

**A-Engrossed**  
**Senate Bill 1068**

Ordered by the Senate July 7  
Including Senate Amendments dated July 7

Sponsored by COMMITTEE ON RULES

**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.

*[Creates crime of violating release agreement. Punishes by maximum of one year's imprisonment, \$6,250 fine, or both.]*

*[Expands crime of assault in fourth degree.]*

**Expands circumstances under which peace officer is required to arrest person who has failed to comply with no contact provision of release agreement.**

**A BILL FOR AN ACT**

1  
2 Relating to consequences of violating conditions of release agreement; amending ORS 133.310.

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

4 **SECTION 1.** ORS 133.310 is amended to read:

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

7 (a) A felony.

8 (b) A misdemeanor.

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

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

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

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

18 (a) There exists an order issued pursuant to ORS 30.866, 107.095 (1)(c) or (d), 107.716, 107.718,  
19 124.015, 124.020, 163.738 or 419B.845 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, 163.741 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 copy  
25 of the foreign restraining order to the officer and represents to the officer that the order supplied  
26 is the most recent order in effect between the parties and that the person restrained by the 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 has been personally served with a copy of the order or has actual notice of the order; and

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

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

5 (a) The person protected by a foreign restraining order as defined by ORS 24.190 has filed a copy  
6 of the foreign restraining order with a court or has been identified by the officer as a party pro-  
7 tected by a foreign restraining order entered in the Law Enforcement Data System or in the data-  
8 bases of the National Crime Information Center of the United States Department of Justice; and

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

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

13 (a) The person has been charged with an offense [*that also constitutes domestic violence, as de-*  
14 *fin**ed in ORS 135.230,*] and is presently released as to that charge under ORS 135.230 to 135.290; and

15 (b) The person has failed to comply with [*the*] a no contact condition of the release agreement.  
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