

Requested by Senator GELSER

**PROPOSED AMENDMENTS TO
SENATE BILL 1540**

1 On page 1 of the printed bill, line 2, after “419B.005” insert “, 419B.045”.

2 On page 3, after line 40, insert:

3 **“SECTION 2.** ORS 419B.045 is amended to read:

4 **“419B.045. (1) The Department of Human Services or a law enforce-**
5 **ment agency has the authority to conduct an investigation, on school**
6 **premises, of a report of child abuse.**

7 **“(2) [If] When** an investigation of a report of child abuse is conducted
8 on school premises, the school administrator shall first be notified that the
9 investigation is to take place, unless the school administrator is a subject
10 of the investigation.

11 **“(3) The department or the law enforcement agency conducting the**
12 **investigation shall present adequate identification to school staff**
13 **members.**

14 **“(4) After the department or law enforcement agency presents ade-**
15 **quate identification, school staff members shall cooperate with the**
16 **investigation by, at a minimum:**

17 **“(a) Allowing the department or law enforcement agency access to**
18 **the child who is the suspected victim in the report of child abuse; and**

19 **“(b) Providing a private space in which to conduct an interview of**
20 **the child.**

21 **“(5) The [Department of Human Services] department or the law**

1 enforcement agency conducting the investigation is not required to reveal
2 information about the investigation to the school as a condition of conduct-
3 ing the investigation.

4 “(6) The school administrator or a school staff member designated by the
5 administrator may, at the investigator’s discretion, be present to facilitate
6 the investigation.

7 “(7) The investigator shall be advised by a school administrator or a
8 school staff member of [a] **the** child’s disabling conditions, if any, prior to
9 any interview with the child.

10 “(8)(a) A school administrator or school staff member may not notify any
11 person, including [a] **the** child’s parents or guardian, other than the depart-
12 ment or law enforcement agency **and any school employee necessary to**
13 **enable the investigation** of an investigation described in this section and
14 may not disclose any information obtained during an investigation [, *nor*
15 *shall the information become part of the child’s school records*].

16 “(b) **Information obtained during an investigation is not part of the**
17 **child’s school records.**

18 “(9) [*The*] A school administrator or school staff member may testify at
19 any subsequent court proceeding relating to the investigation and may be
20 interviewed by the respective litigants prior to any court proceeding.

21 “[2)] (10) A school district, school administrator or school staff member
22 may not be held liable for civil damages as a result of compliance with [*the*
23 *notification and disclosure prohibitions in subsection (1) of*] this section.

24 “[3)] (11) [*Subsections (1) and (2) of*] This section [*apply*] **applies** solely
25 to an investigation that involves an interview of the suspected victim in the
26 report of child abuse or witnesses and [*do*] **does** not apply to an investigation
27 or interview of a person who is suspected of having committed the abuse that
28 is the subject of the report.”.

29 In line 41, delete “2” and insert “3”.

30 On page 6, line 21, delete “3” and insert “4”.

