



LPRO: Legislative Policy and Research Office

DOMESTIC VIOLENCE

BACKGROUND BRIEF

Domestic violence is a pattern of behaviors that is used by one partner to gain or maintain power and control over another partner. It may involve physical violence, threats, emotional abuse, economic control or a combination of behaviors.

- Approximately one in four women and nearly one in seven men in the United States have experienced severe physical violence by an intimate partner in their lifetime.¹
- Nearly one-third of Oregon women reported experiencing some kind of domestic violence, stalking, sexual assault or physical assault.
- Although women from all racial and ethnic groups experience domestic violence, American Indian women report experiencing a disproportionate amount of domestic violence.
- Domestic violence is associated with short-term health problems, such as injuries, and long-term problems, such as

depression and other mental health conditions.

- In 2013, 34 Oregonians were killed in 26 separate domestic violence incidents; 27 victims and 7 perpetrators were killed and another 9 victims survived murder attempts, including one child under the age of 6.

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- In 2015, domestic violence shelters and hotlines took 134,888 calls for help. These calls included domestic violence, stalking and sexual assault calls.²

- In 2015, 2,525 adults, 313 teens and 1,748 children stayed in a domestic violence shelter, but over 10,000 people requesting shelter were turned

away.

The state promotes routine screening of women for domestic violence by health care providers, in emergency rooms and primary care settings, and works with law enforcement support and community services for victims of domestic violence.

¹ Centers for Disease Control and Prevention (CDC). Costs of intimate partner violence against women in the United States. Atlanta (GA): CDC, National Center for Injury Prevention and Control; 2003.

² Striving to Meet the Need: Summary of Services Provided by Sexual and Domestic Violence Programs in Oregon. December, 2015.
<https://www.oregon.gov/DHS/ABUSE/DOMESTIC/Documents/2015-Striving-to-Meet-the-Need.pdf>.



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LEGAL DEFINITIONS

The Oregon Revised Statutes (ORS) define “domestic violence” as *abuse* between family or household members. “Family or household members” means any of the following:

- Spouses;
- Former spouses;
- Adult persons related by blood or marriage;
- Persons cohabiting with each other;
- Persons who have cohabited with each other or who have been involved in a sexually intimate relationship; or
- Unmarried parents of a minor child.

“Abuse” is defined as the occurrence of one or more of the following acts between family or household members:

- Attempting to cause or intentionally, knowingly or recklessly causing physical injury;
- Intentionally, knowingly or recklessly placing another in fear of imminent serious physical injury; or
- Causing another to engage in involuntary sexual relations by force or threat of force.

In Oregon, there is no single crime of domestic violence. The term is used to describe any number of crimes (assault, murder, burglary, harassment or menacing) that occur between family or household members.

MANDATORY ARREST AND NO-CONTACT ORDER

When a law enforcement officer responds to a domestic disturbance call, and has probable cause to believe an assault has occurred or to believe that a person has placed another in fear of imminent serious physical injury, the officer must arrest the suspected assailant. The officer must make every effort to determine who the assailant is, but is not required to arrest both or multiple persons.

Upon arrest of a person for a crime of domestic violence, an automatic no-contact order is put in place between the defendant and the victim until: (1) the defendant is sentenced; (2) the charge is dismissed; or (3) the defendant is acquitted. This no-contact order applies to attempted contact through third parties.

RESTRAINING ORDERS

A victim of domestic violence abuse can obtain a restraining order through the Family Abuse Prevention Act (**FAPA**). To qualify for a FAPA restraining order, the abuse must have occurred within the prior 180 days and the victim must be in imminent danger from the other person. In Oregon, a victim of abuse can obtain a restraining order by petitioning the court, in person or by telephone, through a sworn statement that proves by a preponderance of the evidence that the abuse occurred. The restrained person need not be present at this hearing, but may contest the hearing up to 30 days after receiving a copy of the restraining order.

The order prohibits the abuser from intimidating, molesting, interfering with or menacing the petitioner or the petitioner’s minor children. The court can also give the petitioner temporary custody of children, and



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prevent the restrained person from entering the home, school or workplace of the petitioner, or contacting the victim by telephone or mail.

A restraining order is a valid court order effective for a year once signed by a judge. However, it cannot be enforced until a copy has been legally served on the restrained person. A copy of the order is then given to the sheriff, who enters it into a statewide police computer. Police agencies are required to make an arrest if they have reason to believe that an enforceable order has been violated. The order may be vacated at the petitioner's request, and can be renewed if a court finds the petitioner reasonably fears further acts of abuse if the order is not renewed.

Violating a restraining order is generally not a crime in Oregon; however, it does constitute contempt of court and is punishable by up to six months in jail. In some circumstances, a person who violates a restraining order and thereby creates a serious risk of harm or fear of harm to the person protected by the order may be charged with a new Class C felony: Endangering a Person Protected by a FAPA Restraining Order.

RECENT LEGISLATION

Senate Bill 3 was enacted in the 2013 legislative session and became effective January 1, 2016. It created a new Class C felony: Endangering a Person Protected by a FAPA restraining order. A person commits this crime if the person has been served with a FAPA restraining order and intentionally engaged in conduct prohibited by the order that recklessly created a substantial risk of physical injury to the protected person or placed the person in fear of imminent physical injury.

Senate Bill 525 was enacted in the 2015 legislative session and became effective January 1, 2016. It prohibits a person, who is subject to a FAPA order, from possessing firearms or ammunition, so long as the person subject to the order had notice and a hearing before the court. Additionally, individuals who have been convicted of a misdemeanor crime involving physical force, attempted physical force or use of a deadly weapon against a qualifying family member, are prohibited from possessing firearms or ammunition. A person may regain relief from the prohibition by petitioning the court.

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