

SB 250 STAFF MEASURE SUMMARY

Carrier: Sen. Taylor

Senate Committee On Judiciary

Action Date: 03/29/17

Action: Do pass.

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 affirmative defense to crime of prostitution if defendant was victim of trafficking at time of offense.

ISSUES DISCUSSED:

- Control and manipulation of victims by sex traffickers
- Trafficked individuals are victims rather than criminals

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A person commits the crime of prostitution under ORS 167.007 by engaging in, or offering or agreeing to engage in, sexual contact or conduct in return for a fee. Prostitution is a Class A misdemeanor.

Senate Bill 250 creates an affirmative defense to the crime of prostitution. An affirmative defense is one in which the defendant must prove facts that defeat or mitigate the unlawful conduct. "If the defense is established, the defendant is not guilty of a crime, even if he committed acts that otherwise would constitute a crime. But a defendant must prove certain facts to establish the defense..." State v. Brown, 306 Or. 599, (Or., 1988). SB 250 creates an affirmative defense to prostitution. In order to claim the defense, defendants must prove they were recruited, enticed, harbored, transported, provided, or obtained for the purpose of commercial sex acts and were either 15 years of age or younger or over age 15 and forced, tricked, or coerced into commercial sex acts. See ORS 163.266.