

**REVENUE:** No revenue impact

**FISCAL:** May have fiscal impact, statement not yet issued

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**Action:** Do Pass and Be Referred to the Committee on Ways and Means by prior reference

**Vote:** 9 - 0 - 0

**Yeas:** Barker, Bonamici, Cameron, Flores, Komp, Krieger, Read, Whisnant, Macpherson

**Nays:** 0

**Exc.:** 0

**Prepared By:** Darian Stanford, Counsel

**Meeting Dates:** 4/4, 4/24

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**WHAT THE MEASURE DOES:** Expands kidnapping in first degree to include kidnapping with purpose of committing or facilitating sex crime against victim.

**ISSUES DISCUSSED:**

- Imposes mandatory minimum sentence, not presumptive sentence
- Whether rape or unlawful sexual penetration fit within existing category of “terrorizing” victim or “causing physical injury” to victim

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORS 163.235 defines the crime of kidnapping in the first degree (Class A felony) generally as:

- (1a) Taking a person from one place to another, or
- (1b) Secretly confining a person in a place the person is unlikely to be found
- (2) With the intent of (a) compelling the payment of ransom
  - (b) holding the victim as a hostage
  - (c) causing physical injury to the victim, or
  - (d) terrorizing the victim or another person.

HB 2350 adds a fifth intent possibility—with the intent of committing rape (by force or with mentally incapacitated person), sodomy (by force or with mentally incapacitated person), unlawful sexual penetration (by force or with mentally incapacitated person) or sexual abuse.