

PRELIMINARY STAFF MEASURE SUMMARY

CARRIER:

Senate Committee on Judiciary

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

SUBSEQUENT REFERRAL TO:

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Channa Newell, Counsel

Meeting Dates: 6/01

WHAT THE MEASURE DOES: Clarifies that consensual sexual contact between elderly person and employee of facility who is also spouse of elderly person is not sexual abuse.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: In the 2014 legislative session, the Oregon Elder Abuse Prevention Work Group proposed several changes to the elder abuse statutes through House Bill 4151, including a revision of the definition of sexual abuse. The Work Group sought to balance the autonomy of aging individuals with protecting people in potentially vulnerable situations. One change specified that sexual contact between an employee of a facility and an elderly person is abuse, but consensual sexual contact between an elderly person and a paid caregiver is not sexual abuse. This was an attempt to acknowledge situations in which one intimate partner is a caregiver for another, but the partners choose not to be married. The earlier measure, however, inadvertently created the possible interpretation that sexual contact between an elderly person and spouse, when the spouse is the employee of a facility at which the elderly person resides, is sexual abuse.

House Bill 2227 is a technical fix to the definition of sexual abuse within ORS 124.050. There have been no known cases in which this change has resulted in an abuse allegation, but the Elder Abuse Prevention Work Group recommends changing the statute to be clear that such consensual sexual contact is not abuse.