

**HB 2428 -1 STAFF MEASURE SUMMARY**

**House Committee On Judiciary**

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**Prepared By:** Gillian Fischer, Counsel

**Meeting Dates:** 3/11, 3/18

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**WHAT THE MEASURE DOES:**

Expands the crime of public indecency to include the act of masturbation while in or in view of a public place.

**ISSUES DISCUSSED:**

- Conduct creates similar apprehension as already in statute
- Statute doesn't currently encompass behavior described by testimony
- All statutory defenses relating to mental health available if reason for behavior

**EFFECT OF AMENDMENT:**

-1 Makes technical correction.

**BACKGROUND:**

A person commits the crime of public indecency if while in, or in view of, a public place the person performs an act of sexual intercourse; an act of oral or anal sexual intercourse; or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person. The act of masturbation in view of or in a public place is not encompassed by the conduct prohibited by the statute.

House Bill 2428 amends ORS 163.465 by including the act of public masturbation in the crime of public indecency.