

# Senate Bill 372

Sponsored by Senators WALKER, GORDLY

## 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**.

Increases penalties for failure to report child abuse and abuse of persons 65 years or older to maximum one year's imprisonment in prison, \$6,250 fine, or both.

Punishes failure to report abuse of mentally ill and developmentally disabled adults by maximum one year's imprisonment, \$6,250 fine, or both.

Punishes failure to report abuse of long-term care facility residents by maximum one year's imprisonment, \$6,250 fine, or both.

Authorizes suspension or revocation of certain licenses, certificates, permits or registrations for failure to report certain types of abuse.

## A BILL FOR AN ACT

1  
2 Relating to penalties for failure to report abuse; amending ORS 124.990, 419B.010, 430.765 and  
3 441.990.

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

5 **SECTION 1.** ORS 419B.010 is amended to read:

6 419B.010. (1) Any public or private official having reasonable cause to believe that any child  
7 with whom the official comes in contact has suffered abuse or that any person with whom the offi-  
8 cial comes in contact has abused a child shall immediately report or cause a report to be made in  
9 the manner required in ORS 419B.015. Nothing contained in ORS 40.225 to 40.295 shall affect the  
10 duty to report imposed by this section, except that a psychiatrist, psychologist, member of the clergy  
11 or attorney shall not be required to report such information communicated by a person if the com-  
12 munication is privileged under ORS 40.225 to 40.295. An attorney is not required to make a report  
13 under this section by reason of information communicated to the attorney in the course of repre-  
14 senting a client, if disclosure of the information would be detrimental to the client.

15 (2) Notwithstanding subsection (1) of this section, a report need not be made under this section  
16 if the public or private official acquires information relating to abuse by reason of a report made  
17 under this section, or by reason of a proceeding arising out of a report made under this section, and  
18 the public or private official reasonably believes that the information is already known by a law  
19 enforcement agency or the Department of Human Services.

20 (3) A person who violates subsection (1) of this section commits a Class A [*violation*]  
21 **misdemeanor**. Prosecution under this subsection shall be commenced at any time within 18 months  
22 after commission of the offense.

23 (4) **Notwithstanding any other provisions of law, a conviction for violating subsection (1)**  
24 **of this section is grounds for revoking or suspending any license, certificate, permit or reg-**  
25 **istration that a public or private official is required by state law to possess in order to en-**  
26 **gage in an occupation or to use a particular occupational or professional title. Upon receiving**  
27 **notification that the holder of such a license, certification, permit or registration has been**  
28 **convicted of violating subsection (1) of this section, the issuing entity shall initiate pro-**

**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 **ceedings to revoke or suspend the license, certificate, permit or registration.**

2 **SECTION 2.** ORS 124.990 is amended to read:

3 124.990. (1) A person who violates ORS 124.060 commits a Class A [*violation*] **misdemeanor.**

4 **(2) All licenses, certificates, permits or registrations that a public or private official is**  
 5 **required by state law to possess in order to engage in an occupation or to use a particular**  
 6 **occupational or professional title are subject to revocation or suspension by the respective**  
 7 **issuing entities upon notification to the issuing entity that the public or private official was**  
 8 **convicted of violating ORS 124.060. Notwithstanding any other provisions of law, a conviction**  
 9 **for violating ORS 124.060 is grounds for revoking or suspending any license, certificate, per-**  
 10 **mit or registration that a public or private official is required by state law to possess in or-**  
 11 **der to engage in an occupation or to use a particular occupational or professional title. Upon**  
 12 **receiving notification under this subsection that the holder of such a license, certification,**  
 13 **permit or registration has been convicted of violating ORS 124.060, the issuing entity shall**  
 14 **initiate proceedings to revoke or suspend the license, certificate, permit or registration.**

15 **SECTION 3.** ORS 441.990 is amended to read:

16 441.990. (1) Violation of ORS 441.015 (1) is a violation punishable, upon conviction, by a fine of  
 17 not more than \$100 for the first violation and not more than \$500 for each subsequent violation.  
 18 Each day of continuing violation after a first conviction shall be considered a subsequent violation.

19 (2)(a) Violation of ORS 441.815 (1) is a violation punishable by a fine of \$10.

20 (b) Violation of ORS 441.815 (2) or (3) is a Class D violation.

21 (3) Any person who willfully prevents, interferes with, or attempts to impede in any way the  
 22 work of any duly authorized representative of the Department of Human Services in the lawful  
 23 carrying out of the provisions of ORS 441.087 (1) is guilty of a Class C misdemeanor.

24 (4) The removal of the notice required by ORS 441.030 (5) by any person other than an official  
 25 of the department is a Class C misdemeanor.

26 **(5)(a) Violation of ORS 441.640 is a Class A misdemeanor.**

27 **(b) Notwithstanding any other provisions of law, a conviction for violating ORS 441.640**  
 28 **is grounds for revoking or suspending any license, certificate, permit or registration that a**  
 29 **public or private official is required by state law to possess in order to engage in an occu-**  
 30 **pation or to use a particular occupational or professional title. Upon receiving notification**  
 31 **that the holder of such a license, certification, permit or registration has been convicted of**  
 32 **violating ORS 441.640, the issuing entity shall initiate proceedings to revoke or suspend the**  
 33 **license, certificate, permit or registration.**

34 **SECTION 4.** ORS 430.765 is amended to read:

35 430.765. (1) Any public or private official who has reasonable cause to believe that any adult  
 36 with whom the official comes in contact while acting in an official capacity, has suffered abuse, or  
 37 that any person with whom the official comes in contact while acting in an official capacity has  
 38 abused an adult shall report or cause a report to be made in the manner required in ORS 430.743.

39 (2) Nothing contained in ORS 40.225 to 40.295 affects the duty to report imposed by [*subsections*  
 40 *(1) and (2)*] **subsection (1)** of this section, except that a psychiatrist, psychologist, member of the  
 41 clergy or attorney shall not be required to report such information communicated by a person if the  
 42 communication is privileged under ORS 40.225 to 40.295.

43 (3) An adult who in good faith is voluntarily under treatment solely by spiritual means through  
 44 prayer in accordance with the tenets and practices of a recognized church or religious denomination  
 45 by a duly accredited practitioner thereof shall for this reason alone not be considered subjected to

1 abuse under ORS 430.735 to 430.765.

2 **(4) A person who violates subsection (1) of this section commits a Class A misdemeanor.**

3 **(5) Notwithstanding any other provisions of law, a conviction for violating subsection (1)**  
4 **of this section is grounds for revoking or suspending any license, certificate, permit or reg-**  
5 **istration that a public or private official is required by state law to possess in order to en-**  
6 **gage in an occupation or to use a particular occupational or professional title. Upon receiving**  
7 **notification that the holder of such a license, certification, permit or registration has been**  
8 **convicted of violating subsection (1) of this section, the issuing entity shall initiate pro-**  
9 **ceedings to revoke or suspend the license, certificate, permit or registration.**

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