

**Enrolled**  
**House Bill 3239**

Sponsored by Representative BARKER

CHAPTER .....

AN ACT

Relating to sexual assault of animals; creating new provisions; and amending ORS 181.594.

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

**SECTION 1.** ORS 181.594 is amended to read:

181.594. As used in this section and ORS 181.595, 181.596, 181.597, 181.603, 181.826, 181.830 and 181.833:

(1) "Another United States court" means a federal court, a military court, the tribal court of a federally recognized Indian tribe or a court of:

- (a) A state other than Oregon;
- (b) The District of Columbia;
- (c) The Commonwealth of Puerto Rico;
- (d) Guam;
- (e) American Samoa;
- (f) The Commonwealth of the Northern Mariana Islands; or
- (g) The United States Virgin Islands.

(2) "Attends" means is enrolled on a full-time or part-time basis.

(3)(a) "Correctional facility" means any place used for the confinement of persons:

(A) Charged with or convicted of a crime or otherwise confined under a court order.

(B) Found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a crime.

(b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after being found guilty except for insanity under ORS 161.290 to 161.370.

(4) "Institution of higher education" means a public or private educational institution that provides a program of post-secondary education.

(5) "Sex crime" means:

- (a) Rape in any degree;
- (b) Sodomy in any degree;
- (c) Unlawful sexual penetration in any degree;
- (d) Sexual abuse in any degree;
- (e) Incest with a child victim;
- (f) Using a child in a display of sexually explicit conduct;
- (g) Encouraging child sexual abuse in any degree;
- (h) Transporting child pornography into the state;
- (i) Paying for viewing a child's sexually explicit conduct;

- (j) Compelling prostitution;
  - (k) Promoting prostitution;
  - (L) Kidnapping in the first degree if the victim was under 18 years of age;
  - (m) Contributing to the sexual delinquency of a minor;
  - (n) Sexual misconduct if the offender is at least 18 years of age;
  - (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
  - (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;
  - (q) Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender;
  - (r) Sexual assault of an animal;**
  - [(r)] (s) Any attempt to commit any of the crimes set forth in paragraphs (a) to [(q)] (r) of this subsection;
  - [(s)] (t) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to [(q)] (r) or [(t)] (u) of this subsection; or
  - [(t)] (u) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection.
- (6) “Sex offender” means a person who:
- (a) Has been convicted of a sex crime;
  - (b) Has been found guilty except for insanity of a sex crime;
  - (c) Has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a sex crime;
  - (d) Is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute a sex crime if committed in this state; or
  - (e) Is paroled to or otherwise placed in this state after having been found by another United States court to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult.
- (7) “Works” or “carries on a vocation” means full-time or part-time employment for more than 14 days within one calendar year whether financially compensated, volunteered or for the purpose of governmental or educational benefit.

**SECTION 2. The amendments to ORS 181.594 by section 1 of this 2011 Act apply only to persons convicted of a crime, or adjudicated for an act, committed on or after the effective date of this 2011 Act.**

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**Passed by House April 27, 2011**

**Repassed by House June 15, 2011**

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Passed by Senate June 13, 2011**

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Peter Courtney, President of Senate

**Received by Governor:**

.....M,....., 2011

**Approved:**

.....M,....., 2011

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John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

.....M,....., 2011

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Kate Brown, Secretary of State