

# Senate Bill 344

Sponsored by Senator PROZANSKI (at the request of Charlie Zennache) (Pre-session filed.)

## 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 **as introduced**.

Creates evidentiary privilege for confidential communication made by minor to parent.

## A BILL FOR AN ACT

1  
2 Relating to evidence.

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

4 **SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 40.225 to 40.275.**

5 **SECTION 2. (1) A parent or the parent's child who is under 18 years of age may not be**  
6 **examined as to any communication made in confidence by the child to the child's parent. For**  
7 **the purposes of this section, a communication is confidential when the communication is**  
8 **made out of the presence of all persons other than the child's siblings or grandparents who**  
9 **are living in the same household.**

10 **(2) The privilege created by this section may be claimed by:**

11 **(a) The child or the parent;**

12 **(b) A guardian or conservator for the child or parent; or**

13 **(c) The personal representative of a deceased child or parent.**

14 **(3) The privilege created by this section may be waived by:**

15 **(a) Express consent to disclosure by the child or parent; or**

16 **(b) Failure of the child or parent to object to disclosure.**

17 **(4) The privilege created by this section does not apply to:**

18 **(a) A civil action by one spouse against the other spouse;**

19 **(b) A civil action by a parent against a child, or by a child against a parent;**

20 **(c) A proceeding to commit either the child or parent;**

21 **(d) A protective proceeding under ORS chapter 125;**

22 **(e) A criminal action in which the parent is charged with a crime committed against the**  
23 **person or property of the child, the parent's spouse or another child of either the parent or**  
24 **the parent's spouse;**

25 **(f) A criminal action in which a child is charged with a crime or act of delinquency**  
26 **committed against the person or property of a parent or of another child of a parent;**

27 **(g) An action for termination of parental rights; or**

28 **(h) Any civil or criminal action alleging child abuse, child neglect, abandonment or non-**  
29 **support by a parent.**

30 **SECTION 3. Section 2 of this 2007 Act applies to all confidential communications from a**  
31 **child to a parent, whether made before, on or after the effective date of this 2007 Act.**

32  

---

  
**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.