

# House Bill 3539

Sponsored by Representative HIEB

## 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 penalty for failing to making mandatory report of child abuse. Punishes violation by maximum of 364 days' imprisonment, \$6,250 fine, or both.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to penalties for failing to make mandatory report of child abuse; creating new provisions;  
3 amending ORS 419B.010; and prescribing an effective date.

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 or 419B.234 (6)  
10 affects the duty to report imposed by this section, except that a psychiatrist, psychologist, member  
11 of the clergy, attorney or guardian ad litem appointed under ORS 419B.231 is not required to report  
12 such information communicated by a person if the communication is privileged under ORS 40.225 to  
13 40.295 or 419B.234 (6). An attorney is not required to make a report under this section by reason  
14 of information communicated to the attorney in the course of representing a client if disclosure of  
15 the information would be detrimental to the client.

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

21 (3) The duty to report under this section is personal to the public or private official alone, re-  
22 gardless of whether the official is employed by, a volunteer of or a representative or agent for any  
23 type of entity or organization that employs persons or uses persons as volunteers who are public  
24 or private officials in its operations.

25 (4) The duty to report under this section exists regardless of whether the entity or organization  
26 that employs the public or private official or uses the official as a volunteer has its own procedures  
27 or policies for reporting abuse internally within the entity or organization.

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

31 **SECTION 2.** The amendments to ORS 419B.010 by section 1 of this 2023 Act apply to vi-

**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 **ulations of ORS 419B.010 (1) that occur on or after the effective date of this 2023 Act.**

2 **SECTION 3. This 2023 Act takes effect on the 91st day after the date on which the 2023**

3 **regular session of the Eighty-second Legislative Assembly adjourns sine die.**

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