

**PROPOSED AMENDMENTS TO
A-ENGROSSED SENATE BILL 673**

1 On page 1 of the printed A-engrossed bill, line 3, after “147.390,” insert
2 “161.005,” and after “163.266,” insert “166.715,”.

3 Delete lines 6 through 20.

4 Delete pages 2 through 14 and insert:

5 **“SECTION 1. (1) A person commits the crime of patronizing a**
6 **trafficked child if the person engages in, or offers or agrees to engage**
7 **in, a commercial sex act, as defined in ORS 163.266, with:**

8 **“(a) A child under 18 years of age; or**

9 **“(b) A law enforcement officer, as defined in ORS 163.730, who is**
10 **posing as a child under 18 years of age.**

11 **“(2) In any prosecution of a crime described in subsection (1)(a) of**
12 **this section:**

13 **“(a) The state is not required to prove that the defendant knew the**
14 **child was under 18 years of age.**

15 **“(b) It is not a defense that the defendant did not know the child’s**
16 **age or that the defendant reasonably believed the child to be 18 years**
17 **of age or older.**

18 **“(3) Violation of subsection (1)(a) of this section is a Class B felony.**
19 **Violation of subsection (1)(b) of this section is a Class C felony.**

20 **“SECTION 2. (1) The Oregon Criminal Justice Commission shall**
21 **consider patronizing a trafficked child as described in section 1 of this**
22 **2013 Act to be a person felony and classify the crime:**

1 “(a) As a crime category 9 of the sentencing guidelines grid if the
2 offender violated section 1 (1)(a) of this 2013 Act.

3 “(b) As a crime category 7 of the sentencing guidelines grid if the
4 offender violated section 1 (1)(b) of this 2013 Act.

5 “(2) In determining the criminal history for a person convicted of
6 patronizing a trafficked child, the commission shall consider the fol-
7 lowing to be the equivalent of one person felony:

8 “(a) Two prior convictions of prostitution under ORS 167.007.

9 “(b) Two prior convictions of patronizing a prostitute under ORS
10 167.008.

11 “(c) One prior conviction of prostitution under ORS 167.007 and one
12 prior conviction of patronizing a prostitute under ORS 167.008.

13 “**SECTION 3.** ORS 163.266 is amended to read:

14 “163.266. *[(1) A person commits the crime of trafficking in persons if the*
15 *person knowingly:]*

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

20 “*[(b) Benefits financially or receives something of value from participation*
21 *in a venture that involves an act prohibited by this section or ORS 163.263 or*
22 *163.264.]*

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

24 “(1) A person commits the crime of trafficking in persons if the
25 person knowingly recruits, entices, harbors, transports, provides or
26 obtains by any means, or attempts to recruit, entice, harbor, trans-
27 port, provide or obtain by any means, another person and:

28 “(a) The person knows that the other person will be subjected to
29 involuntary servitude as described in ORS 163.263 or 163.264;

30 “(b) The person knows or recklessly disregards the fact that force,

1 **fraud or coercion will be used to cause the other person to engage in**
2 **a commercial sex act; or**

3 **“(c) The person knows or recklessly disregards the fact that the**
4 **other person is under 18 years of age and will be used in a commercial**
5 **sex act.**

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

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

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

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

17 **“SECTION 4. ORS 167.008 is amended to read:**

18 **“167.008. (1) A person commits the crime of patronizing a prostitute if the**
19 **person pays, or offers or agrees to pay, a fee to engage in sexual conduct or**
20 **sexual contact.**

21 **“(2) Patronizing a prostitute is a Class A misdemeanor.**

22 ***“(3)(a) When a person convicted of violating this section is 18 years of age***
23 ***or older at the time the offense is committed and the person paid, or offered***
24 ***or agreed to pay, a fee to a minor to engage in sexual conduct or sexual con-***
25 ***tact, in addition to any other sentence that may be imposed, the court shall***
26 ***impose and may not suspend the sentence described in paragraph (b) of this***
27 ***subsection.]***

28 ***“(b) Notwithstanding ORS 161.635, the mandatory minimum sentences that***
29 ***apply to paragraph (a) of this subsection are as follows:]***

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

1 “[B] For a person’s second conviction, a fine in the amount of \$20,000 and
2 a term of incarceration of at least seven days.]

3 “[C] For a person’s third or subsequent conviction, a fine in the amount
4 of \$20,000 and a term of incarceration of at least 30 days.]

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

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

13 “[e] As used in this subsection, ‘minor’ means a person under 18 years of
14 age.]

15 **“SECTION 5.** ORS 40.210 is amended to read:

16 “40.210. (1) Notwithstanding any other provision of law, in a prosecution
17 for a crime described in ORS **163.266 (1)(b) or (c)**, 163.355 to 163.427, **163.670**
18 **or 167.017 or section 1 of this 2013 Act**, or in a prosecution for an attempt
19 to commit one of [these] **those** crimes, the following evidence is not admis-
20 sible:

21 “(a) Reputation or opinion evidence of the past sexual behavior of an al-
22 leged victim of the crime or a corroborating witness; or

23 “(b) Reputation or opinion evidence presented for the purpose of showing
24 that the manner of dress of an alleged victim of the crime incited the crime
25 or indicated consent to the sexual acts alleged in the charge.

26 “(2) Notwithstanding any other provision of law, in a prosecution for a
27 crime **or an attempt to commit a crime** described in [ORS 163.355 to
28 163.427, or in a prosecution for an attempt to commit one of these crimes]
29 **subsection (1) of this section**, evidence of a victim’s past sexual behavior
30 other than reputation or opinion evidence is also not admissible, unless the

1 evidence other than reputation or opinion evidence:

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

3 “(b) Is evidence that:

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

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

7 “(C) Is otherwise constitutionally required to be admitted.

8 “(3) Notwithstanding any other provision of law, in a prosecution for a
9 **crime or an attempt to commit a crime** described in [*ORS 163.355 to*
10 *163.427, or in a prosecution for an attempt to commit one of these crimes*]
11 **subsection (1) of this section**, evidence, other than reputation or opinion
12 evidence, of the manner of dress of the alleged victim or a corroborating
13 witness, presented by a person accused of committing the crime, is also not
14 admissible, unless the evidence is:

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

16 “(b) Is evidence that:

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

18 “(B) Is necessary to rebut or explain scientific, medical or testimonial
19 evidence offered by the state;

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

21 “(D) Is otherwise constitutionally required to be admitted.

22 “(4)(a) If the person accused of [*committing rape, sodomy or sexual abuse*
23 *or attempted rape, sodomy or sexual abuse*] **a crime or an attempt to**
24 **commit a crime described in subsection (1) of this section** intends to
25 offer evidence under subsection (2) or (3) of this section, the accused shall
26 make a written motion to offer the evidence not later than 15 days before
27 the date on which the trial in which the evidence is to be offered is sched-
28 uled to begin, except that the court may allow the motion to be made at a
29 later date, including during trial, if the court determines either that the ev-
30 idence is newly discovered and could not have been obtained earlier through

1 the exercise of due diligence or that the issue to which the evidence relates
2 has newly arisen in the case. Any motion made under this paragraph shall
3 be served on all other parties, and on the alleged victim through the office
4 of the prosecutor.

5 “(b) The motion described in paragraph (a) of this subsection shall be
6 accompanied by a written offer of proof. If the court determines that the of-
7 fer of proof contains evidence described in subsection (2) or (3) of this sec-
8 tion, the court shall order a hearing in camera to determine if the evidence
9 is admissible. At the hearing the parties may call witnesses, including the
10 alleged victim, and offer relevant evidence. Notwithstanding ORS 40.030 (2),
11 if the relevancy of the evidence that the accused seeks to offer in the trial
12 depends upon the fulfillment of a condition of fact, the court, at the hearing
13 in camera or at a subsequent hearing in camera scheduled for the same
14 purpose, shall accept evidence on the issue of whether the condition of fact
15 is fulfilled and shall determine the issue.

16 “(c) If the court determines on the basis of the hearing described in par-
17 agraph (b) of this subsection that the evidence the accused seeks to offer is
18 relevant and that the probative value of the evidence outweighs the danger
19 of unfair prejudice, the evidence shall be admissible in the trial to the extent
20 an order made by the court specifies evidence that may be offered and areas
21 with respect to which a witness may be examined or cross-examined. An or-
22 der admitting evidence under this subsection may be appealed by the gov-
23 ernment before trial.

24 “(5) For purposes of this section:

25 “(a) ‘In camera’ means out of the presence of the public and the jury; and

26 “(b) ‘Past sexual behavior’ means sexual behavior other than the sexual
27 behavior with respect to which [*rape, sodomy or sexual abuse or attempted*
28 *rape, sodomy or sexual abuse*] **the crime or attempt to commit the crime**
29 **described in subsection (1) of this section** is alleged.

30 **“SECTION 6.** ORS 133.724 is amended to read:

1 “133.724. (1) An ex parte order for the interception of wire, electronic or
2 oral communications may be issued by any circuit court judge upon written
3 application made upon oath or affirmation of the individual who is the dis-
4 trict attorney or a deputy district attorney authorized by the district attor-
5 ney for the county in which the order is sought. The application shall
6 include:

7 “(a) The name of the district attorney or the deputy district attorney
8 making the application and the authority of the district attorney or the
9 deputy district attorney to make the application;

10 “(b) The identity of the investigative or law enforcement officer making
11 the application and the officer authorizing the application;

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

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

16 “(B) A crime punishable as a felony under ORS **163.266 (1)(b) or (c)**,
17 **166.720, 167.012, 167.017, 475.752, 475.806 to 475.894 or 475.904 to 475.910 or**
18 **section 1 of this 2013 Act** or as a misdemeanor under ORS 167.007 or
19 167.008; or

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

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

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

26 “(f) A particular description of the type of wire, electronic or oral com-
27 munication sought to be intercepted;

28 “(g) The identity of the person, if known, suspected of committing the
29 crime and whose wire, electronic or oral communications are to be inter-
30 cepted;

1 “(h) A full and complete statement as to whether or not investi-
2 gative procedures have been tried and failed or why other investigative pro-
3 cedures reasonably appear to be unlikely to succeed if tried or are likely to
4 be too dangerous;

5 “(i) A statement of the period of time for which the interception is re-
6 quired to be maintained. If the nature of the investigation is such that the
7 authorization for interception should not automatically terminate when the
8 described type of wire, electronic or oral communication has been first ob-
9 tained, a description of facts establishing probable cause to believe that ad-
10 ditional communications of the same type will occur thereafter;

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

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

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

20 “(3) Upon examination of such application and evidence the judge may
21 enter an ex parte order, as requested or as modified, authorizing or approv-
22 ing interception of wire, electronic or oral communications within the state
23 if the judge determines on the basis of the facts submitted by the applicant
24 that:

25 “(a) There is probable cause for belief that an individual is committing,
26 has committed or is about to commit a particular crime described in sub-
27 section (1)(c) of this section;

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

30 “(c) Normal investigative procedures have been tried and have failed or

1 reasonably appear to be unlikely to succeed if tried or are likely to be too
2 dangerous; and

3 “(d) There is probable cause for belief that the facilities from which, or
4 the place where, the wire, electronic or oral communications to be inter-
5 cepted are being used, or are about to be used, in connection with the plan-
6 ning or the commission of that crime are open to the public or are owned
7 by, leased to, listed in the name of, or commonly used by the individual
8 suspected.

9 “(4) Each order authorizing or approving the interception of any wire,
10 electronic or oral communication shall specify:

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

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

15 “(c) A particular description of the type of communication sought to be
16 intercepted, and a statement of the particular crime to which it relates;

17 “(d) The identity of the agency authorized to intercept the communi-
18 cations and of the person authorizing the application;

19 “(e) The period of time during which such interception is authorized, in-
20 cluding a statement as to whether or not the interception shall automatically
21 terminate when the described communication has been first obtained; and

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

24 “(5) An order entered pursuant to this section may not authorize or ap-
25 prove the interception of any wire, electronic or oral communication for any
26 period longer than is necessary to achieve the objective of authorization and
27 in no event for longer than 30 days. Extensions of any order may be granted,
28 but only when application for an extension is made in accordance with sub-
29 section (1)(k) of this section and the court makes the findings required by
30 subsection (3) of this section. The period of extension shall be no longer than

1 the authorizing judge deems necessary to achieve the purpose for which it
2 is granted and in no event for longer than 30 days. Every order and extension
3 of that order shall contain a provision that the authorization to intercept
4 must be executed as soon as practicable, must be conducted in such a way
5 as to minimize the interception of communications not otherwise subject to
6 interception, and must terminate upon attainment of the authorized objec-
7 tive, or in any event in 30 days.

8 “(6) Whenever an order authorizing interception is entered pursuant to
9 this section, the order may require reports to be made to the judge who is-
10 sued the order showing what progress has been made toward achievement
11 of the authorized objective and the need for continued interception. Such
12 reports shall be made at such intervals as the judge may require.

13 **“SECTION 7.** ORS 137.106 is amended to read:

14 “137.106. (1) When a person is convicted of a crime, or a violation as de-
15 scribed in ORS 153.008, that has resulted in economic damages, the district
16 attorney shall investigate and present to the court, prior to the time of sen-
17 tencing, evidence of the nature and amount of the damages. If the court finds
18 from the evidence presented that a victim suffered economic damages, in
19 addition to any other sanction it may impose, the court shall include one of
20 the following in the judgment:

21 “(a) A requirement that the defendant pay the victim restitution in a
22 specific amount that equals the full amount of the victim’s economic damages
23 as determined by the court.

24 “(b) A requirement that the defendant pay the victim restitution, and that
25 the specific amount of restitution will be established by a supplemental
26 judgment based upon a determination made by the court within 90 days of
27 entry of the judgment. In the supplemental judgment, the court shall estab-
28 lish a specific amount of restitution that equals the full amount of the
29 victim’s economic damages as determined by the court. The court may extend
30 the time within which the determination and supplemental judgment may be

1 completed for good cause. The lien, priority of the lien and ability to enforce
2 the specific amount of restitution established under this paragraph by a
3 supplemental judgment relates back to the date of the original judgment that
4 is supplemented.

5 “(c)(A) A requirement that the defendant pay the victim restitution in a
6 specific amount that is less than the full amount of the victim’s economic
7 damages, with the consent of the victim.

8 “(B) If the defendant is convicted of a person felony, as that term is de-
9 fined in the rules of the Oregon Criminal Justice Commission, a requirement
10 that the defendant pay the victim restitution in a specific amount that is less
11 than the full amount of the victim’s economic damages, only with the written
12 consent of the victim.

13 **“(2) Notwithstanding subsection (1) of this section, when a defend-**
14 **ant is convicted of a crime described in ORS 163.266 (1)(b) or (c), 167.012**
15 **or 167.017 or section 1 of this 2013 Act, the court shall allow the district**
16 **attorney 60 days after the time of sentencing to investigate the nature**
17 **and amount of any economic damages. The district attorney shall no-**
18 **tify the defendant and the court once the amount of damages is**
19 **known, and the court shall set a hearing not more than 90 days after**
20 **the time of sentencing during which the district attorney shall present**
21 **evidence supporting the claim. If the court finds from the evidence**
22 **presented that the victim suffered economic damages, the court shall**
23 **order restitution in a specific amount that equals the full amount of**
24 **the victim’s economic damages unless the victim consents to a lesser**
25 **amount.**

26 “[2)] (3) After the district attorney makes a presentation described in
27 subsection (1) of this section, if the court is unable to find from the evidence
28 presented that a victim suffered economic damages, the court shall make a
29 finding on the record to that effect.

30 “[3)] (4) No finding made by the court or failure of the court to make a

1 finding under this section limits or impairs the rights of a person injured to
2 sue and recover damages in a civil action as provided in ORS 137.109.

3 “[~~(4)(a)~~] **(5)(a)** If a judgment or supplemental judgment described in sub-
4 section (1) of this section includes restitution, a court may delay the
5 enforcement of the monetary sanctions, including restitution, only if the de-
6 fendant alleges and establishes to the satisfaction of the court the
7 defendant’s inability to pay the judgment in full at the time the judgment is
8 entered. If the court finds that the defendant is unable to pay, the court may
9 establish or allow an appropriate supervising authority to establish a pay-
10 ment schedule, taking into consideration the financial resources of the de-
11 fendant and the burden that payment of restitution will impose, with due
12 regard to the other obligations of the defendant. The supervising authority
13 shall be authorized to modify any payment schedule established under this
14 section.

15 “(b) As used in this subsection, ‘supervising authority’ means any state
16 or local agency that is authorized to supervise the defendant.

17 “[~~(5)~~] **(6)** If the defendant objects to the imposition, amount or distrib-
18 ution of the restitution, the court shall allow the defendant to be heard on
19 such issue at the time of sentencing or at the time the court determines the
20 amount of restitution.

21 **“SECTION 8.** ORS 147.005 is amended to read:

22 “147.005. As used in ORS 147.005 to 147.367 unless the context requires
23 otherwise:

24 “(1) ‘Applicant’ means:

25 “(a) Any victim of a compensable crime who applies to the Department
26 of Justice for compensation under ORS 147.005 to 147.367;

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

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

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

1 “(2) ‘Board’ means the Workers’ Compensation Board.

2 “(3) ‘Child’ means an unmarried person who is under 18 years of age and
3 includes a posthumous child, stepchild or an adopted child.

4 “(4) ‘Compensable crime’ means abuse of corpse in any degree or an in-
5 tentional, knowing, reckless or criminally negligent act that results in [*se-*
6 *rious bodily*] injury or death of another person and that, if committed by a
7 person of full legal capacity, would be punishable as a crime in this state.

8 “(5) ‘Counseling’ has the meaning given that term by the department by
9 rule.

10 “(6) ‘Dependent’ means such relatives of a deceased victim who wholly
11 or partially were dependent upon the victim’s income at the time of death
12 or would have been so dependent but for the victim’s incapacity due to the
13 injury from which the death resulted.

14 “(7) ‘Department’ means the Department of Justice.

15 “(8) ‘Funeral expenses’ means expenses of the funeral, burial, cremation
16 or other chosen method of interment, including plot or tomb and other nec-
17 essary incidents to the disposition of the remains and also including, in the
18 case of abuse of corpse in any degree, reinterment.

19 “(9) ‘Injury’ means abuse of a corpse or actual bodily harm and, with re-
20 spect to a victim, includes pregnancy and mental or nervous shock.

21 “(10) ‘International terrorism’ means activities that:

22 “(a) Involve violent acts or acts dangerous to human life that are a vio-
23 lation of the criminal laws of the United States or any state or that would
24 be a criminal violation if committed within the jurisdiction of the United
25 States or of any state;

26 “(b) Appear to be intended to:

27 “(A) Intimidate or coerce a civilian population;

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

29 “(C) Affect the conduct of a government by assassination or kidnapping;

30 and

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

5 “(11) ‘Involved in the hearing’ and ‘involved in the oral argument’ have
6 the meaning given those terms by the department by rule.

7 “(12) ‘Law enforcement official’ means a sheriff, constable, marshal, mu-
8 nicipal police officer or member of the Oregon State Police and such other
9 persons as may be designated by law as a peace officer.

10 “(13) ‘Relative’ means a person related to the victim within the third de-
11 gree as determined by the common law, a spouse, or an individual related to
12 the spouse within the third degree as so determined and includes an indi-
13 vidual in an adoptive relationship.

14 “(14) ‘Survivor’ means any spouse, parent, grandparent, guardian, sibling,
15 child or other immediate family member or household member of a deceased
16 victim.

17 “(15) ‘Victim’ means:

18 “(a) A person:

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

21 “(B) Killed or injured in this state while attempting to assist a person
22 against whom a compensable crime is being perpetrated or attempted, if that
23 attempt of assistance would be expected of a reasonable person under the
24 circumstances;

25 “(C) Killed or injured in this state while assisting a law enforcement of-
26 ficial to apprehend a person who has perpetrated a crime or to prevent the
27 perpetration of any such crime, if that assistance was in response to the
28 express request of the law enforcement official;

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

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

5 “(F) Who is an Oregon resident killed or injured by an act of interna-
6 tional terrorism committed outside the United States; or

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

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

10 “147.015. (1) A person is eligible for an award of compensation under ORS
11 147.005 to 147.367 if:

12 “[1] (a) The person is a victim, or is a survivor or dependent of a de-
13 ceased victim, of a compensable crime that has resulted in or may result in
14 a compensable loss;

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

19 “[3] (c) The applicant has cooperated fully with law enforcement offi-
20 cials in the apprehension and prosecution of the assailant or the department
21 has found that the applicant’s failure to cooperate was for good cause;

22 “[4] (d) The application for compensation is not the result of collusion
23 between the applicant and the assailant of the victim;

24 “[5] (e) The death or injury to the victim was not substantially attrib-
25 utable to the wrongful act of the victim or substantial provocation of the
26 assailant of the victim; and

27 “[6] (f) The application for an award of compensation under ORS 147.005
28 to 147.367 is filed with the department:

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

30 “[b] (B) Within such further extension of time as the department for

1 good cause shown, allows.

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

7 “SECTION 10. ORS 166.715 is amended to read:

8 “166.715. As used in ORS 166.715 to 166.735, unless the context requires
9 otherwise:

10 “(1) ‘Documentary material’ means any book, paper, document, writing,
11 drawing, graph, chart, photograph, phonograph record, magnetic tape, com-
12 puter printout, other data compilation from which information can be ob-
13 tained or from which information can be translated into usable form, or
14 other tangible item.

15 “(2) ‘Enterprise’ includes any individual, sole proprietorship, partnership,
16 corporation, business trust or other profit or nonprofit legal entity, and in-
17 cludes any union, association or group of individuals associated in fact al-
18 though not a legal entity, and both illicit and licit enterprises and
19 governmental and nongovernmental entities.

20 “(3) ‘Investigative agency’ means the Department of Justice or any dis-
21 trict attorney.

22 “(4) ‘Pattern of racketeering activity’ means engaging in at least two in-
23 cidents of racketeering activity that have the same or similar intents, re-
24 sults, accomplices, victims or methods of commission or otherwise are
25 interrelated by distinguishing characteristics, including a nexus to the same
26 enterprise, and are not isolated incidents, provided at least one of such in-
27 cidents occurred after November 1, 1981, and that the last of such incidents
28 occurred within five years after a prior incident of racketeering activity.
29 Notwithstanding ORS 131.505 to 131.525 or 419A.190 or any other provision
30 of law providing that a previous prosecution is a bar to a subsequent prose-

1 cution, conduct that constitutes an incident of racketeering activity may be
2 used to establish a pattern of racketeering activity without regard to
3 whether the conduct previously has been the subject of a criminal prose-
4 cution or conviction or a juvenile court adjudication, unless the prosecution
5 resulted in an acquittal or the adjudication resulted in entry of an order
6 finding the youth not to be within the jurisdiction of the juvenile court.

7 “(5) ‘Person’ means any individual or entity capable of holding a legal or
8 beneficial interest in real or personal property.

9 “(6) ‘Racketeering activity’ includes conduct of a person committed both
10 before and after the person attains the age of 18 years, and means to commit,
11 to attempt to commit, to conspire to commit, or to solicit, coerce or intim-
12 idate another person to commit:

13 “(a) Any conduct that constitutes a crime, as defined in ORS 161.515,
14 under any of the following provisions of the Oregon Revised Statutes:

15 “(A) ORS 59.005 to 59.451, 59.710 to 59.830, 59.991 and 59.995, relating to
16 securities;

17 “(B) ORS 162.015, 162.025 and 162.065 to 162.085, relating to bribery and
18 perjury;

19 “(C) ORS 162.235, 162.265 to 162.305, 162.325, 162.335, 162.355 and 162.365,
20 relating to obstructing governmental administration;

21 “(D) ORS 162.405 to 162.425, relating to abuse of public office;

22 “(E) ORS 162.455, relating to interference with legislative operation;

23 “(F) ORS 163.095 to 163.115, 163.118, 163.125 and 163.145, relating to
24 criminal homicide;

25 “(G) ORS 163.160 to 163.205, relating to assault and related offenses;

26 “(H) ORS 163.225 and 163.235, relating to kidnapping;

27 “(I) ORS 163.275, relating to coercion;

28 “(J) ORS 163.665 to 163.693, relating to sexual conduct of children;

29 “(K) ORS 164.015, 164.043, 164.045, 164.055, 164.057, 164.075 to 164.095,
30 164.098, 164.125, 164.135, 164.140, 164.215, 164.225 and 164.245 to 164.270, re-

1 relating to theft, burglary, criminal trespass and related offenses;
2 “(L) ORS 164.315 to 164.335, relating to arson and related offenses;
3 “(M) ORS 164.345 to 164.365, relating to criminal mischief;
4 “(N) ORS 164.395 to 164.415, relating to robbery;
5 “(O) ORS 164.865, 164.875 and 164.868 to 164.872, relating to unlawful re-
6 cording or labeling of a recording;
7 “(P) ORS 165.007 to 165.022, 165.032 to 165.042 and 165.055 to 165.070, re-
8 lating to forgery and related offenses;
9 “(Q) ORS 165.080 to 165.109, relating to business and commercial offenses;
10 “(R) ORS 165.540 and 165.555, relating to communication crimes;
11 “(S) ORS 166.180, 166.190, 166.220, 166.250, 166.270, 166.275, 166.410, 166.450
12 and 166.470, relating to firearms and other weapons;
13 “(T) ORS 164.377 (2) to (4), as punishable under ORS 164.377 (5)(b), 167.007
14 to 167.017, 167.057, 167.062 to 167.080, 167.090, 167.122 to 167.137, 167.147,
15 167.164, 167.167, 167.212, 167.355, 167.365, 167.370, 167.428, 167.431 and 167.439,
16 relating to prostitution, obscenity, sexual conduct, gambling, computer
17 crimes involving the Oregon State Lottery, animal fighting, forcible recovery
18 of a fighting bird and related offenses;
19 “(U) ORS 171.990, relating to legislative witnesses;
20 “(V) ORS 260.575 and 260.665, relating to election offenses;
21 “(W) ORS 314.075, relating to income tax;
22 “(X) ORS 180.440 (2) and 180.486 (2) and ORS chapter 323, relating to
23 cigarette and tobacco products taxes and the directories developed under
24 ORS 180.425 and 180.477;
25 “(Y) ORS 411.630, 411.675, 411.690 and 411.840, relating to public assist-
26 ance payments, and ORS 411.990 (2) and (3);
27 “(Z) ORS 462.140, 462.415 and 462.420 to 462.520, relating to racing;
28 “(AA) ORS 463.995, relating to boxing, mixed martial arts and enter-
29 tainment wrestling, as defined in ORS 463.015;
30 “(BB) ORS 471.305, 471.360, 471.392 to 471.400, 471.403, 471.404, 471.405,

1 471.425, 471.442, 471.445, 471.446, 471.485, 471.490 and 471.675, relating to al-
2 coholic liquor, and any of the provisions of ORS chapter 471 relating to li-
3 censes issued under the Liquor Control Act;

4 “(CC) ORS 475.005 to 475.285 and 475.752 to 475.980, relating to controlled
5 substances;

6 “(DD) ORS 480.070, 480.210, 480.215, 480.235 and 480.265, relating to ex-
7 plosives;

8 “(EE) ORS 819.010, 819.040, 822.100, 822.135 and 822.150, relating to motor
9 vehicles;

10 “(FF) ORS 658.452 or 658.991 (2) to (4), relating to farm labor contractors;

11 “(GG) ORS chapter 706, relating to banking law administration;

12 “(HH) ORS chapter 714, relating to branch banking;

13 “(II) ORS chapter 716, relating to mutual savings banks;

14 “(JJ) ORS chapter 723, relating to credit unions;

15 “(KK) ORS chapter 726, relating to pawnbrokers;

16 “(LL) ORS 166.382 and 166.384, relating to destructive devices;

17 “(MM) ORS 165.074;

18 “(NN) ORS 86A.095 to 86A.198, relating to mortgage bankers and mort-
19 gage brokers;

20 “(OO) ORS chapter 496, 497 or 498, relating to wildlife;

21 “(PP) ORS 163.355 to 163.427, relating to sexual offenses;

22 “(QQ) ORS 166.015, relating to riot;

23 “(RR) ORS 166.155 and 166.165, relating to intimidation;

24 “(SS) ORS chapter 696, relating to real estate and escrow;

25 “(TT) ORS chapter 704, relating to outfitters and guides;

26 “(UU) ORS 165.692, relating to making a false claim for health care pay-
27 ment;

28 “(VV) ORS 162.117, relating to public investment fraud;

29 “(WW) ORS 164.170 or 164.172;

30 “(XX) ORS 647.140, 647.145 or 647.150, relating to trademark

1 counterfeiting;

2 “(YY) ORS 164.886;

3 “(ZZ) ORS 167.312 and 167.388;

4 “(AAA) ORS 164.889;

5 “(BBB) ORS 165.800; or

6 “(CCC) ORS 163.263, 163.264 or 163.266 or **section 1 of this 2013 Act.**

7 “(b) Any conduct defined as ‘racketeering activity’ under 18 U.S.C. 1961
8 (1)(B), (C), (D) and (E).

9 “(7) ‘Unlawful debt’ means any money or other thing of value constituting
10 principal or interest of a debt that is legally unenforceable in the state in
11 whole or in part because the debt was incurred or contracted:

12 “(a) In violation of any one of the following:

13 “(A) ORS chapter 462, relating to racing;

14 “(B) ORS 167.108 to 167.164, relating to gambling; or

15 “(C) ORS 82.010 to 82.170, relating to interest and usury.

16 “(b) In gambling activity in violation of federal law or in the business of
17 lending money at a rate usurious under federal or state law.

18 “(8) Notwithstanding contrary provisions in ORS 174.060, when this sec-
19 tion references a statute in the Oregon Revised Statutes that is substantially
20 different in the nature of its essential provisions from what the statute was
21 when this section was enacted, the reference shall extend to and include
22 amendments to the statute.

23 **“SECTION 11.** ORS 181.594 is amended to read:

24 “181.594. As used in this section and ORS 181.595, 181.596, 181.597, 181.603,
25 181.609, 181.826, 181.830 and 181.833:

26 “(1) ‘Another United States court’ means a federal court, a military court,
27 the tribal court of a federally recognized Indian tribe or a court of:

28 “(a) A state other than Oregon;

29 “(b) The District of Columbia;

30 “(c) The Commonwealth of Puerto Rico;

1 “(d) Guam;
2 “(e) American Samoa;
3 “(f) The Commonwealth of the Northern Mariana Islands; or
4 “(g) The United States Virgin Islands.
5 “(2) ‘Attends’ means is enrolled on a full-time or part-time basis.
6 “(3)(a) ‘Correctional facility’ means any place used for the confinement
7 of persons:
8 “(A) Charged with or convicted of a crime or otherwise confined under
9 a court order.
10 “(B) Found to be within the jurisdiction of the juvenile court for having
11 committed an act that if committed by an adult would constitute a crime.
12 “(b) ‘Correctional facility’ applies to a state hospital or a secure intensive
13 community inpatient facility only as to persons detained therein charged
14 with or convicted of a crime, or detained therein after being found guilty
15 except for insanity under ORS 161.290 to 161.370 or responsible except for
16 insanity under ORS 419C.411.
17 “(4) ‘Institution of higher education’ means a public or private educa-
18 tional institution that provides a program of post-secondary education.
19 “(5) ‘Sex crime’ means:
20 “(a) Rape in any degree;
21 “(b) Sodomy in any degree;
22 “(c) Unlawful sexual penetration in any degree;
23 “(d) Sexual abuse in any degree;
24 “(e) Incest with a child victim;
25 “(f) Using a child in a display of sexually explicit conduct;
26 “(g) Encouraging child sexual abuse in any degree;
27 “(h) Transporting child pornography into the state;
28 “(i) Paying for viewing a child’s sexually explicit conduct;
29 “(j) Compelling prostitution;
30 “(k) Promoting prostitution;

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

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

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

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

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

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

13 “(r) Sexual assault of an animal;

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

15 “(t) **Patronizing a trafficked child;**

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

18 “[t)] (v) Burglary, when committed with intent to commit any of the of-
19 fenses listed in paragraphs (a) to [(r)] (t) or [(u)] (w) of this subsection; or

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

22 “(6) ‘Sex offender’ means a person who:

23 “(a) Has been convicted of a sex crime;

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

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

28 “(d) Is described in ORS 181.609 (1).

29 “(7) ‘Works’ or ‘carries on a vocation’ means full-time or part-time em-
30 ployment for more than 14 days within one calendar year whether financially

1 compensated, volunteered or for the purpose of governmental or educational
2 benefit.

3 **SECTION 12.** ORS 419B.005, as amended by section 60, chapter 37,
4 Oregon Laws 2012, and section 1, chapter 92, Oregon Laws 2012, is amended
5 to read:

6 “419B.005. As used in ORS 419B.005 to 419B.050, unless the context re-
7 quires otherwise:

8 “(1)(a) ‘Abuse’ means:

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

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

17 “(C) Rape of a child, which includes but is not limited to rape, sodomy,
18 unlawful sexual penetration and incest, as those acts are described in ORS
19 chapter 163.

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

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

22 “(i) Contributing to the sexual delinquency of a minor, as defined in ORS
23 chapter 163, and any other conduct which allows, employs, authorizes, per-
24 mits, induces or encourages a child to engage in the performing for people
25 to observe or the photographing, filming, tape recording or other exhibition
26 which, in whole or in part, depicts sexual conduct or contact, as defined in
27 ORS 167.002 or described in ORS 163.665 and 163.670, sexual abuse involving
28 a child or rape of a child, but not including any conduct which is part of
29 any investigation conducted pursuant to ORS 419B.020 or which is designed
30 to serve educational or other legitimate purposes; [*and*]

1 “(ii) Allowing, permitting, encouraging or hiring a child to engage in
2 prostitution **as described in ORS 167.007 or a commercial sex act as de-**
3 **defined in ORS 163.266,** [*or*] to patronize a prostitute **as described in ORS**
4 **167.008 or to patronize a trafficked child**[, *as defined in ORS chapter*
5 *167.*] **as described in section 1 of this 2013 Act; and**

6 “(iii) **Trafficking in persons involving a child for commercial sex**
7 **acts as described in ORS 163.266.**

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

11 “(G) Threatened harm to a child, which means subjecting a child to a
12 substantial risk of harm to the child’s health or welfare.

13 “(H) Buying or selling a person under 18 years of age as described in ORS
14 163.537.

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

17 “(J) Unlawful exposure to a controlled substance, as defined in ORS
18 475.005, that subjects a child to a substantial risk of harm to the child’s
19 health or safety.

20 “(b) ‘Abuse’ does not include reasonable discipline unless the discipline
21 results in one of the conditions described in paragraph (a) of this subsection.

22 “(2) ‘Child’ means an unmarried person who is under 18 years of age.

23 “(3) ‘Higher education institution’ means:

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

25 “(b) A public university listed in ORS 352.002;

26 “(c) The Oregon Health and Science University; and

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

28 “(4) ‘Law enforcement agency’ means:

29 “(a) A city or municipal police department.

30 “(b) A county sheriff’s office.

- 1 “(c) The Oregon State Police.
- 2 “(d) A police department established by a university under ORS 352.383.
- 3 “(e) A county juvenile department.
- 4 “(5) ‘Public or private official’ means:
- 5 “(a) Physician, osteopathic physician, physician assistant, naturopathic
6 physician, podiatric physician and surgeon, including any intern or resident.
- 7 “(b) Dentist.
- 8 “(c) School employee, including an employee of a higher education insti-
9 tution.
- 10 “(d) Licensed practical nurse, registered nurse, nurse practitioner, nurse’s
11 aide, home health aide or employee of an in-home health service.
- 12 “(e) Employee of the Department of Human Services, Oregon Health Au-
13 thority, Early Learning Council, Youth Development Council, Child Care
14 Division of the Employment Department, the Oregon Youth Authority, a
15 county health department, a community mental health program, a community
16 developmental disabilities program, a county juvenile department, a licensed
17 child-caring agency or an alcohol and drug treatment program.
- 18 “(f) Peace officer.
- 19 “(g) Psychologist.
- 20 “(h) Member of the clergy.
- 21 “(i) Regulated social worker.
- 22 “(j) Optometrist.
- 23 “(k) Chiropractor.
- 24 “(L) Certified provider of foster care, or an employee thereof.
- 25 “(m) Attorney.
- 26 “(n) Licensed professional counselor.
- 27 “(o) Licensed marriage and family therapist.
- 28 “(p) Firefighter or emergency medical services provider.
- 29 “(q) A court appointed special advocate, as defined in ORS 419A.004.
- 30 “(r) A child care provider registered or certified under ORS 657A.030 and

1 657A.250 to 657A.450.

2 “(s) Member of the Legislative Assembly.

3 “(t) Physical, speech or occupational therapist.

4 “(u) Audiologist.

5 “(v) Speech-language pathologist.

6 “(w) Employee of the Teacher Standards and Practices Commission di-
7 rectly involved in investigations or discipline by the commission.

8 “(x) Pharmacist.

9 “(y) An operator of a preschool recorded program under ORS 657A.255.

10 “(z) An operator of a school-age recorded program under ORS 657A.257.

11 “(aa) Employee of a private agency or organization facilitating the pro-
12 vision of respite services, as defined in ORS 418.205, for parents pursuant to
13 a properly executed power of attorney under ORS 109.056.

14 “(bb) Employee of a public or private organization providing child-related
15 services or activities:

16 “(A) Including but not limited to youth groups or centers, scout groups
17 or camps, summer or day camps, survival camps or groups, centers or camps
18 that are operated under the guidance, supervision or auspices of religious,
19 public or private educational systems or community service organizations;
20 and

21 “(B) Excluding community-based, nonprofit organizations whose primary
22 purpose is to provide confidential, direct services to victims of domestic vi-
23 olence, sexual assault, stalking or human trafficking.

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

26 “**SECTION 13.** ORS 161.005 is amended to read:

27 “161.005. ORS 161.005 to 161.055, 161.085 to 161.125, 161.150 to 161.175,
28 161.190 to 161.275, 161.290 to 161.370, 161.405 to 161.485, 161.505 to 161.585,
29 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035,
30 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425,

1 162.465, 163.005, 163.115, 163.125 to 163.145, 163.149, 163.160 to 163.208, 163.196,
2 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285, 163.305
3 to 163.467, 163.432, 163.433, 163.505 to 163.575, 163.665 to 163.693, 164.005,
4 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377,
5 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118,
6 165.805, 166.005 to 166.095, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027,
7 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252,
8 167.310 to 167.340 and 167.350, 167.810 and 167.820 **and section 1 of this 2013**
9 **Act** shall be known and may be cited as Oregon Criminal Code of 1971.

10 **“SECTION 14.** ORS 144.275 is amended to read:

11 “144.275. Whenever the State Board of Parole and Post-Prison Supervision
12 orders the release on parole of an inmate who has been ordered to pay
13 compensatory fines pursuant to ORS 137.101 or to make restitution pursuant
14 to ORS 137.106, but with respect to whom payment of all or a portion of the
15 fine or restitution was suspended until the release of the inmate from
16 imprisonment, the board may establish a schedule by which payment of the
17 compensatory fine or restitution shall be resumed. In fixing the schedule and
18 supervising the paroled inmate’s performance thereunder, the board shall
19 consider the factors specified in ORS 137.106 [(4)] (5). The board shall pro-
20 vide to the sentencing court a copy of the schedule and any modifications
21 thereof.

22 **“SECTION 15.** ORS 147.025 is amended to read:

23 “147.025. (1) Notwithstanding that a person is not a victim or a dependent
24 of a deceased victim under ORS 147.015 (1)(a), the person is eligible for
25 compensation for reasonable medical expenses for the victim and for rea-
26 sonable funeral expenses of the deceased victim if the person:

27 “(a) Paid or incurred such expenses; and

28 “(b) Files a claim in the manner provided in ORS 147.105 and the condi-
29 tions in ORS 147.015 [(2) to (6)] (1)(b) to (f) are met.

30 “(2) Notwithstanding that a person is not a survivor or dependent of a

1 deceased victim under ORS 147.015 (1)(a), the person is eligible for compen-
2 sation for reasonable counseling expenses up to a maximum amount of \$500
3 if the person:

4 “(a) Paid or incurred such expenses;

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

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

7 “(d) Files a claim in the manner provided in ORS 147.105 and the condi-
8 tions in ORS 147.015 [(2) to (6)] (1)(b) to (f) are met.

9 “(3) Notwithstanding that a person is not a victim or a survivor or de-
10 pendent of a deceased victim under ORS 147.015 (1)(a), the person is eligible
11 for the compensation described in ORS 147.035 (7) and (8) if:

12 “(a) The person is the personal representative, as defined by the Depart-
13 ment of Justice by rule, of a victim or of a survivor or dependent of a de-
14 ceased victim;

15 “(b) The person is involved in the hearing or oral argument in lieu of the
16 victim, survivor or dependent; and

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

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

22 **“SECTION 16.** ORS 147.390 is amended to read:

23 “147.390. (1) Notwithstanding that a child is not a victim under ORS
24 147.015 (1)(a), in cases of suspected child sexual abuse as described in ORS
25 419B.005 (1)(a)(C), (D) or (E), or child physical abuse by an adult or caretaker
26 as otherwise described in ORS 419B.005 (1)(a)(A), compensation may be made
27 on behalf of the child for a child abuse medical assessment as defined in ORS
28 418.782 or a medical examination required by ORS 419B.023, if:

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

30 “(b) A claim is filed on behalf of the child in the manner provided in ORS

1 147.015.

2 “(2) The Department of Justice may pay compensation for child abuse
3 medical assessments or medical examinations required by ORS 419B.023 re-
4 gardless of whether a finding of abuse is made and only if other insurance
5 is unavailable. If the department pays compensation, the department shall
6 pay the compensation directly to the provider of the services. The medical
7 fee schedules for payment under this section shall be the schedules adopted
8 under ORS 147.035.

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

12
