

Enrolled House Bill 2476

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

CHAPTER

AN ACT

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

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

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

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

- (a) The victim is incapable of consent by reason of being under 18 years of age;
- (b) The offender is 21 years of age or older; and
- (c) At any time before the commission of the offense, the offender was the victim’s coach.

SECTION 2. ORS 163.425 is amended to read:

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

- (a) *[that]* The person subjects another person to sexual intercourse, deviate sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or
- (b)(A) The person violates ORS 163.415 (1)(b);
- (B) The person is 21 years of age or older; and
- (C) At any time before the commission of the offense, the person was the victim’s coach as defined in section 1 of this 2009 Act.

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

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

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

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

SECTION 5. Notwithstanding any other provision of law, the General Fund appropriation made to the Public Defense Services Commission by section 1 (2), chapter __, Oregon Laws

2009 (Enrolled House Bill 5040), for the biennium beginning July 1, 2009, is increased by \$6,262.

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

Passed by House June 26, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate June 29, 2009

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President of Senate

Received by Governor:

.....M,....., 2009

Approved:

.....M,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M,....., 2009

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Secretary of State