Requested by Senator GELSER BLOUIN

PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 769

1   On page 1 of the printed A-engrossed bill, line 3, delete "329A.030,".

2   Delete lines 6 through 21 and delete pages 2 through 5.

3   On page 6, delete lines 1 through 32 and insert:

4   **"SECTION 1. (1) When the Department of Human Services is re-**

5   **quired to complete a criminal records check under ORS 181A.195 and**

6   **make a determination of the fitness of an individual to serve as a**

7   **volunteer, intern, employee or licensee of any entity, the department**

8   **may not find that the individual is disqualified solely on the basis of**

9   **a substantiated or founded allegation of abuse, as defined in ORS**

10 **418.257 or 419B.005, if the incident that resulted in the substantiated**

11 **or founded allegation occurred before the individual attained 18 years**

12 **of age, the incident did not involve rape of a child, sexual abuse or**

13 **sexual exploitation, as described in ORS 419B.005 (1)(a)(C), (D) or (E),**

14 **or any other physical injury of the child, and:**

15 **"(a) The incident occurred at least seven years prior to the date of**

16 **the fitness determination; or**

17 **"(b) At the time of the incident, the individual was not a person**

18 **described in ORS 419B.005 (7)(a).**

19 **"(2) Nothing in this section prohibits the department from disclos-**

20 **ing a substantiated or founded allegation of abuse, as defined in ORS**

21 **418.257 or 419B.005, to the Central Background Registry established**

1 **under ORS 329A.030 or to a professional licensing board.".**

2 In line 33, delete "4" and insert "2".

3 On page 9, delete line 16 and insert:

4 "(a) The child's parent, guardian, custodian, caregiver or other person to

5 whom responsibility for the child is temporarily delegated;".

6 In line 26, delete "or".

7 In line 27, delete the period and insert "; or

8 "(e) Any other person described by the Department of Human Services by

9 rule.".

10 In line 28, delete "5" and insert "3".

11 On page 12, delete line 11 and insert:

12 "(a) The child's parent, guardian, custodian, caregiver or other person to

13 whom responsibility for the child is temporarily delegated;".

14 In line 21, delete "or".

15 In line 22, delete the period and insert "; or

16 "(e) Any other person described by the Department of Human Services by

17 rule.".

18 In line 23, delete "6" and insert "4".

19 In line 25, after "abuse" insert "allegedly committed".

20 On page 13, delete lines 43 through 45 and delete page 14 and insert:

21 **"SECTION 5. Section 6 of this 2023 Act is added to and made a part**

22 **of ORS 419B.005 to 419B.050.**

23 **"SECTION 6. (1) If the Department of Human Services receives a**

24 **report of child abuse allegedly committed by a person who is not a**

25 **qualified subject solely by reason of the person having not attained 18**

26 **years of age, and the reported abuse involves an allegation of rape of**

27 **a child, sexual abuse or sexual exploitation, as described in ORS**

28 **419B.005 (1)(a)(C), (D) or (E), the department shall immediately:**

29 **"(a) Notify a law enforcement agency of the reported abuse as pro-**

30 **vided in ORS 419B.015 (1)(b);**

1   **"(b) Conduct a safety assessment of the situations of the alleged**

2 **victim and the person alleged to have committed the abuse; and**

3   **"(c) Take necessary action to ensure the safety of the alleged victim**

4 **and of the person alleged to have committed the abuse.**

5   **"(2) The department shall, by rule, establish policies and procedures**

6 **for conducting the safety assessments under this section.**

7   **"<u>SECTION 7.</u> (1) Section 1 of this 2023 Act applies to fitness deter-**

8 **minations made by the Department of Human Services on or after the**

9 **effective date of this 2023 Act.**

10   **"(2) Section 6 of this 2023 Act and the amendments to ORS 419B.005**

11 **and 419B.020 by sections 2 to 4 of this 2023 Act apply to reports of abuse**

12 **arising from acts occurring on or after the effective date of this 2023**

13 **Act.**

14   **"<u>SECTION 8.</u> This 2023 Act being necessary for the immediate**

15 **preservation of the public peace, health and safety, an emergency is**

16 **declared to exist, and this 2023 Act takes effect on its passage.".**

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