the date of the order issued under  
36 ORS 107.718, or until superseded as provided in ORS 107.722.

37 (7) No order or agreement made under ORS 107.705 to 107.720, 133.310 and 133.381 shall in any  
38 manner affect title to any real property.

39 (8) No undertaking shall be required in any proceeding under ORS 107.700 to 107.735.

40 (9) Any proceeding under ORS 107.700 to 107.735 shall be in addition to any other available civil  
41 or criminal remedies.

42 **SECTION 2. The amendments to ORS 107.716 by section 1 of this 2019 Act apply to orders**  
43 **issued on or after the effective date of this 2019 Act that arise from abuse occurring before,**  
44 **on or after the effective date of this 2019 Act.**

45 **SECTION 3. This 2019 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**  
2 **on its passage.**

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