

SB 762 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/2, 4/13

WHAT THE MEASURE DOES:

Bars evidence obtained during sexual assault investigation from being used to arrest or prosecute minor for purchase or possession of alcohol if minor was victim of sexual assault and contacted emergency services.

ISSUES DISCUSSED:

Victim's fear of contacting law enforcement

Removing barriers to seeking help

Sexual assaults on college campuses

Amendment covering those assisting victims

EFFECT OF AMENDMENT:

-1 Provides minor with immunity from prosecution for possession of alcohol if evidence of the violation was obtained because the individual contacted emergency medical services or law enforcement on behalf of another person.

BACKGROUND:

Under Oregon law, it is a Class B violation for an individual under 21 years of age to purchase or possess alcohol. See *ORS 471.430*. However, minors are immune from prosecution if evidence of the violation was obtained because the minor sought medical assistance for themselves or others due to alcohol use. Possession includes the acceptance or consumption of alcohol.

Senate Bill 762 provides that no victim of a sexual assault crime may be arrested or prosecuted for purchasing or possessing alcohol as a result of evidence obtained during the investigation. Under SB 762, a victim is eligible for immunity when he or she reports the crime to, or seek assistance from, emergency medical services or law enforcement. The measure defines sexual assault crimes to include rape, sodomy, sexual penetration, and sexual abuse. See *ORS 163.355-427*.