

Fiscal: Has minimal fiscal impact

Revenue: No Revenue Impact

Action Date: 06/02/15

Action: Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

Meeting Dates: 05/20, 06/02

Vote:

Yeas: 4 - Burdick, Gelser, Prozanski, Thatcher

Exc: 1 - Kruse

Prepared By: Eric Deitrick, Counsel

WHAT THE MEASURE DOES:

Modifies crime of displaying obscene materials to minors. Prohibits person who, while acting as a manager on behalf of a business, knowingly or recklessly sells sex toys to minors under the age of 18, unless the minor is accompanied by a parent or guardian. Eliminates depictions of nudity from definition of obscene materials. Reduces statute of limitations from six years to two years.

ISSUES DISCUSSED:

- Availability of sex toys in stores
- Progression of bill from original measure to A-engrossed version
- A-engrossed bill has two prohibitions – selling devices to minors and displaying devices in areas where minors are permitted

EFFECT OF COMMITTEE AMENDMENT:

Amendment eliminates provision that prohibits displaying devices in areas where minors are permitted. Prohibits certain persons from selling sex toys to a minor under the age of 18, unless the minor is accompanied by a parent or guardian.

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-B amends ORS 167.080 and adds criminal liability to a person who, while acting as a manager on behalf of a business, knowingly or recklessly sells sex toys to minors under the age of 18, unless the minor is accompanied by a parent or guardian. The measure also eliminates depictions of nudity from the definition of obscene materials and reduces the statute of limitations from six years to two years.