

SB 649 STAFF MEASURE SUMMARY

Carrier: Rep. Levy

House Committee On Judiciary

Action Date: 05/24/21

Action: Do Pass.

Vote: 10-0-0-0

Yeas: 10 - Bynum, Dexter, Helm, Kropf, Lewis, Morgan, Noble, Power, Wallan, Wilde

Fiscal: Has minimal fiscal impact

Revenue: Has minimal revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 5/18, 5/24, 5/24

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:

- Original statutory amendment to increase penalties for coaches
- Disparity in sentences for similar behavior when committed by a teacher
- Examples of conduct criminalized by measure
- Criminal sentencing guidelines

EFFECT OF AMENDMENT:

No amendment.

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.