

REVENUE: No revenue impact

FISCAL: Fiscal statement issued

Action: Do Pass the A-Engrossed Measure

Vote: 4 - 0 - 1

Yeas: Close, Dingfelder, Kruse, Prozanski

Nays: 0

Exc.: Roblan

Prepared By: Mike Schmidt, Counsel

Meeting Dates: 5/14

WHAT THE MEASURE DOES: Clarifies mental state of promoting prostitution is knowingly in ORS 167.012. Adds “attempt” into covered conduct in ORS 167.017 modifying the prostitution, rather than the compeller.

ISSUES DISCUSSED:

- Waiting until the prostitution act is completed before a person has “compelled” another is unnecessary
- The criminal act is the compelling, not the prostitution under this statute

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: Having both the words “intentional” and “knowingly” in ORS 167.012 confuses the mental state required for proving the elements of the crime. Deleting the word “intentional” makes clear that the burden that the state must prove is that the defendant acted knowingly, or with knowledge. Furthermore, adding the “attempt” language into ORS 167.017 makes clear that attempted prostitution is covered by the promoting and compelling statute. The nature of these prosecutions is such that often times it is difficult to get the cooperation of the person who is being compelled to prostitute. Adding the “attempt” language will assist in prosecutions where the compelled person is reticent to testify against their compeller.