

SB 250 STAFF MEASURE SUMMARY

Carrier: Rep. Stark

House Committee On Judiciary

Action Date: 05/03/17

Action: Do Pass.

Vote: 10-0-1-0

Yeas: 10 - Barker, Gorsek, Lininger, Olson, Post, Sanchez, Sprenger, Stark, Vial, Williamson

Exc: 1 - Greenlick

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

WHAT THE MEASURE DOES:

Creates affirmative defense to crime of prostitution if, at time of offense, defendant was victim of certain forms of crime of trafficking in persons.

ISSUES DISCUSSED:

- Evidence presented during trial
- Voluntariness of underlying conduct

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

A person commits the crime of prostitution if the person engages in, or offers or agrees to engage in, sexual conduct or sexual contact in return for a fee. Senate Bill 250 creates an affirmative defense to the crime of prostitution if the defendant, at the time of the offense, was a victim of certain forms of the crime of trafficking in persons defined in ORS 163.266 (1)(b) or (c). Specifically, to obtain an acquittal under SB 250, the defendant must prove by a preponderance of the evidence that another person knowingly recruited, enticed, harbored, transported, provided or obtained the defendant, or attempted to do so, and the other person knew or recklessly disregarded the fact that the defendant would be caused to engage in a commercial sex act through force, fraud or coercion or at a time when the defendant was under 15 years of age.