

SENATE AMENDMENTS TO SENATE BILL 673

By COMMITTEE ON JUDICIARY

April 26

- 1 On page 1 of the printed bill, line 3, delete “161.005,” and “166.715,”.
2 Delete lines 6 through 29.
- 3 On page 2, delete lines 1 and 2.
4 In line 3, delete “3” and insert “1”.
5 In line 18, delete “18” and insert “15”.
6 Delete lines 27 through 45.
- 7 On page 3, delete lines 1 through 3 and insert:
8 “**SECTION 2.** ORS 167.008 is amended to read:
9 “167.008. (1) A person commits the crime of patronizing a prostitute if the person pays, or offers
10 or agrees to pay, a fee to engage in sexual conduct or sexual contact.
11 “(2) **Except as provided in subsection (3) of this section**, patronizing a prostitute is a Class
12 A misdemeanor.
- 13 “(3)(a) When a person convicted of violating this section is 18 years of age or older at the time
14 the offense is committed and the person paid, or offered or agreed to pay, a fee to a minor to engage
15 in sexual conduct or sexual contact, **the Oregon Criminal Justice Commission shall classify the**
16 **offense as a person Class A misdemeanor.** In addition to any other sentence that may be imposed,
17 the court shall impose and may not suspend the sentence described in paragraph (b) of this sub-
18 section.
- 19 “(b) Notwithstanding ORS 161.635, the mandatory minimum sentences that apply to paragraph
20 (a) of this subsection are as follows:
21 “(A) For a person’s first conviction, a fine in the amount of \$10,000 **and a term of**
22 **incarceration of at least 30 days.**
23 “(B) For a person’s second conviction, a fine in the amount of \$20,000, [*and*] a term of
24 incarceration of at least [*seven*] **90 days and the court shall designate the offense as a sex crime**
25 **under ORS 181.594.**
26 “(C) For a person’s third or subsequent conviction, a fine in the amount of \$20,000, [*and a term*
27 *of incarceration of at least 30 days*] **the offense is a Class C felony, the Oregon Criminal Justice**
28 **Commission shall classify the offense as a person felony and a crime category 8 of the sen-**
29 **tencing guidelines grid of the commission and the court shall impose the presumptive sen-**
30 **tence of imprisonment under the rules of the commission.**
- 31 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, if the court determines that the
32 person is unable to pay the full amount of the mandatory minimum fine, the court shall impose and
33 may not suspend a fine in an amount the court determines the person is able to pay.
- 34 “(d) **For a person’s first conviction under paragraph (a) of this subsection, the court may**
35 **designate the offense as a sex crime under ORS 181.594 if the court finds that the circum-**

1 stances of the offense and the age of the prostitute as reported to the defendant require the
2 defendant to report as a sex offender for the safety of the community.

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

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

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

12 In line 4, delete “5” and insert “3”.

13 In line 6, delete “or section 1 of this 2013 Act”.

14 On page 4, line 18, delete “6” and insert “4”.

15 In line 32, delete “or section 1 of this 2013 Act”.

16 On page 6, line 11, delete “7” and insert “5”.

17 In line 34, delete “or section 1 of this 2013 Act”.

18 On page 7, line 18, delete “8” and insert “6”.

19 On page 8, line 36, delete “9” and insert “7”.

20 On page 9, delete lines 13 through 45 and delete page 10.

21 On page 11, delete lines 1 through 36.

22 In line 37, delete “11” and insert “8”.

23 On page 12, delete lines 36 and 37 and insert:

24 “(s) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);

25 “(t) Patronizing a prostitute if the court designates the offense as a sex crime pursuant to ORS
26 167.008 (3)(d), or the offense is the defendant’s second or subsequent conviction under ORS 167.008
27 (3);”.

28 On page 13, line 8, delete “12” and insert “9”.

29 In line 28, restore the bracketed material.

30 In line 30, delete the comma and restore the bracketed material.

31 In line 31, after “167.008” insert a period and delete the rest of the line and lines 32 through
32 34.

33 On page 15, delete lines 16 through 27 and insert:

34 “**SECTION 10. Section 11 of this 2013 Act is added to and made a part of ORS 181.610 to**
35 **181.712.**

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

41 In line 28, delete “14” and insert “12”.

42 In line 37, delete “15” and insert “13”.

43 On page 16, line 18, delete “16” and insert “14”.

44 In line 31, delete “17” and insert “15”.