

**SB 1540 -1, -2 STAFF MEASURE SUMMARY**

**Senate Committee On Human Services**

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**Meeting Dates:** 2/6

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**WHAT THE MEASURE DOES:**

Exempts from the definition of “abuse” any sexual contact or intercourse between a child over age 14 and a person under age 21 if: 1) the person is not three years older than the child, and 2) sexual contact is not the result of force, intimidation or coercion. Expands definition of “adult” to include a person who is receiving mental health treatment in a community program, facility or state hospital for treatment of substance abuse or mental illness. Includes in the definition of “community program” providers whose services are paid for, directly or indirectly, by the Oregon Health Authority.

Revenue Impact: No revenue impact.

Fiscal Impact: Has minimal fiscal impact.

**ISSUES DISCUSSED:**

**EFFECT OF AMENDMENT:**

-1 Authorizes the Department of Human Services or law enforcement agency to conduct abuse investigations on school premises. Requires department or agency conducting the investigation to present adequate identification to school staff members. Requires school staff members to cooperate with investigation and, at a minimum, allow department or agency conducting the investigation access to the child and a private space to interview the child. Prohibits school administrators and staff from notifying any person of the investigation, other than department, law enforcement, and school employees necessary to enable the investigation. Clarifies that information obtained during the investigation is not part of the child's school record.

Revenue Impact: No revenue impact.

Fiscal Impact: Fiscal impact issued.

-2 Changes age for child involved in sexual contact or intercourse, for purpose of exemption from definition of "abuse", from age 14 to age 12.

Revenue Impact: No revenue impact.

Fiscal Impact: Fiscal impact issued.

**BACKGROUND:**

The Center for Disease Control and Prevention estimates that 41 percent of U.S. high schoolers are sexually active. School district officials and teachers are required by the mandatory reporting law to report suspected child abuse and neglect, including non-consensual sex. An Oregon school district recently instructed teachers and staff to report child abuse for any sexual contact between students, understanding the mandatory reporting law to assert that children and youth under the age of 18 cannot consent to sexual activity. SB 1540 modifies the mandatory reporting law by excluding from the definition of abuse consensual sexual contact between teenagers over the age of 14 and under the age of 21, unless there is a difference of three or more years in age.

## SB 1540 -1, -2 STAFF MEASURE SUMMARY

Adults receiving treatment for severe and persistent mental health illnesses and adults receiving treatment for substance use disorders do not have the same protections against adult abuse as do people with intellectual, developmental, or physical disabilities. Recent changes in Oregon's health care delivery system have left gaps in adult abuse protection laws, which currently cover some adults receiving treatment depending on where the treatment is delivered. SB 1540 includes adults with persistent and severe mental illnesses and adults with substance use disorders who are receiving treatments funded by the Oregon Health Authority in the definitions of adults who are protected against abuse for the purpose of mandatory reporting and investigations. SB 1540 also expands the definition of sexual abuse for the purpose of reporting and investigating adult abuse by including consensual sex between a recipient of mental health or substance abuse treatment and the provider of the treatment.