

Enrolled
House Bill 3073

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

CHAPTER

AN ACT

Relating to abuse of certain individuals.

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

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

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

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

(b) The amount of force used was reasonably necessary to protect the person from violence or assault; and

(c) The person used the least restrictive procedures necessary under the circumstances in accordance with an approved behavior management plan or other method of response approved by the department by rule.

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

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

(5) As used in this section, "self-defense" means the use of physical force upon another person in self-defense or to defend a third person.

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

Passed by House June 16, 2005

Repassed by House July 15, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate July 12, 2005

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President of Senate

Received by Governor:

.....M,....., 2005

Approved:

.....M,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M,....., 2005

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Secretary of State