

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 04/20/15

Action: Do Pass As Amended And Be Printed Engrossed.

Meeting Dates: 04/09, 04/20

Vote:

Yeas: 8 - Barker, Barton, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Nays: 1 - Greenlick

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Modifies crime of displaying obscene materials to minors. Eliminates depictions of nudity from definition of obscene materials. Adds instruments or devices designed for sexual stimulation to list of prohibited materials for minors, if that minor is under the age of 14 years old.

ISSUES DISCUSSED:

- Specific examples of sexually explicit materials and sex toys being available to minors
- Constitutional implications of proposed bill and underlying statute

EFFECT OF COMMITTEE AMENDMENT:

Lowers the age prohibition on when sex toys can be made available to minors from age 18 to age 14. Establishes that a person violates ORS 167.080 if they, as an owner or manager of a business, recklessly permit a 14 year old in an area where sex toys are displayed or sell sex toys to a 14 year old.

BACKGROUND:

Currently, it is a Class A misdemeanor offense for a person to make obscene materials available to minors. Specifically, a person violates the statute if, while acting as a manager on behalf of a business, the person knowingly or recklessly allows minors into a part of a business where obscene materials are available, or sells obscene materials to a minor. Sex toys are not included in the list of obscene materials.

House Bill 3365 A adds sex toys to the list of materials that may not be made available or sold to minors. In addition, the bill renames the offense “making obscene materials available to minors.”