

House Committee on Judiciary

Re: Opposition to HB 2668

Dear Chair Kropf, Vice-Chairs Chotzen and Wallan, and Members of the Committee

The sponsors of the bill must have a legitimate concern they believe needs to be addressed, but this bill as drafted is grossly overbroad, imposes unreasonable requirements on Good Samaritans, and subject volunteers to civil penalties for activities that should be encouraged. For example, if the guardian of a child who becomes lost on a hiking trip requests that other hikers search for the child, does it make sense that the other hikers be required to disclose to a family member of the child that they would like to help and to provide a 72-hour notice to the county sheriff before they can lawfully begin searching? Likewise, what if the U.S. Coast Guard broadcasts over marine radio that a person who has fallen off a boat is missing and requests other boaters in the vicinity to render assistance? Should the boaters in the vicinity refrain from search efforts until they can determine the identity of the missing boater, make the required disclosures to the boater's family, and notify the sheriff 72 hours in advance?

Some of the problematic aspects of the bill are:

- The bill disregards that in many situations it will be difficult to impossible to make the required verbal and written disclosures to an immediate family member because the identities and contact information of such persons are unknown, an immediate family member cannot be reached in person or by telephone, or when circumstances make it impractical to provide a written disclosure to an immediate family member.
- ORS 163.730 defines "immediate family" to be father, mother, child, sibling, spouse, grandparent, stepparent and stepchild. It does not include persons such as guardians or foster parents. Similarly, the bill permits disclosures to be made to persons lacking capacity to understand them (*e.g.*, to a three year-old sibling who cannot read).
- The bill would delay search efforts by at least three days by virtue of the requirement to notify a sheriff.
- The bill would impede the ability of relatives of missing persons to obtain desperately wanted assistance from persons who are willing to help.

It is unclear why anyone would want to impose cumbersome bureaucratic impediments that create the kind of delays that in many instances will result in body recoveries rather than successful rescues. The problem that this bill is intended to address needs to be clearly articulated and the bill, if it were to go forward, should be redrafted to encompass a narrow and reasonable scope.

Bert Krages
Lake Oswego