

HB 4160 STAFF MEASURE SUMMARY

Carrier: Rep. Mannix

House Committee On Judiciary

Action Date: 02/15/24

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Andersen, Bynum, Chaichi, Conrad, Kropf, Lewis, Reynolds, Tran, Wallan, Yunker

Fiscal: Fiscal impact issued

Revenue: No revenue impact

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Meeting Dates: 2/8, 2/15

WHAT THE MEASURE DOES:

The measure extends the time, from 90 days after graduation from high school or leaving school, 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.

ISSUES DISCUSSED:

- Factors for determining whether reasonable cause exists to believe there was sexual conduct with a student
- Impact on other laws
- Age of adulthood in other areas such as medical decisions, voting, purchasing firearms, committing crimes
- Teacher Standards and Practices Commission backlog

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, as well as to govern when suspected abuse or suspected sexual conduct by a school employee, contractor, agent, or volunteer that involves a “student” must be reported, investigated, and disclosed. What comprises sexual conduct is broader than abuse and can include sexual advances or requests for sexual favors, for instance. The statute currently defines a student to include 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, that conduct is not currently subject to these statutes. Therefore, 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 are not affected by the definition of “student” in ORS 339.370.