

Enrolled
Senate Bill 261

Sponsored by Senator GELSER; Senators DEMBROW, KNOPP, MANNING JR, MONNES
ANDERSON, Representatives LININGER, WILLIAMSON (Presession filed.)

CHAPTER

AN ACT

Relating to evidence; and declaring an emergency.

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

SECTION 1. Section 2 of this 2017 Act is added to and made a part of ORS 40.010 to 40.585.

SECTION 2. (1) Unless the alleged victim has placed the evidence in controversy and the court determines that the probative value of the evidence substantially outweighs the danger of harm to any victim and of unfair prejudice to any party, the following evidence is not admissible in a civil proceeding involving alleged sexual misconduct:

(a) Evidence offered to prove that an alleged victim engaged in other sexual behavior;
or

(b) Evidence offered to prove an alleged victim's sexual predisposition.

(2) If a party intends to offer evidence under subsection (1) of this section, the party must:

(a) Make a written motion at least 15 days before the date on which the proceeding in which the evidence is to be offered is scheduled to begin unless the court, for good cause, sets a different time;

(b) In the motion, specifically describe the evidence and state the purpose for which it is to be offered;

(c) Serve the motion on all parties; and

(d) Notify the alleged victim or the alleged victim's representative.

(3) Before admitting evidence under this section, the court must conduct an in camera hearing and give the alleged victim and parties a right to attend and be heard. Unless the court orders otherwise, the motion, related materials and the record of the hearing are confidential. A party making a motion under this section shall state in the caption that the motion is confidential.

(4) As used in this section, "in camera" means out of the presence of the public and the jury.

SECTION 3. Section 2 of this 2017 Act applies to evidence offered in proceedings occurring on or after the effective date of this 2017 Act.

SECTION 4. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 27, 2017

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 1, 2017

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Tina Kotek, Speaker of House

Received by Governor:

.....M,....., 2017

Approved:

.....M,....., 2017

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2017

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Dennis Richardson, Secretary of State