

A-Engrossed
Senate Bill 218

Ordered by the Senate March 9
Including Senate Amendments dated March 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Attorney General Hardy Myers for Department of Justice)

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.

Allows public servant or public servant's employer to seek injunction against person engaging in certain criminal conduct directed at public servant and related to public servant's employment **or status as elected or appointed public servant**. Allows person subject to injunction to request hearing within 30 days after order served.

A BILL FOR AN ACT

1
2 Relating to injunctive relief available for public servants.

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

4 **SECTION 1. (1) A public servant or the public servant's employer may petition a circuit**
5 **court for an order enjoining a person who engages in conduct that:**

6 (a) **Is directed at the public servant;**

7 (b) **Relates to the public servant's employment or the public servant's status as an**
8 **elected or appointed public servant; and**

9 (c) **Constitutes any of the following crimes:**

10 (A) **Obstructing governmental or judicial administration under ORS 162.235.**

11 (B) **Assault under ORS 163.160, 163.165, 163.175 or 163.185.**

12 (C) **Menacing under ORS 163.190.**

13 (D) **Criminal trespass in the first degree under ORS 164.255.**

14 (E) **Disorderly conduct under ORS 166.025.**

15 (F) **Harassment under ORS 166.065.**

16 (G) **Telephonic harassment under ORS 166.090.**

17 (2) **The petitioner has the burden of proof by a preponderance of the evidence under**
18 **subsection (1) of this section. An order issued under this section is valid for one year after**
19 **entry in the register of the court or until vacated by the court, whichever occurs first.**

20 (3) **Contempt proceedings against a person who violates an order issued by a circuit court**
21 **under subsection (1) of this section shall be as provided in ORS 33.055 or 33.065.**

22 (4) **As used in this section, "public servant" has the meaning given that term in ORS**
23 **162.005.**

24 **SECTION 2. (1) A person against whom an order is issued under section 1 of this 2005**
25 **Act may file a request for hearing with the court that issued the order within 30 days after**
26 **the order is served on the person. A request under this section shall be in writing, shall be**

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 signed by the person and shall include the printed name, telephone number and mailing ad-
2 dress of the person.

3 (2) Upon the filing of a request under this section, the clerk of the court shall mail a copy
4 of the request to the petitioner in the matter and shall notify the petitioner and the person
5 filing the request of the date and time set for the hearing.

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