

# Senate Bill 477

Sponsored by Senator GELSER, Representative POWER, Senator KNOPP (Presession filed.)

## 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**.

Establishes proceeding whereby person may obtain court order temporarily excluding legislator or other elected official from Capitol or other workplace, if court determines that reasonable cause exists for physical presence of legislator or elected official in Capitol or other workplace to create hostile environment for others. Establishes limits on duration of exclusion order.

Takes effect on effective date of constitutional amendment proposed by Senate Joint Resolution 10 (2019).

## A BILL FOR AN ACT

1  
2 Relating to procedures to exclude elected officials from the workplace; and prescribing an effective  
3 date.

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

5 **SECTION 1. (1) Any person may commence a proceeding in the circuit court of Marion**  
6 **County for the purpose of determining whether there is reasonable cause to conclude that**  
7 **the physical presence in the Capitol of a legislator creates a hostile environment for others.**

8 **(2) Any person may commence a proceeding in the circuit court of the county wherein**  
9 **is located the principal office of an elected official, for the purpose of determining whether**  
10 **there is reasonable cause to conclude that the physical presence of the elected official in the**  
11 **workplace creates a hostile environment for others.**

12 **(3) The person shall initiate the proceeding by filing a motion that sets forth the**  
13 **allegations of a hostile environment for others in the Capitol or other workplace, including**  
14 **supporting documentation or affidavits sufficient to give the legislator or elected official**  
15 **sufficient notice of the specific acts alleged to create a hostile environment for others in the**  
16 **Capitol or workplace of the elected official.**

17 **(4)(a) The legislator or elected official shall be personally served with the motion and**  
18 **supporting documentation or affidavits in the manner provided in ORCP 9.**

19 **(b) The legislator or elected official may file a response to the motion within five days**  
20 **after proof of service is filed with the court.**

21 **(c) The court shall schedule a hearing on the motion not sooner than six days after the**  
22 **proof of service is filed with the court and not later than 10 days after proof of service is filed**  
23 **with the court. A hearing may be waived if all parties to the proceeding waive the right to**  
24 **a hearing.**

25 **(5) At the hearing, or as soon as is practicable after the hearing, the court shall deter-**  
26 **mine whether there is reasonable cause to conclude that the physical presence in the Capitol**  
27 **of the legislator, or the physical presence in the workplace of the elected official, creates a**  
28 **hostile environment for others. Evidence that the physical presence of a legislator or elected**  
29 **official creates a hostile environment for others may include, but is not limited to:**

**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 (a) Evidence of retaliation against an individual who made a harassment complaint;

2 (b) An investigator conducting a formal or informal investigation identifies widespread  
3 and recent behavior by the legislator or elected official that, if true, would constitute  
4 harassment under the standards of workplace conduct that the Legislative Assembly or  
5 other governing entity has applied to itself;

6 (c) Evidence of a physical or sexual assault by the legislator or elected official of another  
7 person in the workplace who would be harmed by the ongoing presence of the alleged  
8 offender;

9 (d) A misdemeanor or felony criminal charge against the legislator or elected official for  
10 assault, harassment, sexual abuse, unlawful dissemination of an intimate image, invasion of  
11 personal privacy or stalking; or

12 (e) Evidence that an individual who must be present in the Capitol or other workplace  
13 for employment, contractual or advocacy purposes has received a no contact order, protec-  
14 tive order or stalking order that involves the legislator or elected official and that cannot  
15 be enforced unless the legislator or elected official is not present in the Capitol or workplace.

16 (6) If the court determines that there is reasonable cause to conclude that the physical  
17 presence in the Capitol or other workplace of the legislator or elected official creates a hos-  
18 tile environment for others, the court shall order the exclusion of the legislator or elected  
19 official from the Capitol or workplace for a period of time that may not exceed the date on  
20 which there is a final resolution of any disciplinary proceeding against the legislator or  
21 elected official.

22 (7) Notwithstanding subsection (6) of this section, the court shall order the exclusion of  
23 the legislator or elected official to be lifted if a disciplinary proceeding against the legislator  
24 or elected official has not been commenced within 30 days of the date of the court's order  
25 of exclusion.

26 (8) An exclusion order issued under this section may not prohibit a legislator or elected  
27 official from attending any proceeding that is investigating, deliberating or otherwise taking  
28 up the question of the discipline of the legislator or elected official who is the subject of the  
29 exclusion order.

30 SECTION 2. This 2019 Act does not take effect unless the amendment to the Oregon  
31 Constitution proposed by Senate Joint Resolution 10 (2019) is approved by the people at the  
32 regular general election held in November 2020. This 2019 Act takes effect on the effective  
33 date of that amendment.