



TO: Senate Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: February 1, 2023
RE: Opposition to SB 567

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Committee on Judiciary:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

I am testifying today in opposition to SB 567.

OCDLA strongly opposes the addition of "or with the intent to abuse, humiliate, harass, annoy or degrade the person" because it significantly expands the purpose and breadth of the statute, which to this point has been limited to contact with intimate parts with the purpose of sexual gratification. This can be a **registerable offense** which means that if convicted, someone would have to register as a sex offender when their underlying motive was to harass the other party.

If the "abuse" or "humiliation" has a sexual component, then it's already covered by the current language of the statute ("for the purpose of arousing or gratifying the sexual desire of either party"). If it doesn't have a sexual component, then it shouldn't be defined as "sexual contact" and subject a person to sex offender registration.

Additionally, **there is already a crime (harassment of a sexual part) that covers this conduct**. ORS 166.065 (4) is a Class A misdemeanor and provides that "a person commits the crime of harassment if the person intentionally" "harasses or annoys another person by" "subjecting such other person to offensive physical contact" "and the offensive physical contact consists of touching the sexual or other intimate parts of the other person."

If this legislation was introduced to address a particular incident, OCDLA questions whether legislation is the solution. There are multiple factors that occur in a criminal case which can lead to a lesser charge or conviction. Those factors are oftentimes not due to the statute being deficient.