

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 912**

1 On page 1 of the printed bill, delete line 3 and insert “339.372, 339.388 and  
2 339.396; and declaring an emergency.”.

3 On page 3, line 29, after “shall” insert a colon and begin a new paragraph  
4 and insert “(a) Make a record of all reports received under subsection (1) of  
5 this section and make the record available if a claim is brought under ORS  
6 339.396; and

7 “(b)”.

8 On page 5, delete lines 2 through 45 and delete pages 6 and 7 and insert:

9 **“SECTION 6. The amendments to ORS 339.388 by section 5 of this**  
10 **2019 Act apply to reports made on or after the effective date of this**  
11 **2019 Act.**

12 **“SECTION 7. ORS 339.396 is amended to read:**

13 **“339.396. (1) Except as provided in subsections (2) and (3) of this**  
14 **section, nothing in ORS 339.370 to 339.400 creates a new public or private**  
15 **cause of action or precludes an existing cause of action.**

16 **“(2)(a) A student, or the parent or guardian of a student, may bring**  
17 **a civil action and recover damages for the greater of \$1,000 or the total**  
18 **amount for special and general damages, including damages for emo-**  
19 **tional distress, if:**

20 **“(A) A school employee required to make a report of suspected**  
21 **sexual conduct fails to make the report as required by ORS 339.388**

1 (1)(b);

2 “(B) The student is subjected to sexual conduct by another school  
3 employee about whom the school employee should have had a reason-  
4 able cause to believe has engaged in sexual conduct; and

5 “(C) The sexual conduct described in subparagraph (B) of this par-  
6 agraph occurred after the school employee should have had a reason-  
7 able cause to believe that the other school employee had engaged in  
8 sexual conduct.

9 “(b) A court may award reasonable attorney fees to the prevailing  
10 plaintiff in an action under this subsection.

11 “(3)(a) A student, or the parent or guardian of a student, may bring  
12 a civil action and recover damages for the greater of \$1,000 or the total  
13 amount for special and general damages, including damages for emo-  
14 tional distress, if:

15 “(A) A school employee required to make a report of suspected  
16 sexual conduct fails to make the report as required by ORS 339.388  
17 (1)(b);

18 “(B) The student is subjected to sexual conduct by another student  
19 about whom the school employee should have had a reasonable cause  
20 to believe has engaged in sexual conduct; and

21 “(C) The sexual conduct described in subparagraph (B) of this par-  
22 agraph occurred after the school employee should have had a reason-  
23 able cause to believe that the other student had engaged in sexual  
24 conduct.

25 “(b) A court may award reasonable attorney fees to the prevailing  
26 plaintiff in an action under this subsection.

27 **“SECTION 8. (1) The Department of Education shall evaluate**  
28 **criminal records checks that were made under ORS 326.603 by the de-**  
29 **partment from 2009-2019 and that were made at the request of public**  
30 **and private schools. The evaluation shall include a determination of:**

1       “(a) The percentage of the total number of criminal records checks  
2 that indicated a person being checked engaged in sexual conduct to-  
3 ward a child; and

4       “(b) The percentages of criminal records checks that indicated a  
5 person being checked engaged in sexual conduct toward a child that  
6 were requested from a public school and from a private school.

7       “(2) The department shall report the results of the evaluation, and  
8 may include recommendations for legislation, to an interim committee  
9 of the Legislative Assembly related to education no later than Sep-  
10 tember 15, 2020.

11       “SECTION 9. Section 8 of this 2019 Act is repealed on December 31,  
12 2020.

13       “SECTION 10. This 2019 Act being necessary for the immediate  
14 preservation of the public peace, health and safety, an emergency is  
15 declared to exist, and this 2019 Act takes effect July 1, 2019.”.

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