



SENATE MAJORITY OFFICE

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Senate votes to expand ‘rape shield’ statute to civil cases

SB 261: Victims’ past sexual behavior inadmissible in sexual assault civil trials

SALEM – The Oregon Senate voted today to expand the state’s “rape shield” statute to include civil cases for sexual assault.

Senate Bill 261 – which passed the Senate on a 27-0 vote – makes evidence inadmissible in a sexual assault civil proceeding if that evidence is offered to prove the alleged victim’s sexual predisposition or past sexual behavior.

“No person deserves to be raped or sexually assaulted,” said Sen. Sara Gelsler, who introduced and carried the bill. “When a victim seeks justice in court – whether through a civil or criminal case – the victim’s past is irrelevant. The focus must be solely on the actions of the perpetrator. SB 261 makes that so and will make it possible for more victims to seek justice without fearing shame, ridicule or humiliation.”

Oregon’s existing “rape shield” statute says that evidence of the alleged victim’s past sexual behavior and manner of dress is not admissible during criminal prosecution for a sex crime. That evidence can only be admitted if the court determines the evidence is relevant and that the value outweighs the danger of unfair prejudice toward the alleged victim. Senate Bill 261 expands those same rules to applicable civil proceedings alleging sexual assault.

Senate Bill 261 now goes to the House of Representatives for consideration.

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