Senate Bill 649

Sponsored by Senator HANSELL (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Increases penalties for criminal sexual contact with underage victim when defendant is victim's teacher. Punishes by maximum of five years' imprisonment, $125,000 fine, or both.

Directs Oregon Criminal Justice Commission to classify certain instances of sexual abuse in the second degree committed by teacher as crime category 8.

A BILL FOR AN ACT

Relating to sexual abuse in the second degree; amending ORS 163.425 and 163.426.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 163.425 is amended to read:

163.425. (1) 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 or teacher, as those terms are defined in ORS 163.426.

(2) Sexual abuse in the second degree is a Class C felony.

SECTION 2. ORS 163.426 is amended to read:

163.426. (1) As used in this section:

(a) "Coach" means a person who instructs or trains an individual or members of a team in a sport.

(b) "Teacher" means an employee of a school or school district who has direct responsibility for the instruction of students.

(2) The Oregon Criminal Justice Commission shall classify sexual abuse in the second degree as described in ORS 163.425 (1)(a) as a crime category 8 of the sentencing guidelines grid of the commission if:

(a) The victim is incapable of consent by reason of being under 18 years of age;

(b) The offender is 21 years of age or older; and

(c) At any time before the commission of the offense, the offender was the victim's coach or teacher.

NOTE: Matter in boldfaced type in an amended section is new; matter in italic and bracketed is existing law to be omitted.
New sections are in boldfaced type.

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