

D R A F T

SUMMARY

Provides that each sexual or intimate part involved in act of sexual contact constitutes separate violation of crime of sexual abuse in the first degree.

A BILL FOR AN ACT

Relating to merger of criminal offenses; creating new provisions; and amending ORS 161.067.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 161.067 is amended to read:

161.067. (1) When the same conduct or criminal episode violates two or more statutory provisions and each provision requires proof of an element that the others do not, there are as many separately punishable offenses as there are separate statutory violations.

(2) When the same conduct or criminal episode, though violating only one statutory provision involves two or more victims, there are as many separately punishable offenses as there are victims. However, two or more persons owning joint interests in real or personal property shall be considered a single victim for purposes of determining the number of separately punishable offenses if the property is the subject of one of the following crimes:

(a) Theft as defined in ORS 164.015.

(b) Unauthorized use of a vehicle as defined in ORS 164.135.

(c) Criminal possession of rented or leased personal property as defined in ORS 164.140.

1 (d) Criminal possession of a rented or leased motor vehicle as defined in
2 ORS 164.138.

3 (e) Burglary as defined in ORS 164.215 or 164.225.

4 (f) Criminal trespass as defined in ORS 164.243, 164.245, 164.255, 164.265
5 or 164.278.

6 (g) Arson and related offenses as defined in ORS 164.315, 164.325 or
7 164.335.

8 (h) Forgery and related offenses as defined in ORS 165.002 to 165.070.

9 (3) When the same conduct or criminal episode violates only one statutory
10 provision and involves only one victim, but nevertheless involves repeated
11 violations of the same statutory provision against the same victim, there are
12 as many separately punishable offenses as there are violations, except that
13 each violation, to be separately punishable under this subsection, must be
14 separated from other such violations by a sufficient pause in the defendant's
15 criminal conduct to afford the defendant an opportunity to renounce the
16 criminal intent.

17 **(4) Notwithstanding subsection (3) of this section:**

18 (a) Each method of engaging in deviate sexual intercourse as defined in
19 ORS 163.305, and each method of engaging in unlawful sexual penetration
20 as defined in ORS 163.408 and 163.411, [*shall constitute*] **constitutes** separate
21 violations of their respective statutory provisions for purposes of determin-
22 ing the number of statutory violations.

23 (b) **Each sexual or other intimate part involved in an act of sexual**
24 **contact as defined in ORS 163.305 constitutes a separate violation of**
25 **ORS 163.427 for purposes of determining the number of statutory vio-**
26 **lations.**

27 **SECTION 2. The amendments to ORS 161.067 by section 1 of this**
28 **2017 Act apply to conduct occurring on or after the effective date of**
29 **this 2017 Act.**

30