

Senate Bill 506

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Exempts public or private official from reporting child or elder abuse when official acquires information that official reasonably believes has already been reported and is already known by law enforcement agency or Department of Human Services.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to abuse reporting; amending ORS 124.060 and 419B.010; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 124.060 is amended to read:

5 124.060. (1) Any public or private official having reasonable cause to believe that any person
6 65 years of age or older with whom the official comes in contact has suffered abuse, or that any
7 person with whom the official comes in contact has abused a person 65 years of age or older, shall
8 report or cause a report to be made in the manner required in ORS 124.065. Nothing contained in
9 ORS 40.225 to 40.295 affects the duty to report imposed by this section, except that a psychiatrist,
10 psychologist, member of the clergy or attorney is not required to report such information commu-
11 nicated by a person if the communication is privileged under ORS 40.225 to 40.295. An attorney is
12 not required to make a report under this section by reason of information communicated to the at-
13 torney in the course of representing a client if disclosure of the information would be detrimental
14 to the client.

15 **(2) Notwithstanding subsection (1) of this section, a report need not be made under this**
16 **section if the public or private official acquires information relating to abuse that the official**
17 **reasonably believes has already been the subject of a report made under this section, or by**
18 **reason of a proceeding arising out of a report that has already been made under this section,**
19 **and the public or private official reasonably believes that the information is already known**
20 **by a law enforcement agency or the Department of Human Services.**

21 **SECTION 2.** ORS 419B.010 is amended to read:

22 419B.010. (1) Any public or private official having reasonable cause to believe that any child
23 with whom the official comes in contact has suffered abuse or that any person with whom the offi-
24 cial comes in contact has abused a child shall immediately report or cause a report to be made in
25 the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6)
26 affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member
27 of the clergy, attorney or guardian ad litem appointed under ORS 419B.231 is not required to report
28 such information communicated by a person if the communication is privileged under ORS 40.225 to
29 40.295 or 419B.234 (6). An attorney is not required to make a report under this section by reason

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of information communicated to the attorney in the course of representing a client if disclosure of
2 the information would be detrimental to the client.

3 (2) Notwithstanding subsection (1) of this section, a report need not be made under this section
4 if the public or private official acquires information relating to abuse [*by reason of a report*] **that**
5 **the official reasonably believes has already been the subject of a report** made under this sec-
6 tion, or by reason of a proceeding arising out of a report **that has already been** made under this
7 section, and the public or private official reasonably believes that the information is already known
8 by a law enforcement agency or the Department of Human Services.

9 (3) The duty to report under this section is personal to the public or private official alone, re-
10 gardless of whether the official is employed by, a volunteer of or a representative or agent for any
11 type of entity or organization that employs persons or uses persons as volunteers who are public
12 or private officials in its operations.

13 (4) The duty to report under this section exists regardless of whether the entity or organization
14 that employs the public or private official or uses the official as a volunteer has its own procedures
15 or policies for reporting abuse internally within the entity or organization.

16 (5) A person who violates subsection (1) of this section commits a Class A violation. Prosecution
17 under this subsection shall be commenced at any time within 18 months after commission of the of-
18 fense.

19 **SECTION 3. This 2017 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
21 **on its passage.**

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