

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action:	Do Pass and Be Referred to the Committee on Ways and Means by Prior Reference
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	2/16, 3/3

WHAT THE MEASURE DOES: Expands kidnapping statute so that kidnapping in the first degree would include kidnapping a person under the age of 12 with the purpose of committing a sex offense.

ISSUES DISCUSSED:

- Conforming current statute with Jessica's Law
- Legislative intent of Jessica's Law
- Concerns regarding definition of "kidnapping"
- Possible need to modify general kidnapping statute

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: "Jessica's Law" (HB 3511, 2006 Special Session (codified in ORS 137.700)) mandates a 300 month sentence when a defendant commits first-degree kidnapping "in furtherance of the commission or attempted commission" of first-degree rape, sodomy, or sexual penetration of a child. However, under the current kidnapping statute (ORS 163.225), kidnapping in the First Degree requires proof of a separate aggravating factor such as "to terrorize" or "to cause physical harm." This proposed legislation would remove the need to prove an aggravating factor when a kidnapping involves sexual assault, and would include such crimes within the definition of First Degree kidnapping.