

House Bill 3239

Sponsored by Representative BARKER

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 **as introduced**.

Requires person convicted of sexual assault of animal to report as sex offender.

A BILL FOR 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;

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 (g) Encouraging child sexual abuse in any degree;
- 2 (h) Transporting child pornography into the state;
- 3 (i) Paying for viewing a child's sexually explicit conduct;
- 4 (j) Compelling prostitution;
- 5 (k) Promoting prostitution;
- 6 (L) Kidnapping in the first degree if the victim was under 18 years of age;
- 7 (m) Contributing to the sexual delinquency of a minor;
- 8 (n) Sexual misconduct if the offender is at least 18 years of age;
- 9 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
- 10 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent
- 11 or by a person found to be within the jurisdiction of the juvenile court;
- 12 (q) Online sexual corruption of a child in any degree if the offender reasonably believed the
- 13 child to be more than five years younger than the offender;
- 14 **(r) Sexual assault of an animal;**
- 15 [(r)] (s) Any attempt to commit any of the crimes set forth in paragraphs (a) to [(q)] (r) of this
- 16 subsection;
- 17 [(s)] (t) Burglary, when committed with intent to commit any of the offenses listed in paragraphs
- 18 (a) to [(q)] (r) or [(t)] (u) of this subsection; or
- 19 [(t)] (u) Public indecency or private indecency, if the person has a prior conviction for a crime
- 20 listed in this subsection.
- 21 (6) "Sex offender" means a person who:
- 22 (a) Has been convicted of a sex crime;
- 23 (b) Has been found guilty except for insanity of a sex crime;
- 24 (c) Has been found to be within the jurisdiction of the juvenile court for having committed an
- 25 act that if committed by an adult would constitute a sex crime;
- 26 (d) Is paroled to this state under ORS 144.610 after being convicted in another United States
- 27 court of a crime that would constitute a sex crime if committed in this state; or
- 28 (e) Is paroled to or otherwise placed in this state after having been found by another United
- 29 States court to have committed an act while the person was under 18 years of age that would con-
- 30 stitute a sex crime if committed in this state by an adult.
- 31 (7) "Works" or "carries on a vocation" means full-time or part-time employment for more than
- 32 14 days within one calendar year whether financially compensated, volunteered or for the purpose
- 33 of governmental or educational benefit.

34 **SECTION 2. The amendments to ORS 181.594 by section 1 of this 2011 Act apply to per-**
35 **sons convicted of sexual assault of an animal before, on or after the effective date of this**
36 **2011 Act.**

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