

**SB 368 STAFF MEASURE SUMMARY**

**Senate Committee On Human Services, Mental Health and Recovery**

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**Action Date:** 01/28/21

**Action:** Without recommendation as to passage and be returned to President's desk for referral to another committee.

**Vote:** 5-0-0-0

**Yeas:** 5 - Anderson, Gelser, Lieber, Robinson, Taylor

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** C. Ross, Counsel

**Meeting Dates:** 1/28

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**WHAT THE MEASURE DOES:**

Excludes persons from being held criminally liable for misdemeanor child neglect, who allow children of sufficient maturity to remain at home, remain in vehicles, recreate, travel to and from school, or engage in other similar activities, independently.

**ISSUES DISCUSSED:**

- No discussion; measure scheduled only for re-referral

**EFFECT OF AMENDMENT:**

No amendment.

**BACKGROUND:**

A person can be charged with child neglect in the second degree in Oregon (a Class A misdemeanor) if they act with criminally negligent intent with respect to a child under 10 that they are responsible for, and leave the child in circumstances that could endanger them. The criminal intent necessary to prove the crime (criminal negligence) is defined as a failure to be aware of risks that are so apparent, any reasonable person could understand them.

Senate Bill 368 deems persons are not criminally negligent, who allow children of sufficient maturity to engage in certain activities independently, such as travelling to and from school, thereby excluding such persons from being held criminally liable for child neglect in those circumstances.