

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Concur in the House Amendments dated 6/5 and Further Amend and Repass the Bill
Vote:	6 – 0 – 0
Yeas:	Hicks, Tomei, Williamson, Close, Roblan, Prozanski
Nays:	0
Exc.:	0
Prepared By:	Bill Taylor, Counsel
Meeting Dates:	6/26

WHAT THE MEASURE DOES: Creates new crime of purchasing sex with minor. Establishes the first offense as Class C felony and allows the person (defendant) to use an affirmative defense that defendant reasonably believed the person solicited was eighteen or older (ORS 163.325) if the minor was at least 16 years old. Allows the court to require the offender to register as a sex offender but does not create a mandate. Mandates “john school.” If a defendant has one or more prior convictions, sets the penalty as a Class B felony with mandated sex offender registration. Prohibits use of the affirmative defense that the defendant reasonably believed the child was eighteen or older for subsequent offenses. Modifies crime of trafficking in persons by creating different felony classifications for benefiting financially from trafficking and knowing that another person will be subjected to involuntary servitude – Class B felony; and knowing that a person will be coerced into commercial sex acts by force or fraud and disregarding the fact that trafficked person is a minor – Class A felony. Includes these crimes under the “rape shield” laws for evidentiary purposes. Allows application by prosecuting attorney for use of technology to intercept wire, oral, or electronic communication to investigate these crimes. Allows victims of these crimes to apply to court for restitution awards within 90 days of the sentencing, and to criminal victims compensation fund for covering of certain related expenses. Adds these crimes under definition of crimes covered by racketeering statute. Adds these crimes in definition of sex crimes, making these offenses for which registration is required. Adds these crimes to definition of sexual exploitation. Grants Department of Public Safety Standards and Training the ability to require advanced training in sex trafficking. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Classification of the crime of purchasing sex with a minor under sentencing guidelines
- First offense minimum of 30 days in jail
- Person who has a reasonable belief that the minor solicited was eighteen or older is still guilty of patronizing a prostitute

EFFECT OF COMMITTEE AMENDMENT: Creates a new crime of purchasing sex with a minor. Establishes the first offense as a Class C felony and allows the person (defendant) to use an affirmative defense under ORS 163.325 if the minor was at least 16 years old. Establishes if a defendant has one or more prior convictions, it will be a Class B felony and the state will not have to prove that the defendant knew that the minor was under 18 years old (strict liability). Prohibits use of the defenses of reasonable belief that the minor was eighteen or older for subsequent offenses.

BACKGROUND: A person commits the crime of patronizing a prostitute if the person pays, offers to pay or agrees to pay, a fee to engage in sexual conduct or sexual contact. Patronizing a prostitute is a Class A misdemeanor carrying a possible sentence of one year in jail. However, if the person offering to pay for sex is eighteen or older and the person being solicited is under eighteen, in addition to a possible one year jail sentence, there are additional penalties. They are as follows: 1) First conviction, a fine in the amount of \$10,000; 2) Second conviction, a fine in the amount of \$20,000 and at least seven days in jail; and 3) For a third or subsequent conviction, a \$20,000 fine and at least 30 days in jail. A court may reduce these fines if it determines the person is unable to pay. It is not a defense to soliciting a person under eighteen that you did not know the person is under eighteen.

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This summary has not been adopted or officially endorsed by action of the committee.