

# Senate Bill 389

Sponsored by Senator HAYDEN (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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act lets a person get a harassment protective order. (Flesch Readability Score: 61.3).  
Allows a person to petition for an order restraining a respondent from harassment of the petitioner.

## A BILL FOR AN ACT

1  
2 Relating to harassment protective orders; creating new provisions; and amending ORS 21.245, 36.185,  
3 107.085, 107.720, 107.755, 133.310, 133.381, 147.015, 163.715 and 659A.270 and section 2, chapter  
4 204, Oregon Laws 2005.

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

6 **SECTION 1. As used in sections 1 to 9 of this 2025 Act, "harassment" means the conduct**  
7 **described in ORS 166.065, 166.070 or 166.090.**

8 **SECTION 2. (1) A petitioner who has been the victim of harassment within the preceding**  
9 **180 days may petition the circuit court for relief under sections 1 to 9 of this 2025 Act if the**  
10 **harassment causes the petitioner reasonable apprehension regarding the petitioner's per-**  
11 **sonal safety.**

12 **(2) The petition must:**

13 **(a) Allege that the petitioner has been the victim of harassment by the respondent within**  
14 **the 180 days preceding the filing of the petition;**

15 **(b) Allege that the petitioner has reasonable apprehension regarding the petitioner's**  
16 **personal safety; and**

17 **(c) Particularly describe the nature and dates of the harassment that occurred not more**  
18 **than 180 days before the filing of the petition.**

19 **(3) The allegations in the petition must be made under oath or affirmation or in a dec-**  
20 **laration under penalty of perjury in the form required by ORCP 1 E.**

21 **(4) The circuit court has jurisdiction over all proceedings under sections 1 to 9 of this**  
22 **2025 Act.**

23 **(5) The petitioner has the burden of proving a claim under sections 1 to 9 of this 2025**  
24 **Act by a preponderance of the evidence.**

25 **SECTION 3. (1) When a person files a petition under section 2 of this 2025 Act, the circuit**  
26 **court shall hold an ex parte hearing in person or by telephone on the day the petition is filed**  
27 **or on the following judicial day. Upon a showing that the petitioner has been the victim of**  
28 **harassment committed by the respondent within 180 days preceding the filing of the petition**  
29 **and that the petitioner has reasonable apprehension regarding the personal safety of the**  
30 **petitioner, the court shall, if requested by the petitioner, order:**

**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) That the respondent be restrained from harassment or attempted harassment of the  
2 petitioner;

3 (b) That the respondent be restrained from entering, or attempting to enter, on any  
4 premises and a reasonable area surrounding the premises when it appears to the court that  
5 such restraint is necessary to prevent the respondent from harassment of the petitioner;

6 (c) Except as provided in subsection (2) of this section, other relief that the court con-  
7 sidered necessary to provide for the safety and welfare of the petitioner; or

8 (d) That the respondent have no contact with the petitioner in person, by telephone, by  
9 mail or by electronic means.

10 (2) The court may not order relief under this section or section 4 of this 2025 Act that  
11 affects the respondent's ability to possess firearms and ammunition or engage in activities  
12 involving firearms.

13 (3) The court's order under subsection (1) of this section is effective for a period of two  
14 years or until the order is withdrawn or amended.

15 (4) If the respondent is restrained from entering, or attempting to enter, an area sur-  
16 rounding the petitioner's residence or any other premises, the order restraining the re-  
17 spondent shall specifically describe the area.

18 (5) The State Court Administrator shall prescribe the content and form of the petition,  
19 order and related forms for use under sections 1 to 9 of this 2025 Act. The clerk of the court  
20 shall make available the forms and an instructional brochure explaining the rights set forth  
21 under sections 1 to 9 of this 2025 Act.

22 (6) If the court orders relief:

23 (a) The clerk of the court shall provide without charge the number of certified true  
24 copies of the petition and order necessary to provide the petitioner with one copy and to ef-  
25 fect service and shall have a true copy of the petition and order delivered to the county  
26 sheriff for service upon the respondent, unless the court finds that further service is un-  
27 necessary because the respondent appeared in person before the court. In addition and upon  
28 request by the petitioner, the clerk shall provide the petitioner, without charge, two exem-  
29 plified copies of the petition and order.

30 (b) The county sheriff shall serve the respondent personally unless the petitioner elects  
31 to have the respondent served personally by a private party. Proof of service shall be made  
32 in accordance with ORS 107.720. When the order does not contain the respondent's date of  
33 birth and service is effected by the sheriff or other peace officer, the sheriff or officer shall  
34 verify the respondent's date of birth with the respondent and shall record that date on the  
35 order or proof of service entered into the Law Enforcement Data System under ORS 107.720.

36 (c) A filing fee, service fee or hearing fee may not be charged for proceedings seeking  
37 only the relief provided under sections 1 to 9 of this 2025 Act.

38 (7) If the county sheriff:

39 (a) Determines that the order and petition are incomplete, the sheriff shall return the  
40 order and petition to the clerk of the court. The clerk of the court shall notify the petitioner,  
41 at the address provided by the petitioner, of the error or omission.

42 (b) After accepting the order and petition, cannot complete service within 10 days, the  
43 sheriff shall notify the petitioner, at the address provided by the petitioner, that the docu-  
44 ments have not been served. If the petitioner does not respond within 10 days, the sheriff  
45 shall hold the order and petition for future service and file a return to the clerk of the court

1 showing that service was not completed.

2 (8)(a) Within 30 days after a restraining order is served under this section, the respond-  
3 ent may request a court hearing upon any relief granted. The hearing request form shall be  
4 available from the clerk of the court in the form prescribed by the State Court Administra-  
5 tor.

6 (b) If the respondent requests a hearing under paragraph (a) of this subsection, the clerk  
7 of the court shall notify the petitioner of the date and time of the hearing, and shall supply  
8 the petitioner with a copy of the respondent's request for a hearing. The petitioner shall give  
9 to the clerk of the court information sufficient to allow such notification.

10 (c) The hearing may not be limited to the issues raised in the respondent's request for  
11 hearing form. If the respondent seeks to raise an issue at the hearing not previously raised  
12 in the request for hearing form, or if the petitioner seeks relief at the hearing not granted  
13 in the original order, the other party shall be entitled to a reasonable continuance for the  
14 purpose of preparing a response to the issue.

15 (9) If the respondent fails to request a hearing within 30 days after a restraining order  
16 is served, the restraining order is confirmed by operation of law.

17 (10) Service of process or other legal documents upon the petitioner is not a violation of  
18 this section if the petitioner is served as provided in ORCP 7 or 9.

19 **SECTION 4.** (1) If the respondent in a proceeding under sections 1 to 9 of this 2025 Act  
20 requests a hearing pursuant to section 3 (8) of this 2025 Act, the court shall hold the hearing  
21 within 21 days after the request.

22 (2) In a hearing held pursuant to subsection (1) of this section:

23 (a) The court may continue any order issued under section 3 of this 2025 Act if the court  
24 finds that:

25 (A) Harassment has occurred within the period specified in section 2 (1) of this 2025 Act;  
26 and

27 (B) The petitioner has reasonable apprehension regarding the personal safety of the  
28 petitioner.

29 (b) The court may cancel or change any order issued under section 3 of this 2025 Act and  
30 may assess against either party reasonable attorney fees and such costs as may be incurred  
31 in the proceeding.

32 (3) The court may approve any consent agreement to bring about a cessation of  
33 harassment of the parties. However, the court may not approve a term in a consent agree-  
34 ment that provides for restraint of a party to the agreement unless the other party peti-  
35 tioned for and was granted an order under sections 1 to 9 of this 2025 Act. An order or  
36 consent agreement made under this section may be amended at any time and shall continue  
37 in effect for a period of two years from the date of the order issued under section 3 of this  
38 2025 Act.

39 (4) An undertaking may not be required in any proceeding under sections 1 to 9 of this  
40 2025 Act.

41 (5) Any proceeding under sections 1 to 9 of this 2025 Act shall be in addition to any other  
42 available civil or criminal remedies.

43 **SECTION 5.** (1) A party may file a motion under ORS 45.400 requesting that the court  
44 allow the appearance of the party or a witness by telephone or by other two-way electronic  
45 communication device in a proceeding under sections 1 to 9 of this 2025 Act.

1 (2) In exercising its discretion to allow written notice less than 30 days before the pro-  
2 ceeding as required under ORS 45.400 (2), the court shall consider the expedited nature of a  
3 proceeding under sections 1 to 9 of this 2025 Act.

4 (3) In addition to the factors listed in ORS 45.400 (3)(b) that would support a finding of  
5 good cause, the court shall consider whether the safety or welfare of the party or witness  
6 would be threatened if testimony were required to be provided in person at a proceeding  
7 under sections 1 to 9 of this 2025 Act.

8 (4) A motion or good cause determination under this section or ORS 45.400 is not re-  
9 quired for ex parte hearings held by telephone under section 3 of this 2025 Act.

10 **SECTION 6.** (1) A sheriff may serve a restraining order issued under sections 1 to 9 of  
11 this 2025 Act in the county in which the sheriff was elected and in any county that is adja-  
12 cent to the county in which the sheriff was elected.

13 (2) A sheriff may serve and enter into the Law Enforcement Data System a copy of a  
14 restraining order under sections 1 to 9 of this 2025 Act that was transmitted to the sheriff  
15 by a court or law enforcement agency using an electronic communication device. Before  
16 transmitting a copy of a restraining order to a sheriff under this subsection by telephonic  
17 facsimile or electronic mail, the person sending the copy must receive confirmation from the  
18 sheriff's office that an electronic communication device is available and operating. For pur-  
19 poses of this subsection, "electronic communication device" means a device by which any  
20 kind of electronic communication can be made, including but not limited to communication  
21 by telephonic facsimile and electronic mail.

22 **SECTION 7.** (1) The court may renew for a period of two years an order entered under  
23 section 3 or 4 of this 2025 Act or renewed under this section upon a finding that a person in  
24 the petitioner's situation would reasonably fear further acts of harassment by the respond-  
25 ent if the order is not renewed.

26 (2) A finding that there has been a further act of harassment is not required to renew  
27 an order under subsection (1) of this section.

28 (3) A court may renew an order on the basis of an ex parte petition alleging facts sup-  
29 porting the required finding. The petition must include allegations made under oath or af-  
30 firmation or in a declaration under penalty of perjury in the form required by ORCP 1 E. If  
31 the renewal order is granted, the provisions of section 3 (6) to (8) of this 2025 Act apply ex-  
32 cept that the court may not hear any issue other than the basis for renewal unless requested  
33 in the hearing request form and thereafter agreed to by the petitioner. The court shall hold  
34 a hearing required under this section within 21 days after the respondent's request.

35 **SECTION 8.** (1) A petition under section 2 of this 2025 Act may be filed in a county in  
36 which:

- 37 (a) The petitioner resides;
- 38 (b) The respondent resides; or
- 39 (c) The harassment occurred.

40 (2) Any contempt proceedings for violation of a restraining order issued under sections  
41 1 to 9 of this 2025 Act must be conducted by the court that issued the order, or by the circuit  
42 court for a county in which a violation of the restraining order occurs. If contempt pro-  
43 ceedings are initiated in the circuit court for a county in which a violation of the restraining  
44 order occurs, the person initiating the contempt proceedings shall file with the court a copy  
45 of the restraining order, certified by the clerk of the court that issued the order. Upon filing

1 of the certified copy of the restraining order, the court shall enforce the order as though  
2 that court had issued the order.

3 **SECTION 9.** (1) At any time after an order has been issued under sections 1 to 9 of this  
4 2025 Act and after the time period set forth in section 3 (8)(a) of this 2025 Act, a party may  
5 request that the court modify, remove or make less restrictive terms in the order that were  
6 entered under section 3 (1)(b) of this 2025 Act for good cause shown. Application to the court  
7 under this subsection may be by ex parte motion.

8 (2) The clerk of the court shall provide without charge the number of certified true  
9 copies of the request for modification of the order and notice of hearing necessary to effect  
10 service and, at the election of the party requesting the modification, shall have a true copy  
11 of the request and notice delivered to the county sheriff for service upon the other party.

12 (3) The county sheriff shall personally serve the other party with a request under sub-  
13 section (1) of this section, unless the party requesting the modification under subsection (1)  
14 of this section elects to have the other party personally served by a private party or unless  
15 otherwise ordered by the court.

16 (4) The provisions of section 4 (3) of this 2025 Act apply to a modification of an order  
17 under this section.

18 (5) The clerk of the court shall deliver a copy of an order of modification entered under  
19 subsection (1) of this section to the county sheriff for service and entry into the Law  
20 Enforcement Data System as provided in section 6 of this 2025 Act.

21 (6)(a) The county sheriff shall serve a copy of an order of modification entered under  
22 subsection (1) of this section by mailing a copy of the order to the nonrequesting party by  
23 first class mail.

24 (b) If the order of modification recites that the respondent appeared in person before the  
25 court, the necessity for service of the order and proof of service is waived.

26 (7) The court may assess against either party reasonable attorney fees and costs that  
27 may be incurred in the proceeding.

28 **SECTION 10.** ORS 21.245 is amended to read:

29 21.245. (1) The State Court Administrator may prescribe and charge a reasonable price, covering  
30 the costs of labor and material, for any forms provided by the courts of this state. The sums so  
31 collected shall be paid over to the State Treasurer and credited to the Court Forms Revolving Fund.

32 (2) Notwithstanding subsection (1) of this section, no charge shall be made for forms made  
33 available under the provisions of ORS 107.700 to 107.735 or 124.005 to 124.040 or ORS 163.760 to  
34 163.777 or sections 1 to 9 of this 2025 Act.

35 **SECTION 11.** ORS 36.185 is amended to read:

36 36.185. After the appearance by all parties in any civil action, except proceedings under ORS  
37 107.700 to 107.735, 124.005 to 124.040 or 163.760 to 163.777 or sections 1 to 9 of this 2025 Act, a  
38 judge of any circuit court may refer a civil dispute to mediation under the terms and conditions set  
39 forth in ORS 36.185 to 36.210. When a party to a case files a written objection to mediation with the  
40 court, the action shall be removed from mediation and proceed in a normal fashion. All civil  
41 disputants shall be provided with written information describing the mediation process, as provided  
42 or approved by the State Court Administrator, along with information on established court medi-  
43 ation opportunities. Filing parties shall be provided with this information at the time of filing a civil  
44 action. Responding parties shall be provided with this information by the filing party along with the  
45 initial service of filing documents upon the responding party.

**SECTION 12.** ORS 107.085 is amended to read:

107.085. (1) A suit for marital annulment, dissolution or separation shall be entitled: “IN THE MATTER OF THE MARRIAGE OF (names of parties): PETITION FOR (ultimate relief sought).” The moving party shall be designated as the “Petitioner” and the other party the “Respondent.” Nothing in this section shall preclude both parties from acting as “Copetitioners.”

(2) The petitioner shall state the following in the petition:

(a) The names and dates of birth of all of the children born or adopted during the marriage, and a reference to and expected date of birth of any children conceived during the marriage but not yet born;

(b) The names and dates of birth of all children born to the parties prior to the marriage;

(c) To the extent known:

(A) Whether there is pending in this state or any other jurisdiction a domestic relations suit, as defined in ORS 107.510;

(B) Whether there is pending in this state or any other jurisdiction any type of support proceeding involving dependents of the same marriage, including one brought under this section or ORS 25.501 to 25.556, 108.110, 109.100, 125.025 or 419B.400 or ORS chapter 110;

(C) Whether there exists in this state or any other jurisdiction a support order, as defined in ORS 110.503, involving dependents of the same marriage; and

(D) Whether there exists in this state or any other jurisdiction a protective order between the parties as authorized by ORS 30.866, 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 **or sections 1 to 9 of this 2025 Act**, or any other order that restrains one of the parties from contact with the other party or with the parties’ minor children; and

(d) That the petitioner acknowledges that by filing the petition the petitioner is bound by the terms of the restraining order issued under ORS 107.093.

(3) The petitioner shall include with the petition a certificate regarding any pending support proceeding and any existing support order. The petitioner shall use a certificate that is in a form established by court rule and include information required by court rule and subsection (2)(c)(B) and (C) of this section.

(4) At or prior to the hearing of a suit for marital annulment, dissolution or separation, the moving party or the party attending the hearing shall file with the court a written statement setting forth the full names and any former names of the parties, the residence, mailing or contact addresses of the parties, the ages of both parties, the date and place of the marriage of the parties, and the names and ages of the children born to or adopted by the parties. This information shall be incorporated in and made a part of the judgment.

(5) If real property is involved, the petitioner may have a notice of pendency of the action recorded at the time the petition is filed, as provided in ORS 93.740.

(6) The Social Security numbers of the parties and of the children born or adopted during the marriage and children born to the parties prior to the marriage shall be provided as established in ORS 107.840.

**SECTION 13.** ORS 107.720 is amended to read:

107.720. (1)(a) Whenever a restraining order, as authorized by ORS 107.095 (1)(c) or (d), 107.716 or 107.718 **or section 3 or 4 of this 2025 Act**, that includes a security amount and an expiration date pursuant to ORS 107.095, 107.716 or 107.718 **or section 3 or 4 of this 2025 Act** and this section, is issued and the person to be restrained has actual notice of the order, the clerk of the court or any other person serving the petition and order shall immediately deliver to a county sheriff a

1 true copy of proof of service, on which it is stated that personal service of the petition and order  
2 was served on the respondent, and copies of the petition and order. Proof of service may be made  
3 by affidavit or by declaration under penalty of perjury. If an order entered by the court recites that  
4 the respondent appeared in person before the court, the necessity for service of the order and proof  
5 of service is waived. Upon receipt of a copy of the order and notice of completion of any required  
6 service by a member of a law enforcement agency, the county sheriff shall immediately enter the  
7 order into the Law Enforcement Data System maintained by the Department of State Police and into  
8 the databases of the National Crime Information Center of the United States Department of Justice.  
9 If the petition and order were served on the respondent by a person other than a member of a law  
10 enforcement agency, the county sheriff shall enter the order into the Law Enforcement Data System  
11 and databases of the National Crime Information Center upon receipt of a true copy of proof of  
12 service. The sheriff shall provide the petitioner with a true copy of any required proof of service.  
13 Entry into the Law Enforcement Data System constitutes notice to all law enforcement agencies of  
14 the existence of the order. Law enforcement agencies shall establish procedures adequate to ensure  
15 that an officer at the scene of an alleged violation of the order may be informed of the existence  
16 and terms of the order. The order is fully enforceable in any county or tribal land in this state.

17 (b) When a restraining order has been entered into the Law Enforcement Data System and the  
18 databases of the National Crime Information Center of the United States Department of Justice  
19 under paragraph (a) of this subsection, a county sheriff shall cooperate with a request from a law  
20 enforcement agency from any other jurisdiction to verify the existence of the restraining order or  
21 to transmit a copy of the order to the requesting jurisdiction.

22 (2)(a) A restraining order shall remain in effect until the order expires or is terminated by court  
23 order.

24 (b) When a restraining order has been entered under ORS 107.718, the restraining order shall  
25 not be terminated upon a motion for dismissal by the petitioner unless the motion is notarized.

26 (3) In any situation where a restraining order described in subsection (1) of this section is ter-  
27 minated before the expiration date, the clerk of the court shall immediately deliver a copy of the  
28 termination order to the county sheriff with whom the original order was filed. Upon receipt of the  
29 termination order, the county sheriff shall promptly remove the original order from the Law  
30 Enforcement Data System and the databases of the National Crime Information Center of the United  
31 States Department of Justice.

32 (4) Pending a contempt hearing for alleged violation of a restraining order issued under ORS  
33 107.095 (1)(c) or (d), 107.716 or 107.718 **or section 3 or 4 of this 2025 Act**, a person arrested and  
34 taken into custody pursuant to ORS 133.310 may be released as provided in ORS 135.230 to 135.290.  
35 Whenever a restraining order is issued under ORS 107.095 (1)(c) or (d), 107.716 or 107.718 **or section**  
36 **3 or 4 of this 2025 Act**, the issuing court shall set a security amount for the violation of the order.

37 **SECTION 14.** ORS 107.755 is amended to read:

38 107.755. (1) Each judicial district shall:

39 (a) Provide a mediation orientation session for all parties in cases in which child custody, par-  
40 enting time or visitation is in dispute, and in any other domestic relations case in which mediation  
41 has been ordered. The orientation session may be structured in any way the circuit court determines  
42 best meets the needs of the parties. The orientation session should be designed to make the parties  
43 aware of:

44 (A) What mediation is;

45 (B) Mediation options available to them; and

- 1 (C) The advantages and disadvantages of each method of dispute resolution.
- 2 (b) Except in matters tried under ORS 107.097 and 107.138 or upon a finding of good cause, re-  
 3 quire parties in all cases described in paragraph (a) of this subsection to attend a mediation orien-  
 4 tation session prior to any judicial determination of the issues.
- 5 (c) Provide mediation under ORS 107.755 to 107.795 in any case in which child custody, parent-  
 6 ing time and visitation are in dispute.
- 7 (d) Have developed a plan that addresses domestic violence issues and other power imbalance  
 8 issues in the context of mediation orientation sessions and mediation of any issue in accordance  
 9 with the following guidelines:
- 10 (A) All mediation programs and mediators must recognize that mediation is not an appropriate  
 11 process for all cases and that agreement is not necessarily the appropriate outcome of all mediation;
- 12 (B) Neither the existence of nor the provisions of a restraining order issued under ORS 107.718  
 13 may be mediated;
- 14 (C) All mediation programs and mediators must develop and implement:
- 15 (i) A screening and ongoing evaluation process of domestic violence issues for all mediation  
 16 cases;
- 17 (ii) A provision for opting out of mediation that allows a party to decline mediation after the  
 18 party has been informed of the advantages and disadvantages of mediation or at any time during the  
 19 mediation; and
- 20 (iii) A set of safety procedures intended to minimize the likelihood of intimidation or violence  
 21 in the orientation session, during mediation or on the way in or out of the building in which the  
 22 orientation or mediation occurs;
- 23 (D) When a mediator explains the process to the parties, the mediator shall include in the ex-  
 24 planation the disadvantages of mediation and the alternatives to mediation;
- 25 (E) All mediators shall obtain continuing education regarding domestic violence and related is-  
 26 sues; and
- 27 (F) Mediation programs shall collect appropriate data. Mediation programs shall be sensitive  
 28 to domestic violence issues when determining what data to collect.
- 29 (e) In developing the plan required by paragraph (d) of this subsection, consult with one or more  
 30 of the following:
- 31 (A) A statewide or local multidisciplinary domestic violence coordinating council.
- 32 (B) A nonprofit private organization funded under ORS 409.292.
- 33 (2) Notwithstanding any other provision of law, mediation under ORS 107.755 to 107.795, in-  
 34 cluding the mediation orientation session described in subsection (1)(a) of this section, may not be  
 35 encouraged or provided in proceedings under ORS 30.866, 107.700 to 107.735, 124.005 to 124.040 or  
 36 163.738 **or sections 1 to 9 of this 2025 Act.**
- 37 (3) The court, as provided in ORS 3.220, may make rules consistent with ORS 107.755 to 107.795  
 38 to govern the operation and procedure of mediation provided under this section.
- 39 (4) If a court provides mediation of financial issues, it shall develop a list of mediators who meet  
 40 the minimum education and experience qualifications established by rules adopted under ORS 1.002.  
 41 The rules must require demonstrated proficiency in mediation of financial issues. Once the list is  
 42 developed, the judicial district shall maintain the list. Mediation of financial issues is subject to the  
 43 plan developed under subsection (1)(d) of this section and to the limitations imposed by subsection  
 44 (2) of this section.
- 45 (5) A circuit court may provide mediation in connection with its exercise of conciliation juris-



1 diction under ORS 107.510 to 107.610, but a circuit court need not provide conciliation services in  
2 order to provide mediation under ORS 107.755 to 107.795.

3 **SECTION 15.** ORS 133.310 is amended to read:

4 133.310. (1) A peace officer may arrest a person without a warrant if the officer has probable  
5 cause to believe that the person has committed any of the following:

6 (a) A felony.

7 (b) A misdemeanor.

8 (c) An unclassified offense for which the maximum penalty allowed by law is equal to or greater  
9 than the maximum penalty allowed for a Class C misdemeanor.

10 (d) Any other crime committed in the officer's presence.

11 (2) A peace officer may arrest a person without a warrant when the peace officer is notified by  
12 telegraph, telephone, radio or other mode of communication by another peace officer of any state  
13 that there exists a duly issued warrant for the arrest of a person within the other peace officer's  
14 jurisdiction.

15 (3) A peace officer shall arrest and take into custody a person without a warrant when the  
16 peace officer has probable cause to believe that:

17 (a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718,  
18 124.015, 124.020, 133.035, 163.738, 163.765, 163.767 or 419B.845 **or section 3 or 4 of this 2025 Act**  
19 restraining the person;

20 (b) A true copy of the order and proof of service on the person has been filed as required in  
21 ORS 107.720, 124.030, 133.035, 163.741, 163.773 or 419B.845; and

22 (c) The person to be arrested has violated the terms of that order.

23 (4) A peace officer shall arrest and take into custody a person without a warrant if:

24 (a) The person protected by a foreign restraining order as defined by ORS 24.190 presents a  
25 physical or electronic copy of the foreign restraining order to the officer and represents to the of-  
26 ficer that the order supplied is the most recent order in effect between the parties and that the  
27 person restrained by the order has been personally served with a copy of the order or has actual  
28 notice of the order; and

29 (b) The peace officer has probable cause to believe that the person to be arrested has violated  
30 the terms of the foreign restraining order.

31 (5) A peace officer shall arrest and take into custody a person without a warrant if:

32 (a) A foreign restraining order as defined by ORS 24.190 has been filed with a court or has been  
33 entered into the Law Enforcement Data System or in the databases of the National Crime Informa-  
34 tion Center of the United States Department of Justice; and

35 (b) The peace officer has probable cause to believe that the person to be arrested has violated  
36 the terms of the foreign restraining order.

37 (6) A peace officer shall arrest and take into custody a person without a warrant if the peace  
38 officer has probable cause to believe:

39 (a) The person has been charged with an offense and is presently released as to that charge  
40 under ORS 135.230 to 135.290; and

41 (b) The person has failed to comply with a no contact condition of the release agreement.

42 **SECTION 16.** ORS 133.381 is amended to read:

43 133.381. (1) When a peace officer arrests a person pursuant to ORS 133.310 (3) or pursuant to  
44 a warrant issued under ORS 33.075 by a court or judicial officer for the arrest of a person charged  
45 with contempt for violating an order issued under ORS 107.095 (1)(c) or (d), 107.716, 107.718, 124.015,

1 124.020, 163.765 or 163.767 **or section 3 or 4 of this 2025 Act**, if the person is arrested in a county  
 2 other than that in which the warrant or order was originally issued, the peace officer shall take the  
 3 person before a magistrate as provided in ORS 133.450. If it becomes necessary to take the arrested  
 4 person to the county in which the warrant or order was originally issued, the costs of such trans-  
 5 portation shall be paid by that county.

6 (2) If a person arrested for the reasons described in subsection (1) of this section is subsequently  
 7 found subject to the imposition of sanctions for contempt, the court, in addition to any other sanc-  
 8 tion it may impose, may order the person to repay a county all costs of transportation incurred by  
 9 the county pursuant to subsection (1) of this section.

10 **SECTION 17.** ORS 147.015 is amended to read:

11 147.015. (1) A person is eligible for an award of compensation under ORS 147.005 to 147.367 if:

12 (a) The person is a victim, or is a survivor or dependent of a deceased victim, of a compensable  
 13 crime that has resulted in or may result in a compensable loss;

14 (b) The appropriate law enforcement officials were notified of the perpetration of the crime  
 15 allegedly causing the death or injury to the victim, unless the Department of Justice finds that,  
 16 notwithstanding the failure of notification, the applicant acted reasonably under the circumstances;

17 (c) The application for compensation is not the result of collusion between the applicant and the  
 18 assailant of the victim;

19 (d) The department determines that the victim acted reasonably with respect to the incident  
 20 causing the death or injury to the victim, taking into account the specific situation of the victim  
 21 and what a reasonable action would be for a person in the victim's circumstances; and

22 (e) The application for an award of compensation under ORS 147.005 to 147.367 is filed with the  
 23 department:

24 (A) Within one year of the date of the injury to the victim; or

25 (B) Within such further extension of time as the department, for good cause shown, allows.

26 (2) The requirement under subsection (1)(b) of this section to notify the appropriate law  
 27 enforcement officials of the perpetration of the crime is satisfied if:

28 (a) As a result of the compensable crime for which the victim or applicant is applying for com-  
 29 pensation, the victim or applicant obtained:

30 (A) A temporary or permanent stalking protective order under ORS 30.866 or 163.730 to 163.750;

31 (B) A sexual abuse restraining order under ORS 163.760 to 163.777;

32 (C) An abuse prevention order under ORS 107.700 to 107.735 or 124.005 to 124.040;

33 **(D) A harassment protective order under sections 1 to 9 of this 2025 Act;**

34 ~~[(D)]~~ (E) Any other abuse prevention order or no contact order issued by a state, local, tribal  
 35 or federal court; or

36 ~~[(E)]~~ (F) A medical assessment, as defined in ORS 147.395, for sexual assault, or any other  
 37 forensic exam or medical assessment;

38 (b) A health provider, tribal health provider, student health provider or community mental  
 39 health provider certifies that the victim reported the crime to the provider; or

40 (c) The victim provides to the department documentation that qualifies as law enforcement no-  
 41 tification under the rules of the department.

42 (3) The department shall adopt rules establishing:

43 (a) A limited counseling award for victims who apply for an award of compensation but who do  
 44 not otherwise qualify under the eligibility requirements of this section.

45 (b) The types of documentation that qualify as notification to the appropriate law enforcement

officials of the perpetration of the crime as described in subsection (2)(c) of this section.

**SECTION 18.** ORS 163.715 is amended to read:

163.715. (1) A person commits the crime of unlawful use of a global positioning system device if the person knowingly affixes a global positioning system device to a motor vehicle without consent of the owner of the motor vehicle.

(2)(a) Except as provided in paragraph (b) of this subsection, unlawful use of a global positioning system device is a Class A misdemeanor.

(b) Unlawful use of a global positioning system device is a Class C felony if, at the time of the offense, the person:

(A) Has been previously convicted of stalking under ORS 163.732, violating a court’s stalking order under ORS 163.750 or committing an equivalent crime in another jurisdiction; or

(B) Is the subject of a citation issued under ORS 163.735, an order issued under ORS 30.866, 107.700 to 107.735 or 163.738 **or sections 1 to 9 of this 2025 Act** or another court order prohibiting the person from contacting another person.

(3) This section does not apply to:

(a) A police officer who affixes a global positioning system device to a motor vehicle pursuant to a warrant or court order; or

(b) A person who affixes a global positioning system device to a motor vehicle operated by a motor carrier.

(4) As used in this section:

(a) “Global positioning system device” means an electronic device that permits the tracking of a person or object by means of global positioning system coordinates.

(b) “Motor carrier” has the meaning given that term in ORS 825.005.

(c) “Police officer” has the meaning given that term in ORS 133.525.

**SECTION 19.** ORS 659A.270 is amended to read:

659A.270. As used in ORS 659A.270 to 659A.285:

(1) “Covered employer” means an employer who employs six or more individuals in the State of Oregon for each working day during each of 20 or more calendar workweeks in the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking, or in the year immediately preceding the year in which an eligible employee takes leave to address domestic violence, harassment, sexual assault, bias or stalking.

(2) “Eligible employee” means an employee who is a victim of domestic violence, harassment, sexual assault, bias or stalking or is the parent or guardian of a minor child or dependent who is a victim of domestic violence, harassment, sexual assault, bias or stalking.

(3) “Protective order” means an order authorized by ORS 30.866, 107.095 (1)(c), 107.700 to 107.735, 124.005 to 124.040, 163.730 to 163.750 or 163.760 to 163.777 **or sections 1 to 9 of this 2025 Act** or any other order that restrains an individual from contact with an eligible employee or the employee’s minor child or dependent.

(4) “Victim of bias” means:

(a) An individual who has been a victim of a bias crime as defined in ORS 147.380; or

(b) Any other individual designated as a victim of bias by rule adopted under ORS 659A.805.

(5) “Victim of domestic violence” means:

(a) An individual who has been a victim of abuse, as defined in ORS 107.705; or

(b) Any other individual designated as a victim of domestic violence by rule adopted under ORS 659A.805.

1 (6) “Victim of harassment” means:

2 (a) An individual against whom harassment has been committed as described in ORS 166.065.

3 (b) Any other individual designated as a victim of harassment by rule adopted under ORS  
4 659A.805.

5 (7) “Victim of sexual assault” means:

6 (a) An individual against whom a sexual offense has been committed as described in ORS 163.305  
7 to 163.467, 163.472 or 163.525; or

8 (b) Any other individual designated as a victim of sexual assault by rule adopted under ORS  
9 659A.805.

10 (8) “Victim of stalking” means:

11 (a) An individual against whom stalking has been committed as described in ORS 163.732;

12 (b) An individual designated as a victim of stalking by rule adopted under ORS 659A.805; or

13 (c) An individual who has obtained a court’s stalking protective order or a temporary court’s  
14 stalking protective order under ORS 30.866.

15 (9) “Victim services provider” means a prosecutor-based victim assistance program or a  
16 nonprofit program offering safety planning, counseling, support or advocacy related to domestic vi-  
17 olence, harassment, sexual assault, bias or stalking.

18 **SECTION 20.** Section 2, chapter 204, Oregon Laws 2005, as amended by section 359, chapter  
19 70, Oregon Laws 2007, is amended to read:

20 **Sec. 2.** (1) In carrying out the provisions of section 2, chapter 290, Oregon Laws 1987, the Public  
21 Utility Commission shall adopt rules to prohibit the termination of local exchange residential service  
22 if the termination would significantly endanger a customer, or a person in the household of the  
23 customer, who is:

24 (a) At risk of domestic violence, as defined in ORS 135.230;

25 (b) At risk of unwanted sexual contact, as defined in ORS 163.305;

26 (c) A person with a disability, as defined in ORS 124.005, who is at risk of abuse, as defined in  
27 ORS 124.005 (1)(a), (d) or (e);

28 (d) An elderly person, as defined in ORS 124.005, who is at risk of abuse, as defined in ORS  
29 124.005 (1)(a), (d) or (e); or

30 (e) A victim of stalking, as described in ORS 163.732.

31 (2) A customer may establish that termination of local exchange residential service would sig-  
32 nificantly endanger the customer, or a person in the household of the customer, by providing a  
33 telecommunications public utility with an affidavit signed by the customer stating that termination  
34 would place the customer, or a person in the household of the customer, at significant risk of do-  
35 mestic violence, as defined in ORS 135.230, or of unwanted sexual contact, as defined in ORS  
36 163.305. The customer must attach to the affidavit a copy of an order issued under ORS 30.866,  
37 107.700 to 107.735, 124.005 to 124.040 or 163.738 **or sections 1 to 9 of this 2025 Act** that restrains  
38 another person from contact with the customer, or a person in the household of the customer, or a  
39 copy of any other court order that restrains another person from contact with the customer, or a  
40 person in the household of the customer, by reason of a risk described in subsection (1) of this sec-  
41 tion or by reason of stalking.

42 (3) The commission shall require that each telecommunications public utility establish proce-  
43 dures for submitting and receiving affidavits under subsection (2) of this section.

44 (4) This section does not apply to termination of any telecommunication service other than local  
45 exchange residential service.

1           (5) A customer submitting an affidavit as provided by subsection (2) of this section is not ex-  
2 cused from paying for telecommunication service. Customers are required to enter into a reasonable  
3 payment agreement with the telecommunications public utility if an overdue balance exists. Local  
4 exchange residential service may be terminated if a customer refuses to enter into or fails to abide  
5 by the terms of a reasonable payment agreement.

6           (6) Nothing in this section prevents the termination of local exchange residential service if the  
7 telecommunications public utility providing the service does not have the technical ability to ter-  
8minate toll telecommunication service without also terminating local exchange residential service.

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