

**PROPOSED AMENDMENTS TO
HOUSE BILL 2317**

1 In line 2 of the printed bill, delete “12.050” and insert “131.125 and
2 411.990”.

3 Delete lines 4 through 11 and insert:

4 **“SECTION 1.** ORS 131.125 is amended to read:

5 “131.125. (1) A prosecution for aggravated murder, murder, attempted
6 murder or aggravated murder, conspiracy or solicitation to commit aggra-
7 vated murder or murder or any degree of manslaughter may be commenced
8 at any time after the commission of the attempt, conspiracy or solicitation
9 to commit aggravated murder or murder, or the death of the person killed.

10 **“(2) A prosecution for any of the following felonies may be com-
11 menced within 12 years after the commission of the crime or, if the
12 victim at the time of the crime was under 18 years of age, anytime
13 before the victim attains 30 years of age:**

14 **“(a) Rape in the first degree under ORS 163.375.**

15 **“(b) Sodomy in the first degree under ORS 163.405.**

16 **“(c) Unlawful sexual penetration in the first degree under ORS
17 163.411.**

18 **“(d) Sexual abuse in the first degree under ORS 163.427.**

19 “[2] (3) A prosecution for any of the following felonies may be com-
20 menced within six years after the commission of the crime or, if the victim
21 at the time of the crime was under 18 years of age, anytime before the victim
22 attains 30 years of age or within 12 years after the offense is reported to a

1 law enforcement agency or the Department of Human Services, whichever
2 occurs first:

3 “(a) Strangulation under ORS 163.187 (4).

4 “(b) Criminal mistreatment in the first degree under ORS 163.205.

5 “(c) Rape in the third degree under ORS 163.355.

6 “(d) Rape in the second degree under ORS 163.365.

7 “[*e*] *Rape in the first degree under ORS 163.375.*]

8 “[*f*] **(e)** Sodomy in the third degree under ORS 163.385.

9 “[*g*] **(f)** Sodomy in the second degree under ORS 163.395.

10 “[*h*] *Sodomy in the first degree under ORS 163.405.*]

11 “[*i*] **(g)** Unlawful sexual penetration in the second degree under ORS
12 163.408.

13 “[*j*] *Unlawful sexual penetration in the first degree under ORS 163.411.*]

14 “[*k*] **(h)** Sexual abuse in the second degree under ORS 163.425.

15 “[*L*] *Sexual abuse in the first degree under ORS 163.427.*]

16 “[*m*] **(i)** Using a child in a display of sexual conduct under ORS 163.670.

17 “[*n*] **(j)** Encouraging child sexual abuse in the first degree under ORS
18 163.684.

19 “[*o*] **(k)** Incest under ORS 163.525.

20 “[*p*] **(L)** Promoting prostitution under ORS 167.012.

21 “[*q*] **(m)** Compelling prostitution under ORS 167.017.

22 “[*r*] **(n)** Luring a minor under ORS 167.057.

23 “[*3*] **(4)** A prosecution for any of the following misdemeanors may be
24 commenced within four years after the commission of the crime or, if the
25 victim at the time of the crime was under 18 years of age, anytime before the
26 victim attains 22 years of age or within four years after the offense is re-
27 ported to a law enforcement agency or the Department of Human Services,
28 whichever occurs first:

29 “(a) Strangulation under ORS 163.187 (3).

30 “(b) Sexual abuse in the third degree under ORS 163.415.

1 “(c) Exhibiting an obscene performance to a minor under ORS 167.075.

2 “(d) Displaying obscene materials to minors under ORS 167.080.

3 “[4] (5) In the case of crimes described in subsection [(2)(m)] (3)(i) of
4 this section, the victim is the child engaged in sexual conduct. In the case
5 of the crime described in subsection [(2)(o)] (3)(k) of this section, the victim
6 is the party to the incest other than the party being prosecuted. In the case
7 of crimes described in subsection [(2)(p)] (3)(L) and [(q)] (m) of this section,
8 the victim is the child whose acts of prostitution are promoted or compelled.

9 “[5] (6) A prosecution for arson in any degree may be commenced within
10 six years after the commission of the crime.

11 “[6] (7) A prosecution for any of the following felonies may be com-
12 menced within six years after the commission of the crime if the victim at
13 the time of the crime was 65 years of age or older:

14 “(a) Theft in the first degree under ORS 164.055.

15 “(b) Aggravated theft in the first degree under ORS 164.057.

16 “(c) Theft by extortion under ORS 164.075.

17 “(d) Robbery in the third degree under ORS 164.395.

18 “(e) Robbery in the second degree under ORS 164.405.

19 “(f) Robbery in the first degree under ORS 164.415.

20 “(g) Forgery in the first degree under ORS 165.013.

21 “(h) Fraudulent use of a credit card under ORS 165.055 (4)(b).

22 “(i) Identity theft under ORS 165.800.

23 “[7] (8) Except as provided in subsection [(8)] (9) of this section or as
24 otherwise expressly provided by law, prosecutions for other offenses must be
25 commenced within the following periods of limitations after their commis-
26 sion:

27 “(a) For any other felony, three years.

28 “(b) For any misdemeanor, two years.

29 “(c) For a violation, six months.

30 “[8] (9) If the period prescribed in subsection [(7)] (8) of this section has

1 expired, a prosecution nevertheless may be commenced as follows:

2 “(a) If the offense has as a material element either fraud or the breach
3 of a fiduciary obligation, prosecution may be commenced within one year
4 after discovery of the offense by an aggrieved party or by a person who has
5 a legal duty to represent an aggrieved party and who is not a party to the
6 offense, but in no case shall the period of limitation otherwise applicable be
7 extended by more than three years;

8 “(b) If the offense is based upon misconduct in office by a public officer
9 or employee, prosecution may be commenced at any time while the defendant
10 is in public office or employment or within two years thereafter, but in no
11 case shall the period of limitation otherwise applicable be extended by more
12 than three years; or

13 “(c) If the offense is an invasion of personal privacy under ORS 163.700,
14 prosecution may be commenced within one year after discovery of the offense
15 by the person aggrieved by the offense, by a person who has a legal duty to
16 represent the person aggrieved by the offense or by a law enforcement
17 agency, but in no case shall the period of limitation otherwise applicable be
18 extended by more than three years.

19 “[~~(9)~~ **(10)** Notwithstanding subsection [~~(2)~~ **(3)**] of this section, if the de-
20 fendant is identified after the period described in subsection [~~(2)~~ **(3)**] of this
21 section on the basis of DNA (deoxyribonucleic acid) sample comparisons, a
22 prosecution for[:]

23 “[*(a) Rape in the first degree, sodomy in the first degree, unlawful sexual*
24 *penetration in the first degree or sexual abuse in the first degree may be*
25 *commenced at any time after the commission of the crime.*]

26 “[*(b)*] rape in the second degree, sodomy in the second degree or unlawful
27 sexual penetration in the second degree may be commenced within 25 years
28 after the commission of the crime.

29 “[~~(10)~~ **(11)** Notwithstanding subsection [~~(9)~~ **(10)**] of this section, if a
30 prosecution for a felony listed in subsection [~~(9)~~ **(10)**] of this section would

1 otherwise be barred by subsection [(2)] (3) of this section, the prosecution
2 must be commenced within two years of the DNA-based identification of the
3 defendant.

4 **“SECTION 2.** ORS 411.990 is amended to read:

5 “411.990. (1) Violation of ORS 411.320 or 411.335 is a Class C misdemeanor.

6 “(2) Violation of any provision of ORS 411.630 or 411.840 is a Class C
7 felony which may be reduced to a Class A misdemeanor in accordance with
8 ORS 161.705.

9 “(3) Violation of ORS 411.675 is a Class C felony.

10 “(4) Criminal prosecution of violators of ORS 411.675 shall be commenced
11 in accordance with ORS 131.125 [(7)] (8) and [(8)] (9).

12 **“SECTION 3. The amendments to ORS 131.125 by section 1 of this**
13 **2015 Act apply to offenses committed before, on or after the effective**
14 **date of this 2015 Act but do not operate to revive a prosecution barred**
15 **by the operation of ORS 131.125 before the effective date of this 2015**
16 **Act.”.**

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