

House Bill 2666

Sponsored by Representative BERGER; Representative BARKER (at the request of Statewide Sex Offender Supervisor Network)

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**.

Allows law enforcement agencies to make records in cases relating to child abuse and neglect available to sex offender treatment providers.

A BILL FOR AN ACT

1
2 Relating to sex offender treatment providers; amending ORS 419B.035.

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

4 **SECTION 1.** ORS 419B.035 is amended to read:

5 419B.035. (1) Notwithstanding the provisions of ORS 192.001 to 192.170, 192.210 to 192.505 and
6 192.610 to 192.990 relating to confidentiality and accessibility for public inspection of public records
7 and public documents, reports and records compiled under the provisions of ORS 419B.010 to
8 419B.050 are confidential and are not accessible for public inspection. However, the Department of
9 Human Services shall make records available to:

10 (a) Any law enforcement agency or a child abuse registry in any other state for the purpose of
11 subsequent investigation of child abuse;

12 (b) Any physician, at the request of the physician, regarding any child brought to the physician
13 or coming before the physician for examination, care or treatment;

14 (c) Attorneys of record for the child or child's parent or guardian in any juvenile court pro-
15 ceeding;

16 (d) Citizen review boards established by the Judicial Department for the purpose of periodically
17 reviewing the status of children, youths and youth offenders under the jurisdiction of the juvenile
18 court under ORS 419B.100 and 419C.005. Citizen review boards may make such records available to
19 participants in case reviews;

20 (e) A court appointed special advocate in any juvenile court proceeding in which it is alleged
21 that a child has been subjected to child abuse or neglect;

22 (f) The Child Care Division for certifying, registering or otherwise regulating child care facili-
23 ties; and

24 (g) The Office of Children's Advocate.

25 (2) The Department of Human Services may make reports and records available to any person,
26 administrative hearings officer, court, agency, organization or other entity when the department
27 determines that such disclosure is necessary to administer its child welfare services and is in the
28 best interests of the affected child, or that such disclosure is necessary to investigate, prevent or
29 treat child abuse and neglect, to protect children from abuse and neglect or for research when the
30 Director of Human Services gives prior written approval. The Department of Human Services shall
31 adopt rules setting forth the procedures by which it will make the disclosures authorized under this

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 subsection and subsection (1) of this section. The name, address and other identifying information
 2 about the person who made the report may not be disclosed pursuant to this subsection and sub-
 3 section (1) of this section.

4 (3) A law enforcement agency may make reports and records available to other law enforcement
 5 agencies, district attorneys, city attorneys with criminal prosecutorial functions and the Attorney
 6 General when the law enforcement agency determines that disclosure is necessary for the investi-
 7 gation or enforcement of laws relating to child abuse and neglect.

8 (4) A law enforcement agency, upon completing an investigation and closing the file in a specific
 9 case relating to child abuse or neglect, shall make reports and records in the case available upon
 10 request to any law enforcement agency or community corrections agency in this state, to the De-
 11 partment of Corrections or to the State Board of Parole and Post-Prison Supervision for the purpose
 12 of managing and supervising offenders in custody or on probation, parole, post-prison supervision
 13 or other form of conditional or supervised release. A law enforcement agency may make reports and
 14 records available to law enforcement, community corrections, corrections or parole agencies in an
 15 open case when the law enforcement agency determines that the disclosure will not interfere with
 16 an ongoing investigation in the case. The name, address and other identifying information about the
 17 person who made the report may not be disclosed under this subsection or subsection (5)(b) of this
 18 section.

19 (5)(a) Any record made available to a law enforcement agency or community corrections agency
 20 in this state, to the Department of Corrections or the State Board of Parole and Post-Prison Super-
 21 vision or to a physician in this state, as authorized by subsections (1) to (4) of this section, shall be
 22 kept confidential by the agency, department, board or physician. Any record or report disclosed by
 23 the Department of Human Services to other persons or entities pursuant to subsections (1) and (2)
 24 of this section shall be kept confidential.

25 (b) Notwithstanding paragraph (a) of this subsection, a law enforcement agency, a community
 26 corrections agency, the Department of Corrections and the State Board of Parole and Post-Prison
 27 Supervision may disclose records made available to them under subsection (4) of this section to each
 28 other, [and] to law enforcement, community corrections, corrections and parole agencies of other
 29 states **and to sex offender treatment providers** for the purpose of managing and supervising
 30 offenders in custody or on probation, parole, post-prison supervision or other form of conditional or
 31 supervised release.

32 (6) An officer or employee of the Department of Human Services or of a law enforcement agency
 33 or any person or entity to whom disclosure is made pursuant to subsections (1) to (4) of this section
 34 may not release any information not authorized by subsections (1) to (5) of this section.

35 (7) As used in this section[,]:

36 (a) "Law enforcement agency" has the meaning given that term in ORS 181.010.

37 (b) **"Sex offender treatment providers" means providers of sex offender treatment pro-**
 38 **grams for persons convicted of sex offenses that are required by either of the following:**

39 (A) **A supervising officer as a condition of probation, pursuant to ORS 137.540; or**

40 (B) **The State Board of Parole and Post-Prison Supervision as a condition of:**

41 (i) **Post-prison supervision, pursuant to ORS 144.102; or**

42 (ii) **Parole, pursuant to ORS 144.270.**

43 (8) A person who violates subsection (5)(a) or (6) of this section commits a Class A violation.