

**FISCAL IMPACT OF PROPOSED LEGISLATION**

**Measure: SB 1540 - MRB**

79th Oregon Legislative Assembly – 2018 Regular Session  
Legislative Fiscal Office

*Only Impacts on Original or Engrossed  
Versions are Considered Official*

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Date: 2/23/2018

**Measure Description:**

Modifies definition of child abuse for purpose of mandatory reporting.

**Government Unit(s) Affected:**

Department of Human Services (DHS), Department of Justice (DOJ), Oregon Health Authority (OHA), Oregon State Police (OSP), Department of Education (ODE), School Districts, Community Colleges, Public Universities, Higher Education Coordinating Commission (HECC), Oregon Youth Authority (OYA), counties

**Summary of Expenditure Impact:**

Costs related to the measure are indeterminate at this time - See explanatory analysis.

**Analysis:**

SB 1540 modifies the definition of child abuse, for the purpose of mandatory reporting, to exclude sexual contact or intercourse between a child over the age of 14 and a person under the age of 21 if the person is not three years older than the child, and sexual contact is not the result of force, intimidation, or coercion. In addition, the bill specifies that: (1) when investigating a report of child abuse on school premises, DHS and law enforcement must present adequate identification to school staff; and (2) school staff must cooperate with the investigation by providing access to the child who is the suspected victim of abuse, and providing a private space to conduct the interview. The bill also specifies that information obtained during an investigation is not part of the child’s school records. These provisions of the bill are anticipated to have minimal impact on affected agencies listed above.

In addition, the bill expands the scope of investigations for persons with mental illness or substance use disorders that may be conducted by Department of Human Services (DHS) and the Oregon Health Authority (OHA) by modifying, for the purpose of investigation of abuse, the definition of:

1. “adult” to include a person who is receiving services for a substance use disorder or a mental illness in a facility or a state hospital.
2. “community program” to include a provider that is paid directly or indirectly by OHA to provide mental health treatment in the community.
3. “sexual abuse” to include any sexual contact between an individual receiving mental health or substance abuse treatment and the individual providing the treatment.

The fiscal impact of this provision of the bill on DHS and community programs is indeterminate because at this time, the effect of this bill on the investigation caseload cannot be predicted. DHS Office of Adult Abuse Prevention and Investigation (OAAPI) is a shared service between DHS and OHA. If passage of this bill results in an increase in investigations caseload, DHS may need additional resources to address this increase.