

SB 1547 -1, -2, -3 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

Prepared By: Channa Newell, Counsel

Meeting Dates: 2/5

WHAT THE MEASURE DOES:

Relates to courts. Allows court proceedings to be conducted in Gresham that would otherwise be transferred to Portland if defendant is not in custody and all warrants issued by fourth judicial district for defendant have been vacated or executed. Corrects error in process to establish that a decedent's writing was intended to be a partial or complete revocation of the decedent's will. Allows notice to protected person of appointment of guardian to include forms of notice that are reasonably calculated to be received and understood by protected person, including verbal notice. Modifies date of expiration of sexual abuse restraining orders entered on behalf of a minor petitioner if the petitioner fails to request renewal of the order by the specified date following the petitioner's 18th birthday. Specifies procedures when service on respondent of sexual abuse restraining order is completed by alternative service. Declares emergency. Makes sections pertaining to restraining order effective on passage. Makes all other sections operative January 1, 2021.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

- 1 Makes technical changes to restraining order provisions.
- 2 Clarifies process for when proceedings can remain in Gresham court and when proceedings must be transferred to Portland.
- 3 Makes provisions related to revocation of wills effective on passage.

BACKGROUND:

Senate Bill 1547 is an omnibus bill with court-related technical corrections. It has four components.

Section 1 of SB 1547 modifies the criteria for determining if a defendant's case should remain in the Multnomah County Circuit Court's Gresham court or be transferred to the court located in Portland. Currently, all proceedings in which the defendant is in custody of the sheriff or Department of Corrections, or in which a warrant has been issued against the defendant must be transferred to the Portland court. SB 1547 allows proceedings to remain in Gresham when a defendant is not in custody and all warrants have been vacated or extinguished.

Section 2 of SB 1547 corrects an error from House Bill 3007. ORS 112.283 provides a process for courts to determine if a writing is intended to be a will or revocation of a will. Subsection (2) describes the process for determining that a writing is a will while subsection (3) provides the process to determine if a writing is a will, or a partial or complete revocation of a will. Because subsection (3) references determining if a writing is a will, it confuses the process outlined in subsection (2). SB 1547 removes language referencing the determination that a writing is a will from subsection (3), thereby clarifying the process in both situations.

Subsection 3 of SB 1547 allows for alternative forms of notice to a protected person when a guardianship has been ordered. In 2019, Senate Bill 376 required a guardian to give notice of an appointment of a guardian to the protected person. Concerns were raised that mailing a notice to a protected person may not provide actual notice of a guardianship to the person. SB 1547 allows notice to be reasonably calculated to be received and understood by the protected person and may be verbally or in writing.

SB 1547 -1, -2, -3 STAFF MEASURE SUMMARY

Subsection 4 of SB 1547 modifies provisions of Senate Bill 995 (2019), which amended certain procedural requirements for the provision and service of a Sexual Assault Protection Order (SAPO) and unintentionally allowed disclosure of a petitioners' otherwise confidential birthday information. The measure also allowed courts to authorize alternative service of a SAPO if a petitioner demonstrated due diligence in attempting to effectuate personal service. SB 1547 provides minor petitioners' an expiration date by which they must renew a SAPO after their 18th birthday that does not allow for disclosure of their confidential birthdate information. The bill also makes procedural changes to the alternative methods of service allowed in certain circumstances.