

Seventy-Eighth Oregon Legislative Assembly - 2015 Regular Session
STAFF MEASURE SUMMARY
House Committee On Judiciary

MEASURE: HB 2227
CARRIER: Rep. Gilliam

Fiscal: Has minimal fiscal impact
Revenue: No Revenue Impact

Action Date: 02/03/15

Action: Do Pass.

Meeting Dates: 02/03

House

Yeas: 8 - Barker, Barton, Greenlick, Williamson, Olson, Post, Sprenger, Lininger

Exc: 1 - Krieger

Prepared By: Channa Newell, Counsel

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:

- Elder Abuse Prevention Work Group
- Definitions with ORS 124.050
- Change to definition of sexual abuse
- No known abuse allegations under current statute

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. One change specified that sexual contact between an employee of a facility or paid caregiver and an elderly person is abuse, but consensual sexual contact between an elderly person and a paid caregiver is not sexual abuse. The measure 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.