

**TESTIMONY ON HB 2586  
BEFORE HOUSE COMMITTEE ON JUDICIARY  
FEBRUARY 24, 2021**

**PRESENTED BY: NANCI THAEMERT  
JUVENILE AND FAMILY COURT PROGRAMS DIVISION DIRECTOR  
OREGON JUDICIAL DEPARTMENT**

Chair Bynum, Vice-Chair Noble, Vice-Chair Power and Members of the Committee:

My name is Nanci Thaemert, Director of the Juvenile and Family Court Programs Division at the Oregon Judicial Department. The OJD does not have a position on HB 2586; however, we wanted to provide the Committee with additional information for consideration about how the measure might affect courts.

The OJD Strategic Campaign commits to Oregonians that we will join with communities and partners to improve services to people who are vulnerable and marginalized. We listened carefully to the brave testimony on this bill from survivors, and we thank them and Representative Noble for bringing this bill forward and will be working with them to meet their needs.

House Bill 2586 would create a process for obtaining a restraining order against a person who is not a family or household member for actions that cause bodily injury or fear of imminent bodily injury. Since this bill removes the family or household relationship requirement for a restraining order based on bodily injury or fear of imminent bodily injury, it greatly expands the scope of people who may petition for a restraining order.

We want to make sure that our courts can hear these orders if this bill passes. More than 15,000 requests for protective orders were filed in our courts last year. We cannot estimate how many additional people might seek a restraining order under these expanded provisions, but we would expect a significant increase.

In addition, the bill requires courts to hold a hearing on the petition the same day it was filed or the next judicial day. As you heard from the Chief Justice and State Court Administrator in our overview hearing, courts have significant backlogs of existing cases we already need to resolve. Without additional resources, adding these new protective order proceedings would place courts under significant additional stress in meeting the current demand for judicial services – especially on that expedited timeline.

We wanted to advise you that these orders might invoke federal and state firearms prohibitions. Many of those provisions require a relationship to exist between petitioner and respondent. Further research is needed to ascertain whether those prohibitions would equally apply to respondents in these cases now, and we would need to carefully examine court processes and orders accordingly.

The OJD welcomes an opportunity to provide input on how to best protect victims of violence while ensuring due process and fair access to the courts. If HB 2586 passes, it would have considerable impact on the court and require extensive additional resources, training, and further analysis.

I would be happy to answer questions.