

75th OREGON LEGISLATIVE ASSEMBLY--2009 Regular Session

Enrolled

House Bill 2827

Sponsored by Representatives OLSON, GARRETT; Representatives BARKER, BARTON, BRUUN, ESQUIVEL, FREEMAN, GARRARD, HANNA, HUFFMAN, KAHL, KRIEGER, MATTHEWS, MAURER, SCHAUFLEER, SPRENGER, STIEGLER, THOMPSON, WEIDNER, WHISNANT, WITT, Senators BOQUIST, DEVLIN, MORSE, WALKER

CHAPTER

AN ACT

Relating to child abuse; creating new provisions; and amending ORS 12.117.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 12.117 is amended to read:

12.117. (1) Notwithstanding ORS 12.110, 12.115 or 12.160, an action based on conduct that constitutes child abuse or conduct knowingly allowing, permitting or encouraging child abuse { - accruing - } { + that occurs + } while the person { - who is entitled to bring the action - } is under 18 years of age { - shall - } { + must + } be commenced { - not more than six years after that person attains 18 years of age - } { + before the person attains 40 years of age + }, or if the { - injured - } person has not discovered { - the injury or - } the causal connection between the injury and the child abuse, nor in the exercise of reasonable care should have discovered { - the injury or - } the causal connection between the injury and the child abuse, not more than { - three - } { + five + } years from the date the { - injured - } person discovers or in the exercise of reasonable care should have discovered { - the injury or - } the causal connection between the child abuse and the injury, whichever period is longer.

(2) As used in subsection (1) of this section, 'child abuse' means any of the following:

(a) Intentional conduct by an adult that results in:

(A) Any physical injury to a child; or

(B) Any mental injury to a child which results in observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child;

(b) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS chapter 163;

(c) Sexual abuse, as defined in ORS chapter 163, when the victim is a child; or

(d) Sexual exploitation of a child, including but not limited to:

(A) Conduct constituting violation of ORS 163.435 and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact; and

(B) Allowing, permitting, encouraging or hiring a child to engage in prostitution, as defined in ORS chapter 167.

(3) Nothing in this section creates a new cause of action or enlarges any existing cause of action.

SECTION 2. { + (1) Except as provided in subsection (2) of this section, the amendments to ORS 12.117 by section 1 of this 2009 Act apply to all causes of action, whether arising before, on or after the effective date of this 2009 Act.

(2) The amendments to ORS 12.117 by section 1 of this 2009 Act do not apply to any cause of action for which a judgment was entered before the effective date of this 2009 Act. + }

Passed by House March 31, 2009

Repassed by House June 26, 2009

.....
Chief Clerk of House

.....
Speaker of House

Passed by Senate June 25, 2009

.....
President of Senate

Enrolled House Bill 2827 (HB 2827-A)

Page 2

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

.....
Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

.....
Secretary of State

Enrolled House Bill 2827 (HB 2827-A)

Page 3