

## HOUSE AMENDMENTS TO HOUSE BILL 2843

By COMMITTEE ON JUDICIARY

May 10

- 1 On page 2 of the printed bill, delete line 40 and insert:  
2 “(d) That the representation, description or account was furnished or used solely”.  
3 In line 42, delete “child’s” and insert “minor’s”.  
4 On page 7, line 19, delete the boldfaced material and restore the bracketed material.  
5 On page 13, delete lines 41 through 45.  
6 On page 14, delete lines 1 through 9 and insert:  
7 “**SECTION 10.** ORS 167.070 is amended to read:  
8 “167.070. (1) A person commits the crime of sending obscene materials to minors if, within this  
9 state, the person knowingly arranges for or dispatches for delivery to a minor, whether the delivery  
10 is to be made within or outside this state, by mail, delivery service or any other means[, *any of the*  
11 *materials enumerated in ORS 167.065*]:  
12 “(a) **Any picture, photograph, drawing, sculpture, motion picture, film or other visual**  
13 **representation or image of a person or portion of the human body that depicts nudity,**  
14 **sadomasochistic abuse, sexual conduct or sexual excitement; or**  
15 “(b) **Any book, magazine, paperback, pamphlet or other written or printed matter, how-**  
16 **ever reproduced, or any sound recording that contains matter of the nature described in**  
17 **paragraph (a) of this subsection, or obscenities, or explicit verbal descriptions or narrative**  
18 **accounts of sexual conduct, sexual excitement or sadomasochistic abuse.**  
19 “(2) Unless the defendant knows or has good reason to know that the person to whom the ma-  
20 terials are sent is a minor, it is a defense to a prosecution under this section that the defendant  
21 caused to be printed on the outer package, wrapper or cover of the materials to be delivered, in  
22 words or substance, ‘This package (wrapper) (publication) contains material that, by Oregon law,  
23 cannot be furnished to a minor.’  
24 “(3) Sending obscene materials to minors is a Class A misdemeanor. Notwithstanding ORS  
25 161.635 and 161.655, a person convicted under this section may be sentenced to pay a fine, fixed by  
26 the court, not exceeding \$10,000.”.  
27 In line 26, delete “167.065,” and delete “167.087,”.  
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