

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

**MEASURE: HB 2227**  
**CARRIER: Sen. Kruse**

**Fiscal:** Has minimal fiscal impact

**Revenue:** No Revenue Impact

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**Action Date:** 06/01/15

**Action:** Do Pass.

**Meeting Dates:** 06/01

**Vote:**

Yeas: 5 - Burdick, Gelser, Kruse, Prozanski, Thatcher

**Prepared By:** Channa Newell, Counsel

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**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:**

- Distinction between paid caregiver and employees of facilities
- Possibility of one spouse being employee of long-term care facility where other spouse resides
- Particular issue in rural areas where there may be limited options for long-term care
- Department of Human Services' duty to investigate elder abuse
- No known instance of particular abuse reported, but likely to occur

**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.