

HOUSE AMENDMENTS TO HOUSE BILL 3073

By COMMITTEE ON HEALTH AND HUMAN SERVICES

June 13

1 On page 1 of the printed bill, line 2, after “individuals” insert a period and delete the rest of
2 the line and line 3.

3 Delete lines 5 through 29 and delete pages 2 through 4 and insert:

4 **“SECTION 1. (1) When the Department of Human Services investigates a report of abuse**
5 **under ORS 430.735 to 430.765 at a residential training home as defined in ORS 443.400 that is**
6 **operated by the department or a report of abuse at a state hospital described in ORS 426.010,**
7 **the department shall address in the written report of its findings whether the person alleged**
8 **to be responsible for the abuse was acting in self-defense.**

9 **“(2) The department shall make a finding that the allegation of abuse is unsubstantiated**
10 **if the department finds that:**

11 **“(a) The person was acting in self-defense in response to the use or imminent use of**
12 **physical force;**

13 **“(b) The amount of force used was reasonably necessary to protect the person from vi-**
14 **olence or assault; and**

15 **“(c) The person used the least restrictive procedures necessary under the circumstances**
16 **in accordance with an approved behavior management plan or other method of response ap-**
17 **proved by the department by rule.**

18 **“(3) Notwithstanding ORS 179.505, the department shall disclose to the person alleged to**
19 **be responsible for the abuse a copy of its findings under subsection (1) of this section if the**
20 **allegation of abuse is substantiated.**

21 **“(4) If a person makes a claim of self-defense during an investigation of a report of abuse**
22 **and the allegation is found to be substantiated, the person may ask the Director of Human**
23 **Services to review the finding. The director shall appoint a review team to conduct the re-**
24 **view and make a recommendation to the director under procedures adopted by the director**
25 **by rule.**

26 **“SECTION 2. Section 1 of this 2005 Act applies to allegations of abuse that are reported**
27 **on or after the effective date of this 2005 Act.”.**

28