

SB 385 A STAFF MEASURE SUMMARY

Carrier: Sen. Thatcher

Senate Committee On Judiciary

Action Date: 03/10/25

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 5-0-1-0

Yeas: 5 - Broadman, Gelser Blouin, Manning Jr, McLane, Prozanski

Exc: 1 - Thatcher

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

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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 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.

ISSUES DISCUSSED:

- Consequences for making a false report of child abuse under current statute
- Negative impact on children subjected to investigation resulting from false report of abuse
- Removal of language regarding requisite mental state broadens application of offense

EFFECT OF AMENDMENT:

Replaces the measure.

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.