

# SB 1540

## Intro

- Marion County DDA, Supervise team that prosecutes Child Abuse and Sexual Assault
- Marion County Child Abuse MDT
- ODAA Representative

Testify in opposition to SB1540. Unfortunately, a reasonable, narrowly-tailored clarification regarding a mandatory reporter's obligation to report otherwise consensual teenage sexual contact has now grown into an exception that is contrary to child safety.

As a basic premise: We need to do better recognizing and protecting kids from abuse.

- If we were good at identifying abuse, we wouldn't need mandatory reporting laws.
- Furthermore-resistance to reporting is pervasive.
  - o In my experience, one reason is because people incorrectly assume that mandatory reporting = criminal charges. This is wrong
  - o They also forget that mandatory reporting is a net that needs to cast wide enough to catch more than one type of "safe": it needs to capture physical health, mental health, criminality, and risk of harm.

That is why no one entity should dictate a bright line around child safety:

- For example, OHA may have guidelines regarding a medical perspective on health.
- But medically healthy does not necessarily mean child safe.

Nevertheless, despite the resistance to reporting and a desire to keep as many kids safe as possible, we recognized that there was an opportunity for a narrow clarification around Oregon's duty to report, specifically around consensual-but-for-age teenage sexual activity.

I would like to be clear about two things in this bill:

1. In paragraph B(ii), there are three types of non-consent listed. **This list is not exhaustive. Under this bill any type of non-consent still requires a mandatory report- regardless of age.** This includes physical helplessness, mental incapacitation, intoxication, Developmental Disabilities, etc.

**So let me be very clear: Age doesn't matter if there is any concern of non-consent.**

2. The within three years exception should tie to the reasonable cause to believe legal standard. Ultimately incorrect, but otherwise reasonable mistakes, shouldn't lead to violation charges being filed.

This bill is best-understood to say: Voluntary reporting remains encouraged. But if the parties are between the ages of \_\_\_ and \_\_\_; and if they are within 3 years; and if there is no concern about consent, a mandatory reporter need not report.

Remember- when child abuse occurs child safety experts only get snapshots or pieces of information to put that puzzle together. Experts need as many puzzle pieces as possible to see the picture, and get it right. One of those pieces is very often problematic sexual behavior that may appear otherwise consensual.

We've done a poor job listening and protecting college-age gymnasts, boy scouts, altar boys, and kids at football camp. I don't know why this body would think experts don't need all the help we can get identifying and protecting 12 year-olds.

Twelve year olds are not teenagers; Thirteen year olds shouldn't be having kids. Whether they can do so in a manner that is physically healthy is different from whether they are safe, or psychologically prepared or whether a crime was committed.

I encourage you to reconsider an exception that was designed to be narrow and common sense. At a floor of 12 years old, please vote no on SB 1540.