

House Bill 3646

Sponsored by Representatives BAILEY, DOHERTY; Representatives BARKER, BARNHART, BOONE, DEMBROW, FREDERICK, GARRETT, GREENLICK, HOYLE, HUNT, KOTEK, READ, SCHAUFLER, J SMITH, TOMEI, WITT

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**.

Directs each school district board to adopt policy regarding teen dating violence.

Directs Department of Justice to use moneys in Oregon Domestic and Sexual Violence Services Fund to provide state and local services related to teen dating violence.

Directs Oregon Health Authority, in consultation with Director of Human Services, to conduct longitudinal study of teen dating violence if sufficient moneys are deposited into Teen Dating Violence Prevention Study Fund by June 30, 2013.

Allows Director of Human Services to make grants for services and assistance to victims of teen dating violence.

Directs Director of Human Services to create or include in existing survey of teens questions about teen dating violence.

Establishes Teen Dating Violence Prevention Study Fund. Continuously appropriates moneys to Oregon Health Authority to conduct longitudinal study of teen dating violence.

Limits biennial expenditures by Oregon Health Authority from fund.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to teen dating violence; creating new provisions; amending ORS 147.450, 147.453, 409.290,
3 409.292 and 409.296; appropriating money; limiting expenditures; and declaring an emergency.

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

SECTION 1. (1) As used in this section:

5
6 **(a) "Dating" or "dating relationship" means an ongoing social relationship of a romantic**
7 **or intimate nature between two persons.**

8 **(b) "Teen dating violence" means:**

9 **(A) A pattern of behavior in which a person uses or threatens to use physical, mental**
10 **or emotional abuse to control another person who is in a dating relationship with the person,**
11 **where one or both persons are 13 to 19 years of age; or**

12 **(B) Behavior by which a person uses or threatens to use sexual violence against another**
13 **person who is in a dating relationship with the person, where one or both persons are 13 to**
14 **19 years of age.**

15 **(2) Each school district board shall adopt a policy that:**

16 **(a) States that teen dating violence is unacceptable and is prohibited and that each stu-**
17 **dent has the right to a safe learning environment;**

18 **(b) Incorporates age-appropriate education about teen dating violence into existing**
19 **training programs for students in grades 7 through 12 and school employees;**

20 **(c) Establishes procedures for the manner in which employees of a school are to respond**
21 **to, investigate and impose discipline and make reports related to any incidents of teen dating**
22 **violence that take place at the school, on school grounds, at school-sponsored activities or**
23 **in vehicles used for school-provided transportation;**

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 (d) Identifies by job title the school officials who are responsible for receiving reports
2 related to teen dating violence and are available to address concerns regarding relationships
3 that may result in teen dating violence, which shall be the same school officials identified in
4 the policy adopted by a school district under ORS 339.356; and

5 (e) Notifies students and parents of the teen dating violence policy adopted by the board.

6 (3) The policy adopted under subsection (2) of this section must be included in and con-
7 sistent with the policy adopted by a school district under ORS 339.356.

8 **SECTION 2.** ORS 147.450 is amended to read:

9 147.450. As used in ORS 147.450 to 147.471:

10 (1) "Domestic violence" has the meaning given that term in ORS 135.230 **and includes teen**
11 **dating violence.**[; *and*]

12 (2) "Sexual assault" means any unwanted sexual contact as defined in ORS 163.305.

13 (3) "Teen dating violence" means:

14 (a) A pattern of behavior in which a person uses or threatens to use physical, mental or
15 emotional abuse to control another person who is in a dating relationship with the person,
16 where one or both persons are 13 to 19 years of age; or

17 (b) Behavior by which a person uses or threatens to use sexual violence against another
18 person who is in a dating relationship with the person, where one or both persons are 13 to
19 19 years of age.

20 **SECTION 3.** ORS 147.453 is amended to read:

21 147.453. There is established in the State Treasury, separate and distinct from the General Fund,
22 the Oregon Domestic and Sexual Violence Services Fund. All moneys in the fund are continuously
23 appropriated to the Department of Justice and shall be used by the department to carry out a pro-
24 gram of domestic and sexual violence services that:

25 (1) Provides safety for and assists victims of domestic violence and sexual assault, promotes ef-
26 fective intervention and reduces the incidence of domestic violence and sexual assault;

27 (2) Advocates for victims and for domestic violence and sexual assault services; [*and*]

28 (3) Promotes and facilitates interagency and interdepartmental cooperation among state agen-
29 cies, including the Department of Human Services, and among different levels of government in this
30 state in the delivery and funding of services[.]; **and**

31 (4) **Encourages and supports services, programs and curricula to educate and inform**
32 **students in grades 7 through 12 about teen dating violence, to provide assistance to victims**
33 **of teen dating violence and to prevent and reduce the incidence of teen dating violence.**

34 **SECTION 4.** (1) **Subject to section 11 of this 2011 Act, the Oregon Health Authority, in**
35 **consultation with the Director of Human Services, shall conduct a longitudinal study of**
36 **dating violence among students in grades 7 through 12. The study shall compile information**
37 **and data about the incidence of teen dating violence and the existence and effectiveness of**
38 **teen dating violence services and programs for teens in Oregon.**

39 (2) **The study described in subsection (1) of this section shall use evidence-based practice**
40 **methodology and shall maintain the confidentiality of victims of teen dating violence.**

41 (3) **Following completion of the study described in subsection (1) of this section, the Di-**
42 **rector of the Oregon Health Authority and the Director of Human Services shall prepare a**
43 **report containing the following:**

44 (a) **The findings, conclusions and recommendations regarding the incidence of teen dating**
45 **violence;**

1 **(b) A description of services available for victims of teen dating violence and an explanation of the need for those services and any additional services; and**

2
3 **(c) Any other recommendations for prevention or reduction of teen dating violence in**
4 **this state.**

5 **(4) The report prepared under subsection (3) of this section shall be presented to the**
6 **committees of the Legislative Assembly with authority over the subject areas of education**
7 **and domestic violence on the date of the convening of the next regular session of the Legis-**
8 **lative Assembly following completion of the study.**

9 **SECTION 5.** ORS 409.290 is amended to read:

10 409.290. As used in ORS 409.290 to 409.300, unless the context requires otherwise:

11 (1) “Crisis line” means an emergency telephone service staffed by persons who are trained to
12 provide emergency peer counseling, information, referral and advocacy to victims of [*domestic*]
13 **family or teen dating** violence and their families.

14 (2) “Director” means the Director of Human Services.

15 (3) “Family violence” means the physical injury, sexual abuse or forced imprisonment, or threat
16 thereof, of a person by another who is related by blood, marriage or intimate cohabitation at the
17 present or has been related at some time in the past, to the extent that the person’s health or wel-
18 fare is harmed or threatened thereby, as determined in accordance with rules prescribed by the di-
19 rector.

20 (4) “Safe house” means a place of temporary refuge, offered on an “as needed” basis to victims
21 of [*domestic*] **family** violence and their families.

22 (5) “Shelter home” means a place of temporary refuge, offered on a 24-hour, seven-day per week
23 basis to victims of [*domestic*] **family** violence and their children.

24 **(6) “Teen dating violence” means:**

25 **(a) A pattern of behavior in which a person uses or threatens to use physical, mental or**
26 **emotional abuse to control another person who is in a dating relationship with the person,**
27 **where one or both persons are 13 to 19 years of age; or**

28 **(b) Behavior by which a person uses or threatens to use sexual violence against another**
29 **person who is in a dating relationship with the person, where one or both persons are 13 to**
30 **19 years of age.**

31 **SECTION 6.** ORS 409.292 is amended to read:

32 409.292. (1) The Director of Human Services may make grants to and enter into contracts with
33 nonprofit private organizations or public agencies for programs and projects designed to prevent,
34 identify and treat family **and teen dating** violence. Grants or contracts under this subsection may
35 be:

36 (a) For the funding of shelter homes for spouses and children who are or have experienced
37 family violence including acquisition and maintenance of shelter homes;

38 (b) For the funding of crisis lines providing services to victims of [*domestic*] **family or teen**
39 **dating** violence and their families;

40 (c) For the funding of safe houses for victims of [*domestic*] **family** violence and their families;
41 [*and*]

42 **(d) For the funding of services, programs and curricula to educate and inform students**
43 **in grades 7 through 12 about teen dating violence, to provide assistance to victims of teen**
44 **dating violence and to prevent and reduce the incidence of teen dating violence; and**

45 [*d*] (e) For the development and establishment of programs for professional and

1 paraprofessional personnel in the fields of social work, law enforcement, education, law, medicine
 2 and other relevant fields who are engaged in the field of the prevention, identification and treatment
 3 of family **and teen dating** violence and training programs in methods of preventing family **and teen**
 4 **dating** violence.

5 (2) The director shall not make a grant to any organization or agency under this section except
 6 on the condition that a local governmental unit or community organization provide matching moneys
 7 equal to 25 percent of the amount of the grant. The applying organization itself may contribute to
 8 or provide the required local matching funds. The value of in kind contributions and volunteer labor
 9 from the community may be computed and included as a part of the local matching requirement
 10 imposed by this subsection.

11 (3) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and 192.610 to
 12 192.990:

13 (a) The director may by rule provide that the locations of premises utilized for shelter homes
 14 or other physical facilities in family violence programs and projects shall be kept confidential.

15 (b) All information maintained by the shelter home, safe house or crisis line relating to clients
 16 is confidential. However, crisis lines specifically funded to provide services for victims of child abuse
 17 are subject to the requirements of ORS 419B.005 to 419B.050. Except for the names of clients, nec-
 18 essary information may be disclosed to the director.

19 **SECTION 7.** ORS 409.296 is amended to read:

20 409.296. (1) A public agency or nonprofit private organization [*operating a shelter home or safe*
 21 *house*] may apply to the Director of Human Services for a grant under ORS 409.292. The agency or
 22 organization must submit to the director, at the time of application:

- 23 (a) A statement of services provided;
- 24 (b) Proof of maintenance of accurate and complete financial records;
- 25 (c) Assurance of compliance with local building, fire and health codes for existing structures;
- 26 (d) Clearly defined written intake and referral policies and procedures; and
- 27 (e) If operated by a private organization, a list of members of the governing board.

28 (2) The director shall approve or reject applications within 60 days after receipt. The director
 29 shall mail written notification to the applicant no later than five working days following final action
 30 taken on the application.

31 (3) The director shall consider the geographic area of the state from which an application is
 32 submitted to the end that all areas of the state develop programs to deal with [*domestic*] **family and**
 33 **teen dating** violence.

34 **SECTION 8.** Section 9 of this 2011 Act is added to and made a part of ORS 409.290 to
 35 **409.300.**

36 **SECTION 9.** (1) **The Director of Human Services shall create or include in any existing**
 37 **survey that is regularly conducted of students in grades 8 and 11 in this state questions**
 38 **about teen dating violence. The questions shall be designed to elicit responses that will assist**
 39 **the Department of Human Services to determine, at a minimum:**

- 40 (a) **Whether teens in this state are informed about teen dating violence and, if they are,**
 41 **how they have been informed about teen dating violence;**
- 42 (b) **The incidence of teen dating violence;**
- 43 (c) **The type of assistance, if any, available to victims of teen dating violence;**
- 44 (d) **Possible reasons for teen dating violence and suggestions to prevent or reduce the**
 45 **incidence of teen dating violence; and**

1 (e) The needs of victims of teen dating violence.

2 (2) The Director of Human Services shall share information obtained from the survey
3 conducted under subsection (1) of this section with the Director of the Oregon Health Au-
4 thority.

5 SECTION 10. (1) The Teen Dating Violence Prevention Study Fund is established in the
6 State Treasury, separate and distinct from the General Fund. Except as provided in sub-
7 section (2) of this section, the Teen Dating Violence Prevention Study Fund shall consist of
8 contributions of moneys from any source, public or private. Interest earned by the Teen
9 Dating Violence Prevention Study Fund shall be credited to the fund. Moneys in the fund are
10 continuously appropriated to the Oregon Health Authority for the purpose of carrying out
11 section 4 of this 2011 Act.

12 (2) Moneys in the General Fund and federal funds appropriated or otherwise obligated to
13 support other programs of the authority may not be deposited into the Teen Dating Violence
14 Prevention Study Fund.

15 (3) The authority may accept assistance from any source, public or private, and may
16 agree to conditions placed on the moneys not inconsistent with the provisions of section 4
17 of this 2011 Act.

18 SECTION 11. Section 4 of this 2011 Act becomes operative only if, not later than June
19 30, 2013:

20 (1) Sufficient moneys are deposited in the Teen Dating Violence Prevention Study Fund
21 established in section 10 of this 2011 Act for the Oregon Health Authority to conduct the
22 study described in section 4 of this 2011 Act; and

23 (2) The authority notifies the Legislative Counsel that sufficient moneys have been de-
24 posited in the fund to conduct the study described in section 4 of this 2011 Act.

25 SECTION 12. (1) Section 10 of this 2011 Act is repealed on July 1, 2013, if section 4 of this
26 2011 Act does not become operative on or before June 30, 2013, as provided in section 11 of
27 this 2011 Act.

28 (2) Any moneys remaining in the Teen Dating Violence Prevention Study Fund on the
29 date of the repeal of section 10 of this 2011 Act as provided in subsection (1) of this section
30 shall be transferred to the General Fund.

31 SECTION 13. Notwithstanding any other law limiting expenditures, the amount of \$1 is
32 established for the biennium beginning July 1, 2011, as the maximum limit for payment of
33 expenses by the Oregon Health Authority from the Teen Dating Violence Prevention Study
34 Fund established in section 10 of this 2011 Act.

35 SECTION 14. This 2011 Act being necessary for the immediate preservation of the public
36 peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect
37 on its passage.

38