

A-Engrossed House Bill 3073

Ordered by the House June 13
Including House Amendments dated June 13

Sponsored by Representative DALTO; Representatives ANDERSON, BERGER, BOONE, BOQUIST, BROWN, BRUUN, BURLEY, BUTLER, CAMERON, DALLUM, ESQUIVEL, FARR, FLORES, GARRARD, GILMAN, HANNA, JENSON, KITTS, KRIEGER, KROPP, KRUMMEL, LIM, MINNIS, MORGAN, NELSON, OLSON, RICHARDSON, RILEY, SCOTT, G SMITH, P SMITH, SUMNER, THATCHER, WHISNANT

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.

[Specifies that reasonable self-defense is not abuse for purposes of laws requiring reporting of abuse of individuals who are elderly, mentally ill, developmentally disabled or in long term care facility.]

[Requires Director of Human Services to establish advisory committee to advise director regarding development of behavior management plans and appropriate responses to use of or threats of force. Directs committee to review certain allegations of abuse.]

Requires Department of Human Services, when investigating report of abuse at residential training home operated by department or at state hospital, to address in written report of its findings whether person alleged to be responsible for abuse was acting in self-defense.

Requires department to make finding, under specified conditions, that allegation of abuse was unsubstantiated. Requires department, if allegation is found to be substantiated, to disclose copy of findings to person alleged to be responsible for abuse. Establishes review procedure.

A BILL FOR AN ACT

1
2 Relating to abuse of certain individuals.

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

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.**

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

6 **SECTION 2.** **Section 1 of this 2005 Act applies to allegations of abuse that are reported**
7 **on or after the effective date of this 2005 Act.**

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