

A-Engrossed
House Bill 2476

Ordered by the House June 26
Including House Amendments dated June 26

Sponsored by Representative WINGARD; Representatives BARKER, BRUUN, CAMERON, FREEMAN, JENSON, G SMITH, SPRENGER, THATCHER, THOMPSON, WEIDNER, WHISNANT, Senator GEORGE (at the request of Ray Thomas)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Creates sentencing enhancement for sexual abuse in second degree when offender is 21 years of age or older and is minor victim's athletic coach.

Modifies crime of sexual abuse in second degree to include sexual contact when offender is 21 years of age or older and is minor victim's athletic coach.

Increases certain biennial appropriations from General Fund to Department of Corrections and Public Defense Services Commission.

Appropriates moneys from General Fund to Judicial Department for biennial expenses.

A BILL FOR AN ACT

1
2 Relating to sexual abuse; creating new provisions; amending ORS 163.425; and appropriating money.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. (1) As used in this section, "coach" means a person who instructs or trains**
5 **an individual or members of a team in a sport.**

6 **(2) The Oregon Criminal Justice Commission shall classify sexual abuse in the second**
7 **degree as described in ORS 163.425 (1)(a) as a crime category 8 of the sentencing guidelines**
8 **grid of the commission if:**

9 **(a) The victim is incapable of consent by reason of being under 18 years of age;**

10 **(b) The offender is 21 years of age or older; and**

11 **(c) At any time before the commission of the offense, the offender was the victim's**
12 **coach.**

13 **SECTION 2. ORS 163.425 is amended to read:**

14 163.425. (1) A person commits the crime of sexual abuse in the second degree when:

15 **(a) [that] The person subjects another person to sexual intercourse, deviate sexual intercourse**
16 **or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other**
17 **than the penis or mouth of the actor and the victim does not consent thereto; or**

18 **(b)(A) The person violates ORS 163.415 (1)(b);**

19 **(B) The person is 21 years of age or older; and**

20 **(C) At any time before the commission of the offense, the person was the victim's coach**
21 **as defined in section 1 of this 2009 Act.**

22 **(2) Sexual abuse in the second degree is a Class C felony.**

23 **SECTION 3. Section 1 of this 2009 Act and the amendments to ORS 163.425 by section 2**
24 **of this 2009 Act apply to conduct occurring on or after the effective date of this 2009 Act.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **SECTION 4.** (1) Notwithstanding any other provision of law, the General Fund appropri-
2 ation made to the Department of Corrections by section 1 (1), chapter __, Oregon Laws 2009
3 (Enrolled House Bill 5005), for the biennium beginning July 1, 2009, is increased by \$86,988.

4 (2) Notwithstanding any other provision of law, the General Fund appropriation made to
5 the Department of Corrections by section 1 (4), chapter __, Oregon Laws 2009 (Enrolled
6 House Bill 5005), for the biennium beginning July 1, 2009, is increased by \$30,661.

7 **SECTION 5.** Notwithstanding any other provision of law, the General Fund appropriation
8 made to the Public Defense Services Commission by section 1 (2), chapter __, Oregon Laws
9 2009 (Enrolled House Bill 5040), for the biennium beginning July 1, 2009, is increased by \$6,262.

10 **SECTION 6.** In addition to and not in lieu of any other appropriation, there is appropri-
11 ated to the Judicial Department, for the biennium beginning July 1, 2009, out of the General
12 Fund, the amount of \$12,900.
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