

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 3 - 1
Yeas:	Cowan, Dembrow, Huffman, VanOrman, Tomei
Nays:	Freeman, Maurer, Olson
Abs:	Boone
Prepared By:	Keely West, Administrator
Meeting Dates:	5/15, 5/22, 5/27

WHAT THE MEASURE DOES: Creates an evidentiary privilege between a parent and a minor child for limited evidentiary purposes. Defines parent and the terms of confidential communication. Provides for claiming privilege. Establishes the terms of the privilege. Creates exceptions to the privilege for: criminal actions resulting in charges of felony crimes, or conduct that would constitute a felony by an adult, committed against children under the age of seven; crimes or acts of delinquency committed against the parent or another child of either parent; a criminal action charging homicide or conduct that would constitute homicide if engaged in by an adult.

ISSUES DISCUSSED:

- Preservation of the family structure
- Parenting in times of crisis
- Exemptions to confidentiality
- Variations in the protections

EFFECT OF COMMITTEE AMENDMENT: Establishes the terms of the privilege. Creates exceptions to the privilege for: criminal actions resulting in charges of felony crimes, or conduct that would constitute a felony by an adult, committed against children under the age of seven; crimes or acts of delinquency committed against the parent or another child of either parent; a criminal action charging homicide or conduct that would constitute homicide if engaged in by an adult.

BACKGROUND: Oregon statutes create multiple evidentiary privileges for individuals and professionals with whom disclosure may be crucial: clients and attorneys (ORS 40.225) or clinical social workers; patients and psychotherapists (ORS 40.230), counselors (ORS 40.262) doctors (ORS 40.235) or nurses (ORS 40.240). Additionally, there are statutory privileges for individuals where there is a relationship of trust: spousal privilege (ORS 40.255), parishioner – clergy privilege and disabled or non-English-speaking persons with their interpreter (ORS 40.272 and 40.273 respectively). Senate Bill 313A would extend the evidentiary privilege to cover parents with their minor children.