

HOUSE AMENDMENTS TO HOUSE BILL 2327

By COMMITTEE ON JUDICIARY

May 7

1 In line 2 of the printed bill, after the semicolon delete the rest of the line and insert “creating
2 new provisions; amending ORS 131.602, 137.103, 161.005, 163.275, 164.075 and 166.715; and declaring
3 an emergency.”.

4 Delete lines 4 through 8 and insert:

5 **“SECTION 1. As used in sections 2 and 3 of this 2007 Act, ‘services’ means activities**
6 **performed by one person under the supervision or for the benefit of another person.**

7 **“SECTION 2. (1) A person commits the crime of subjecting another person to involuntary**
8 **servitude in the first degree if the person knowingly and without lawful authority forces or**
9 **attempts to force the other person to engage in services by:**

10 **“(a) Causing or threatening to cause the death of or serious physical injury to a person;**
11 **or**

12 **“(b) Physically restraining or threatening to physically restrain a person.**

13 **“(2) Subjecting another person to involuntary servitude in the first degree is a Class B**
14 **felony.**

15 **“SECTION 3. (1) A person commits the crime of subjecting another person to involuntary**
16 **servitude in the second degree if the person knowingly and without lawful authority forces**
17 **or attempts to force the other person to engage in services by:**

18 **“(a) Abusing or threatening to abuse the law or legal process;**

19 **“(b) Destroying, concealing, removing, confiscating or possessing an actual or purported**
20 **passport or immigration document or another actual or purported government identification**
21 **document of a person;**

22 **“(c) Threatening to report a person to a government agency for the purpose of arrest**
23 **or deportation;**

24 **“(d) Threatening to collect an unlawful debt; or**

25 **“(e) Instilling in the other person a fear that the actor will withhold from the other**
26 **person the necessities of life, including but not limited to lodging, food and clothing.**

27 **“(2) Subjecting another person to involuntary servitude in the second degree is a Class**
28 **C felony.**

29 **“SECTION 4. (1) A person commits the crime of trafficking in persons if the person**
30 **knowingly:**

31 **“(a) Recruits, entices, harbors, transports, provides or obtains by any means, or at-**
32 **tempts to recruit, entice, harbor, transport, provide or obtain by any means, another person**
33 **knowing that the other person will be subjected to involuntary servitude as described in**
34 **section 2 or 3 of this 2007 Act; or**

35 **“(b) Benefits financially or receives something of value from participation in a venture**

1 **that involves an act prohibited by this section or section 2 or 3 of this 2007 Act.**

2 **“(2) Trafficking in persons is a Class B felony.**

3 **“SECTION 5.** ORS 137.103 is amended to read:

4 “137.103. As used in ORS 137.101 to 137.109, 161.675 and 161.685:

5 “(1) ‘Criminal activities’ means any offense with respect to which the defendant is convicted or
6 any other criminal conduct admitted by the defendant.

7 “(2) ‘Economic damages’:

8 “(a) Has the meaning given that term in ORS 31.710, except that ‘economic damages’ does not
9 include future impairment of earning capacity; **and**

10 **“(b) In cases involving criminal activities described in section 2, 3 or 4 of this 2007 Act,**
11 **includes the greater of:**

12 **“(A) The value to the defendant of the victim’s services as defined in section 1 of this**
13 **2007 Act; or**

14 **“(B) The value of the victim’s services, as defined in section 1 of this 2007 Act, computed**
15 **using the minimum wage established under ORS 653.025 and the overtime provisions of the**
16 **federal Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).**

17 “(3) ‘Restitution’ means full, partial or nominal payment of economic damages to a victim.
18 Restitution is independent of and may be awarded in addition to a compensatory fine awarded under
19 ORS 137.101.

20 “(4) ‘Victim’ means:

21 “(a) The person against whom the defendant committed the criminal offense, if the court deter-
22 mines that the person has suffered economic damages as a result of the offense.

23 “(b) Any person not described in paragraph (a) of this subsection whom the court determines
24 has suffered economic damages as a result of the defendant’s criminal activities.

25 “(c) The Criminal Injuries Compensation Account, if it has expended moneys on behalf of a
26 victim described in paragraph (a) of this subsection.

27 “(d) An insurance carrier, if it has expended moneys on behalf of a victim described in para-
28 graph (a) of this subsection.

29 “(5) ‘Victim’ does not include any coparticipant in the defendant’s criminal activities.

30 **“SECTION 6.** ORS 161.005 is amended to read:

31 “161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275,
32 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to
33 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405
34 to 162.425, 162.465, 163.005, 163.115, 163.125 to 163.145, 163.160 to 163.208, 163.215 to 163.257, 163.275,
35 163.285, 163.305 to 163.467, 163.505 to 163.575, 163.665 to 163.693, 164.005, 164.015 to 164.135, 164.140,
36 164.205 to 164.270, 164.305 to 164.377, 164.395 to 164.415, 164.805, 164.877, 165.002 to 165.109, 165.805,
37 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027, 167.060 to 167.100, 167.117,
38 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340 and 167.350, 167.810 and 167.820 **and**
39 **sections 1, 2, 3 and 4 of this 2007 Act,** shall be known and may be cited as Oregon Criminal Code
40 of 1971.

41 **“SECTION 7.** ORS 166.715 is amended to read:

42 “166.715. As used in ORS 166.715 to 166.735, unless the context requires otherwise:

43 “(1) ‘Documentary material’ means any book, paper, document, writing, drawing, graph, chart,
44 photograph, phonograph record, magnetic tape, computer printout, other data compilation from
45 which information can be obtained or from which information can be translated into usable form,

1 or other tangible item.

2 “(2) ‘Enterprise’ includes any individual, sole proprietorship, partnership, corporation, business
3 trust or other profit or nonprofit legal entity, and includes any union, association or group of indi-
4 viduals associated in fact although not a legal entity, and both illicit and licit enterprises and gov-
5 ernmental and nongovernmental entities.

6 “(3) ‘Investigative agency’ means the Department of Justice or any district attorney.

7 “(4) ‘Pattern of racketeering activity’ means engaging in at least two incidents of racketeering
8 activity that have the same or similar intents, results, accomplices, victims or methods of commis-
9 sion or otherwise are interrelated by distinguishing characteristics, including a nexus to the same
10 enterprise, and are not isolated incidents, provided at least one of such incidents occurred after
11 November 1, 1981, and that the last of such incidents occurred within five years after a prior inci-
12 dent of racketeering activity. Notwithstanding ORS 131.505 to 131.525 or 419A.190 or any other
13 provision of law providing that a previous prosecution is a bar to a subsequent prosecution, conduct
14 that constitutes an incident of racketeering activity may be used to establish a pattern of
15 racketeering activity without regard to whether the conduct previously has been the subject of a
16 criminal prosecution or conviction or a juvenile court adjudication, unless the prosecution resulted
17 in an acquittal or the adjudication resulted in entry of an order finding the youth not to be within
18 the jurisdiction of the juvenile court.

19 “(5) ‘Person’ means any individual or entity capable of holding a legal or beneficial interest in
20 real or personal property.

21 “(6) ‘Racketeering activity’ includes conduct of a person committed both before and after the
22 person attains the age of 18 years, and means to commit, to attempt to commit, to conspire to
23 commit, or to solicit, coerce or intimidate another person to commit:

24 “(a) Any conduct that constitutes a crime, as defined in ORS 161.515, under any of the following
25 provisions of the Oregon Revised Statutes:

26 “(A) ORS 59.005 to 59.451, 59.660 to 59.830, 59.991 and 59.995, relating to securities;

27 “(B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and perjury;

28 “(C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365, relating to obstruct-
29 ing governmental administration;

30 “(D) ORS 162.405 to 162.425, relating to abuse of public office;

31 “(E) ORS 162.455, relating to interference with legislative operation;

32 “(F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to criminal homicide;

33 “(G) ORS 163.160 to 163.205, relating to assault and related offenses;

34 “(H) ORS 163.225 and 163.235, relating to kidnapping;

35 “(I) ORS 163.275, relating to coercion;

36 “(J) ORS 163.670 to 163.693, relating to sexual conduct of children;

37 “(K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095, 164.125, 164.135, 164.140,
38 164.215, 164.225 and 164.245 to 164.270, relating to theft, burglary, criminal trespass and related of-
39 fenses;

40 “(L) ORS 164.315 to 164.335, relating to arson and related offenses;

41 “(M) ORS 164.345 to 164.365, relating to criminal mischief;

42 “(N) ORS 164.395 to 164.415, relating to robbery;

43 “(O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful recording or labeling of
44 a recording;

45 “(P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, relating to forgery and

1 related offenses;

2 “(Q) ORS 165.080 to 165.109, relating to business and commercial offenses;

3 “(R) ORS 165.485 to 165.515, 165.540 and 165.555, relating to communication crimes;

4 “(S) ORS 166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410, 166.450 and 166.470, relating

5 to firearms and other weapons;

6 “(T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007 to 167.017, 167.062

7 to 167.080, 167.087, 167.090, 167.122 to 167.137, 167.147, 167.164, 167.167, 167.212, 167.355, 167.365,

8 167.370, 167.428, 167.431 and 167.439, relating to prostitution, obscenity, gambling, computer crimes

9 involving the Oregon State Lottery, animal fighting, forcible recovery of a fighting bird and related

10 offenses;

11 “(U) ORS 171.990, relating to legislative witnesses;

12 “(V) ORS 260.575 and 260.665, relating to election offenses;

13 “(W) ORS 314.075, relating to income tax;

14 “(X) ORS 180.440 (2) and ORS chapter 323, relating to cigarette and tobacco products taxes and

15 the directory developed under ORS 180.425;

16 “(Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assistance payments, and ORS

17 411.990 (2) and (3);

18 “(Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;

19 “(AA) ORS 463.995, relating to boxing and wrestling, as defined in ORS 463.015;

20 “(BB) ORS 471.305, 471.360, 471.392 to 471.400, 471.403, 471.404, 471.405, 471.425, 471.442, 471.445,

21 471.446, 471.485, 471.490 and 471.675, relating to alcoholic liquor, and any of the provisions of ORS

22 chapter 471 relating to licenses issued under the Liquor Control Act;

23 “(CC) ORS 475.005 to 475.285 and 475.840 to 475.980, relating to controlled substances;

24 “(DD) ORS 480.070, 480.210, 480.215, 480.235 and 480.265, relating to explosives;

25 “(EE) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor vehicles;

26 “(FF) ORS 658.452 or 658.991 (2) to (4), relating to farm labor contractors;

27 “(GG) ORS chapter 706, relating to banking law administration;

28 “(HH) ORS chapter 714, relating to branch banking;

29 “(II) ORS chapter 716, relating to mutual savings banks;

30 “(JJ) ORS chapter 723, relating to credit unions;

31 “(KK) ORS chapter 726, relating to pawnbrokers;

32 “(LL) ORS 166.382 and 166.384, relating to destructive devices;

33 “(MM) ORS 165.074;

34 “(NN) ORS 59.840 to 59.980, relating to mortgage bankers and mortgage brokers;

35 “(OO) ORS chapter 496, 497 or 498, relating to wildlife;

36 “(PP) ORS 163.355 to 163.427, relating to sexual offenses;

37 “(QQ) ORS 166.015, relating to riot;

38 “(RR) ORS 166.155 and 166.165, relating to intimidation;

39 “(SS) ORS chapter 696, relating to real estate and escrow;

40 “(TT) ORS chapter 704, relating to outfitters and guides;

41 “(UU) ORS 165.692, relating to making a false claim for health care payment;

42 “(VV) ORS 162.117, relating to public investment fraud;

43 “(WW) ORS 164.170 or 164.172;

44 “(XX) ORS 647.140, 647.145 or 647.150, relating to trademark counterfeiting;

45 “(YY) ORS 164.877;

1 “(ZZ) ORS 167.312 and 167.388;
2 “(AAA) ORS 164.889; [or]
3 “(BBB) ORS 165.800; **or**
4 **“(CCC) Section 2, 3 or 4 of this 2007 Act.**
5 “(b) Any conduct defined as ‘racketeering activity’ under 18 U.S.C. 1961 (1)(B), (C), (D) and (E).
6 “(7) ‘Unlawful debt’ means any money or other thing of value constituting principal or interest
7 of a debt that is legally unenforceable in the state in whole or in part because the debt was incurred
8 or contracted:
9 “(a) In violation of any one of the following:
10 “(A) ORS chapter 462, relating to racing;
11 “(B) ORS 167.108 to 167.164, relating to gambling; or
12 “(C) ORS 82.010 to 82.170, relating to interest and usury.
13 “(b) In gambling activity in violation of federal law or in the business of lending money at a rate
14 usurious under federal or state law.
15 “(8) Notwithstanding contrary provisions in ORS 174.060, when this section references a statute
16 in the Oregon Revised Statutes that is substantially different in the nature of its essential provisions
17 from what the statute was when this section was enacted, the reference shall extend to and include
18 amendments to the statute.
19 **“SECTION 8.** ORS 131.602 is amended to read:
20 “131.602. The crimes to which ORS 131.550 (11)(b) applies are:
21 “(1) Bribe giving, as defined in ORS 162.015.
22 “(2) Bribe receiving, as defined in ORS 162.025.
23 “(3) Public investment fraud, as defined in ORS 162.117.
24 “(4) Bribing a witness, as defined in ORS 162.265.
25 “(5) Bribe receiving by a witness, as defined in ORS 162.275.
26 “(6) Simulating legal process, as defined in ORS 162.355.
27 “(7) Official misconduct in the first degree, as defined in ORS 162.415.
28 “(8) Custodial interference in the second degree, as defined in ORS 163.245.
29 “(9) Custodial interference in the first degree, as defined in ORS 163.257.
30 “(10) Buying or selling a person under 18 years of age, as defined in ORS 163.537.
31 “(11) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.
32 “(12) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.
33 “(13) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.
34 “(14) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.
35 “(15) Possession of materials depicting sexually explicit conduct of a child in the first degree,
36 as defined in ORS 163.688.
37 “(16) Possession of materials depicting sexually explicit conduct of a child in the second degree,
38 as defined in ORS 163.689.
39 “(17) Theft in the second degree, as defined in ORS 164.045.
40 “(18) Theft in the first degree, as defined in ORS 164.055.
41 “(19) Aggravated theft in the first degree, as defined in ORS 164.057.
42 “(20) Theft by extortion, as defined in ORS 164.075.
43 “(21) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
44 “(22) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
45 “(23) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.

- 1 “(24) Unauthorized use of a vehicle, as defined in ORS 164.135.
- 2 “(25) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- 3 “(26) Laundering a monetary instrument, as defined in ORS 164.170.
- 4 “(27) Engaging in a financial transaction in property derived from unlawful activity, as defined
5 in ORS 164.172.
- 6 “(28) Burglary in the second degree, as defined in ORS 164.215.
- 7 “(29) Burglary in the first degree, as defined in ORS 164.225.
- 8 “(30) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- 9 “(31) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- 10 “(32) Arson in the second degree, as defined in ORS 164.315.
- 11 “(33) Arson in the first degree, as defined in ORS 164.325.
- 12 “(34) Computer crime, as defined in ORS 164.377.
- 13 “(35) Robbery in the third degree, as defined in ORS 164.395.
- 14 “(36) Robbery in the second degree, as defined in ORS 164.405.
- 15 “(37) Robbery in the first degree, as defined in ORS 164.415.
- 16 “(38) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- 17 “(39) Unlawful recording of a live performance, as defined in ORS 164.869.
- 18 “(40) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- 19 “(41) A violation of ORS 164.877.
- 20 “(42) Endangering aircraft, as defined in ORS 164.885.
- 21 “(43) Interference with agricultural operations, as defined in ORS 164.887.
- 22 “(44) Forgery in the second degree, as defined in ORS 165.007.
- 23 “(45) Forgery in the first degree, as defined in ORS 165.013.
- 24 “(46) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- 25 “(47) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- 26 “(48) Criminal possession of a forgery device, as defined in ORS 165.032.
- 27 “(49) Criminal simulation, as defined in ORS 165.037.
- 28 “(50) Fraudulently obtaining a signature, as defined in ORS 165.042.
- 29 “(51) Fraudulent use of a credit card, as defined in ORS 165.055.
- 30 “(52) Negotiating a bad check, as defined in ORS 165.065.
- 31 “(53) Possessing a fraudulent communications device, as defined in ORS 165.070.
- 32 “(54) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- 33 “(55) Falsifying business records, as defined in ORS 165.080.
- 34 “(56) Sports bribery, as defined in ORS 165.085.
- 35 “(57) Sports bribe receiving, as defined in ORS 165.090.
- 36 “(58) Misapplication of entrusted property, as defined in ORS 165.095.
- 37 “(59) Issuing a false financial statement, as defined in ORS 165.100.
- 38 “(60) Obtaining execution of documents by deception, as defined in ORS 165.102.
- 39 “(61) A violation of ORS 165.543.
- 40 “(62) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- 41 “(63) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- 42 “(64) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- 43 “(65) Identity theft, as defined in ORS 165.800.
- 44 “(66) A violation of ORS 166.190.
- 45 “(67) Unlawful use of a weapon, as defined in ORS 166.220.

- 1 “(68) A violation of ORS 166.240.
- 2 “(69) Unlawful possession of a firearm, as defined in ORS 166.250.
- 3 “(70) A violation of ORS 166.270.
- 4 “(71) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or
5 firearms silencer, as defined in ORS 166.272.
- 6 “(72) A violation of ORS 166.275.
- 7 “(73) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- 8 “(74) A violation of ORS 166.370.
- 9 “(75) Unlawful possession of a destructive device, as defined in ORS 166.382.
- 10 “(76) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- 11 “(77) Possession of a hoax destructive device, as defined in ORS 166.385.
- 12 “(78) A violation of ORS 166.410.
- 13 “(79) Providing false information in connection with a transfer of a firearm, as defined in ORS
14 166.416.
- 15 “(80) Improperly transferring a firearm, as defined in ORS 166.418.
- 16 “(81) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- 17 “(82) A violation of ORS 166.429.
- 18 “(83) A violation of ORS 166.470.
- 19 “(84) A violation of ORS 166.480.
- 20 “(85) A violation of ORS 166.635.
- 21 “(86) A violation of ORS 166.638.
- 22 “(87) Unlawful paramilitary activity, as defined in ORS 166.660.
- 23 “(88) A violation of ORS 166.720.
- 24 “(89) Prostitution, as defined in ORS 167.007.
- 25 “(90) Promoting prostitution, as defined in ORS 167.012.
- 26 “(91) Compelling prostitution, as defined in ORS 167.017.
- 27 “(92) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
- 28 “(93) Unlawful gambling in the second degree, as defined in ORS 167.122.
- 29 “(94) Unlawful gambling in the first degree, as defined in ORS 167.127.
- 30 “(95) Possession of gambling records in the second degree, as defined in ORS 167.132.
- 31 “(96) Possession of gambling records in the first degree, as defined in ORS 167.137.
- 32 “(97) Possession of a gambling device, as defined in ORS 167.147.
- 33 “(98) Possession of a gray machine, as defined in ORS 167.164.
- 34 “(99) Cheating, as defined in ORS 167.167.
- 35 “(100) Tampering with drug records, as defined in ORS 167.212.
- 36 “(101) A violation of ORS 167.262.
- 37 “(102) Research and animal interference, as defined in ORS 167.312.
- 38 “(103) Animal abuse in the first degree, as defined in ORS 167.320.
- 39 “(104) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
- 40 “(105) Animal neglect in the first degree, as defined in ORS 167.330.
- 41 “(106) Interfering with an assistance, a search and rescue or a therapy animal, as defined in
42 ORS 167.352.
- 43 “(107) Involvement in animal fighting, as defined in ORS 167.355.
- 44 “(108) Dogfighting, as defined in ORS 167.365.
- 45 “(109) Participation in dogfighting, as defined in ORS 167.370.

1 “(110) Unauthorized use of a livestock animal, as defined in ORS 167.385.
2 “(111) Interference with livestock production, as defined in ORS 167.388.
3 “(112) A violation of ORS 167.390.
4 “(113) A violation of ORS 471.410.
5 “(114) Failure to report missing precursor substances, as defined in ORS 475.955.
6 “(115) Illegally selling drug equipment, as defined in ORS 475.960.
7 “(116) Providing false information on a precursor substances report, as defined in ORS 475.965.
8 “(117) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
9 “(118) A violation of ORS 475.840, if it is a felony or a Class A misdemeanor.
10 “(119) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
11 “(120) A violation of ORS 475.916.
12 “(121) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
13 “(122) A violation of ORS 475.904 (2).
14 “(123) Misuse of an identification card, as defined in ORS 807.430.
15 “(124) Unlawful production of identification cards, licenses, permits, forms or camera cards, as
16 defined in ORS 807.500.
17 “(125) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
18 “(126) Using an invalid license, as defined in ORS 807.580.
19 “(127) Permitting misuse of a license, as defined in ORS 807.590.
20 “(128) Using another’s license, as defined in ORS 807.600.
21 “(129) Criminal driving while suspended or revoked, as defined in ORS 811.182, when it is a
22 felony.
23 “(130) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a
24 felony.
25 “(131) Unlawful distribution of cigarettes, as defined in ORS 323.482.
26 “(132) A violation of ORS 180.440 (2).
27 “(133) A violation described in ORS 475.846 to 475.894, if it is a felony.
28 “(134) **Subjecting another person to involuntary servitude in the first degree, as defined**
29 **in section 2 of this 2007 Act.**
30 “(135) **Subjecting another person to involuntary servitude in the second degree, as defined**
31 **in section 3 of this 2007 Act.**
32 “(136) **Trafficking in persons, as defined in section 4 of this 2007 Act.**
33 “[134] (137) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to
34 [(133)] (136) of this section if the attempt, conspiracy or solicitation is a felony or a Class A
35 misdemeanor.
36 “**SECTION 9. (1) Irrespective of any criminal prosecution or the result of a criminal**
37 **prosecution, a person injured by a violation of section 2, 3 or 4 of this 2007 Act may bring a**
38 **civil action for damages against a person whose actions are unlawful under section 2, 3 or 4**
39 **of this 2007 Act.**
40 “(2) **Upon prevailing in an action under this section, the plaintiff may recover:**
41 “(a) **Both special and general damages, including damages for emotional distress; and**
42 “(b) **Punitive damages.**
43 “(3) **The court shall award reasonable attorney fees to the prevailing plaintiff in an action**
44 **under this section. The court may award reasonable attorney fees and expert witness fees**
45 **incurred by a defendant who prevails in the action if the court determines that the plaintiff**

1 had no objectively reasonable basis for asserting a claim or no reasonable basis for appealing
2 an adverse decision of a circuit court.

3 “(4) An action under this section must be commenced within six years of the conduct
4 giving rise to the claim.

5 “(5)(a) A final judgment of conviction for violating section 2, 3 or 4 of this 2007 Act is
6 conclusive for purposes of this section.

7 “(b) In the absence of a conviction for violating section 2, 3 or 4 of this 2007 Act, the
8 plaintiff in a civil action bears the burden of proving the elements of section 2, 3 or 4 of this
9 2007 Act by a preponderance of the evidence.

10 “**SECTION 10.** A person who is the victim of a crime described in section 2, 3 or 4 of this
11 2007 Act may assert the defense of duress, as described in ORS 161.270, if the person is
12 prosecuted for conduct that constitutes services under section 1 of this 2007 Act, that the
13 person was caused to provide.

14 “**SECTION 11.** ORS 164.075 is amended to read:

15 “164.075. (1) A person commits theft by extortion when the person compels or induces another
16 to deliver property to the person or to a third person by instilling in the other a fear that, if the
17 property is not so delivered, the actor or a third person will in the future:

18 “(a) Cause physical injury to some person; [or]

19 “(b) Cause damage to property; [or]

20 “(c) Engage in other conduct constituting a crime; [or]

21 “(d) Accuse some person of a crime or cause criminal charges to be instituted against the per-
22 son; [or]

23 “(e) Expose a secret or publicize an asserted fact, whether true or false, tending to subject some
24 person to hatred, contempt or ridicule; [or]

25 “(f) Cause or continue a strike, boycott or other collective action injurious to some person’s
26 business[;], except that such conduct [*shall not be*] **is not** considered extortion when the property
27 is demanded or received for the benefit of the group in whose interest the actor purports to act;
28 [or]

29 “(g) Testify or provide information or withhold testimony or information with respect to anoth-
30 er’s legal claim or defense; [or]

31 “(h) Use or abuse the position as a public servant by performing some act within or related to
32 official duties, or by failing or refusing to perform an official duty, in such manner as to affect some
33 person adversely; [or]

34 “(i) **Notify law enforcement of the person’s immigration status; or**

35 “[*i*] (j) Inflict any other harm that would not benefit the actor.

36 “(2) Theft by extortion is a Class B felony.

37 “**SECTION 12.** ORS 163.275 is amended to read:

38 “163.275. (1) A person commits the crime of coercion when the person compels or induces an-
39 other person to engage in conduct from which the other person has a legal right to abstain, or to
40 abstain from engaging in conduct in which the other person has a legal right to engage, by means
41 of instilling in the other person a fear that, if the other person refrains from the conduct compelled
42 or induced or engages in conduct contrary to the compulsion or inducement, the actor or another
43 will:

44 “(a) Unlawfully cause physical injury to some person; [or]

45 “(b) Unlawfully cause damage to property; [or]

1 “(c) Engage in conduct constituting a crime; [or]
2 “(d) Falsely accuse some person of a crime or cause criminal charges to be instituted against
3 the person; [or]
4 “(e) Cause or continue a strike, boycott or other collective action injurious to some person’s
5 business, except that such a threat [*shall not be*] **is not** deemed coercive when the act or omission
6 compelled is for the benefit of the group in whose interest the actor purports to act; [or]
7 “(f) Testify falsely or provide false information or withhold testimony or information with re-
8 spect to another’s legal claim or defense; [or]
9 “(g) Unlawfully use or abuse the person’s position as a public servant by performing some act
10 within or related to official duties, or by failing or refusing to perform an official duty, in such
11 manner as to affect some person adversely[.]; **or**
12 “(h) **Notify law enforcement of the person’s immigration status.**
13 “(2) Coercion is a Class C felony.
14 “**SECTION 13. (1) There is created the Task Force on Trafficking in Persons, consisting**
15 **of:**
16 “(a) **The Attorney General or the Attorney General’s designee;**
17 “(b) **The Director of Human Services or the director’s designee;**
18 “(c) **The Director of the Employment Department or the director’s designee;**
19 “(d) **The Commissioner of the Bureau of Labor and Industries or the commissioner’s**
20 **designee;**
21 “(e) **Two members, one from the majority party and one from the minority party, from**
22 **among members of the Senate, appointed by the President of the Senate;**
23 “(f) **Two members, one from the majority party and one from the minority party, from**
24 **among members of the House of Representatives, appointed by the Speaker of the House of**
25 **Representatives; and**
26 “(g) **Seven members appointed by the Attorney General. In appointing members under**
27 **this paragraph, the Attorney General shall select persons who represent public and private**
28 **organizations that provide assistance to persons who are victims of trafficking in persons**
29 **or who have other expertise in human trafficking issues.**
30 “(2) **The task force shall:**
31 “(a) **Assess the extent of the problem of trafficking in persons in Oregon;**
32 “(b) **Measure and evaluate the progress of the state’s efforts at preventing trafficking in**
33 **persons;**
34 “(c) **Identify available federal, state and local programs that provide services to persons**
35 **who are victims of trafficking in persons, including but not limited to health care, human**
36 **services, housing, education, legal assistance, job training or preparation, interpreting ser-**
37 **vices and victims’ compensation; and**
38 “(d) **Make recommendations on methods to provide a coordinated system of support and**
39 **assistance to persons who are victims of trafficking in persons.**
40 “(3) **A majority of the members of the task force constitutes a quorum for the trans-**
41 **action of business.**
42 “(4) **Official action by the task force requires the approval of a majority of the members**
43 **of the task force.**
44 “(5) **The task force shall elect one of its members to serve as chairperson.**
45 “(6) **If there is a vacancy for any cause, the appointing authority shall make an appoint-**

1 ment to become immediately effective.

2 “(7) The task force shall meet at times and places specified by the call of the chairperson
3 or of a majority of the members of the task force.

4 “(8) The task force may adopt rules necessary for the operation of the task force.

5 “(9) The task force shall submit a report, and may include recommendations for legis-
6 lation, to an interim committee related to the judiciary no later than October 1, 2008.

7 “(10) The Department of Justice shall provide staff support to the task force.

8 “(11) Notwithstanding ORS 171.072, members of the task force are not entitled to com-
9 pensation, but may be reimbursed for actual and necessary travel and other expenses in-
10 curred by them in the performance of their official duties in the manner and amounts
11 provided for in ORS 292.495. Claims for expenses shall be paid out of funds appropriated to
12 the Department of Justice for that purpose.

13 “(12) All agencies of state government, as defined in ORS 174.111, are directed to assist
14 the task force in the performance of its duties and, to the extent permitted by laws relating
15 to confidentiality, to furnish such information and advice as the members of the task force
16 consider necessary to perform their duties.

17 “(13) All appointments to the task force made under subsection (1) of this section must
18 be completed within 30 days after the effective date of this 2007 Act.

19 “(14) The Department of Justice may accept contributions of moneys and assistance from
20 the United States Government or its agencies or from any other source, public or private,
21 and agree to conditions placed on the moneys not inconsistent with the duties of the task
22 force.

23 “(15) All moneys received by the Department of Justice under subsection (14) of this
24 section shall be used for the purpose of carrying out the duties of the task force.

25 “SECTION 14. Section 13 of this 2007 Act is repealed on January 2, 2009.

26 “SECTION 15. This 2007 Act being necessary for the immediate preservation of the public
27 peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect
28 on its passage.”

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