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Expanding the timeframe for Sexual Assault Protective Orders will help protect survivors

SB 995: Extends protective order maximum from 1 year to 5 years

SALEM – Sexual assault survivors will have more protection from their abusers, under a bill that passed in the Oregon Senate.

[Senate Bill 995](#) – which passed the Senate on a 20-0 vote today – enhances protection for survivors of sexual assault. It extends the protections offered by a Sexual Assault Protective Order from 1 year to 5 years. If the petitioner filing for the order is younger than 18, the order would last 5 years or until the assault survivor is 19, whichever is longer. The bill also ensures that an abuser cannot invalidate an order by refusing to be served notice of an application for renewal, and in extraordinary cases allows the order to last indefinitely.

Under current law, a survivor of sexual assault can apply for a protective order that lasts for 12 months. Even if the circumstances have not changed, that survivor must go back to court to reapply for the order every 12 months. If the respondent objects, there is a hearing. This means it can cost survivors thousands of dollars a year just to stay safe.

“Survivors of sexual assault need basic protection and should not have to fork out thousands of dollars a year in order to maintain an essential protective order,” said Sen. Sara Gelser (D-Corvallis), who introduced the measure. “More importantly, these survivors should not be forced to relive their trauma on the witness stand every 12 months. These individuals should be able to move forward with their lives safely. Senate Bill 995 will help them do that.”

The bill came at the request of Oregon survivor Elina Lim, who experienced the extraordinary barriers related to renewing her order against a serial abuser. When her abuser hid from the process server, her protective order expired, leaving her out thousands of dollars and without the protection she needed to go about her life.

“I cannot protect myself against my assaulter despite going through a multi-month-long process in court to defend my need for a restraining order and despite hiring all the help to try to get him serve,” Lim said in testimony to the Senate Judiciary Committee. “I am now left vulnerable to my assaulter because of the flaw in the system.”

More than 100 sexual assault survivors submitted testimony about the importance of Senate Bill 995 and the new protections it would offer.

Sexual Assault Protective Orders are available when people suffer sexual abuse from someone who is not a family member or intimate partner. Survivors of abuse, then, can request protective orders as long as the respondent is 18 or older. If a petitioner is younger than 12, a parent or guardian must file on behalf of the petitioner. To be eligible for a protective order, the survivor must prove to a court that the abuser made the survivor engage in sexual contact without their consent or when they are not capable of consenting. The person filing the petition also must establish reasonable fear for physical safety. Petitioners are not required to call the police to get Sexual Assault Protective Orders.

Under current law, there is a 180-day window to petition for protective orders, which can be renewed after each year. Oregon is one of only two states with this restriction. Senate Bill 995 removes this limitation in recognition of the barriers to filing for these orders and will bring Oregon into alignment with 48 other states.

“Ms. Lim did a great service to Oregonians by taking her difficult story and leveraging it into real change that will protect many Oregonians every year,” Gelser said. “Senate Bill 995 demonstrates that citizens can effect change and that the voice of survivors is incredibly powerful.”

Senate Bill 995 now goes to the House of Representatives for consideration.

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