

**SB 1540 B STAFF MEASURE SUMMARY**

**Carrier:** Rep. Keny-Guyer

**House Committee On Rules**

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**Action Date:** 02/28/18

**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

**Vote:** 9-0-0-0

**Yeas:** 9 - Barreto, Holvey, Kennemer, McLane, Nosse, Rayfield, Smith Warner, Williamson, Wilson

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**WHAT THE MEASURE DOES:**

Clarifies provisions related to child abuse investigations conducted on school premises and modifies definitions of "adult," "community program," and "sexual abuse" for purpose of reporting abuse of adults with mental illness or development disabilities.

Requires Department of Human Services (DHS) or law enforcement agency conducting child abuse investigations on school premises to present adequate identification to school personnel. Requires school personnel to cooperate with investigation and, at a minimum, allow access to subject children in a private interview space. Prohibits school personnel from disclosing the investigation outside DHS, law enforcement, and other school personnel necessary to enable the investigation. Clarifies that information obtained during the investigation is not part of the child's school record. Includes persons receiving mental health treatment in a community program or facility, or treatment of substance use disorders or mental illness at a state hospital within mandatory reporting requirements that apply to adults with mental illness or developmental disabilities. Includes providers whose services are paid for by the Oregon Health Authority within the definition of "community program." Clarifies that the definition of "sexual abuse" applies to sexual contact between a recipient of mental health or substance use disorder treatment and the provider of the treatment.

Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Age of consent and mandatory reporting
- DHS and law enforcement resources
- Proposed work group to continue during the interim

**EFFECT OF AMENDMENT:**

Removes provisions relating to the modifications to the definition of child abuse for the purposes of mandatory reporting.

**BACKGROUND:**

Senate Bill 101, passed during the 2017 legislative session, made changes to child abuse investigations conducted by DHS and law enforcement agencies on school premises. Senate Bill 1540-B clarifies the authority DHS and law enforcement agencies have to conduct child abuse investigations on school premises. The measure requires school personnel to cooperate with investigations by allowing investigators to have access to children who are the subject of the investigation as well as a private space to conduct interviews. Senate Bill 1540-B also prohibits school personnel from disclosing the investigation to anyone other than DHS, law enforcement, or other school employees necessary to enable the investigation. The measure further clarifies that information obtained during the investigation is not part of the child's school record.

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The Oregon Health Authority receives complaints of abuse within adult residential treatment programs but lacks civil or criminal investigatory authority (only regulatory). Adults receiving treatment for severe and persistent mental health illnesses and adults receiving treatment for substance use disorders are not explicitly included within mandatory reporting abuse statutes in Oregon that apply to adults with mental illness or development disabilities. Senate Bill 1540-B includes adults with persistent and severe mental illnesses and adults with substance use disorders who are receiving services or treatment within the definition of "adult" for the purpose of mandatory abuse reporting and investigations. Senate Bill 1540-B also clarifies that sexual contact between a recipient of mental health or substance use disorder treatment and the provider of the treatment is included in the definition of "sexual abuse."