

I OPPOSE [SB 566].

From the "Text of [SB 566], [Page (1) at (10-12)],"

The following requires clarification: "...(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."

[SB 566], as written, is confusing and seems to condense the roles of the Legislature and the Judge with the facts but, leaves out the Jury from applying the prescribed law to the facts presented.

In other words, the Jury should use facts to determine the behaviors so listed and then apply the law.

David S. Wall
Mr. Oregon Concur.

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