

Enrolled
Senate Bill 218

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CHAPTER

AN ACT

Relating to injunctive relief available for public servants.

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

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

- (a) Is directed at the public servant;
- (b) Relates to the public servant's employment or the public servant's status as an elected or appointed public servant; and
- (c) Constitutes any of the following crimes:
 - (A) Obstructing governmental or judicial administration under ORS 162.235.
 - (B) Assault under ORS 163.160, 163.165, 163.175 or 163.185.
 - (C) Menacing under ORS 163.190.
 - (D) Criminal trespass in the first degree under ORS 164.255.
 - (E) Disorderly conduct under ORS 166.025.
 - (F) Harassment under ORS 166.065.
 - (G) Telephonic harassment under ORS 166.090.

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

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

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

SECTION 2. (1) A person against whom an order is issued under section 1 of this 2005 Act may file a request for hearing with the court that issued the order within 30 days after the order is served on the person. A request under this section shall be in writing, shall be signed by the person and shall include the printed name, telephone number and mailing address of the person.

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

Passed by Senate March 14, 2005

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Secretary of Senate

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President of Senate

Passed by House May 20, 2005

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Speaker of House

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State