

**PROPOSED AMENDMENTS TO
SENATE BILL 30**

1 On page 1 of the printed bill, 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
5 furnishes to, or uses with, a minor a visual representation or explicit verbal
6 description or narrative account of sexual conduct for the purpose of induc-
7 ing the minor to engage in sexual conduct.

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

12 “(3) In a prosecution under subsection (1) of this section, it is an affir-
13 mative defense:

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

18 “(b) That the defendant had reasonable cause to believe that the person
19 to whom the representation, description or account was furnished or with
20 whom the representation, description or account was used was not a minor;
21 or

22 “(c) That the defendant was less than three years older than the minor

1 at the time of the alleged offense.

2 “(4) In a prosecution under subsection (1) of this section, it is not a de-
3 fense that the person to whom the representation, description or account was
4 furnished or with whom the representation, description or account was used
5 was not a minor but was a law enforcement officer posing as a minor.

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

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

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

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

14 “(b) **The court shall indicate the designation and the findings sup-**
15 **porting the designation in the judgment.”.**

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

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

18 “(r) Luring a minor, if:

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

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

23 Delete lines 26 and 27.

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

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

26 Delete lines 43 through 45 and insert:

27 “**SECTION 3. The amendments to ORS 167.057 and 181.594 by**
28 **sections 1 and 2 of this 2013 Act apply to offenders convicted of an of-**
29 **fense or adjudicated for an act on or after the effective date of this**
30 **2013 Act.”.**

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

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