

**SB 762 A STAFF MEASURE SUMMARY**

**Carrier:** Sen. Gelser

**Senate Committee On Judiciary**

---

**Action Date:** 04/13/17

**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:** Michael Lantz, LPRO Analyst

---

**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 sexual assault victim and contacted emergency services. Bars evidence obtained because minor contacted emergency services to report sexual assault on behalf of another.

**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:**

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. *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-A 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 crime investigation. Under SB 762-A, a victim is eligible for immunity when he or she reports the crime to, or seeks assistance from, emergency medical services or law enforcement. The measure defines sexual assault crimes to include rape, sodomy, sexual penetration and sexual abuse. *ORS 163.355-427*. SB 762-A also provides immunity to minors who contact emergency services or law enforcement on behalf of someone who is the victim of a sexual assault crime.