

SB 957 -1, -2 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/30, 4/3

WHAT THE MEASURE DOES:

Expands the types of prior convictions that increase the offense level for the crime of public indecency to include: Using child in Display of Sexually Explicit Conduct (ORS 163.670); Encouraging Child Abuse in the First, Second, and Third Degree (ORS 163.684, 163.686, 163.687); Possession of Materials Depicting Sexually Explicit Conduct of a Child in the First and Second Degree (ORS 163.688, 163.689); and Failure to Report Child Pornography. Modifies crime of Luring a Minor to include engaging in sexual conduct in the immediate presence of a minor for the purpose of inducing the minor to engage in sexual conduct. Modifies the affirmative defense for the crime of Luring a Minor to include that the defendant had reasonable cause to believe that the person in the immediate presence of whom the defendant engaged in sexual conduct was not a minor. Declares emergency, effective on passage.

REVENUE: Minimal impact

FISCAL: Indeterminate

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Removes the emergency clause.

-2 Requires the State Board of Parole and Post-Prison Supervision (Parole Board) to take into consideration the following in the sex offender risk assessment: all relevant information concerning the sex offender that is available or able to be obtained, including but not limited to any court documents, presentence reports, psychological evaluations, criminal conduct reported or admitted by the sex offender regardless of whether the conduct was criminally prosecuted, and any other information available from the office of the prosecuting attorney or previous court proceedings. Requires the Parole Board, the Psychiatric Security Review Board or a supervisory authority to reassess and reclassify a person if: within three years of the initial classification, a victim requests the reassessment; or within five years of the initial classification a victim requests the reassessment and there are verifiable reports that the person is engaging in the harassment of or threatening behavior toward any victim. Defines victim as: a victim of a sex crime of which the person has been convicted; or any person against whom the person has admitted to committing conduct constituting a sex crime, if the conduct was not the subject of a criminal prosecution due to the statute of limitations. Appropriates moneys to the Parole Board out of the general fund in the amount of \$6,000,000.

BACKGROUND:

Under current law, the crime of public indecency is a Class A misdemeanor. It is a Class C felony if the person has a prior conviction for public indecency or: Rape in the third, second, or first degree; Sodomy in the third, second, or first degree; Unlawful sexual penetration in the second or first degree; Purchasing sex with a minor; Sexual abuse in the third, second, or first degree; Online sexual corruption of a child in the second or first degree; Contributing to the sexual delinquency of a minor; or Sexual misconduct.

Senate Bill 957 expands the number and types of prior convictions that qualify to enhance the crime of public indecency to a Class C felony.