

## SENATE AMENDMENTS TO SENATE BILL 30

By COMMITTEE ON JUDICIARY

April 24

1 On page 1 of the printed bill, line 2, after “ORS” insert “167.057 and”.

2 After line 4, insert:

3 “**SECTION 1.** ORS 167.057 is amended to read:

4 “167.057. (1) A person commits the crime of luring a minor if the person furnishes to, or uses  
5 with, a minor a visual representation or explicit verbal description or narrative account of sexual  
6 conduct for the purpose of inducing the minor to engage in sexual conduct.

7 “(2) A person is not liable to prosecution for violating subsection (1) of this section if the person  
8 furnishes or uses a representation, description or account of sexual conduct that forms merely an  
9 incidental part of an otherwise nonoffending whole and serves some purpose other than titillation.

10 “(3) In a prosecution under subsection (1) of this section, it is an affirmative defense:

11 “(a) That the representation, description or account was furnished or used for the purpose of  
12 psychological or medical treatment and was furnished by a treatment provider or by another person  
13 acting on behalf of the treatment provider;

14 “(b) That the defendant had reasonable cause to believe that the person to whom the represen-  
15 tation, description or account was furnished or with whom the representation, description or ac-  
16 count was used was not a minor; or

17 “(c) That the defendant was less than three years older than the minor at the time of the alleged  
18 offense.

19 “(4) In a prosecution under subsection (1) of this section, it is not a defense that the person to  
20 whom the representation, description or account was furnished or with whom the representation,  
21 description or account was used was not a minor but was a law enforcement officer posing as a  
22 minor.

23 “(5) Luring a minor is a Class C felony.

24 “**(6)(a) The court may designate luring a minor as a sex crime under ORS 181.594 if the  
25 court determines that:**

26 “**(A) The offender reasonably believed the child to be more than five years younger than  
27 the offender or under 16 years of age; and**

28 “**(B) Given the nature of the offense, the age or purported age of the minor and the  
29 person’s criminal history, designation of the offense as a sex crime is necessary for the  
30 safety of the community.**

31 “**(b) The court shall indicate the designation and the findings supporting the designation  
32 in the judgment.”.**

33 In line 5, delete “1” and insert “2”.

34 On page 2, delete lines 19 and 20 and insert:

35 “(r) Luring a minor, if:

1           “(A) The offender reasonably believed the child to be more than five years younger than the  
2 offender or under 16 years of age; and

3           “(B) The court designates in the judgment that the offense is a sex crime;”.

4           Delete lines 26 and 27.

5           In line 28, delete “(w)” and insert “(v)”.

6           In line 32, delete “(x)” and insert “(w)”.

7           Delete lines 43 through 45 and insert:

8           “**SECTION 3. The amendments to ORS 167.057 and 181.594 by sections 1 and 2 of this 2013**  
9 **Act apply to offenders convicted of an offense or adjudicated for an act on or after the ef-**  
10 **fective date of this 2013 Act.**”.

11          On page 3, line 1, delete “3” and insert “4”.

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