

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 137
DEPARTMENT OF JUSTICE

FILED

03/23/2023 11:17 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: OARs for the new Hope Card Program.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 05/08/2023 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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1162 Court St NE
Salem, OR 97301

Filed By:
Valerie Smith
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/20/2023

TIME: 10:00 AM - 11:00 AM

OFFICER: Valerie Smith

HEARING LOCATION

ADDRESS: Dept of Justice, 1162 Court St NE, Salem, OR 97301

SPECIAL INSTRUCTIONS:

This hearing is online only.

REMOTE MEETING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 323-792-6149

CONFERENCE ID: 892468876

NEED FOR THE RULE(S)

These rules will allow ODOJ to implement the Hope Card program. The Hope Card program will allow individuals with protective orders to apply for a Hope Card which may assist them in having the terms of their protective order enforced.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 2746 from the 2021 legislative session.

<https://olis.oregonlegislature.gov/liz/2021R1/Downloads/MeasureDocument/HB2746>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Hope Card program and associated rules will provide individuals with protection orders an additional tool to help

enforce their protection orders. Communities of color and communities impacted by inequity may find that participation in this program makes it easier to enforce the terms of a protective order.

FISCAL AND ECONOMIC IMPACT:

When HB 2746 was passed, the Oregon legislature included funding for the equipment needed to create the cards and FTE for administering the program. The Hope Card program will not have any additional fiscal impact on the Oregon Department of Justice.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

- 1) Oregon Department of Justice
 - 2) No fiscal impact to small businesses
-

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

These rules will not have any impact on small businesses and no small businesses participated in the rule advisory committee.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

RULES PROPOSED:

137-081-0010, 137-081-0020, 137-081-0030, 137-081-0040

ADOPT: 137-081-0010

RULE SUMMARY: These rules establish the eligibility requirements for applying to the Oregon Department of Justice Hope Card Program.

CHANGES TO RULE:

137-081-0010

Authority and Purpose

(1) These rules are adopted for the administration of the Hope Card Program under ORS 180.270.¶

(2) The Hope Card Program is an opt-in program through which petitioners or protected parties of eligible civil protection orders may request and obtain a durable wallet-sized card that provides quick access to relevant information about an eligible civil protection order.¶

(3) Application for or presentation of a Hope Card is not required for enforcement of a valid protection order.¶

(4) Possession or presentation of a Hope Card is not a substitute for any statutory requirements for enforcement of a valid protection order.¶

(5) Application for or presentation of a Hope Card does not eliminate the need for law enforcement to comply with any statutory requirements for verification of the existence and terms of the eligible civil protection order.

Statutory/Other Authority: ORS 180.270, HB 2746 (2001)

Statutes/Other Implemented: ORS 180.270, HB 2746 (2001)

ADOPT: 137-081-0020

RULE SUMMARY: These rules establish the eligibility requirements for applying to the Oregon Department of Justice Hope Card Program.

CHANGES TO RULE:

137-081-0020

Definitions

(1) "Hope Card" means a durable, wallet-sized card that contains essential information about an eligible civil protection order.

(2) "Applicant" means a petitioner or protected party who has applied for a Hope Card, or a person or entity who has, with the permission of the petitioner or protected party, submitted a Hope Card application on behalf of a petitioner or protected party.

(3)(a) "Eligible civil protection order" means an injunction or order that meets all of the following requirements:

(A) The injunction or order was granted by a court following the petitioner's request for such injunction or order; and

(B) The injunction or order is not a criminal no-contact order; and

(C) The injunction or order is issued for the purpose of preventing:

(i) Violent or threatening acts or harassment against another person;

(ii) Sexual violence;

(iii) Contact or communication with another person; or

(iv) Physical proximity to another person; and

(D) The respondent has been personally served with the injunction or order, or has received actual notice of the injunction or order in accordance with applicable law; and

(E) Either a hearing has been held on the issuance of the injunction or order, or the opportunity for an initial contested hearing on the issuance of an injunction or order has passed.

(b) The following are examples of eligible civil protection orders:

(A) Restraining orders issued under ORS 30.866 and 163.730 to 163.750 (Stalking Protective Orders), 107.700 to 107.735 (Family Abuse Prevention Act), 124.005 to 124.040 (Elderly Persons and Persons with Disabilities Abuse Prevention Act), and 163.760 to 163.777 (Sexual Abuse Restraining Orders); and

(B) Foreign restraining orders, including tribal restraining orders, recognized under ORS 24.190.

(4) "Personal identifiers" means date of birth and eye color, hair color, gender, race, height, weight, and any other distinguishing features (for example, scars, marks or tattoos).

(5) "Petitioner" means a person that initiates and has been granted an eligible civil protection order.

(6) "Protected party" means any person protected under an eligible civil protection order.

(7) "Respondent" means the person against whom the eligible civil protection order is filed and who is subject to the conditions of the order.

Statutory/Other Authority: ORS 180.270, HB 2746 (2001)

Statutes/Other Implemented: ORS 180.270, HB 2746 (2001)

ADOPT: 137-081-0030

RULE SUMMARY: These rules establish the eligibility requirements for applying to the Oregon Department of Justice Hope Card Program.

CHANGES TO RULE:

137-081-0030

Eligibility and Application

(1) An applicant may request one or more copies of a Hope Card by submitting a completed application to the Oregon Department of Justice, Crime Victim and Survivor Services Division (CVSSD) on a form prescribed by CVSSD in any of the following ways:¶

(a) Through the CVSSD Online Portal;¶

(b) Via e-mail, by sending the completed form to HopeCard@doj.state.or.us;¶

(c) Via mail, by printing the blank form from the CVSSD website, filling it out, and then mailing to Oregon Department of Justice, Crime Victim and Survivor Services Division, Hope Card Program, 1162 Court Street NE, Salem, OR, 97301-4096.¶

(2) A completed application must include, at a minimum:¶

(a) Court case number of the eligible civil protection order;¶

(b) Court that issued the eligible civil protection order;¶

(c) Date that the eligible civil protection order was issued;¶

(d) First and last names of petitioner, any additional protected parties, and respondent; ¶

(e) Date of birth of respondent, if known; and¶

(f) Address to which the Hope Card should be sent.¶

(3) CVSSD may request additional information from an applicant in order to facilitate verification of the eligible civil protection order and processing of the application.¶

(4) After verifying the validity of the civil protection order upon which the application is based and that the application is based on an eligible civil protection order, CVSSD will issue one or more Hope Cards to the applicant.¶

(5) There shall not be any charge for an application for, or the issuance of, a Hope Card.¶

(6) When an application is denied by CVSSD for any reason, CVSSD shall inform the applicant in writing that the application has been denied and the reason for the denial. The applicant may reapply at any time.

Statutory/Other Authority: ORS 180.270, HB 2746 (2001)

Statutes/Other Implemented: ORS 180.270, HB 2746 (2001)

ADOPT: 137-081-0040

RULE SUMMARY: These rules establish the eligibility requirements for applying to the Oregon Department of Justice Hope Card Program.

CHANGES TO RULE:

137-081-0040

Contents of a Hope Card

A Hope Card will contain the following information based on the contents of the verified eligible civil protection order:¶

(1) The name of the petitioner and any additional protected parties of the eligible civil protection order;¶

(2) The name and if available, personal identifiers of the respondent of the eligible civil protection order;¶

(3) Name of the issuing court or jurisdiction and court case number of the eligible civil protection order;¶

(4) Issuance date of the eligible civil protection order; ¶

(5) Expiration date, if any, of the eligible civil protection order;¶

(6) Information about mandatory arrest and full faith and credit enforcement of protection orders; and¶

(7) Any other information CVSSD deems necessary or desirable to further the purposes of the Hope Card program.

Statutory/Other Authority: ORS 180.270, HB 2746 (2001)

Statutes/Other Implemented: ORS 180.270, HB 2746 (2001)