

SB 385 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/4, 3/10

WHAT THE MEASURE DOES:

The measure modifies the offense of making a false report of child abuse. It elevates the severity of the offense of making a false report of child abuse from a Class A violation to a Class A misdemeanor for the first or second offense. Provides that making a false report of child abuse is a Class C felony for a third or subsequent offense. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Replaces the measure. The amendment restores language that the criminal offense for making a false report of child abuse requires that the report be made with the intent to influence a custody, parenting time, visitation or child support decision. It further provides that making a false report is a Class B misdemeanor for a first offense, a Class A misdemeanor for a second offense and a Class C felony for a third or subsequent offense.

BACKGROUND:

Under ORS 419B.016, a person commits the offense of making a false report of child abuse if, with the intent to influence a custody, parenting time, visitation or child support decision, the person: (a) Makes a false report of child abuse to the Department of Human Services or a law enforcement agency, knowing that the report is false; or (b) With the intent that a public or private official make a report of child abuse to the Department of Human Services or a law enforcement agency, makes a false report of child abuse to the public or private official, knowing that the report is false. Currently, making a false report of child abuse is a Class A violation.

Senate Bill 385 would remove the requirement that a person intend to influence custody or parenting time as part of the offense. The measure would also increase the severity of the offense from a Class A violation to a Class A misdemeanor for the first or second offense and a Class C felony for a third or subsequent offense.