



FROM THE DESK OF:
REP. DAVID BROCK SMITH

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February 19, 2018

Rep. Alissa Keny-Guyer
Chair, House Committee on Human Services and Housing
Oregon Legislative Assembly
900 State Street
Salem, OR 97301

RE: SB 1540, A-Engrossed; Hearing 2/20/18 8:00 am

Dear Rep. Keny-Guyer and Members of the Committee:

On behalf of the Liberty House Board of Directors, our staff, and the children we serve, I write to express my concern over Section 1(b)(B) of SB 1540, A-Engrossed.

Regarding the question of what age is considered to be abuse for purposes of mandatory reporting when the other person involved in the sexual conduct is under age 21, age 12 is just plain too young. Passing the bill in its current form citing age 12 in this section would result in a grave miscarriage of public policy that would set in motion the potential for irrevocable, disastrous consequences. If people are having sex with 12-year-olds it should be reported.

12-year-olds as a matter of general physical and psychological development are ill-equipped to withstand the powerful influence of someone wanting to have sex with them. Mandatory reporting laws are in place to provide a layer of societal protection over a population that lacks the ability to protect itself. Reducing the age to 12 lays an indescribably heavy burden on the children of this state to recognize situations of unfair influence or manipulation; to say “no” to conduct in situations in which there are typically no witnesses and a myriad of potential fact patterns impossible to adequately address through the exceptions such as those found in Sections (i)(the person was three or more years older than the child;) and (ii)(There is reasonable cause to believe that the sexual contact or sexual intercourse was the result of force, intimidation or coercion). These two sections are a good start but woefully inadequate if we are talking about 12 year olds.

Passing the bill with age 12 in Section 1(b)(B) would place children in the State of Oregon at incalculable risk for abuse at precisely the time when the Oregon Department of Human Services (DHS) is under intense scrutiny, at a time when horrendous systemic abuse of elite gymnasts nationwide has been brought to light, and at a time when the entire country is beginning to engage in a dialogue about how to be more appropriate and respectful of women. It doesn't make sense.

We need to do more, not less, to recognize child sexual abuse and stop it. We would support an amendment to increase the age in Section 1(b)(B) to 14 as was originally drafted, although we recognize that, too, is very young.

Very truly yours,

Alison S. Kelley, JD, CEO

Enc. NYT Article

Alison S. Kelley, JD, Chief Executive Officer