

**SB 249 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Taylor

**Senate Committee On Judiciary**

---

**Action Date:** 03/29/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 5-0-0-0

**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Channa Newell, Counsel

---

**WHAT THE MEASURE DOES:**

Creates process to vacate prostitution conviction if person was victim of sex trafficking at time of conduct giving rise to conviction. Requires motion for vacating conviction to include explanation of facts supporting claim that person is victim of sex trafficking and why such facts were not presented at trial. Requires giving copy of motion to district attorney. Requires court hold hearing upon receiving motion. Places burden of proof on person to show status as victim of sex trafficking. Specifies evidence of sex trafficking may include court records, certified immigration records recognizing person as victim of sex trafficking, and sworn statements from professionals certifying person sought assistance with trauma associated with sex trafficking. Requires court vacate conviction if clear and convincing evidence shows person was victim of sex trafficking. Defines "sex trafficking."

**ISSUES DISCUSSED:**

- Victims of sex trafficking charged throughout period of time they are controlled by trafficker
- Vacating conviction provides immediate relief
- Applies to individuals who demonstrate coercion or fraud by clear and convincing evidence

**EFFECT OF AMENDMENT:**

Requires motion to be filed at least 21 days after judgment of conviction entered. Eliminates authority for court to grant motion when "in interest of justice." Modifies definition of "sex trafficking."

**BACKGROUND:**

According to the National Human Trafficking Hotline, it received over 300 calls originating in Oregon in 2016, with 51 of those calls leading to cases of sex trafficking.

Senate Bill 249-A provides an avenue for a person convicted of prostitution under ORS 167.007 to have the conviction erased from his or her record if the person shows he or she was the victim of sex trafficking at or near the time of the conduct giving rise to the prostitution conviction. In order to prevail, a person must file a motion, serve a copy upon the district attorney, and show by clear and convincing evidence that the person was the victim of sex trafficking. Evidence of sex trafficking can include court records, immigration records, or sworn statements from professionals certifying that the person sought assistance with the trauma associated with sex trafficking. Sex trafficking is using force, intimidation, fraud, or coercion to cause a person to engage in, or attempt to engage in, a commercial sex act.