

## **SB 385 A STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Gillian Fischer, LPRO Analyst

**Meeting Dates:** 5/8, 5/19

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#### **WHAT THE MEASURE DOES:**

The measure modifies the offense of making a false report of child abuse. It elevates the severity of the offense from a Class A violation to 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. The measure takes effect on the 91st day following adjournment sine die.

Passed. Ayes, 27; Excused, 3--Hayden, Patterson, Starr.

*Has minimal fiscal and minimal revenue impact*

#### **ISSUES DISCUSSED:**

- False allegations of child abuse used to influence child custody and divorce proceedings
- Consequences of false allegations of child abuse to the children who are subjects of false allegations
- Current recourse available when allegations of abuse are found to be false
- Lack of statistics regarding number of false allegations

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **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 385A increases the criminal severity of the offense from a Class A violation to a Class B misdemeanor for the first offense, a Class A misdemeanor for a second offense, and a Class C felony for a third or subsequent offense.