



SB 974 - Closing the Gap in Oregon's Sex Abuse Law

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What does SB 974 do?

SB 974 establishes the crime of Sexual Assault by Fraudulent Representation for patients who were sexually abused by a health professional who claims their actions served a legitimate medical purpose. Under current Oregon law, health professionals who covertly commit sexual crimes against their patients under the guise of providing legitimate medical care cannot be criminally prosecuted. This bill creates a new crime and closes defense loopholes by criminalizing sexual abuse done in these circumstances. This law is specifically tailored to hold a health professional accountable for exploiting the inherent power differential and relationship of trust between a care provider and patient.

If passed, SB 974 will protect the rights of sexual assault victims who were deceived into believing that improper sexual contact or abuse served a legitimate medical purpose, hold health professionals accountable when they take advantage of their patients' vulnerabilities, and eliminate defenses for those who falsely use claims of medical care to sexually abuse patients.

Why do Oregonians need SB 974?

Under current Oregon law, unless there is evidence of a sexual purpose, defendants can rely on ORS 163.412(1) as a defense to criminal prosecution when he or she sexually abuses a patient. ORS 163.412(1) states that when "penetration is part of a medically recognized treatment or diagnosis procedure" it is not criminal. This defense is inherently problematic because the offenders this legislation seeks to hold accountable use the medical setting to target their victims. The abuse occurs during treatment or diagnosis because that is when victims are most unsuspecting, and the offender is most in control. In this situation, ORS 163.412(1) acts as a bar to criminal prosecution.

SB 974 creates a specific crime to address this loophole and modifies the defense to require further proof of a "legitimate medical purpose" for the procedure. If passed, SB 974 will criminalize sexual abuse done under the guise of medical treatment or diagnosis and takes away a shield that abusers use to escape criminal liability.

Do other states have laws like SB 974?

Yes. California, Delaware, New Hampshire, Idaho and Washington D.C., have specific statutes criminalizing the sexual abuse of patients by health professionals.

SB 974 is supported by ODAA.

