

House Bill 3314

Sponsored by Representative WEIDNER; Representatives BAILEY, BEYER, BUCKLEY, D EDWARDS, FREEMAN, HANNA, HUFFMAN, MAURER, RICHARDSON, ROBLAN, G SMITH, THATCHER, WHISNANT

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**.

Adds sexual misconduct to definition of "abuse" for purposes of mandatory child reporting statutes.

A BILL FOR AN ACT

1
2 Relating to child abuse; amending ORS 419B.005.

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

4 **SECTION 1.** ORS 419B.005 is amended to read:

5 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

6 (1)(a) "Abuse" means:

7 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child
8 which has been caused by other than accidental means, including any injury which appears to be
9 at variance with the explanation given of the injury.

10 (B) Any mental injury to a child, which shall include only observable and substantial impairment
11 of the child's mental or psychological ability to function caused by cruelty to the child, with due
12 regard to the culture of the child.

13 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
14 tration and incest, as those acts are defined in ORS chapter 163.

15 (D) Sexual abuse, as defined in ORS chapter 163.

16 (E) Sexual exploitation, including but not limited to:

17 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
18 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage
19 in the performing for people to observe or the photographing, filming, tape recording or other ex-
20 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or
21 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-
22 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or
23 which is designed to serve educational or other legitimate purposes; and

24 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in
25 ORS chapter 167.

26 **(F) Sexual misconduct, as defined in ORS 163.445.**

27 *[(F)]* **(G)** Negligent treatment or maltreatment of a child, including but not limited to the failure
28 to provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
29 welfare of the child.

30 *[(G)]* **(H)** Threatened harm to a child, which means subjecting a child to a substantial risk of
31 harm to the child's health or welfare.

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.

- 1 [(H)] **(I)** Buying or selling a person under 18 years of age as described in ORS 163.537.
- 2 [(I)] **(J)** Permitting a person under 18 years of age to enter or remain in or upon premises where
- 3 methamphetamines are being manufactured.
- 4 [(J)] **(K)** Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects
- 5 a child to a substantial risk of harm to the child’s health or safety.
- 6 (b) “Abuse” does not include reasonable discipline unless the discipline results in one of the
- 7 conditions described in paragraph (a) of this subsection.
- 8 (2) “Child” means an unmarried person who is under 18 years of age.
- 9 (3) “Public or private official” means:
- 10 (a) Physician, including any intern or resident.
- 11 (b) Dentist.
- 12 (c) School employee.
- 13 (d) Licensed practical nurse or registered nurse.
- 14 (e) Employee of the Department of Human Services, State Commission on Children and Families,
- 15 Child Care Division of the Employment Department, the Oregon Youth Authority, a county health
- 16 department, a community mental health and developmental disabilities program, a county juvenile
- 17 department, a licensed child-caring agency or an alcohol and drug treatment program.
- 18 (f) Peace officer.
- 19 (g) Psychologist.
- 20 (h) Member of the clergy.
- 21 (i) Licensed clinical social worker.
- 22 (j) Optometrist.
- 23 (k) Chiropractor.
- 24 (L) Certified provider of foster care, or an employee thereof.
- 25 (m) Attorney.
- 26 (n) Naturopathic physician.
- 27 (o) Licensed professional counselor.
- 28 (p) Licensed marriage and family therapist.
- 29 (q) Firefighter or emergency medical technician.
- 30 (r) A court appointed special advocate, as defined in ORS 419A.004.
- 31 (s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 32 (t) Member of the Legislative Assembly.
- 33 (4) “Law enforcement agency” means:
- 34 (a) Any city or municipal police department.
- 35 (b) Any county sheriff’s office.
- 36 (c) The Oregon State Police.
- 37 (d) A county juvenile department.
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