

(Including Amendments to Resolve Conflicts)

## B-Engrossed Senate Bill 673

Ordered by the House June 5  
Including Senate Amendments dated April 26 and House Amendments  
dated June 5

Sponsored by Senators CLOSE, JOHNSON, KNOPP; Senators DEVLIN, DINGFELDER, EDWARDS, HANSELL, HASS, KRUSE, MONNES ANDERSON, STARR, STEINER HAYWARD, THOMSEN, WINTERS, Representatives CONGER, TOMEI

### 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.

Enhances penalties for crime of trafficking in persons if victim was under 15 years of age or force was used and trafficking was for purpose of commercial sex acts. **Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both.**

Specifies mandatory minimum [*sentences*] **sentence on first conviction** for crime of patronizing a prostitute when prostitute is minor. Allows court to designate offense as sex crime upon first conviction. **Increases penalties for second conviction. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both.** Directs court to designate offense as sex crime upon second conviction.

Adds crimes to statute restricting evidence relating to victim in certain sex cases. Adds crimes to statute allowing district attorney to intercept electronic communication for investigation. Allows additional time for restitution claims for victims of certain crimes.

Authorizes Board on Public Safety Standards and Training to require peace officers to participate in training to recognize and investigate trafficking.

Declares emergency, effective on passage.

### A BILL FOR AN ACT

1  
2 Relating to sex trafficking of children; creating new provisions; amending ORS 40.210, 133.724,  
3 137.106, 144.275, 147.005, 147.015, 147.025, 147.390, 163.266, 167.008, 181.594 and 419B.005; and  
4 declaring an emergency.

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

6 **SECTION 1.** ORS 163.266 is amended to read:

7 163.266. [(1) *A person commits the crime of trafficking in persons if the person knowingly:*]

8 [(a) *Recruits, entices, harbors, transports, provides or obtains by any means, or attempts to recruit,*  
9 *entice, harbor, transport, provide or obtain by any means, another person knowing that the other person*  
10 *will be subjected to involuntary servitude as described in ORS 163.263 or 163.264; or]*

11 [(b) *Benefits financially or receives something of value from participation in a venture that involves*  
12 *an act prohibited by this section or ORS 163.263 or 163.264.]*

13 [(2) *Trafficking in persons is a Class B felony.*]

14 **(1) A person commits the crime of trafficking in persons if the person knowingly re-**  
15 **cruits, entices, harbors, transports, provides or obtains by any means, or attempts to re-**  
16 **cruit, entice, harbor, transport, provide or obtain by any means, another person and:**

17 **(a) The person knows that the other person will be subjected to involuntary servitude**  
18 **as described in ORS 163.263 or 163.264;**

**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       **(b) The person knows or recklessly disregards the fact that force, fraud or coercion will**  
2 **be used to cause the other person to engage in a commercial sex act; or**

3       **(c) The person knows or recklessly disregards the fact that the other person is under 15**  
4 **years of age and will be used in a commercial sex act.**

5       **(2) A person commits the crime of trafficking in persons if the person knowingly benefits**  
6 **financially or receives something of value from participation in a venture that involves an**  
7 **act prohibited by subsection (1) of this section or ORS 163.263 or 163.264.**

8       **(3) As used in this section, “commercial sex act” means sexual conduct or sexual contact,**  
9 **as those terms are defined in ORS 167.002, performed in return for a fee or anything of value.**

10       **(4) Violation of subsection (1)(a) or (2) of this section is a Class B felony.**

11       **(5) Violation of subsection (1)(b) or (c) of this section is a Class A felony.**

12       **SECTION 2.** ORS 167.008 is amended to read:

13       167.008. (1) A person commits the crime of patronizing a prostitute if the person pays, or offers  
14 or agrees to pay, a fee to engage in sexual conduct or sexual contact.

15       **(2) Except as provided in subsection (3) of this section,** patronizing a prostitute is a Class  
16 A misdemeanor.

17       (3)(a) When a person convicted of violating this section is 18 years of age or older at the time  
18 the offense is committed and the person paid, or offered or agreed to pay, a fee to a minor to engage  
19 in sexual conduct or sexual contact, **the Oregon Criminal Justice Commission shall classify the**  
20 **offense as a person Class A misdemeanor.** In addition to any other sentence that may be imposed,  
21 the court shall impose and may not suspend the sentence described in paragraph (b) of this sub-  
22 section.

23       (b) Notwithstanding ORS 161.635, the mandatory minimum sentences that apply to paragraph (a)  
24 of this subsection are as follows:

25       *[(A) For a person’s first conviction, a fine in the amount of \$10,000.]*

26       *[(B) For a person’s second conviction, a fine in the amount of \$20,000 and a term of incarceration*  
27 *of at least seven days.]*

28       *[(C) For a person’s third or subsequent conviction, a fine in the amount of \$20,000 and a term of*  
29 *incarceration of at least 30 days.]*

30       **(A) For a person’s first conviction, a fine in the amount of \$10,000, a term of**  
31 **incarceration of at least 30 days and completion of a john school program.**

32       **(B) For a person’s second or subsequent conviction, a fine in the amount of \$20,000, the**  
33 **offense is a Class C felony and the court shall designate the offense as a sex crime under**  
34 **ORS 181.594.**

35       (c) Notwithstanding paragraphs (a) and (b) of this subsection, if the court determines that the  
36 person is unable to pay the full amount of the mandatory minimum fine, the court shall impose and  
37 may not suspend a fine in an amount the court determines the person is able to pay.

38       **(d) For a person’s first conviction under paragraph (a) of this subsection, the court may**  
39 **designate the offense as a sex crime under ORS 181.594 if the court finds that the circum-**  
40 **stances of the offense and the age of the prostitute as reported to the defendant require the**  
41 **defendant to report as a sex offender for the safety of the community.**

42       **(e) In a prosecution in which it is alleged that this subsection applies, conduct consti-**  
43 **tuting a single criminal episode, as that term is defined in ORS 131.505, may only give rise**  
44 **to one charge even if the person paid or offered or agreed to pay a fee to more than one**  
45 **minor to engage in sexual conduct or sexual contact.**

1        *[(d)]* **(f)** In a prosecution in which it is alleged that this subsection applies, the state need not  
2 prove that the person knew the minor was under 18 years of age and it is no defense that the person  
3 did not know the minor’s age or that the person reasonably believed the minor to be 18 years of age  
4 or older.

5        *[(e) As used in this subsection, “minor” means a person under 18 years of age.]*

6        **(g) As used in this subsection:**

7        **(A) “John school” means any course, class or program intended to educate and prevent**  
8 **recidivism of persons who have been arrested for, charged with or convicted of patronizing**  
9 **a prostitute or attempting to patronize a prostitute.**

10        **(B) “Minor” means a person under 18 years of age.**

11        **SECTION 3.** ORS 40.210 is amended to read:

12        40.210. (1) Notwithstanding any other provision of law, in a prosecution for a crime described  
13 in ORS **163.266 (1)(b) or (c)**, 163.355 to 163.427, **163.670 or 167.017**, or in a prosecution for an at-  
14 tempt to commit one of *[these]* **those** crimes, the following evidence is not admissible:

15        (a) Reputation or opinion evidence of the past sexual behavior of an alleged victim of the crime  
16 or a corroborating witness; or

17        (b) Reputation or opinion evidence presented for the purpose of showing that the manner of  
18 dress of an alleged victim of the crime incited the crime or indicated consent to the sexual acts al-  
19 leged in the charge.

20        *[(2) Notwithstanding any other provision of law, in a prosecution for a crime described in ORS*  
21 *163.355 to 163.427, or in a prosecution for an attempt to commit one of these crimes, evidence of a*  
22 *victim’s past sexual behavior other than reputation or opinion evidence is also not admissible, unless*  
23 *the evidence other than reputation or opinion evidence:]*

24        **(2) Notwithstanding any other provision of law, in a prosecution for a crime or an at-**  
25 **tempt to commit a crime listed in subsection (1) of this section, evidence of a victim’s past**  
26 **sexual behavior other than reputation or opinion evidence is also not admissible, unless the**  
27 **evidence other than reputation or opinion evidence:**

28        (a) Is admitted in accordance with subsection (4) of this section; and

29        (b) Is evidence that:

30        (A) Relates to the motive or bias of the alleged victim;

31        (B) Is necessary to rebut or explain scientific or medical evidence offered by the state; or

32        (C) Is otherwise constitutionally required to be admitted.

33        *[(3) Notwithstanding any other provision of law, in a prosecution for a crime described in ORS*  
34 *163.355 to 163.427, or in a prosecution for an attempt to commit one of these crimes, evidence, other*  
35 *than reputation or opinion evidence, of the manner of dress of the alleged victim or a corroborating*  
36 *witness, presented by a person accused of committing the crime, is also not admissible, unless the evi-*  
37 *dence is:]*

38        **(3) Notwithstanding any other provision of law, in a prosecution for a crime or an at-**  
39 **tempt to commit a crime listed in subsection (1) of this section, evidence, other than repu-**  
40 **tation or opinion evidence, of the manner of dress of the alleged victim or a corroborating**  
41 **witness, presented by a person accused of committing the crime, is also not admissible, un-**  
42 **less the evidence is:**

43        (a) Admitted in accordance with subsection (4) of this section; and

44        (b) Is evidence that:

45        (A) Relates to the motive or bias of the alleged victim;

1 (B) Is necessary to rebut or explain scientific, medical or testimonial evidence offered by the  
2 state;

3 (C) Is necessary to establish the identity of the victim; or

4 (D) Is otherwise constitutionally required to be admitted.

5 (4)(a) If the person accused of [*committing rape, sodomy or sexual abuse or attempted rape,*  
6 *sodomy or sexual abuse*] **a crime or an attempt to commit a crime listed in subsection (1) of**  
7 **this section** intends to offer evidence under subsection (2) or (3) of this section, the accused shall  
8 make a written motion to offer the evidence not later than 15 days before the date on which the  
9 trial in which the evidence is to be offered is scheduled to begin, except that the court may allow  
10 the motion to be made at a later date, including during trial, if the court determines either that the  
11 evidence is newly discovered and could not have been obtained earlier through the exercise of due  
12 diligence or that the issue to which the evidence relates has newly arisen in the case. Any motion  
13 made under this paragraph shall be served on all other parties, and on the alleged victim through  
14 the office of the prosecutor.

15 (b) The motion described in paragraph (a) of this subsection shall be accompanied by a written  
16 offer of proof. If the court determines that the offer of proof contains evidence described in sub-  
17 section (2) or (3) of this section, the court shall order a hearing in camera to determine if the evi-  
18 dence is admissible. At the hearing the parties may call witnesses, including the alleged victim, and  
19 offer relevant evidence. Notwithstanding ORS 40.030 (2), if the relevancy of the evidence that the  
20 accused seeks to offer in the trial depends upon the fulfillment of a condition of fact, the court, at  
21 the hearing in camera or at a subsequent hearing in camera scheduled for the same purpose, shall  
22 accept evidence on the issue of whether the condition of fact is fulfilled and shall determine the is-  
23 sue.

24 (c) If the court determines on the basis of the hearing described in paragraph (b) of this sub-  
25 section that the evidence the accused seeks to offer is relevant and that the probative value of the  
26 evidence outweighs the danger of unfair prejudice, the evidence shall be admissible in the trial to  
27 the extent an order made by the court specifies evidence that may be offered and areas with respect  
28 to which a witness may be examined or cross-examined. An order admitting evidence under this  
29 subsection may be appealed by the government before trial.

30 (5) For purposes of this section:

31 (a) "In camera" means out of the presence of the public and the jury; and

32 [(b) "*Past sexual behavior*" means sexual behavior other than the sexual behavior with respect to  
33 which rape, sodomy or sexual abuse or attempted rape, sodomy or sexual abuse is alleged.]

34 (b) "**Past sexual behavior**" means **sexual behavior other than the sexual behavior with**  
35 **respect to which the crime or attempt to commit the crime listed in subsection (1) of this**  
36 **section is alleged.**

37 **SECTION 4.** ORS 133.724 is amended to read:

38 133.724. (1) An ex parte order for the interception of wire, electronic or oral communications  
39 may be issued by any circuit court judge upon written application made upon oath or affirmation  
40 of the individual who is the district attorney or a deputy district attorney authorized by the district  
41 attorney for the county in which the order is sought. The application shall include:

42 (a) The name of the district attorney or the deputy district attorney making the application and  
43 the authority of the district attorney or the deputy district attorney to make the application;

44 (b) The identity of the investigative or law enforcement officer making the application and the  
45 officer authorizing the application;

1 (c) A statement demonstrating that there is probable cause to believe that an individual is  
2 committing, has committed or is about to commit:

3 (A) A particular felony of murder, kidnapping, arson, robbery, bribery, extortion or other crime  
4 dangerous to life and punishable as a felony;

5 (B) A crime punishable as a felony under ORS **163.266 (1)(b) or (c)**, 166.720, **167.008, 167.012,**  
6 **167.017**, 475.752, 475.806 to 475.894 or 475.904 to 475.910 or as a misdemeanor under ORS 167.007  
7 or 167.008; or

8 (C) Any conspiracy to commit any of the foregoing crimes;

9 (d) A statement of the details, if known, of the particular crime alleged under paragraph (c) of  
10 this subsection;

11 (e) A particular description of the nature and location of the facilities from which or the place  
12 where the wire, electronic or oral communication is to be intercepted, if known;

13 (f) A particular description of the type of wire, electronic or oral communication sought to be  
14 intercepted;

15 (g) The identity of the person, if known, suspected of committing the crime and whose wire,  
16 electronic or oral communications are to be intercepted;

17 (h) A full and complete statement as to whether or not other investigative procedures have been  
18 tried and failed or why other investigative procedures reasonably appear to be unlikely to succeed  
19 if tried or are likely to be too dangerous;

20 (i) A statement of the period of time for which the interception is required to be maintained. If  
21 the nature of the investigation is such that the authorization for interception should not automat-  
22 ically terminate when the described type of wire, electronic or oral communication has been first  
23 obtained, a description of facts establishing probable cause to believe that additional communi-  
24 cations of the same type will occur thereafter;

25 (j) A statement as to whether any prior application has been made to intercept wire, electronic  
26 or oral communications from the same person and, if such prior application exists, a statement of  
27 the current status of that application; and

28 (k) Where the application is for the extension of an existing order, a statement setting forth the  
29 results thus far obtained from the interception, or a reasonable explanation of the failure to obtain  
30 such results.

31 (2) The judge may require the applicant to furnish further testimony or documentary evidence  
32 in support of the application.

33 (3) Upon examination of such application and evidence the judge may enter an ex parte order,  
34 as requested or as modified, authorizing or approving interception of wire, electronic or oral com-  
35 munications within the state if the judge determines on the basis of the facts submitted by the ap-  
36 plicant that:

37 (a) There is probable cause for belief that an individual is committing, has committed or is about  
38 to commit a particular crime described in subsection (1)(c) of this section;

39 (b) There is probable cause for belief that particular communications concerning that crime will  
40 be obtained through such interception;

41 (c) Normal investigative procedures have been tried and have failed or reasonably appear to be  
42 unlikely to succeed if tried or are likely to be too dangerous; and

43 (d) There is probable cause for belief that the facilities from which, or the place where, the wire,  
44 electronic or oral communications to be intercepted are being used, or are about to be used, in  
45 connection with the planning or the commission of that crime are open to the public or are owned

1 by, leased to, listed in the name of, or commonly used by the individual suspected.

2 (4) Each order authorizing or approving the interception of any wire, electronic or oral com-  
3 munication shall specify:

4 (a) The identity of the person, if known, whose communications are to be intercepted;

5 (b) The nature and location of the communications facilities as to which, or the place where,  
6 authority to intercept is granted;

7 (c) A particular description of the type of communication sought to be intercepted, and a state-  
8 ment of the particular crime to which it relates;

9 (d) The identity of the agency authorized to intercept the communications and of the person  
10 authorizing the application;

11 (e) The period of time during which such interception is authorized, including a statement as to  
12 whether or not the interception shall automatically terminate when the described communication  
13 has been first obtained; and

14 (f) The name of the applicant, date of issuance, and the signature and title of the issuing judge.

15 (5) An order entered pursuant to this section may not authorize or approve the interception of  
16 any wire, electronic or oral communication for any period longer than is necessary to achieve the  
17 objective of authorization and in no event for longer than 30 days. Extensions of any order may be  
18 granted, but only when application for an extension is made in accordance with subsection (1)(k) of  
19 this section and the court makes the findings required by subsection (3) of this section. The period  
20 of extension shall be no longer than the authorizing judge deems necessary to achieve the purpose  
21 for which it is granted and in no event for longer than 30 days. Every order and extension of that  
22 order shall contain a provision that the authorization to intercept must be executed as soon as  
23 practicable, must be conducted in such a way as to minimize the interception of communications not  
24 otherwise subject to interception, and must terminate upon attainment of the authorized objective,  
25 or in any event in 30 days.

26 (6) Whenever an order authorizing interception is entered pursuant to this section, the order  
27 may require reports to be made to the judge who issued the order showing what progress has been  
28 made toward achievement of the authorized objective and the need for continued interception. Such  
29 reports shall be made at such intervals as the judge may require.

30 **SECTION 5.** ORS 137.106 is amended to read:

31 137.106. (1) When a person is convicted of a crime, or a violation as described in ORS 153.008,  
32 that has resulted in economic damages, the district attorney shall investigate and present to the  
33 court, prior to the time of sentencing, evidence of the nature and amount of the damages. If the  
34 court finds from the evidence presented that a victim suffered economic damages, in addition to any  
35 other sanction it may impose, the court shall include one of the following in the judgment:

36 (a) A requirement that the defendant pay the victim restitution in a specific amount that equals  
37 the full amount of the victim's economic damages as determined by the court.

38 (b) A requirement that the defendant pay the victim restitution, and that the specific amount  
39 of restitution will be established by a supplemental judgment based upon a determination made by  
40 the court within 90 days of entry of the judgment. In the supplemental judgment, the court shall  
41 establish a specific amount of restitution that equals the full amount of the victim's economic dam-  
42 ages as determined by the court. The court may extend the time within which the determination and  
43 supplemental judgment may be completed for good cause. The lien, priority of the lien and ability  
44 to enforce the specific amount of restitution established under this paragraph by a supplemental  
45 judgment relates back to the date of the original judgment that is supplemented.

1 (c)(A) A requirement that the defendant pay the victim restitution in a specific amount that is  
2 less than the full amount of the victim's economic damages, with the consent of the victim.

3 (B) If the defendant is convicted of a person felony, as that term is defined in the rules of the  
4 Oregon Criminal Justice Commission, a requirement that the defendant pay the victim restitution  
5 in a specific amount that is less than the full amount of the victim's economic damages, only with  
6 the written consent of the victim.

7 **(2) Notwithstanding subsection (1) of this section, when a defendant is convicted of a**  
8 **crime described in ORS 163.266 (1)(b) or (c), 167.012 or 167.017, the court shall allow the dis-**  
9 **trict attorney 60 days after the time of sentencing to investigate the nature and amount of**  
10 **any economic damages. The district attorney shall notify the defendant and the court once**  
11 **the amount of damages is known, and the court shall set a hearing not more than 90 days**  
12 **after the time of sentencing during which the district attorney shall present evidence sup-**  
13 **porting the claim. If the court finds from the evidence presented that the victim suffered**  
14 **economic damages, the court shall order restitution in a specific amount that equals the full**  
15 **amount of the victim's economic damages unless the victim consents to a lesser amount.**

16 [(2)] (3) After the district attorney makes a presentation described in subsection (1) of this sec-  
17 tion, if the court is unable to find from the evidence presented that a victim suffered economic  
18 damages, the court shall make a finding on the record to that effect.

19 [(3)] (4) No finding made by the court or failure of the court to make a finding under this section  
20 limits or impairs the rights of a person injured to sue and recover damages in a civil action as  
21 provided in ORS 137.109.

22 [(4)(a)] (5)(a) If a judgment or supplemental judgment described in subsection (1) of this section  
23 includes restitution, a court may delay the enforcement of the monetary sanctions, including  
24 restitution, only if the defendant alleges and establishes to the satisfaction of the court the  
25 defendant's inability to pay the judgment in full at the time the judgment is entered. If the court  
26 finds that the defendant is unable to pay, the court may establish or allow an appropriate super-  
27 vising authority to establish a payment schedule, taking into consideration the financial resources  
28 of the defendant and the burden that payment of restitution will impose, with due regard to the  
29 other obligations of the defendant. The supervising authority shall be authorized to modify any  
30 payment schedule established under this section.

31 (b) As used in this subsection, "supervising authority" means any state or local agency that is  
32 authorized to supervise the defendant.

33 [(5)] (6) If the defendant objects to the imposition, amount or distribution of the restitution, the  
34 court shall allow the defendant to be heard on such issue at the time of sentencing or at the time  
35 the court determines the amount of restitution.

36 **SECTION 6.** ORS 147.005 is amended to read:

37 147.005. As used in ORS 147.005 to 147.367 unless the context requires otherwise:

38 (1) "Applicant" means:

39 (a) Any victim of a compensable crime who applies to the Department of Justice for compen-  
40 sation under ORS 147.005 to 147.367;

41 (b) Any person who was a dependent of a deceased victim at the time of the death of that victim;

42 (c) Any person who is a survivor of a deceased victim; or

43 (d) Any person eligible for compensation under ORS 147.025.

44 (2) "Board" means the Workers' Compensation Board.

45 (3) "Child" means an unmarried person who is under 18 years of age and includes a posthumous

1 child, stepchild or an adopted child.

2 (4) "Compensable crime" means abuse of corpse in any degree or an intentional, knowing,  
3 reckless or criminally negligent act that results in [*serious bodily*] injury or death of another person  
4 and that, if committed by a person of full legal capacity, would be punishable as a crime in this  
5 state.

6 (5) "Counseling" has the meaning given that term by the department by rule.

7 (6) "Dependent" means such relatives of a deceased victim who wholly or partially were de-  
8 pendent upon the victim's income at the time of death or would have been so dependent but for the  
9 victim's incapacity due to the injury from which the death resulted.

10 (7) "Department" means the Department of Justice.

11 (8) "Funeral expenses" means expenses of the funeral, burial, cremation or other chosen method  
12 of interment, including plot or tomb and other necessary incidents to the disposition of the remains  
13 and also including, in the case of abuse of corpse in any degree, reinterment.

14 (9) "Injury" means abuse of a corpse or actual bodily harm and, with respect to a victim, in-  
15 cludes pregnancy and mental or nervous shock.

16 (10) "International terrorism" means activities that:

17 (a) Involve violent acts or acts dangerous to human life that are a violation of the criminal laws  
18 of the United States or any state or that would be a criminal violation if committed within the ju-  
19 risdiction of the United States or of any state;

20 (b) Appear to be intended to:

21 (A) Intimidate or coerce a civilian population;

22 (B) Influence the policy of a government by intimidation or coercion; or

23 (C) Affect the conduct of a government by assassination or kidnapping; and

24 (c) Occur primarily outside the territorial jurisdiction of the United States or transcend national  
25 boundaries in terms of the means by which they are accomplished, the persons they appear intended  
26 to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

27 (11) "Involved in the hearing" and "involved in the oral argument" have the meaning given  
28 those terms by the department by rule.

29 (12) "Law enforcement official" means a sheriff, constable, marshal, municipal police officer or  
30 member of the Oregon State Police and such other persons as may be designated by law as a peace  
31 officer.

32 (13) "Relative" means a person related to the victim within the third degree as determined by  
33 the common law, a spouse, or an individual related to the spouse within the third degree as so de-  
34 termined and includes an individual in an adoptive relationship.

35 (14) "Survivor" means any spouse, parent, grandparent, guardian, sibling, child or other imme-  
36 diate family member or household member of a deceased victim.

37 (15) "Victim" means:

38 (a) A person:

39 (A) Killed or injured in this state as a result of a compensable crime perpetrated or attempted  
40 against that person;

41 (B) Killed or injured in this state while attempting to assist a person against whom a  
42 compensable crime is being perpetrated or attempted, if that attempt of assistance would be ex-  
43 pected of a reasonable person under the circumstances;

44 (C) Killed or injured in this state while assisting a law enforcement official to apprehend a  
45 person who has perpetrated a crime or to prevent the perpetration of any such crime, if that as-



1 sistance was in response to the express request of the law enforcement official;

2 (D) Killed or injured in another state as a result of a criminal episode that began in this state;

3 (E) Who is an Oregon resident killed or injured as a result of a compensable crime perpetrated  
4 or attempted against the person in a state, within the United States, without a reciprocal crime  
5 victims' compensation program; or

6 (F) Who is an Oregon resident killed or injured by an act of international terrorism committed  
7 outside the United States; or

8 (b) In the case of abuse of corpse in any degree, the corpse or a relative of the corpse.

9 **SECTION 7.** ORS 147.015 is amended to read:

10 147.015. (1) A person is eligible for an award of compensation under ORS 147.005 to 147.367 if:

11 [(1)] (a) The person is a victim, or is a survivor or dependent of a deceased victim, of a  
12 compensable crime that has resulted in or may result in a compensable loss;

13 [(2)] (b) The appropriate law enforcement officials were notified of the perpetration of the crime  
14 allegedly causing the death or injury to the victim within 72 hours after its perpetration, unless the  
15 Department of Justice finds good cause exists for the failure of notification;

16 [(3)] (c) The applicant has cooperated fully with law enforcement officials in the apprehension  
17 and prosecution of the assailant or the department has found that the applicant's failure to cooper-  
18 ate was for good cause;

19 [(4)] (d) The application for compensation is not the result of collusion between the applicant  
20 and the assailant of the victim;

21 [(5)] (e) The death or injury to the victim was not substantially attributable to the wrongful act  
22 of the victim or substantial provocation of the assailant of the victim; and

23 [(6)] (f) The application for an award of compensation under ORS 147.005 to 147.367 is filed with  
24 the department:

25 [(a)] (A) Within one year of the date of the injury to the victim; or

26 [(b)] (B) Within such further extension of time as the department for good cause shown, allows.

27 **(2) The fact that a victim was subjected to sexual exploitation as defined in ORS 419B.005**  
28 **is prima facie evidence of good cause for the victim's failure to notify law enforcement in a**  
29 **timely manner under subsection (1)(b) of this section, or for failure to cooperate with law**  
30 **enforcement under subsection (1)(c) of this section.**

31 **SECTION 8.** ORS 181.594 is amended to read:

32 181.594. As used in this section and ORS 181.595, 181.596, 181.597, 181.603, 181.609, 181.826,  
33 181.830 and 181.833:

34 (1) "Another United States court" means a federal court, a military court, the tribal court of a  
35 federally recognized Indian tribe or a court of:

36 (a) A state other than Oregon;

37 (b) The District of Columbia;

38 (c) The Commonwealth of Puerto Rico;

39 (d) Guam;

40 (e) American Samoa;

41 (f) The Commonwealth of the Northern Mariana Islands; or

42 (g) The United States Virgin Islands.

43 (2) "Attends" means is enrolled on a full-time or part-time basis.

44 (3)(a) "Correctional facility" means any place used for the confinement of persons:

45 (A) Charged with or convicted of a crime or otherwise confined under a court order.

1 (B) Found to be within the jurisdiction of the juvenile court for having committed an act that  
2 if committed by an adult would constitute a crime.

3 (b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient  
4 facility only as to persons detained therein charged with or convicted of a crime, or detained therein  
5 after being found guilty except for insanity under ORS 161.290 to 161.370 or responsible except for  
6 insanity under ORS 419C.411.

7 (4) "Institution of higher education" means a public or private educational institution that pro-  
8 vides a program of post-secondary education.

9 (5) "Sex crime" means:

10 (a) Rape in any degree;

11 (b) Sodomy in any degree;

12 (c) Unlawful sexual penetration in any degree;

13 (d) Sexual abuse in any degree;

14 (e) Incest with a child victim;

15 (f) Using a child in a display of sexually explicit conduct;

16 (g) Encouraging child sexual abuse in any degree;

17 (h) Transporting child pornography into the state;

18 (i) Paying for viewing a child's sexually explicit conduct;

19 (j) Compelling prostitution;

20 (k) Promoting prostitution;

21 (L) Kidnapping in the first degree if the victim was under 18 years of age;

22 (m) Contributing to the sexual delinquency of a minor;

23 (n) Sexual misconduct if the offender is at least 18 years of age;

24 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;

25 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent  
26 or by a person found to be within the jurisdiction of the juvenile court;

27 (q) Online sexual corruption of a child in any degree if the offender reasonably believed the  
28 child to be more than five years younger than the offender;

29 (r) Sexual assault of an animal;

30 (s) **Trafficking in persons as described in ORS 163.266 (1)(b) or (c);**

31 (t) **Patronizing a prostitute if the court designates the offense as a sex crime pursuant**  
32 **to ORS 167.008 (3)(d), or the offense is the defendant's second or subsequent conviction under**  
33 **ORS 167.008 (3);**

34 [(s)] (u) Any attempt to commit any of the crimes set forth in paragraphs (a) to [(r)] (t) of this  
35 subsection;

36 [(t)] (v) Burglary, when committed with intent to commit any of the offenses listed in paragraphs  
37 (a) to [(r)] (t) or [(u)] (w) of this subsection; or

38 [(u)] (w) Public indecency or private indecency, if the person has a prior conviction for a crime  
39 listed in this subsection.

40 (6) "Sex offender" means a person who:

41 (a) Has been convicted of a sex crime;

42 (b) Has been found guilty except for insanity of a sex crime;

43 (c) Is paroled to this state under ORS 144.610 after being convicted in another United States  
44 court of a crime that would constitute a sex crime if committed in this state; or

45 (d) Is described in ORS 181.609 (1).

1 (7) "Works" or "carries on a vocation" means full-time or part-time employment for more than  
2 14 days within one calendar year whether financially compensated, volunteered or for the purpose  
3 of governmental or educational benefit.

4 **SECTION 9.** ORS 419B.005, as amended by section 60, chapter 37, Oregon Laws 2012, and sec-  
5 tion 1, chapter 92, Oregon Laws 2012, is amended to read:

6 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

7 (1)(a) "Abuse" means:

8 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child  
9 which has been caused by other than accidental means, including any injury which appears to be  
10 at variance with the explanation given of the injury.

11 (B) Any mental injury to a child, which shall include only observable and substantial impairment  
12 of the child's mental or psychological ability to function caused by cruelty to the child, with due  
13 regard to the culture of the child.

14 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-  
15 tration and incest, as those acts are described in ORS chapter 163.

16 (D) Sexual abuse, as described in ORS chapter 163.

17 (E) Sexual exploitation, including but not limited to:

18 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any  
19 other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage  
20 in the performing for people to observe or the photographing, filming, tape recording or other ex-  
21 hibition which, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or  
22 described in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not in-  
23 cluding any conduct which is part of any investigation conducted pursuant to ORS 419B.020 or  
24 which is designed to serve educational or other legitimate purposes; and

25 (ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution **as described**  
26 **in ORS 167.007 or a commercial sex act as defined in ORS 163.266** or to patronize a prostitute  
27 [*as defined in ORS chapter 167.*] **as described in ORS 167.008.**

28 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to  
29 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or  
30 welfare of the child.

31 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm  
32 to the child's health or welfare.

33 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

34 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where  
35 methamphetamines are being manufactured.

36 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child  
37 to a substantial risk of harm to the child's health or safety.

38 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the  
39 conditions described in paragraph (a) of this subsection.

40 (2) "Child" means an unmarried person who is under 18 years of age.

41 (3) "Higher education institution" means:

42 (a) A community college as defined in ORS 341.005;

43 (b) A public university listed in ORS 352.002;

44 (c) The Oregon Health and Science University; and

45 (d) A private institution of higher education located in Oregon.

- 1 (4) “Law enforcement agency” means:
- 2 (a) A city or municipal police department.
- 3 (b) A county sheriff’s office.
- 4 (c) The Oregon State Police.
- 5 (d) A police department established by a university under ORS 352.383.
- 6 (e) A county juvenile department.
- 7 (5) “Public or private official” means:
- 8 (a) Physician, osteopathic physician, physician assistant, naturopathic physician, podiatric phy-
- 9 sician and surgeon, including any intern or resident.
- 10 (b) Dentist.
- 11 (c) School employee, including an employee of a higher education institution.
- 12 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s aide, home health aide
- 13 or employee of an in-home health service.
- 14 (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning
- 15 Council, Youth Development Council, Child Care Division of the Employment Department, the
- 16 Oregon Youth Authority, a county health department, a community mental health program, a com-
- 17 munity developmental disabilities program, a county juvenile department, a licensed child-caring
- 18 agency or an alcohol and drug treatment program.
- 19 (f) Peace officer.
- 20 (g) Psychologist.
- 21 (h) Member of the clergy.
- 22 (i) Regulated social worker.
- 23 (j) Optometrist.
- 24 (k) Chiropractor.
- 25 (L) Certified provider of foster care, or an employee thereof.
- 26 (m) Attorney.
- 27 (n) Licensed professional counselor.
- 28 (o) Licensed marriage and family therapist.
- 29 (p) Firefighter or emergency medical services provider.
- 30 (q) A court appointed special advocate, as defined in ORS 419A.004.
- 31 (r) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.
- 32 (s) Member of the Legislative Assembly.
- 33 (t) Physical, speech or occupational therapist.
- 34 (u) Audiologist.
- 35 (v) Speech-language pathologist.
- 36 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 37 gations or discipline by the commission.
- 38 (x) Pharmacist.
- 39 (y) An operator of a preschool recorded program under ORS 657A.255.
- 40 (z) An operator of a school-age recorded program under ORS 657A.257.
- 41 (aa) Employee of a private agency or organization facilitating the provision of respite services,
- 42 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
- 43 109.056.
- 44 (bb) Employee of a public or private organization providing child-related services or activities:
- 45 (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day

1 camps, survival camps or groups, centers or camps that are operated under the guidance, super-  
2 vision or auspices of religious, public or private educational systems or community service organ-  
3 izations; and

4 (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide  
5 confidential, direct services to victims of domestic violence, sexual assault, stalking or human traf-  
6 ficking.

7 (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,  
8 if compensated and if the athlete is a child.

9 **SECTION 10.** Section 11 of this 2013 Act is added to and made a part of ORS 181.610 to  
10 181.712.

11 **SECTION 11.** The Board on Public Safety Standards and Training may require that all  
12 police officers and certified reserve officers are trained to recognize, investigate and report  
13 cases involving labor trafficking and sex trafficking of children and adults at any advanced  
14 training program operated or authorized by the Department of Public Safety Standards and  
15 Training.

16 **SECTION 12.** ORS 144.275 is amended to read:

17 144.275. Whenever the State Board of Parole and Post-Prison Supervision orders the release on  
18 parole of an inmate who has been ordered to pay compensatory fines pursuant to ORS 137.101 or  
19 to make restitution pursuant to ORS 137.106, but with respect to whom payment of all or a portion  
20 of the fine or restitution was suspended until the release of the inmate from imprisonment, the board  
21 may establish a schedule by which payment of the compensatory fine or restitution shall be resumed.  
22 In fixing the schedule and supervising the paroled inmate's performance thereunder, the board shall  
23 consider the factors specified in ORS 137.106 [(4)] (5). The board shall provide to the sentencing  
24 court a copy of the schedule and any modifications thereof.

25 **SECTION 13.** ORS 147.025 is amended to read:

26 147.025. (1) Notwithstanding that a person is not a victim or a dependent of a deceased victim  
27 under ORS 147.015 (1)(a), the person is eligible for compensation for reasonable medical expenses  
28 for the victim and for reasonable funeral expenses of the deceased victim if the person:

29 (a) Paid or incurred such expenses; and

30 (b) Files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015 [(2)  
31 to (6)] (1)(b) to (f) are met.

32 (2) Notwithstanding that a person is not a survivor or dependent of a deceased victim under  
33 ORS 147.015 (1)(a), the person is eligible for compensation for reasonable counseling expenses up to  
34 a maximum amount of \$500 if the person:

35 (a) Paid or incurred such expenses;

36 (b) Was a friend or acquaintance of the victim;

37 (c) Was the first person to discover the corpse of the victim; and

38 (d) Files a claim in the manner provided in ORS 147.105 and the conditions in ORS 147.015 [(2)  
39 to (6)] (1)(b) to (f) are met.

40 (3) Notwithstanding that a person is not a victim or a survivor or dependent of a deceased vic-  
41 tim under ORS 147.015 (1)(a), the person is eligible for the compensation described in ORS 147.035  
42 (7) and (8) if:

43 (a) The person is the personal representative, as defined by the Department of Justice by rule,  
44 of a victim or of a survivor or dependent of a deceased victim;

45 (b) The person is involved in the hearing or oral argument in lieu of the victim, survivor or

1 dependent; and

2 (c) The person files a claim in the manner provided in ORS 147.105 and the conditions in ORS  
3 147.015 [(2) to (6)] **(1)(b) to (f)** are met.

4 (4) The Department of Justice may pay directly to the provider of the services compensation for  
5 medical, funeral or counseling expenses incurred by the person.

6 **SECTION 14.** ORS 147.390 is amended to read:

7 147.390. (1) Notwithstanding that a child is not a victim under ORS 147.015 (1)(a), in cases of  
8 suspected child sexual abuse as described in ORS 419B.005 (1)(a)(C), (D) or (E), or child physical  
9 abuse by an adult or caretaker as otherwise described in ORS 419B.005 (1)(a)(A), compensation may  
10 be made on behalf of the child for a child abuse medical assessment as defined in ORS 418.782 or  
11 a medical examination required by ORS 419B.023, if:

12 (a) The expenses are actually paid or incurred by the applicant; and

13 (b) A claim is filed on behalf of the child in the manner provided in ORS 147.015.

14 (2) The Department of Justice may pay compensation for child abuse medical assessments or  
15 medical examinations required by ORS 419B.023 regardless of whether a finding of abuse is made  
16 and only if other insurance is unavailable. If the department pays compensation, the department  
17 shall pay the compensation directly to the provider of the services. The medical fee schedules for  
18 payment under this section shall be the schedules adopted under ORS 147.035.

19 **SECTION 15.** **(1) The amendments to ORS 163.266, 167.008 and 181.594 by sections 1, 2 and**  
20 **8 of this 2013 Act apply to prosecutions for offenses committed on or after the effective date**  
21 **of this 2013 Act.**

22 **(2) The amendments to ORS 40.210, 133.724, 137.106, 147.015 by sections 3, 4, 5 and 7 of this**  
23 **2013 Act apply to prosecutions commenced on or after the effective date of this 2013 Act.**

24 **SECTION 16.** **If House Bill 3277 becomes law, sections 5 (amending ORS 137.106) and 12**  
25 **(amending ORS 144.275) of this 2013 Act are repealed.**

26 **SECTION 17.** **This 2013 Act being necessary for the immediate preservation of the public**  
27 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
28 **on its passage.**

29