



DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DATE: April 24, 2023

TO: Chair Kropf, Vice-Chairs Wallan and Andersen, and
Members of the House Committee on Judiciary

FROM: Kimberly McCullough, Legislative Director
Oregon Department of Justice

SUBJECT: Support for SB 816 – Restraining Orders

A Family Abuse Prevention Act (FAPA) restraining order serves as a legal intervention designed to reduce the risk of future threat or harm by a person who has been determined to pose a threat to another. The order is crucial for preventing further harm from occurring, as the most dangerous time in an abusive relationship occurs when the abused person decided to leave and nearly 77 percent of domestic violence-related homicides occur upon separation.¹

The order allows for law enforcement intervention without the need for a new act of abuse or criminal act to occur. More specifically, statutory mandatory arrest requirements attach where there is probable cause for a violation of a condition of the order. This increases accountability for offenders and safety for victims, survivors, and children.

Under current law, FAPA orders last for one year. Often, the petitioner is often afforded much less than a full year of protection, as there may be delays in serving a respondent with a restraining order or delays or set-overs of the contested hearing. This timeframe does not provide petitioners with sufficient protection, as there is a 75 percent increase of violence upon separation *for at least two years*.²

This bill recognizes the timeframe in which there is this increased threat, without victims and survivors having to undergo the stress and re-traumatization of having to request a renewal before the end of the first year.

For these reasons, we urge your support of SB 816.

Contact:

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¹ See <https://wtcs.pressbooks.pub/nursingmhcc/chapter/15-5-intimate-partner-violence/>.

² See <https://www.bwss.org/eighteen-months-after-leaving-domestic-violence-is-still-the-most-dangerous-time/>.