

HOUSE AMENDMENTS TO HOUSE BILL 2447

By COMMITTEE ON JUDICIARY

April 27

- 1 In line 2 of the printed bill, after “ORS” insert “131.125 and”.
- 2 After line 15, insert:
- 3 “(b) The victim is under 10 years of age;”.
- 4 In line 16, delete “(b)” and insert “(c)”.
- 5 In line 19, delete “(c)” and insert “(d)”.
- 6 In line 21, delete “(d)” and insert “(e)”.
- 7 In line 25, delete “(e)” and insert “(f)”.
- 8 Delete lines 29 and 30 and insert:
- 9 **“SECTION 2.** ORS 131.125 is amended to read:
- 10 “131.125. (1) A prosecution for aggravated murder, murder, attempted murder or aggravated
- 11 murder, conspiracy or solicitation to commit aggravated murder or murder or any degree of
- 12 manslaughter may be commenced at any time after the commission of the attempt, conspiracy or
- 13 solicitation to commit aggravated murder or murder, or the death of the person killed.
- 14 “(2) A prosecution for any of the following felonies may be commenced within six years after
- 15 the commission of the crime or, if the victim at the time of the crime was under 18 years of age,
- 16 anytime before the victim attains 30 years of age or within 12 years after the offense is reported to
- 17 a law enforcement agency or the Department of Human Services, whichever occurs first:
- 18 “(a) Criminal mistreatment in the first degree under ORS 163.205.
- 19 **“(b) Strangulation under ORS 163.187 (4).**
- 20 “[b)] (c) Rape in the third degree under ORS 163.355.
- 21 “[c)] (d) Rape in the second degree under ORS 163.365.
- 22 “[d)] (e) Rape in the first degree under ORS 163.375.
- 23 “[e)] (f) Sodomy in the third degree under ORS 163.385.
- 24 “[f)] (g) Sodomy in the second degree under ORS 163.395.
- 25 “[g)] (h) Sodomy in the first degree under ORS 163.405.
- 26 “[h)] (i) Unlawful sexual penetration in the second degree under ORS 163.408.
- 27 “[i)] (j) Unlawful sexual penetration in the first degree under ORS 163.411.
- 28 “[j)] (k) Sexual abuse in the second degree under ORS 163.425.
- 29 “[k)] (L) Sexual abuse in the first degree under ORS 163.427.
- 30 “[L)] (m) Using a child in a display of sexual conduct under ORS 163.670.
- 31 “[m)] (n) Encouraging child sexual abuse in the first degree under ORS 163.684.
- 32 “[n)] (o) Incest under ORS 163.525.
- 33 “[o)] (p) Promoting prostitution under ORS 167.012.
- 34 “[p)] (q) Compelling prostitution under ORS 167.017.
- 35 “[q)] (r) Luring a minor under ORS 167.057.

1 “(3) A prosecution for any of the following misdemeanors may be commenced within four years
2 after the commission of the crime or, if the victim at the time of the crime was under 18 years of
3 age, anytime before the victim attains 22 years of age or within four years after the offense is re-
4 ported to a law enforcement agency or the Department of Human Services, whichever occurs first:

5 “(a) **Strangulation under ORS 163.187.**

6 “[a] (b) Sexual abuse in the third degree under ORS 163.415.

7 “[b] (c) Furnishing sexually explicit material to a child under ORS 167.054.

8 “[c] (d) Exhibiting an obscene performance to a minor under ORS 167.075.

9 “[d] (e) Displaying obscene materials to minors under ORS 167.080.

10 “(4) In the case of crimes described in subsection [(2)(L)] **(2)(m)** of this section, the victim is the
11 child engaged in sexual conduct. In the case of the crime described in subsection [(2)(n)] **(2)(o)** of
12 this section, the victim is the party to the incest other than the party being prosecuted. In the case
13 of crimes described in subsection [(2)(o) and (p)] **(2)(p) and (q)** of this section, the victim is the child
14 whose acts of prostitution are promoted or compelled.

15 “(5) A prosecution for arson in any degree may be commenced within six years after the com-
16 mission of the crime.

17 “(6) Except as provided in subsection (7) of this section or as otherwise expressly provided by
18 law, prosecutions for other offenses must be commenced within the following periods of limitations
19 after their commission:

20 “(a) For any other felony, three years.

21 “(b) For any misdemeanor, two years.

22 “(c) For a violation, six months.

23 “(7) If the period prescribed in subsection (6) of this section has expired, a prosecution never-
24 theless may be commenced as follows:

25 “(a) If the offense has as a material element either fraud or the breach of a fiduciary obligation,
26 prosecution may be commenced within one year after discovery of the offense by an aggrieved party
27 or by a person who has a legal duty to represent an aggrieved party and who is not a party to the
28 offense, but in no case shall the period of limitation otherwise applicable be extended by more than
29 three years;

30 “(b) If the offense is based upon misconduct in office by a public officer or employee, prosecution
31 may be commenced at any time while the defendant is in public office or employment or within two
32 years thereafter, but in no case shall the period of limitation otherwise applicable be extended by
33 more than three years; or

34 “(c) If the offense is an invasion of personal privacy under ORS 163.700, prosecution may be
35 commenced within one year after discovery of the offense by the person aggrieved by the offense,
36 by a person who has a legal duty to represent the person aggrieved by the offense or by a law
37 enforcement agency, but in no case shall the period of limitation otherwise applicable be extended
38 by more than three years.

39 “(8) Notwithstanding subsection (2) of this section, a prosecution for rape in the first or second
40 degree, sodomy in the first or second degree, unlawful sexual penetration in the first or second de-
41 gree or sexual abuse in the first degree may be commenced within 25 years after the commission
42 of the crime if the defendant is identified after the period described in subsection (2) of this section
43 on the basis of DNA (deoxyribonucleic acid) sample comparisons.

44 “(9) Notwithstanding subsection (8) of this section, if a prosecution for a felony listed in sub-
45 section (8) of this section would otherwise be barred by subsection (2) of this section, the prose-

1 cution must be commenced within two years of the DNA-based identification of the defendant.

2 **“SECTION 3. (1) The amendments to ORS 163.187 by section 1 of this 2009 Act apply to**
3 **conduct occurring on or after the effective date of this 2009 Act.**

4 **“(2) The amendments to ORS 131.125 by section 2 of this 2009 Act apply to offenses**
5 **committed before, on or after the effective date of this 2009 Act, but do not operate to revive**
6 **a prosecution barred by the operation of ORS 131.125 before the effective date of this 2009**
7 **Act.”.**

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