

Requested by Representative WILDE

**PROPOSED AMENDMENTS TO
SENATE BILL 649**

1 In line 2 of the printed bill, after “degree;” delete the rest of the line and
2 insert “amending ORS 163.425; and repealing ORS 163.426.”.

3 Delete lines 4 through 26 and insert:

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
6 degree when:

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

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

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

13 “(C) At any time before the commission of the offense, the person was the
14 victim’s coach [*as defined in ORS 163.426*] **or teacher.**

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

16 **“(3) Notwithstanding ORS 137.669 and 137.671, the sentencing guide-**
17 **lines of the Oregon Criminal Justice Commission do not apply to a**
18 **sentence imposed under this section. Upon the conviction of a de-**
19 **fendant under this section, the sentencing court shall consider any**
20 **relevant aggravating or mitigating evidence offered by the defendant**
21 **or the prosecuting attorney and may impose any sentence otherwise**

1 authorized by law.

2 “(4) As used in this section:

3 “(a) ‘Coach’ means a person who instructs or trains an individual
4 or members of a team in a sport.

5 “(b) ‘Teacher’ means an employee of a school or school district who
6 has direct responsibility for the instruction of students.

7 “SECTION 2. ORS 163.426 is repealed.”.

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