

**PROPOSED AMENDMENTS TO
HOUSE BILL 2385**

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 pos-
3 ing as a minor or an 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
9 if the person pays, or offers or agrees to pay, a fee to engage in sexual
10 intercourse or sexual contact with a minor, **a police officer posing as a**
11 **minor or an agent of a police officer posing as a minor.**

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

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

1 defense described in ORS 163.325.

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

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

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

10 “(B) For a person’s second or subsequent conviction, a fine in the amount
11 of \$20,000 and the court shall designate the offense as a sex crime under ORS
12 181.805.

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

17 “(d) For a person’s first conviction under this section, the court may
18 designate the offense as a sex crime under ORS 181.805 if the court finds that
19 the circumstances of the offense and the age of the minor **or, in the case**
20 **of a police officer or agent of a police officer posing as a minor, the**
21 **purported minor** as reported to the defendant require the defendant to
22 register and report as a sex offender for the safety of the community.

23 “(4) As used in this section:

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

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

29 “(c) **‘Police officer’ has the meaning given that term in ORS**
30 **181.610.”**

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

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

3 Delete lines 34 through 36 and insert:

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

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