



**DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL**

MEMORANDUM

DATE: Feburary 11, 2015

TO: Honorable Jeff Barker, Chair
House Committee on Judiciary

FROM: Michael Slauson, Special Counsel on Public Safety

SUBJECT: HB 2385 – Clarifies that crime of luring a minor is committed when “minor” is undercover police officer posing as a minor.

This testimony is presented in support of HB 2385.

BACKGROUND

In 2007, the Legislature enacted House Bill 2843, which, among other things, made it a class C felony to “lure” a minor, defined as a person under the age of eighteen, by furnishing the minor with visual, written, or verbal depictions of sexual conduct for the specific purpose of arousing or gratifying the sexual desires of the defendant or third person, or to induce the minor to engage in sexual conduct.

Although the legislation included a provision that it was no defense that the “minor” was actually a police officer posing as a minor, at least one court has concluded that the provision was inapplicable, because, in light of the definition of “minor,” the state was required to affirmatively prove that the victim was actually a person under 18-years-old.

HB 2385 – CLARIFIES LEGISLATIVE INTENT

HB 2385 amends the crime of luring a minor (ORS 167.057) to clarify that a person commits the crime in cases in which the “minor” is actually a police officer posing as a minor. HB 2385 achieves that purpose by specifically providing that the crime may be committed against a police officer posing as a minor.

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