

HB 4160 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Tisha Pascone, LPRO Analyst

Meeting Dates: 2/8, 2/15

WHAT THE MEASURE DOES:

The measure extends the time, from 90 days to one year after graduation from high school or leaving school, in which a person is considered a “student” for laws requiring reporting, investigation, and disclosures about a school employee, contractor, agent or volunteer engaging in sexual conduct with a student.

REVENUE: No revenue impact

FISCAL: Indeterminate fiscal impact issued

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

ORS 339.370 to ORS 339.400 require school boards to adopt policies regarding suspected abuse and suspected sexual conduct, and govern when suspected abuse or suspected sexual conduct by a school employee, contractor, an agent or a volunteer that involves a “student” must be reported, investigated, and disclosed. Sexual conduct is broader than abuse and can include sexual advances or requests for sexual favors, for instance. The statute currently defines a student in ORS 339.370 as including persons who were previously known as a student by the person engaging sexual conduct, and who left or graduated high school within the 90 days prior to the sexual conduct.

If a teacher engages in suspected sexual conduct starting on the 91st day, it is not subject to these statutes, and the conduct is not required to be reported, nor can it form the basis for teacher discipline. If the conduct rises to the level of a crime, such as abuse or harassment, elements of the crime may depend upon the former student’s age at the time the crime occurred, but the criminal investigation or charges will not differ depending on the definition of ‘student’ in ORS 339.370.