

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2205**

1 On page 12 of the printed A-engrossed bill, after line 41, insert:

2 **“SECTION 14. As used in sections 14 to 19 of this 2013 Act:**

3 **“(1)(a) ‘Abuse’ means:**

4 **“(A) Physical injury that is caused by other than accidental means.**

5 **“(B) Failure to provide basic care or services that results in phys-**  
6 **ical injury.**

7 **“(C) Nonconsensual sexual contact.**

8 **“(D) Illegal or improper use of resources for personal profit or gain.**

9 **“(E) Verbal or mental abuse.**

10 **“(F) Corporal punishment.**

11 **“(b) ‘Abuse’ does not mean execution of a death sentence pursuant**  
12 **to a death warrant issued under ORS 137.463.**

13 **“(2) ‘Corrections employee’ means a person employed at a**  
14 **correctional facility as defined in ORS 162.135 and who is not an inde-**  
15 **pendent contractor as defined in ORS 670.600.**

16 **“(3) ‘Corrections officer’ has the meaning given that term in ORS**  
17 **181.610.**

18 **“(4) ‘Inmate’ means a person incarcerated in a correctional facility**  
19 **of the state or a county.**

20 **“SECTION 15. (1) A corrections employee having reasonable cause**  
21 **to believe that an inmate with whom the corrections employee comes**  
22 **in contact has suffered abuse, or that a person with whom the cor-**

1 **rections employee comes in contact has abused an inmate, shall im-**  
2 **mediately make a report in the manner required under section 16 of**  
3 **this 2013 Act.**

4 **“(2) Notwithstanding subsection (1) of this section, a corrections**  
5 **employee is not required to make a report under this section if the**  
6 **corrections employee acquires information relating to abuse from a**  
7 **report made under this section, or from a proceeding arising out of a**  
8 **report made under this section, and the corrections employee reason-**  
9 **ably believes that the information is already known by the Department**  
10 **of Corrections or the sheriff of the county, as applicable.**

11 **“(3) The duty to report under this section is personal to the cor-**  
12 **rections employee.**

13 **“(4) A corrections employee who violates subsection (1) of this sec-**  
14 **tion commits a Class A violation. Prosecution under this subsection**  
15 **may be commenced at any time within 18 months after commission**  
16 **of the offense.**

17 **“(5) Failure to report as required under this section may be con-**  
18 **sidered as a ground for suspension or revocation of the certification**  
19 **of a corrections officer under ORS 181.662 or termination of the cor-**  
20 **rections employee.**

21 **“SECTION 16. (1) A corrections employee making a report of abuse**  
22 **as required under section 15 of this 2013 Act shall make an oral report,**  
23 **followed by a written report, to:**

24 **“(a) The Department of Corrections, if the abuse occurred in a state**  
25 **correctional facility; or**

26 **“(b) The sheriff of the county, if the abuse occurred in a county**  
27 **correctional facility.**

28 **“(2) A report made under this section shall contain, if known, the**  
29 **name of the inmate, the name of the person who committed the abuse**  
30 **and the correctional facility in which the inmate is incarcerated.**

1       **“SECTION 17. (1) When the Department of Corrections or a sheriff**  
2 **receives a report of abuse under section 16 of this 2013 Act, the de-**  
3 **partment or the sheriff shall immediately:**

4       **“(a) Make arrangements within the correctional facility as neces-**  
5 **sary to prevent further abuse of the inmate and similar abuse of other**  
6 **inmates in the correctional facility by the person who committed the**  
7 **reported abuse or by any other person; and**

8       **“(b) Cause an investigation to be made to determine the reliability**  
9 **of the report and, if the report is determined to be reliable, the nature**  
10 **of the abuse of the inmate.**

11       **“(2) If the person conducting the investigation finds reasonable**  
12 **cause to believe the abuse occurred, the person shall make an oral**  
13 **report, followed by a written report, to the department or the sheriff,**  
14 **as applicable.**

15       **“(3) Nothing in this section affects the ability of the Attorney**  
16 **General or the district attorney of the county, as applicable, to con-**  
17 **duct a criminal investigation of the conduct alleged in a report re-**  
18 **ceived by the department or the sheriff of the county, respectively.**

19       **“SECTION 18. (1) The Department of Corrections shall:**

20       **“(a) Designate at least one person working in each state**  
21 **correctional facility and at least one person not working in a state**  
22 **correctional facility to receive reports under section 16 of this 2013 Act;**  
23 **and**

24       **“(b) Distribute contact information for persons designated under**  
25 **this subsection to all state corrections employees.**

26       **“(2) Each sheriff shall:**

27       **“(a) Designate at least one person working in each correctional fa-**  
28 **cility of the county and at least one person not working in a county**  
29 **correctional facility to receive reports under section 16 of this 2013 Act;**  
30 **and**

1       **“(b) Distribute contact information for persons designated under**  
2 **this subsection to all corrections employees of the county.**

3       **“SECTION 19. (1) A corrections employee who makes a report of**  
4 **abuse as required under section 15 of this 2013 Act in good faith and**  
5 **who has reasonable grounds for making the report shall have immu-**  
6 **nity from any liability, civil or criminal, that might otherwise be in-**  
7 **curred or imposed with respect to making the report or the contents**  
8 **of the report.**

9       **“(2) The corrections employee shall have the same immunity with**  
10 **respect to participating in any judicial proceeding resulting from the**  
11 **report.”.**

12       In line 42, delete “14” and insert “20”.

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