

# 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

1  
2 Relating to sexual abuse in the second degree; amending ORS 163.425 and 163.426.

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

4 **SECTION 1.** ORS 163.425 is amended to read:

5 163.425. (1) A person commits the crime of sexual abuse in the second degree when:

6 (a) The person subjects another person to sexual intercourse, oral or anal sexual intercourse  
7 or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other  
8 than the penis or mouth of the actor and the victim does not consent thereto; or

9 (b)(A) The person violates ORS 163.415 (1)(a)(B);

10 (B) The person is 21 years of age or older; and

11 (C) At any time before the commission of the offense, the person was the victim's coach **or**  
12 **teacher**, as **those terms are** defined in ORS 163.426.

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

14 **SECTION 2.** ORS 163.426 is amended to read:

15 163.426. (1) As used in this section[,]:

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

18 (b) "Teacher" means an employee of a school or school district who has direct responsi-  
19 bility for the instruction of students.

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

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

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

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

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