

Senate Bill 221

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SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Provides that Department of Human Services employee whose employment is terminated for violating duty to report child abuse is not eligible for reinstatement of employment with department. Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to violation of duty to report child abuse; amending ORS 419B.010; and declaring an
3 emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 419B.010 is amended to read:

6 419B.010. (1) Any public or private official having reasonable cause to believe that any child
7 with whom the official comes in contact has suffered abuse or that any person with whom the offi-
8 cial comes in contact has abused a child shall immediately report or cause a report to be made in
9 the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 or 419B.234 (6)
10 affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member
11 of the clergy, attorney or guardian ad litem appointed under ORS 419B.231 is not required to report
12 such information communicated by a person if the communication is privileged under ORS 40.225 to
13 40.295 or 419B.234 (6). An attorney is not required to make a report under this section by reason
14 of information communicated to the attorney in the course of representing a client if disclosure of
15 the information would be detrimental to the client.

16 (2) Notwithstanding subsection (1) of this section, a report need not be made under this section
17 if the public or private official acquires information relating to abuse by reason of a report made
18 under this section, or by reason of a proceeding arising out of a report made under this section, and
19 the public or private official reasonably believes that the information is already known by a law
20 enforcement agency or the Department of Human Services.

21 (3) The duty to report under this section is personal to the public or private official alone, re-
22 gardless of whether the official is employed by, a volunteer of or a representative or agent for any
23 type of entity or organization that employs persons or uses persons as volunteers who are public
24 or private officials in its operations.

25 (4) The duty to report under this section exists regardless of whether the entity or organization
26 that employs the public or private official or uses the official as a volunteer has its own procedures
27 or policies for reporting abuse internally within the entity or organization.

28 **(5) It is the public policy of this state that an employee of the Department of Human**
29 **Services who violates the duty to report under this section and whose employment is ter-**
30 **minated for the violation is not eligible for reinstatement of employment with the depart-**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **ment.**

2 [(5)] (6) A person who violates subsection (1) of this section commits a Class A violation. Pros-
3 ecution under this subsection shall be commenced at any time within 18 months after commission
4 of the offense.

5 **SECTION 2. This 2015 Act being necessary for the immediate preservation of the public**
6 **peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect**
7 **on its passage.**

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