

# Senate Bill 427

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## 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 court to impose fine in specified amount on certain persons convicted of prostitution. Authorizes lesser amount if person is unable to pay. Requires court to publish name and photograph of person in newspaper or by Internet posting if person willfully fails to pay fine or complete community service.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to crime; creating new provisions; amending ORS 167.007; and declaring an emergency.

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

4 **SECTION 1.** ORS 167.007 is amended to read:

5 167.007. (1) A person commits the crime of prostitution if:

6 (a) The person engages in or offers or agrees to engage in sexual conduct or sexual contact in  
7 return for a fee; or

8 (b) The person pays or offers or agrees to pay a fee to engage in sexual conduct or sexual  
9 contact.

10 (2) Prostitution is a Class A misdemeanor.

11 **(3)(a) Notwithstanding ORS 161.635, when a person is convicted of violating subsection**  
12 **(1)(b) of this section, the court shall impose, and may not suspend, a fine in the amount of**  
13 **\$20,000 if the person paid, or offered or agreed to pay, a fee to a minor to engage in sexual**  
14 **conduct or sexual contact. In a prosecution in which it is alleged that this paragraph applies,**  
15 **the state need not prove that the person knew the minor was under 18 years of age, and it**  
16 **is no defense that the person did not know the minor's age or that the person reasonably**  
17 **believed the minor to be older than 18 years of age.**

18 **(b) Notwithstanding paragraph (a) of this subsection, if the court determines that the**  
19 **person is unable to pay the full amount of the fine, the court shall impose, and may not**  
20 **suspend, a fine in an amount the court determines the person is able to pay.**

21 **(4) If the court determines, after a hearing, that a person convicted of violating sub-**  
22 **section (1)(b) of this section has willfully failed to pay the fine described in subsection (3) of**  
23 **this section or, if the person was sentenced to community service, that the person has**  
24 **willfully failed to complete the community service, the court shall cause the following infor-**  
25 **mation to be published, either by Internet posting or in a newspaper of general circulation**  
26 **in the area of the person's residence:**

27 **(a) The person's name and crime of conviction;**

28 **(b) A statement that the person has willfully failed to comply with the sentence imposed**

**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 **by the court; and**

2 **(c) A photograph of the person.**

3 **(5) As used in this section, “minor” means a person under 18 years of age.**

4 **SECTION 2. The amendments to ORS 167.007 by section 1 of this 2011 Act apply to crimes**  
5 **committed on or after the effective date of this 2011 Act.**

6 **SECTION 3. This 2011 Act being necessary for the immediate preservation of the public**  
7 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
8 **on its passage.**

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