

HOUSE AMENDMENTS TO HOUSE BILL 2385

By COMMITTEE ON JUDICIARY

March 16

1 On page 1 of the printed bill, line 2, after “ORS” insert “163.413,”.

2 In line 6, delete the boldfaced material and insert “, a police officer posing as a minor or an
3 agent of a police officer posing as a minor,”.

4 In line 20, after “officer” insert “or agent of a police officer”.

5 In line 28, after “officer” insert “or agent of a police officer”.

6 On page 2, after line 6, insert:

7 “**SECTION 2.** ORS 163.413 is amended to read:

8 “163.413. (1) A person commits the crime of purchasing sex with a minor if the person pays, or
9 offers or agrees to pay, a fee to engage in sexual intercourse or sexual contact with a minor, **a**
10 **police officer posing as a minor or an agent of a police officer posing as a minor.**

11 “(2)(a) If the person does not have a prior conviction under this section at the time of the of-
12 fense, purchasing sex with a minor is a Class C felony and the person may use a defense described
13 in ORS 163.325 only if the minor **or, in the case of a police officer or agent of a police officer**
14 **posing as a minor, the age of the purported minor as reported to the defendant** was at least
15 16 years of age.

16 “(b) If the person has one or more prior convictions under this section at the time of the offense,
17 purchasing sex with a minor is a Class B felony, the state need not prove that the person knew the
18 minor **or, in the case of a police officer or agent of a police officer posing as a minor, the**
19 **purported minor** was under 18 years of age and the person may not use a defense described in ORS
20 163.325.

21 “(3)(a) When a person is convicted under this section, in addition to any other sentence that
22 may be imposed, the court shall impose and may not suspend the sentence described in paragraph
23 (b) of this subsection.

24 “(b) The mandatory minimum sentences that apply to paragraph (a) of this subsection are as
25 follows:

26 “(A) For a person’s first conviction, a fine in the amount of \$10,000, a term of incarceration of
27 at least 30 days and completion of a john school program.

28 “(B) For a person’s second or subsequent conviction, a fine in the amount of \$20,000 and the
29 court shall designate the offense as a sex crime under ORS 181.805.

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

33 “(d) For a person’s first conviction under this section, the court may designate the offense as a
34 sex crime under ORS 181.805 if the court finds that the circumstances of the offense and the age
35 of the minor **or, in the case of a police officer or agent of a police officer posing as a minor,**

1 **the purported minor** as reported to the defendant require the defendant to register and report as
2 a sex offender for the safety of the community.

3 “(4) As used in this section:

4 “(a) ‘John school’ means any course, class or program intended to educate and prevent
5 recidivism of persons who have been arrested for, charged with or convicted of patronizing a
6 prostitute or purchasing sex with a minor or attempting to patronize a prostitute or purchase sex
7 with a minor.

8 “(b) ‘Minor’ means a person under 18 years of age.

9 “(c) **‘Police officer’ has the meaning given that term in ORS 181.610.**”.

10 In line 7, delete “2” and insert “3”.

11 On page 3, line 5, after “officer” insert “or agent of a police officer”.

12 Delete lines 34 through 36 and insert:

13 **“SECTION 4. The amendments to ORS 163.413, 167.057 and 181.805 by sections 1 to 3 of**
14 **this 2015 Act apply to criminal prosecutions for acts occurring on or after the effective date**
15 **of this 2015 Act.”.**

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