

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
SENATE BILL 1543**

1 On page 1 of the printed bill, line 2, after “ORS” insert “137.221,”.

2 On page 7, after line 17, insert:

3 **“SECTION 7.** ORS 137.221 is amended to read:

4 “137.221. (1) **Notwithstanding ORS 138.540**, a court may vacate a judg-
5 ment of conviction for the crime of prostitution under ORS 167.007 **or for**
6 **violating a municipal prostitution ordinance** as described in this section.

7 “(2)(a) A person may request vacation of a judgment of conviction for
8 prostitution by filing a motion in the county of conviction. The motion may
9 be filed at least 21 days after the judgment of conviction is entered.

10 “(b) A copy of the motion shall be served on the district attorney.

11 “(c) The motion must contain an explanation of facts supporting a claim
12 that the person was the victim of sex trafficking at or around the time of
13 the conduct giving rise to the prostitution conviction. The motion must fur-
14 ther contain an explanation of why those facts were not presented to the
15 trial court.

16 “(3) Upon receiving the motion described in subsection (2) of this section,
17 the court shall hold a hearing. At the hearing, the person has the burden
18 of proof and may present evidence that, at or around the time of the conduct
19 giving rise to the prostitution conviction, the person was the victim of sex
20 trafficking. The court shall consider any evidence the court deems of suffi-
21 cient credibility and probative value in determining whether the person was

1 a victim of sex trafficking. The evidence may include, but is not limited to:

2 “(a) Certified records of a state or federal court proceeding demonstrating
3 that the person was a victim of sex trafficking;

4 “(b) Certified records from federal immigration proceedings recognizing
5 the person as a victim of sex trafficking; and

6 “(c) A sworn statement from a trained professional staff member of a
7 victim services organization, an attorney, a member of the clergy or a med-
8 ical or other professional, certifying that the person has sought assistance
9 addressing trauma associated with being a sex trafficking victim.

10 “(4) If the court finds, by clear and convincing evidence, that the person
11 was the victim of sex trafficking at or around the time of the conduct giving
12 rise to the prostitution conviction, the court shall grant the motion.

13 “(5) If the court grants a motion under this section, the court shall vacate
14 the judgment of conviction for prostitution and may make other orders as
15 the court considers appropriate.

16 “(6) If the court grants a motion under this section while an appeal of the
17 judgment of conviction is pending, the court shall immediately forward a
18 copy of the vacation order to the appellate court.

19 “(7) As used in this section[,]:

20 “(a) **‘Municipal prostitution ordinance’ means a municipal ordi-**
21 **nance prohibiting a person from engaging in, or offering or agreeing**
22 **to engage in, sexual conduct or sexual contact in return for a fee.**

23 “(b) **‘Sex trafficking’ means the use of force, intimidation, fraud or**
24 **coercion to cause a person to engage, or attempt to engage, in a commercial**
25 **sex act.”.**

26 In line 18, delete “7” and insert “8”.

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