

**PROPOSED AMENDMENTS TO  
HOUSE BILL 3365**

1 On page 1 of the printed bill, delete lines 4 through 25 and insert:

2 **“SECTION 1.** ORS 167.080 is amended to read:

3 “167.080. (1) A person commits the crime of [*displaying*] **making** obscene  
4 materials **available** to minors if, being the owner, operator or manager of a  
5 business or acting in a managerial capacity, the person knowingly or  
6 recklessly permits:

7 **“(a)** A minor **under 18 years of age** who is not accompanied by the  
8 parent or lawful guardian of the minor to enter or remain on the premises,  
9 if in that part of the premises where the minor is so permitted to be, there  
10 is visibly displayed:

11 “[*(a)*] **(A)** Any picture, photograph, drawing, sculpture or other visual  
12 representation or image of a person or portion of the human body that de-  
13 picts [*nudity,*] sexual conduct, sexual excitement or sadomasochistic abuse;  
14 or

15 “[*(b)*] **(B)** Any book, magazine, paperback, pamphlet or other written or  
16 printed matter, however reproduced, that reveals a person or portion of the  
17 human body that depicts [*nudity,*] sexual conduct, sexual excitement or  
18 sadomasochistic abuse[.];

19 **“(b)** A minor **under 14 years of age** who is not accompanied by the  
20 parent or lawful guardian of the minor to enter or remain on the  
21 premises if, in that part of the premises where the minor is so per-  
22 mitted to be, there is visibly displayed any instrument or device, other

1 **than one primarily intended for a medical purpose including**  
2 **contraception, that is specifically designed to sexually stimulate a**  
3 **person’s genital or anal areas as part of an act of sexual conduct; or**

4 **“(c) A minor under 14 years of age who is not accompanied by the**  
5 **parent or lawful guardian of the minor to purchase from the business**  
6 **any instrument or device, other than one primarily intended for a**  
7 **medical purpose including contraception, that is specifically designed**  
8 **to sexually stimulate a person’s genital or anal areas as part of an act**  
9 **of sexual conduct.**

10 **“(2) [*Displaying*] Making** obscene materials **available** to minors is a  
11 Class A misdemeanor. Notwithstanding ORS 161.635 and 161.655, a person  
12 convicted under this section may be sentenced to pay a fine, fixed by the  
13 court, not exceeding \$10,000.”.

14 On page 2, delete line 30.

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