

SB 649 -2, -3 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/18, 5/18

WHAT THE MEASURE DOES:

Increases penalties for criminal sexual contact with a minor victim when the defendant is the victim's teacher. Directs Oregon Criminal Justice Commission to classify certain instances of sexual abuse in the second degree committed by a teacher as a crime category of 8. Defines "teacher" for purposes of the measure as an employee of school or school district who has direct responsibility for instruction of students.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-2 Replaces the measure. Increases penalties for criminal sexual contact with a minor victim when the defendant is the victim's teacher. Defines "teacher" for purposes of the measure as an employee of school or school district who has direct responsibility for instruction of students. States that the sentencing guidelines of the Oregon Criminal Justice Commission do not apply to a sentence imposed under this section. Directs the sentencing court to consider any relevant aggravating or mitigating evidence offered by the defendant or the prosecuting attorney and may impose any sentence otherwise authorized by law for a conviction under this section.

-3 Replaces the measure. Increases penalties for criminal sexual contact with a minor victim when the defendant is the victim's teacher. Defines "teacher" for purposes of the measure as an employee of school or school district who has direct responsibility for instruction of students. Directs the Criminal Justice Commission to reconsider the crime category level for the crime of sexual abuse in the second degree under ORS 163.425, and reclassify the crime into an appropriate crime category of the sentencing guidelines grid of the commission.

BACKGROUND:

Under current law, a person commits the crime of sexual abuse in the second degree when: (a) The person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or (b)(A) The person violates ORS 163.415 (1)(a)(B); (B) The person is 21 years of age or older; and (C) At any time before the commission of the offense, the person was the victim's coach.

Senate Bill 649 expands the crime of sex abuse in the second degree to include certain sexual abuses committed against a minor when the defendant is the victim's teacher.