

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Oregon District Attorneys Association)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2328**

1 On page 1 of the printed bill, delete lines 23 through 28.

2 On page 2, delete lines 1 through 20 and insert:

3 **“SECTION 2.** ORS 163.670 is amended to read:

4 “163.670. (1) A person commits the crime of using a child in a display of
5 sexually explicit conduct if the person:

6 **“(a)** Employs, authorizes, permits, compels or induces a child to partic-
7 ipate or engage in sexually explicit conduct for any person to observe or to
8 record in a visual recording; **or**

9 **“(b) Knowingly records in a visual recording a child participating**
10 **or engaging in sexually explicit conduct.**

11 “(2) Using a child in a display of sexually explicit conduct is a Class A
12 felony.

13 **“SECTION 3.** ORS 163.408 is amended to read:

14 “163.408. (1) Except as permitted under ORS 163.412, a person commits the
15 crime of unlawful sexual penetration in the second degree if the person
16 penetrates the vagina, anus or penis of another with any object [*other than*
17 *the penis or mouth of the actor*] and the victim is under 14 years of age.

18 “(2) Unlawful sexual penetration in the second degree is a Class B felony.

19 **“(3) As used in this section, ‘object’ includes any body part of the**
20 **actor.**

21 **“(4) When multiple crimes are charged based on one penetrative**

1 **act, the court may not enter separate convictions for each crime, and**
2 **may enter only one conviction for the conduct.**

3 **“SECTION 4.** ORS 163.411 is amended to read:

4 “163.411. (1) Except as permitted under ORS 163.412, a person commits the
5 crime of unlawful sexual penetration in the first degree if the person pene-
6 trates the vagina, anus or penis of another with any object [*other than the*
7 *penis or mouth of the actor*] and:

8 “(a) The victim is subjected to forcible compulsion;

9 “(b) The victim is under 12 years of age; or

10 “(c) The victim is incapable of consent by reason of mental incapacitation,
11 physical helplessness or incapability of appraising the nature of the victim’s
12 conduct.

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

14 **“(3) As used in this section, ‘object’ includes any body part of the**
15 **actor.**

16 **“(4) When multiple crimes are charged based on one penetrative**
17 **act, the court may not enter separate convictions for each crime, and**
18 **may enter only one conviction for the conduct.”.**

19
