Senate Bill 566
Sponsored by Senators GELSER BLOUIN, GORSEK, KNOPP; Senator DEMBROW, Representative GRAYBER
(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.

Provides that lack of verbal or physical resistance does not by itself constitute lack of consent or inability to consent in determination of whether sexual act is consensual.

A BILL FOR AN ACT

Relating to consent; creating new provisions; and amending ORS 163.315.

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

SECTION 1. ORS 163.315 is amended to read:

163.315. (1) A person is considered incapable of consenting to a sexual act if the person is:

(a) Under 18 years of age;

(b) Incapable of appraising the nature of the person’s conduct;

(c) Mentally incapacitated; or

(d) Physically helpless.

(2) A lack of verbal or physical resistance does not, by itself, constitute consent, lack of consent or inability to consent, but may be considered by the trier of fact along with all other relevant evidence.

(3) A person is incapable of appraising the nature of the person’s conduct if:

(a) The person is unable to understand the nature of the conduct;

(b) The person is unable to understand the right to choose whether and how to engage in conduct, including the right to revoke a prior decision to engage in conduct; or

(c) The person is unable to communicate a decision to engage in conduct.

SECTION 2. The amendments to ORS 163.315 by section 1 of this 2023 Act apply to conduct occurring on or after the effective date of this 2023 Act.

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.

LC 1195