

# D R A F T

## SUMMARY

Digest: The Act changes when minors are the victims of some crimes. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 87.9).

Modifies the types of familial relationships involved in a manner of committing rape in the first degree and sodomy in the first degree. Adds a manner of committing unlawful sexual penetration in the first degree when there is a specified familial relationship between the defendant and the victim. Provides that sexual abuse in the second degree is a level eight offense on the sentencing guidelines when there is a specified familial relationship between the defendant and the victim.

Increases the victim age below which assault and strangulation constitute felony offenses.

Takes effect on the 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to crime victims who are under 18 years of age; creating new pro-  
3 visions; amending ORS 137.700, 163.165, 163.187, 163.375, 163.405, 163.411  
4 and 163.426; and prescribing an effective date.

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

6 **SECTION 1.** ORS 163.375 is amended to read:

7 163.375. (1) A person who has sexual intercourse with another person  
8 commits the crime of rape in the first degree if:

9 (a) The victim is subjected to forcible compulsion by the person;

10 (b) The victim is under 12 years of age;

11 *[(c) The victim is under 16 years of age and is the person's sibling, of the*  
12 *whole or half blood, the person's child or the person's spouse's child; or]*

13 **(c) The victim is under 16 years of age and is the person's biological**

1 **or adopted sibling, the person's biological or adopted child or the bi-**  
2 **ological or adopted child of the person's spouse, former spouse,**  
3 **sexually intimate partner or former sexually intimate partner; or**

4 (d) The victim is incapable of consent by reason of mental incapacitation,  
5 physical helplessness or incapability of appraising the nature of the victim's  
6 conduct.

7 (2) Rape in the first degree is a Class A felony.

8 **SECTION 2.** ORS 163.405 is amended to read:

9 163.405. (1) A person who engages in oral or anal sexual intercourse with  
10 another person or causes another to engage in oral or anal sexual inter-  
11 course commits the crime of sodomy in the first degree if:

12 (a) The victim is subjected to forcible compulsion by the actor;

13 (b) The victim is under 12 years of age;

14 *[(c) The victim is under 16 years of age and is the actor's brother or sister,*  
15 *of the whole or half blood, the son or daughter of the actor or the son or*  
16 *daughter of the actor's spouse; or]*

17 **(c) The victim is under 16 years of age and is the actor's biological**  
18 **or adopted sibling, the actor's biological or adopted child or the bi-**  
19 **ological or adopted child of the actor's spouse, former spouse, sexually**  
20 **intimate partner or former sexually intimate partner; or**

21 (d) The victim is incapable of consent by reason of mental incapacitation,  
22 physical helplessness or incapability of appraising the nature of the victim's  
23 conduct.

24 (2) Sodomy in the first degree is a Class A felony.

25 **SECTION 3.** ORS 163.411 is amended to read:

26 163.411. (1) Except as permitted under ORS 163.412, a person commits the  
27 crime of unlawful sexual penetration in the first degree if the person pene-  
28 trates the vagina, anus or penis of another with any object and:

29 (a) The victim is subjected to forcible compulsion;

30 (b) The victim is under 12 years of age; *[or]*

31 **(c) The victim is under 16 years of age and is the person's biological**

1 **or adopted sibling, the person’s biological or adopted child or the bi-**  
2 **ological or adopted child of the person’s spouse, former spouse,**  
3 **sexually intimate partner or former sexually intimate partner; or**

4 [(c)] (d) The victim is incapable of consent by reason of mental incapaci-  
5 tation, physical helplessness or incapability of appraising the nature of the  
6 victim’s conduct.

7 (2) Unlawful sexual penetration in the first degree is a Class A felony.

8 (3) As used in this section, “object” includes any body part of the actor.

9 (4) When multiple crimes are charged based on one penetrative act, the  
10 court may not enter separate convictions for each crime, and may enter only  
11 one conviction for the conduct.

12 **SECTION 4.** ORS 163.426 is amended to read:

13 163.426. (1) As used in this section:

14 (a) “Coach” means a person who instructs or trains an individual or  
15 members of a team in a sport.

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

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

21 [(a)] (a)(A) The victim is incapable of consent by reason of being under  
22 18 years of age;

23 [(b)] (B) The offender is 21 years of age or older; and

24 [(c)] (C) At any time before the commission of the offense, the offender  
25 was the victim’s coach or teacher[.]; **or**

26 **(b) The victim is 16 or 17 years of age and is the person’s biological**  
27 **or adopted sibling, the person’s biological or adopted child or the bi-**  
28 **ological or adopted child of the person’s spouse, former spouse,**  
29 **sexually intimate partner or former sexually intimate partner.**

30 **SECTION 5.** ORS 163.165 is amended to read:

31 163.165. (1) A person commits the crime of assault in the third degree if

1 the person:

2 (a) Recklessly causes serious physical injury to another by means of a  
3 deadly or dangerous weapon;

4 (b) Recklessly causes serious physical injury to another under circum-  
5 stances manifesting extreme indifference to the value of human life;

6 (c) Recklessly causes physical injury to another by means of a deadly or  
7 dangerous weapon under circumstances manifesting extreme indifference to  
8 the value of human life;

9 (d) Intentionally, knowingly or recklessly causes, by means other than a  
10 motor vehicle, physical injury to the operator of a public transit vehicle  
11 while the operator is in control of or operating the vehicle. As used in this  
12 paragraph, "public transit vehicle" has the meaning given that term in ORS  
13 166.116;

14 (e) While being aided by another person actually present, intentionally  
15 or knowingly causes physical injury to another;

16 (f) While committed to a youth correction facility, intentionally or  
17 knowingly causes physical injury to another knowing the other person is a  
18 staff member while the other person is acting in the course of official duty;

19 (g) Intentionally, knowingly or recklessly causes physical injury to an  
20 emergency medical services provider, as defined in ORS 682.025, while the  
21 emergency medical services provider is performing official duties;

22 (h) Being at least 18 years of age, intentionally or knowingly causes  
23 physical injury to a child [*10 years of age or younger*] **under 18 years of**  
24 **age**;

25 (i) Intentionally, knowingly or recklessly causes, by means other than a  
26 motor vehicle, physical injury to the operator of a taxi while the operator  
27 is in control of the taxi; or

28 (j) Intentionally, knowingly or recklessly causes physical injury to a  
29 flagger or a highway worker while the flagger or highway worker is per-  
30 forming official duties.

31 (2)(a) Assault in the third degree is a Class C felony.

1 (b) Notwithstanding paragraph (a) of this subsection, assault in the third  
2 degree under subsection (1)(a) or (b) of this section is a Class B felony if:

3 (A) The assault resulted from the operation of a motor vehicle; and

4 (B) The defendant was the driver of the motor vehicle and was driving  
5 while under the influence of intoxicants.

6 (3) As used in this section:

7 (a) “Flagger” has the meaning given that term in ORS 811.230.

8 (b) “Highway worker” has the meaning given that term in ORS 811.230.

9 (c) “Staff member” means:

10 (A) A corrections officer as defined in ORS 181A.355, a youth correction  
11 officer, a youth correction facility staff member, a Department of Corrections  
12 or Oregon Youth Authority staff member or a person employed pursuant to  
13 a contract with the department or youth authority to work with, or in the  
14 vicinity of, adults in custody, youths or adjudicated youths; and

15 (B) A volunteer authorized by the department, youth authority or other  
16 entity in charge of a corrections facility to work with, or in the vicinity of,  
17 adults in custody, youths or adjudicated youths.

18 (d) “Youth correction facility” has the meaning given that term in ORS  
19 162.135.

20 **SECTION 6.** ORS 163.187 is amended to read:

21 163.187. (1) A person commits the crime of strangulation if the person  
22 knowingly impedes the normal breathing or circulation of the blood of an-  
23 other person by:

24 (a) Applying pressure on the throat, neck or chest of the other person;

25 or

26 (b) Blocking the nose or mouth of the other person.

27 (2) Subsection (1) of this section does not apply to legitimate medical or  
28 dental procedures or good faith practices of a religious belief.

29 (3) Strangulation is a Class A misdemeanor.

30 (4) Notwithstanding subsection (3) of this section, strangulation is a Class  
31 C felony if:

1 (a) The crime is committed in the immediate presence of, or is witnessed  
2 by, the person's or the victim's minor child or stepchild or a minor child  
3 residing within the household of the person or the victim;

4 (b) The victim is under [10] 18 years of age;

5 (c) The victim is a family or household member, as defined in ORS 135.230,  
6 of the person;

7 (d) During the commission of the crime, the person used, attempted to use  
8 or threatened to use a dangerous or deadly weapon, as those terms are de-  
9 fined in ORS 161.015, unlawfully against another;

10 (e) The person has been previously convicted of violating this section or  
11 ORS 163.160, 163.165, 163.175, 163.185 or 163.190, or of committing an equiv-  
12 alent crime in another jurisdiction, and the victim in the previous conviction  
13 is the same person who is the victim of the current crime;

14 (f) The person has at least three previous convictions for violating this  
15 section or ORS 163.160, 163.165, 163.175, 163.185 or 163.190 or for committing  
16 an equivalent crime in another jurisdiction, in any combination; or

17 (g) The person commits the strangulation knowing that the victim is  
18 pregnant.

19 (5) For purposes of subsection (4)(a) of this section, a strangulation is  
20 witnessed if the strangulation is seen or directly perceived in any other  
21 manner by the child.

22 (6) The Oregon Criminal Justice Commission shall classify strangulation  
23 committed under the circumstances described in subsection (4)(c) of this  
24 section as crime category 5 of the sentencing guidelines grid of the commis-  
25 sion.

26 **SECTION 7.** ORS 137.700 is amended to read:

27 137.700. (1) Notwithstanding ORS 161.605, when a person is convicted of  
28 one of the offenses listed in subsection (2)(a) of this section and the offense  
29 was committed on or after April 1, 1995, or of one of the offenses listed in  
30 subsection (2)(b) of this section and the offense was committed on or after  
31 October 4, 1997, or of the offense described in subsection (2)(c) of this section

1 and the offense was committed on or after January 1, 2008, the court shall  
2 impose, and the person shall serve, at least the entire term of imprisonment  
3 listed in subsection (2) of this section. The person is not, during the service  
4 of the term of imprisonment, eligible for release on post-prison supervision  
5 or any form of temporary leave from custody. The person is not eligible for  
6 any reduction in, or based on, the minimum sentence for any reason what-  
7 soever under ORS 421.121 or any other statute. The court may impose a  
8 greater sentence if otherwise permitted by law, but may not impose a lower  
9 sentence than the sentence specified in subsection (2) of this section.

10 (2) The offenses to which subsection (1) of this section applies and the  
11 applicable mandatory minimum sentences are:

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- 12
- 13 (a)(A) Murder in the second  
14 degree, as defined in  
15 ORS 163.115.....300 months
  - 16 (B) Murder in the first  
17 degree, as defined  
18 in ORS 163.107.....360 months
  - 19 (C) Attempt or conspiracy  
20 to commit aggravated  
21 murder, as defined  
22 in ORS 163.095.....120 months
  - 23 (D) Attempt or conspiracy  
24 to commit murder  
25 in any degree. ....90 months
  - 26 (E) Manslaughter in the  
27 first degree, as defined  
28 in ORS 163.118.....120 months
  - 29 (F) Manslaughter in the  
30 second degree, as defined  
31 in ORS 163.125.....75 months

- 1 (G) Assault in the first
- 2 degree, as defined in
- 3 ORS 163.185.....90 months
- 4 (H) Assault in the second
- 5 degree, as defined in
- 6 ORS 163.175.....70 months
- 7 (I) Except as provided in
- 8 paragraph (b)(G) of
- 9 this subsection,
- 10 kidnapping in the first
- 11 degree, as defined
- 12 in ORS 163.235.....90 months
- 13 (J) Kidnapping in the second
- 14 degree, as defined in
- 15 ORS 163.225.....70 months
- 16 (K) Rape in the first degree,
- 17 as defined in ORS 163.375
- 18 (1)(a), (c) or (d).....100 months
- 19 (L) Rape in the second degree,
- 20 as defined in
- 21 ORS 163.365.....75 months
- 22 (M) Sodomy in the first degree,
- 23 as defined in ORS 163.405
- 24 (1)(a), (c) or (d).....100 months
- 25 (N) Sodomy in the second
- 26 degree, as defined in
- 27 ORS 163.395.....75 months
- 28 (O) Unlawful sexual penetration
- 29 in the first degree, as
- 30 defined in ORS 163.411
- 31 (1)(a), [or] (c) **or** (d). .....100 months

- 1 (P) Unlawful sexual penetration
- 2 in the second degree, as
- 3 defined in ORS 163.408. ....75 months
- 4 (Q) Sexual abuse in the first
- 5 degree, as defined in
- 6 ORS 163.427.....75 months
- 7 (R) Robbery in the first degree,
- 8 as defined in
- 9 ORS 164.415.....90 months
- 10 (S) Robbery in the second
- 11 degree, as defined in
- 12 ORS 164.405.....70 months
- 13 (b)(A) Arson in the first degree,
- 14 as defined in ORS 164.325,
- 15 when the offense represented
- 16 a threat of serious
- 17 physical injury. ....90 months
- 18 (B) Using a child in a display
- 19 of sexually explicit
- 20 conduct, as defined in
- 21 ORS 163.670.....70 months
- 22 (C) Compelling prostitution,
- 23 as defined in
- 24 ORS 167.017.....70 months
- 25 (D) Rape in the first degree,
- 26 as defined in
- 27 ORS 163.375 (1)(b). ....300 months
- 28 (E) Sodomy in the first degree,
- 29 as defined in
- 30 ORS 163.405 (1)(b). ....300 months
- 31 (F) Unlawful sexual penetration

1 in the first degree, as  
 2 defined in  
 3 ORS 163.411 (1)(b). .....300 months

4 (G) Kidnapping in the first  
 5 degree, as defined in  
 6 ORS 163.235, when the  
 7 offense is committed in  
 8 furtherance of the commission  
 9 or attempted commission of an  
 10 offense listed in subparagraph  
 11 (D), (E) or (F) of  
 12 this paragraph.....300 months

13 (c) Aggravated vehicular  
 14 homicide, as defined in  
 15 ORS 163.149.....240 months

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17 **SECTION 8. The amendments to ORS 137.700, 163.165, 163.187,**  
 18 **163.375, 163.405, 163.411 and 163.426 by sections 1 to 7 of this 2025 Act**  
 19 **apply to conduct occurring on or after the effective date of this 2025**  
 20 **Act.**

21 **SECTION 9. This 2025 Act takes effect on the 91st day after the date**  
 22 **on which the 2025 regular session of the Eighty-third Legislative As-**  
 23 **sembly adjourns sine die.**

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