

House Bill 3218

Sponsored by COMMITTEE ON HUMAN SERVICES AND HOUSING

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**.

Exempts employee of higher education institution who is performing research in child abuse and neglect, human trafficking or underage prostitution from mandatory child abuse report law unless employee reasonably believes child is at imminent risk of harm.

Sunset January 1, 2017.

A BILL FOR AN ACT

1
2 Relating to exceptions to mandatory child abuse reporting laws; creating new provisions; and
3 amending ORS 419B.010.

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

5 **SECTION 1.** ORS 419B.010, as amended by section 11, chapter 92, Oregon Laws 2012, is
6 amended to read:

7 419B.010. (1) **Except as otherwise provided in this section,** any public or private official
8 having reasonable cause to believe that any child with whom the official comes in contact has suf-
9 fered abuse or that any person with whom the official comes in contact has abused a child shall
10 immediately report or cause a report to be made in the manner required in ORS 419B.015.

11 (2) Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6) affects the duty to report imposed
12 by this section, except that a psychiatrist, psychologist, member of the clergy, attorney or guardian
13 ad litem appointed under ORS 419B.231 is not required to report such information communicated
14 by a person if the communication is privileged under ORS 40.225 to 40.295 or 419B.234 (6).

15 (3) An attorney is not required to make a report under this section by reason of information
16 communicated to the attorney in the course of representing a client if disclosure of the information
17 would be detrimental to the client.

18 (4) **An employee of a higher education institution is not required to make a report under**
19 **this section by reason of information communicated to the employee if the employee acquires**
20 **the information in the employee's official capacity as a researcher conducting research for**
21 **the higher education institution in the area of child abuse and neglect, human trafficking or**
22 **underage prostitution, unless the employee reasonably believes that the child is at imminent**
23 **risk of harm.**

24 [(2)] (5) [*Notwithstanding subsection (1) of this section,*] A report need not be made under this
25 section if the public or private official acquires information relating to abuse by reason of a report
26 made under this section, or by reason of a proceeding arising out of a report made under this sec-
27 tion, and the public or private official reasonably believes that the information is already known by
28 a law enforcement agency or the Department of Human Services.

29 [(3)] (6) The duty to report under this section is personal to the public or private official alone,
30 regardless of whether the official is employed by, a volunteer of or a representative or agent for any

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 type of entity or organization that employs persons or uses persons as volunteers who are public
 2 or private officials in its operations.

3 [(4)] (7) The duty to report under this section exists regardless of whether the entity or organ-
 4 ization that employs the public or private official or uses the official as a volunteer has its own
 5 procedures or policies for reporting abuse internally within the entity or organization.

6 [(5)] (8) A person who violates [subsection (1) of] this section commits a Class A violation.
 7 Prosecution under this subsection shall be commenced at any time within 18 months after commis-
 8 sion of the offense.

9 **SECTION 2.** ORS 419B.010, as amended by section 1 of this 2013 Act, is amended to read:

10 419B.010. (1) Except as otherwise provided in this section, any public or private official having
 11 reasonable cause to believe that any child with whom the official comes in contact has suffered
 12 abuse or that any person with whom the official comes in contact has abused a child shall imme-
 13 diately report or cause a report to be made in the manner required in ORS 419B.015.

14 (2) Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6) affects the duty to report imposed
 15 by this section, except that a psychiatrist, psychologist, member of the clergy, attorney or guardian
 16 ad litem appointed under ORS 419B.231 is not required to report such information communicated
 17 by a person if the communication is privileged under ORS 40.225 to 40.295 or 419B.234 (6).

18 (3) An attorney is not required to make a report under this section by reason of information
 19 communicated to the attorney in the course of representing a client if disclosure of the information
 20 would be detrimental to the client.

21 [(4) *An employee of a higher education institution is not required to make a report under this*
 22 *section by reason of information communicated to the employee if the employee acquires the information*
 23 *in the employee's official capacity as a researcher conducting research for the higher education insti-*
 24 *tution in the area of child abuse and neglect, human trafficking or underage prostitution, unless the*
 25 *employee reasonably believes that the child is at imminent risk of harm.*]

26 [(5)] (4) [Notwithstanding subsection (1) of this section,] A report need not be made under this
 27 section if the public or private official acquires information relating to abuse by reason of a report
 28 made under this section, or by reason of a proceeding arising out of a report made under this sec-
 29 tion, and the public or private official reasonably believes that the information is already known by
 30 a law enforcement agency or the Department of Human Services.

31 [(6)] (5) The duty to report under this section is personal to the public or private official alone,
 32 regardless of whether the official is employed by, a volunteer of or a representative or agent for any
 33 type of entity or organization that employs persons or uses persons as volunteers who are public
 34 or private officials in its operations.

35 [(7)] (6) The duty to report under this section exists regardless of whether the entity or organ-
 36 ization that employs the public or private official or uses the official as a volunteer has its own
 37 procedures or policies for reporting abuse internally within the entity or organization.

38 [(8)] (7) A person who violates [subsection (1) of] this section commits a Class A violation.
 39 Prosecution under this subsection shall be commenced at any time within 18 months after commis-
 40 sion of the offense.

41 **SECTION 3.** The amendments to ORS 419B.010 by section 2 of this 2013 Act become op-
 42 erative on January 1, 2017.

43 **SECTION 4.** The amendments to ORS 419B.010 by section 1 of this 2013 Act apply to re-
 44 ports required to be made under ORS 419B.010 based on contacts with a child or with a per-
 45 son who has abused a child that take place on or after the effective date of this 2013 Act.

