

SB 261 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Josh Nasbe, Counsel

Meeting Dates: 5/15

WHAT THE MEASURE DOES:

Provides that evidence in civil proceeding involving sexual misconduct is inadmissible if offered to prove alleged victim's sexual predisposition or past sexual behavior. Creates exception if alleged victim places evidence in controversy and probative value of evidence substantially outweighs danger of harm and unfair prejudice. Establishes in camera procedure for court to determine whether to admit evidence.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 40.210 is Oregon's "rape shield" statute. The statute applies in a criminal prosecution for a sex crime and regulates the admissibility of the victim's past sexual behavior and manner of dress. Pursuant to this statute, a court may admit this evidence only if, after an in camera hearing, the court determines that the evidence is relevant and that the probative value of the evidence outweighs the danger of unfair prejudice. Senate Bill 261-A creates a similar rule applicable in civil proceedings involving alleged sexual misconduct.