

CONFERENCE COMMITTEE AMENDMENTS TO B-ENGROSSED SENATE BILL 673

June 27

Amended Summary

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 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.]

Removes enhanced penalties for crime of patronizing a prostitute when victim is minor. Creates crime of purchasing sex with a minor. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both, specifies mandatory minimum sentence and fine and allows court to designate offense as sex crime upon first conviction. Punishes by maximum of 10 years' imprisonment, \$250,000 fine, or both, specifies mandatory fine and 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.

President Courtney:

Your Conference Committee to whom was referred B-engrossed Senate Bill 673, having had the same under consideration, respectfully reports it back with the recommendation that the Senate concur in the House amendments dated June 5 and that the bill be amended as follows and repassed.

1 On page 2 of the printed B-engrossed bill, line 15, delete the boldfaced material.

2 Delete lines 17 through 45.

3 On page 3, delete lines 1 through 10 and insert:

4 **“SECTION 3. Section 4 is added to and made a part of ORS 163.355 to 163.427.**

5 **“SECTION 4. (1) A person commits the crime of purchasing sex with a minor if the per-**
6 **son pays, or offers or agrees to pay, a fee to engage in sexual intercourse or sexual contact**
7 **with a minor.**

8 **“(2)(a) If the person does not have a prior conviction under this section at the time of**
9 **the offense, purchasing sex with a minor is a Class C felony and the person may use a de-**
10 **fense described in ORS 163.325 only if the minor was at least 16 years of age.**

11 **“(b) If the person has one or more prior convictions under this section at the time of the**
12 **offense, purchasing sex with a minor is a Class B felony, the state need not prove that the**
13 **person knew the minor was under 18 years of age and the person may not use a defense**
14 **described in ORS 163.325.**

15 **“(3)(a) When a person is convicted under this section, in addition to any other sentence**
16 **that may be imposed, the court shall impose and may not suspend the sentence described in**
17 **paragraph (b) of this subsection.**

1 **“(b) The mandatory minimum sentences that apply to paragraph (a) of this subsection**
2 **are as follows:**

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

5 **“(B) For a person’s second or subsequent conviction, a fine in the amount of \$20,000 and**
6 **the court shall designate the offense as a sex crime under ORS 181.594.**

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

11 **“(d) For a person’s first conviction under this section, the court may designate the of-**
12 **fense as a sex crime under ORS 181.594 if the court finds that the circumstances of the of-**
13 **fense and the age of the minor as reported to the defendant require the defendant to register**
14 **and report as a sex offender for the safety of the community.**

15 **“(4) As used in this section:**

16 **“(a) ‘John school’ means any course, class or program intended to educate and prevent**
17 **recidivism of persons who have been arrested for, charged with or convicted of patronizing**
18 **a prostitute or purchasing sex with a minor or attempting to patronize a prostitute or pur-**
19 **chase sex with a minor.**

20 **“(b) ‘Minor’ means a person under 18 years of age.”.**

21 In line 11, delete “3” and insert “5”.

22 On page 4, line 37, delete “4” and insert “6”.

23 On page 5, line 5, delete “167.008,”.

24 In line 6, delete the first “or” and insert a comma and after “475.910” insert “or section 4 of this
25 2013 Act”.

26 On page 6, line 30, delete “5” and insert “7”.

27 On page 7, line 36, delete “6” and insert “8”.

28 On page 9, line 9, delete “7” and insert “9”.

29 In line 31, delete “8” and insert “10”.

30 On page 10, delete lines 31 through 33 and insert:

31 **“(t) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to**
32 **section 4 (3)(d) of this 2013 Act, or the offense is the defendant’s second or subsequent conviction**
33 **under section 4 (3)(b)(B) of this 2013 Act;”.**

34 On page 11, line 4, delete “9” and insert “11”.

35 In line 26, after “163.266” insert “, to purchase sex with a minor as described in section 4 of this
36 2013 Act”.

37 On page 13, line 9, delete “10” and insert “12” and delete “11” and insert “13”.

38 In line 11, delete “11” and insert “13”.

39 In line 16, delete “12” and insert “14”.

40 In line 25, delete “13” and insert “15”.

41 On page 14, line 6, delete “14” and insert “16”.

42 In line 19, delete “15” and insert “17” and after “(1)” insert “Section 4 of this 2013 Act and”.

43 In line 20, delete “8” and insert “10”.

44 In line 22, delete “3, 4, 5 and 7” and insert “5, 6, 7 and 9”.

45 In line 24, delete “16” and insert “18” and delete “5” and insert “7” and delete “12” and insert

1 "14".

2 In line 26, delete "17" and insert "19".

3 /s/ Floyd Prozanski
4 Senator

5 /s/ Betsy Close
6 Senator

7 /s/ Arnie Roblan
8 Senator

9 /s/ Wally Hicks
10 Representative

11 /s/ Carolyn Tomei
12 Representative

13 /s/ Jennifer Williamson
14 Representative

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