

Kotek (R)

HB 3327-2
(LC 2355)
4/8/13 (JLM/ps)

**PROPOSED AMENDMENTS TO
HOUSE BILL 3327**

1 On page 3 of the printed bill, after line 45, insert:

2 “(c) A sex crime constituting a Class C felony, if:

3 “(A) The person was under 16 years of age at the time of the offense;

4 “(B) The person is less than three years older than the victim;

5 “(C) The victim’s lack of consent was due solely to incapacity to consent
6 by reason of being less than a specified age;

7 “(D) The victim was at least 12 years of age at the time of the offense;

8 “(E) The person has not been convicted of, found guilty except for insan-
9 ity of or found to be within the jurisdiction of the juvenile court based on
10 a crime that a court is prohibited from setting aside under this section; and

11 “(F) Each conviction or finding described in this paragraph involved the
12 same victim.”.

13 On page 5, delete lines 43 through 45 and insert:

14 “(9) Notwithstanding ORS 419A.260 (1)(d)(J)(x), (xiii) or (xviii), a person
15 who has been found to be within the jurisdiction of the juvenile court based
16 on an act that if committed by an adult would constitute:

17 “(a) Rape in the third degree under ORS 163.355, sodomy in the third de-
18 gree under ORS 163.385 or sexual abuse in the third degree under ORS
19 163.415, or an attempt to commit those crimes, may apply for an order of
20 expunction under this section. The court shall order expunction of the re-
21 cords in the case if, after a hearing when the matter is contested, the court
22 finds that the person:

1 “(A) Meets the requirements of subsection (2) of this section;

2 “(B) Has been relieved of the obligation to report as a sex offender pur-
3 suant to a court order entered under ORS 181.832 or 181.833; and

4 “(C) Has not been convicted of, found guilty except for insanity of or
5 found to be within the jurisdiction of the juvenile court based on a crime
6 listed in ORS 419A.260 (1)(d)(J), other than the adjudication that is the sub-
7 ject of the motion.

8 “(b) A sex crime that is a Class C felony may apply for an order of
9 expunction under this section. The court shall order expunction of the re-
10 cords in the case if, after a hearing when the matter is contested, the court
11 finds that:

12 “(A) The person meets the requirements of subsection (2) of this section;

13 “(B) The person was under 16 years of age at the time of the offense;

14 “(C) The person is less than three years older than the victim;

15 “(D) The victim’s lack of consent was due solely to incapacity to consent
16 by reason of being less than a specified age;

17 “(E) The victim was at least 12 years of age at the time of the offense;

18 “(F) Each finding described in this paragraph involved the same victim;
19 and

20 “(G) The person has not been convicted of, found guilty except for in-
21 sanity of or found to be within the jurisdiction of the juvenile court based
22 on a crime listed in ORS 419A.260 (1)(d)(J) or an offense the court is pro-
23 hibited from setting aside under ORS 137.225, other than the adjudication
24 that is the subject of the motion.”.

25 On page 6, delete lines 1 through 10.

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