

## SB 317 STAFF MEASURE SUMMARY

### Senate Committee On Judiciary

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**Meeting Dates:** 2/8, 2/20

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#### **WHAT THE MEASURE DOES:**

Provides that requirement that certain hearsay statements of unavailable witnesses concerning acts of abuse be supported by corroborative evidence applies in juvenile delinquency proceedings. Declares emergency, effective on passage.

#### **ISSUES DISCUSSED:**

- Mirrors rules of adult cases
- Court case interpreting application of evidence rule
- Development of proposal

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

Oregon Evidence Code (OEC) 803(18a)(b) allows into evidence hearsay statements of abuse by some people who are not available to testify. There are further requirements, including corroboration “in a criminal trial.” In *State v. R. J. S.*, 318 Or App 351 (2022), the Court of Appeals held that “in a criminal trial” for purposes of OEC 803(18a)(b) did not include juvenile delinquency cases.

Senate Bill 317 would amend ORS 40.460 to state that OEC 803(18a)(b) applies in juvenile delinquency cases.