

Support SB 317

Youth
Rights &
Justice



SB 317 ensures that youth can't be adjudicated based on evidence that would be excluded in an adult trial.

SB 317 corrects an inconsistency in the admissibility of hearsay statements under the Oregon Evidence Code (OEC). OEC 803(18a)(b) allows into evidence hearsay statements of abuse by some people who are not available to testify. There are specific requirements for when these statements can be used, like requiring corroboration when used “in a criminal trial.”

In *State v. R. J. S.*, 318 Or App 351 (2022), the Court of Appeals held that for purposes of OEC 803(18a)(b), “in a criminal trial” did not include juvenile delinquency cases.

The result of this holding is that some uncorroborated hearsay statements of abuse, allegedly made by people who cannot be confronted at trial, may be used in juvenile delinquency cases, even though they may not be used in adult criminal cases. Therefore, unlike an adult who may not be convicted based on hearsay alone, a youth currently may be adjudicated for the same criminal offenses based on uncorroborated hearsay.



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