

Senate Bill 261

Sponsored by Senator GELSER; Senators DEMBROW, MONNES ANDERSON (Presession filed.)

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**.

Makes evidence about sexual behavior or predisposition inadmissible in civil proceeding except under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to evidence; and declaring an emergency.

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

4 **SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 40.010 to 40.585.**

5 **SECTION 2. (1) Unless the alleged victim has placed the evidence in controversy and the**
6 **court determines that the probative value of the evidence substantially outweighs the danger**
7 **of harm to any victim and of unfair prejudice to any party, the following evidence is not**
8 **admissible in a civil proceeding involving alleged sexual misconduct:**

9 (a) Evidence offered to prove that an alleged victim engaged in other sexual behavior; or

10 (b) Evidence offered to prove an alleged victim's sexual predisposition.

11 (2) If a party intends to offer evidence under subsection (1) of this section, the party
12 **must:**

13 (a) Make a written motion at least 15 days before the date on which the proceeding in
14 which the evidence is to be offered is scheduled to begin unless the court, for good cause,
15 sets a different time;

16 (b) In the motion, specifically describe the evidence and state the purpose for which it
17 is to be offered;

18 (c) Serve the motion on all parties; and

19 (d) Notify the alleged victim or the alleged victim's representative.

20 (3) Before admitting evidence under this section, the court must conduct an in camera
21 hearing and give the alleged victim and parties a right to attend and be heard. Unless the
22 court orders otherwise, the motion, related materials and the record of the hearing must be
23 and remain sealed.

24 (4) As used in this section, "in camera" means out of the presence of the public and the
25 jury.

26 **SECTION 3. Section 2 of this 2017 Act applies to evidence offered in proceedings occur-**
27 **ring on or after the effective date of this 2017 Act.**

28 **SECTION 4. This 2017 Act being necessary for the immediate preservation of the public**
29 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
30 **on its passage.**

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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.