



Oregon Alliance to End Violence Against Women

Close of Session Update on 2015 Alliance Priority Issues 7/21/2015

Pre-Session Priority Issues Passed:

1. Confidentiality Protection for Sexual Assault and Domestic Violence Survivors - HB 3476:

Confidentiality is critical to effective access to services and options for victim safety. Victims of sexual assault and domestic violence suffer a wide range of emotional and psychological trauma. Sharing information without permission directly threatens a victim's safety, autonomy, and confidence in advocacy services. Without assurances of confidentiality, victims may not seek help from support services and may stay in unsafe situations and suffer more abuse or assault. This bill will require confidentiality and provide a statutory privilege prohibiting the disclosure without permission of confidential communications between survivors and victim advocates at non-profit community based or campus-based programs.

Alliance Priority PASSED! Signed by the Governor June 4th, 2015. Provisions take effect October 1, 2015

2. Implementation of Federal Domestic Violence Firearms Prohibitions - SB 525:

Federal law has long prohibited gun possession by domestic violence offenders who have been convicted of a misdemeanor crime of domestic violence, or who are subject to certain restraining orders. Unfortunately, Oregon currently has no such law, hindering effective implementation of these provisions for Oregon survivors. This bill will provide a state law prohibiting gun possession by domestic violence offenders. Then bill will facilitate local enforcement of this crime, help reduce lethality, and save lives.

Alliance Priority PASSED! Signed by the Governor June 18th, 2015. Provisions take effect January 1, 2016

3. Removal of Filing Fee for All Stalking Orders: HB 2628

*This bill disallows all filing fees, service fees and hearing fees in an action for a protective stalking order, even if the stalking order also includes claims for damages. The bill initially also proposed to expand the court's authority to order "other relief" in a stalking order, but that piece was amended out of the bill before passage. **Alliance Priority PASSED!** Effective Date: May 18, 2015*

4. Temporary Emergency Protective Orders: HB 2776

*This bill creates a short-term emergency protective order for which a peace officer may apply on a 24 hour basis. The order may only be sought with the victim's permission. The peace officer may contact the court to seek an order if: 1) the officer has responded to an incident of domestic disturbance and the circumstances for mandatory arrest exist; **or** 2) a person is in immediate danger of abuse by a family or household member; **and** 3) an emergency protective order is necessary to prevent a person from suffering the occurrence or recurrence of abuse. Application is in a process similar to seeking an arrest warrant. An EPO expires on the seventh judicial business day following the day of its entry into the Law Enforcement Data System. A violation of the order constitutes contempt of court punishable by up to six months in jail. OSP and stakeholders to draft implementation forms. **Alliance Priority PASSED!** Effective Date: January 1, 2016*

Oregon Alliance to End Violence Against Women

5. Increased Housing Resources in the OHCS Budget:

Alliance Priority PASSED! There were major improvements this session in access to funding for emergency, transitional, and permanent affordable housing resources across the state to help survivors and children have access to safety and stability.

- \$2 million in Emergency Housing Assistance and SHAP funds that were previously temporary were made permanent.
- \$40 million in bonds for the creation of new permanent affordable housing.
- \$20 million in bonds for new affordable housing for people with mental illness.
- \$2.5 million increase to the capacity for preservation of currently affordable housing that might otherwise return to the private market.

6. Justice Reinvestment Funding in the CJC Budget:

Alliance Priority PASSED! This session, \$40 million was allocated statewide for Justice Reinvestment. Justice Reinvestment represents a transformational shift to give communities the resources needed to better prevent and respond to crime. Beginning in 2015, 10% of JR funding is allocated to community-based nonprofit victim services programs. Programs should engage with their local Public Safety Coordinating Councils about how the 10% will be allocated. **Contact Kerry Naughton at Partnership for Safety and Justice for more information.** kerry@safetyandjustice.org

7. Funding for Services to Survivors:

Alliance Priority - Funding Levels Maintained! Funds were at risk due to losses in the Punitive Damages fund. These programs were successfully protected from losses by backfills from the General Fund. Increasing these funds will remain a priority in future sessions.

- a. Oregon Domestic and Sexual Violence Services Fund in DOJ Budget: **Maintained**
- b. Criminal Fine Account DV and SA Funding in DHS Budget: **Maintained**
- c. DA-VAP and CAMI program funding: **Maintained**

Other Key DVSA Bills PASSED this Session

(These bills were brought forward by partners and allies, and are listed in numerical order.)

1. Violation of Restraining Order: SB 3

SB 3 creates the crime of endangering a person protected by Family Abuse Prevention Act restraining order, when the order is violated. The crime applies if the person has been served with the order, intentionally violates the order and either: 1) thus recklessly creates a substantial risk of physical injury; or 2) intentionally attempts to create fear of imminent physical injury. The crime is a class C felony. **Effective date: January 1, 2016**

2. Greater Accountability for Invasion of Privacy: SB 188, SB 377, HB 2356, HB 2569

SB 188 creates the crime of unlawful dissemination of an intimate image, when the dissemination is done knowingly, without consent, and with the intent to harass, humiliate or injure the victim. The image must be identifiable, and involve visible intimate parts or sexual conduct. The perpetrator must have known or reasonably should have known that the other person did not consent to the disclosure. The victim must have felt reasonably harassed, humiliated or injured by the disclosure. A first offense is a Class A misdemeanor, second offense is a Class C felony. **Effective date: June 11, 2015**

Oregon Alliance to End Violence Against Women

SB 377 adds theft of an intimate image to the computer crime statute (ORS 164.377).
Effective date: June 10, 2015

HB 2356 upgrades the crime of invasion of personal privacy in the first degree to a Class C felony in certain circumstances. Under current law, ORS 163.700 creates this crime as a Class A misdemeanor. HB 2356 creates higher sanctions when the invasion is caused by someone knowingly recording another in a state of nudity without consent and when there is a reasonable expectation of privacy. It also creates a Class C felony upgrade applicable to those who violate the misdemeanor provisions and have a previous conviction for invasion of privacy, private indecency, public indecency, or a sex crime. Sex offender registration would be discretionary if the court finds it appropriate for public safety. **Effective date: January 1, 2016**

HB 2596 addresses behavior known as "upskirting" - it amends the invasion of privacy statute to expand the definition of nudity to include areas covered by undergarments, if worn under clothing and when the expectation of privacy extends to those areas. **Effective date: June 10, 2015**

3. **Victim Notification: SB 199**

This bill requires the State Board of Parole and Post-Prison Supervision to notify the victim, if requested, prior to hearing or administrative decision to reset or advance the release date of a prisoner for outstanding reformation, severe medical condition or age-related incapacity.
Effective date: January 1, 2016

4. **Landlord-Tenant Protections for Survivors - SB 390:**

Current landlord-tenant law contains several provisions specific to survivors, prohibiting discrimination, and allowing for lock changes or early lease terminations for safety reasons. This bill adds to those protections by specifying that a tenant who is a victim may not be held responsible for damage that results from the conduct of a perpetrator relating to domestic violence, sexual assault or stalking committed against the tenant. A landlord may require a tenant to provide verification that the tenant or a member of the tenant's household is a victim of domestic violence, sexual assault or stalking as provided by ORS 90.453.
Effective date: January 1, 2016

5. **Survivors Qualify for Paid "Safe Leave": SB 454 and SB 492**

SB 492 allows victims seeking unpaid "safe leave" from work as provided by ORS 659A.270 to apply accrued paid leave towards "safe leave" time. **Effective date: January 1, 2016**

SB 454 requires all employers to implement sick time for employees. The bill specifies that DVSA safe leave as provided in ORS 659A.270 et seq. qualifies as "sick" leave. Employers that employ at least 10 employees working anywhere in the state must allow employee to earn and use up to 40 hours of PAID sick time per year. Employers that employ fewer than 10 employees working anywhere in this state must allow employee to earn and use up to 40 hours of UNPAID sick time per year. Up to three consecutive scheduled workdays can be taken without the need to provide verification. Penalties for employers who violate the policy, or employees who abuse the policy. **Effective date: January 1, 2016.**

Oregon Alliance to End Violence Against Women

6. **Campus Sexual Assault: SB 759**

*SB 759 requires public universities, community colleges and Oregon-based private universities and colleges to adopt written protocols for victims of sexual assault. Protocols must ensure that each victim who reports a sexual assault must receive information about what legal options are, including civil and criminal options as well as campus-based disciplinary processes; information about campus-based and community-based services available to the victim; and information about privacy rights and limitations. This information must be made available: 1) when a sexual assault is reported; 2) during student orientation; and (3) on the website of the university or college. **Effective date: 2016-2017 academic year.***

7. **Extension of Statute of Limitations on Sex Crimes: HB 2317**

*This bill extends the statute of limitations for certain sex crimes from six to 12 years after commission of the crime. Under current law, rape in the first degree, sodomy in the first degree, unlawful sexual penetration in the first degree and sexual abuse in the first degree all have a six year statute of limitations. This bill extends the SoL for those crimes to 12 years. If the victim was under 18 at the time of the crime, the crime may be prosecuted any time before the victim attains age 30 or within 12 years after the offense is reported, whichever occurs first. A workgroup will be commenced in the fall to consider further amendments. **Effective date: January 1, 2016***

8. **Court Interpreters for Victims: HB 2339**

*This bill requires the court to appoint an interpreter and to provide an appropriate assistive communication device when necessary for a crime victim who seeks to exercise certain constitutional rights in open court. **Effective date: May 26, 2015***

9. **Confidentiality of Health Care Information: HB 2758**

*This bill protects certain health information upon request by patient. If a confidentiality request is filed by patient, an insurer must ensure that any explanation of benefits, appointment, coverage determination, provider information, and other protected health information is not provided to anyone other than the patient. Under current law, this information can be provided to the policy holder, but this bill allows a patient to select greater confidentiality from the policy holder. Insurers must provide forms that patients can use to request this protection. DCBS will work on developing the forms. **Effective date: June 18, 2015***

10. **Improved Criminal No-Contact Orders: HB 3466**

*This bill provides that a release decision for a defendant charged with a sex crime or a crime constituting domestic violence must include an order prohibiting the defendant from attempting contact with the victim and prohibiting third-party contact with the victim while the defendant is in custody. Current law prohibits contact, but does not address attempted contacts directly or through 3rd party. These provisions will apply while the defendant is in custody and also pending trial. The court may limit or terminate this order after a hearing if appropriate. **Effective date: January 1, 2016***

Oregon Alliance to End Violence Against Women

11. Expansion of Crime of Coercion: HB 3468

*This bill amends the crime of coercion to include threatening to cause physical injury to an animal in order to induce another person to engage in conduct. **Effective date: January 1, 2016***

12. Amendments to Strangulation Upgrade: HB 3469

*This bill increases the penalty for the crime of strangulation when committed knowing that the victim was pregnant. Under current law, strangulation, like Assault IV, is a Class A misdemeanor by default; however certain enhancing factors can raise the crime to a class C felony. This bill makes the strangulation upgrade circumstances equivalent to the Assault IV upgrade circumstances, by adding an upgrade to the strangulation statute if the perpetrator commits the crime while knowing that the victim is pregnant. **January 1, 2016***

NOTE: This document highlights only some of the important DVSA policy bills passed this session. Additional important bills that passed are described in the attached PDF.

2015 Alliance Pre-Session Priority Issues that did NOT Pass

1. Close the Gap in Emergency Assistance for Victims - SB 503:

The TA-DVS program, established in Oregon in 1996, provides one-time emergency assistance of up to \$1200 to survivors of domestic violence seeking safety for themselves and their children. The program can pay for emergency transportation, motel vouchers, food and clothing for a family who had to leave all behind in order to get safe, security locks, and other safety-related expenses. The Alliance sought two improvements to the program:

- Include survivors of sexual assault, so that they too may qualify for emergency funds;*
- Increase the allowable assistance from a cap of \$1,200 to a cap of \$2000, to more effectively meet safety needs.*

Close of Session Status: Not Passed. *The fiscal impact (price tag) of the bill was much higher than expected, and there was not the budget capacity to move forward. We had good ground-work discussions and hope to have laid a foundation for future work on this issue.*

2. Statewide Capacity for the Domestic Violence DHS Co-Located Advocates Program:

\$3.2 million increase in funding in the DHS Budget to allow full implementation of this nationally recognized model statewide.

Close of Session Status: Not Passed. *The program was continued, but not increased due to budget concerns. This will require further work in future sessions.*