

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:

Vote:

Yeas:

Nays:

Exc.:

Prepared By: Jeff Rhoades, Counsel

Meeting Dates: 2/11, 3/12

WHAT THE MEASURE DOES: Clarifies that person commits crimes of luring a minor and purchasing sex with a minor if victim is police officer or police agent posing as minor.

ISSUES DISCUSSED:

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: While investigating the crimes of luring a minor and purchasing sex with a minor, police officers often participate in sting operations where they pose as the minor victim. Allowing an officer to investigate in this manner avoids law enforcement waiting for a person to be victimized in order to begin a prosecution. ORS 167.057(4) currently states, “[i]t is not a defense that the person to whom the representation, description or account was furnished or with whom the representation, description or account was used was not a minor but was a law enforcement officer posing as a minor.” This language is intended to negate an affirmative defense; however it does not appear in the elements of the crime contained in ORS 167.057. The language is completely absent from ORS 163.413. This can lead to confusion in applying the statutes at the trial court level.

House Bill 2385A amends ORS 167.057 and ORS 163.413 to clarify that a person commits the crimes of luring a minor or purchasing sex with a minor if the victim of the crime is actually a police officer, or police officer’s agent, posing as a minor. House Bill 2385A passed out of the first chamber with a unanimous vote, with one member excused.