

**2025 OREGON STATE BAR  
LEGISLATIVE PROPOSAL  
Part I – Legislative Summary**

**Re:** Evidence Code Fix – Rule 507 to incorporate military victim’s advocates

**Submitted by:** The Military/Veterans Law Section

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**1. Does this amend current law or program?** Yes  No  Specify

current law

**2. PROBLEM PRESENTED** (including level of severity):

This changes Rule 507-1/ORS 40.264 regarding certified advocate privilege to include state and federal military victim's advocates. This change is needed to protect confidential victim information. This is a problem that arose in California when a military victim's advocate's records were subpoenaed and the opposing counsel argued that they were not covered under Rule 507-1/ORS 40.264.

**3. SOLUTION:**

Adding our proposed language would include this specific group of military victim's advocates and would give them the same privilege regarding confidential information other advocates and victims have and there is no reason they should be excluded from this group.

**OREGON STATE BAR  
LEGISLATIVE PROPOSAL  
Part II – Legislative Language**

1. As used in this section:

A. “Certified advocate” means a person who:

- a. Has completed at least 40 hours of training in advocacy for victims of domestic violence, sexual assault or stalking, **that is:**
  1. **Approved by the Attorney General by rule; or**
  2. **Approved by the Department of Defense as meeting the requirements of the Department of Defense Sexual Assault Advocate Certification Program**

b. Is an employee or a volunteer of a qualified victim services program.

- B. "Confidential communication" means a written or oral communication that is not intended for further disclosure, except to:
- a. Persons present at the time the communication is made who are present to further the interests of the victim in the course of seeking safety planning, counseling, support or advocacy services;
  - b. Persons reasonably necessary for the transmission of the communication; **or**
  - c. persons, in the context of group counseling.
- C. "Qualified victim services program" means:
- a. A nongovernmental, nonprofit, community-based program receiving moneys administered by the state Department of Human Services or the Oregon or United States Department of Justice, or a program administered by a tribal government, that offers safety planning, counseling, support or advocacy services to victims of domestic violence, sexual assault or stalking; **or**
  - b. A sexual assault center, victim advocacy office, women's center, student affairs center, health center or other program providing safety planning, counseling, support or advocacy services to victims that is on the campus of or affiliated with a two- or four-year post-secondary institution that enrolls one or more students who receive an Oregon Opportunity Grant, **or**
  - c. **A state or federal victim services program administered in accordance with the regulation of the Department of Defense Sexual Assault Prevention and Response Office.**
- D. "Victim" means a person seeking safety planning, counseling, support or advocacy services related to domestic violence, sexual assault or stalking at a qualified victim services program.
2. Except as provided in subsection (3) of this section, a victim has a privilege to refuse to disclose and to prevent any other person from disclosing:
    - A. Confidential communications made by the victim to a certified advocate in the course of safety planning, counseling, support or advocacy services.
    - B. Records that are created or maintained in the course of providing services regarding the victim.
  3. The privilege established by this section does not apply to the disclosure of confidential communications, only to the extent disclosure is necessary for defense, in any civil,

criminal or administrative action that is brought against the certified advocate, or against the qualified victim services program, by or on behalf of the victim.

4. The privilege established in this section is not waived by disclosure of the communications by the certified advocate to another person if the disclosure is reasonably necessary to accomplish the purpose for which the certified advocate is consulted.
5. This section does not prohibit the disclosure of aggregate, nonpersonally identifying data.
6. This section applies to civil, criminal and administrative proceedings and to institutional disciplinary proceedings at a two-year or four-year post-secondary institution that enrolls one or more students who receive an Oregon Opportunity Grant. [2015 c.265 §2; 2017 c.256 §1]

Note: [40.264 \(Rule 507-1. Certified advocate-victim privilege\)](#) was added to and made a part of [40.225 \(Rule 503. Lawyer-client privilege\)](#) to [40.295 \(Rule 514. Effect on existing privileges\)](#) by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.