

House Bill 3425

Sponsored by Representative BOICE

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act creates the crime of grooming. (Flesch Readability Score: 100.0).
Creates the crime of grooming. Punishes by a maximum of five years' imprisonment, \$125,000 fine, or both.
Defines grooming as a sex crime requiring sex offender reporting upon conviction.

A BILL FOR AN ACT

Relating to grooming; creating new provisions; and amending ORS 161.005, 163A.005 and 163A.115.

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

SECTION 1. (1) A person commits the crime of grooming if the person knowingly, by using any means described in subsection (2) of this section, seduces, solicits, lures or entices, or attempts to seduce, solicit, lure, or entice, a child, a child's guardian or another person believed by the person to be a child or a child's guardian, to:

(a) Commit a sex crime;

(b) Distribute an image of the sex organs of the child; or

(c) Engage in unlawful sexual conduct with a child or with another person believed by the person to be a child.

(2) As used in subsection (1) of this section, "means" means:

(a) By using a computer online system, Internet service, local bulletin board service or any other device capable of electronic data storage or transmission;

(b) By performing an act:

(A) In person; or

(B) By conduct through a third party; or

(c) By using written communication.

(3) Grooming is a Class C felony.

(4) As used in this section:

(a) "Child" means a person under 17 years of age.

(b) "Image" has the meaning given that term in ORS 163.472.

(c) "Sex crime" has the meaning given that term in ORS 163A.005.

(d) "Sexual conduct" means sexual intercourse, oral or anal sexual intercourse or sexual contact, as those terms are defined in ORS 163.305.

SECTION 2. ORS 161.005 is amended to read:

161.005. ORS 161.005 to 161.055, 161.065, 161.085 to 161.125, 161.150 to 161.175, 161.190 to 161.275, 161.290 to 161.373, 161.405 to 161.485, 161.505 to 161.585, 161.605, 161.615 to 161.685, 161.705 to 161.737, 162.005, 162.015 to 162.035, 162.055 to 162.115, 162.135 to 162.205, 162.225 to 162.375, 162.405 to 162.425, 162.465, 163.005, 163.095, 163.107, 163.115, 163.125 to 163.145, 163.149, 163.160 to

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.

1 163.208, 163.191, 163.196, 163.215 to 163.257, 163.261, 163.263, 163.264, 163.266, 163.275, 163.285,
2 163.305 to 163.467, 163.429, 163.432, 163.433, 163.472, 163.505 to 163.575, 163.665 to 163.693, 163.700,
3 163.701, 163.715, 164.005, 164.015 to 164.135, 164.138, 164.140, 164.205 to 164.270, 164.305 to 164.377,
4 164.395 to 164.415, 164.805, 164.857, 164.886, 165.002 to 165.102, 165.109, 165.118, 165.805, 165.815,
5 166.005 to 166.095, 166.119, 166.125, 166.128, 166.350, 166.382, 166.384, 166.660, 167.002 to 167.027,
6 167.057, 167.060 to 167.100, 167.117, 167.122 to 167.162, 167.203 to 167.252, 167.310 to 167.340, 167.350,
7 167.810 and 167.820 **and section 1 of this 2025 Act** shall be known and may be cited as Oregon
8 Criminal Code of 1971.

9 **SECTION 3.** ORS 163A.005, as amended by section 1, chapter 63, Oregon Laws 2024, is amended
10 to read:

11 163A.005. As used in ORS 163A.005 to 163A.235:

12 (1) “Another United States court” means a federal court, a military court, the tribal court of a
13 federally recognized Indian tribe or a court of:

- 14 (a) A state other than Oregon;
- 15 (b) The District of Columbia;
- 16 (c) The Commonwealth of Puerto Rico;
- 17 (d) Guam;
- 18 (e) American Samoa;
- 19 (f) The Commonwealth of the Northern Mariana Islands; or
- 20 (g) The United States Virgin Islands.

21 (2) “Attends” means is enrolled on a full-time or part-time basis.

22 (3)(a) “Correctional facility” means any place used for the confinement of persons:

23 (A) Charged with or convicted of a crime or otherwise confined under a court order.

24 (B) Found to be within the jurisdiction of the juvenile court for having committed an act that
25 if committed by an adult would constitute a crime.

26 (b) “Correctional facility” applies to a state hospital or a secure intensive community inpatient
27 facility only as to persons detained therein charged with or convicted of a crime, or detained therein
28 after being found guilty except for insanity under ORS 161.290 to 161.373 or responsible except for
29 insanity under ORS 419C.411.

30 (4) “Institution of higher education” means a public or private educational institution that pro-
31 vides a program of post-secondary education.

32 (5) “Sex crime” means:

- 33 (a) Rape in any degree;
- 34 (b) Sodomy in any degree;
- 35 (c) Unlawful sexual penetration in any degree;
- 36 (d) Sexual abuse in any degree;
- 37 (e) Incest with a child victim;
- 38 (f) Using a child in a display of sexually explicit conduct;
- 39 (g) Encouraging child sexual abuse in any degree;
- 40 (h) Transporting child pornography into the state;
- 41 (i) Paying for viewing a child’s sexually explicit conduct;
- 42 (j) Compelling prostitution;
- 43 (k) Promoting prostitution;
- 44 (L) Kidnapping in the first degree if the victim was under 18 years of age;
- 45 (m) Contributing to the sexual delinquency of a minor;

- 1 (n) Sexual misconduct if the offender is at least 18 years of age;
- 2 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
- 3 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent
- 4 or by a person found to be within the jurisdiction of the juvenile court;
- 5 (q) Online sexual corruption of a child in any degree if the offender reasonably believed the
- 6 child to be more than five years younger than the offender;
- 7 (r) Luring a minor, if:
 - 8 (A) The offender reasonably believed the minor or, in the case of a police officer or agent of a
 - 9 police officer posing as a minor, the purported minor to be more than five years younger than the
 - 10 offender or under 16 years of age; and
 - 11 (B) The court designates in the judgment that the offense is a sex crime;
- 12 (s) Sexual assault of an animal;
- 13 (t) Public indecency or private indecency, if the person has a prior conviction for a crime listed
- 14 in this subsection;
- 15 (u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);
- 16 (v) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to
- 17 ORS 163.413 (3)(d), or the offense is the defendant's second or subsequent conviction under ORS
- 18 163.413 (3)(b)(B);
- 19 (w) Invasion of personal privacy in the first degree, if the court designates the offense as a sex
- 20 crime pursuant to ORS 163.701 (3);
- 21 (x) Sexual abuse by fraudulent representation;
- 22 (y) Abuse of a corpse in the first degree as described in ORS 166.087 (1)(a);
- 23 **(z) Grooming;**
- 24 [(z)] **(aa)** Any attempt to commit any of the crimes listed in paragraphs (a) to [(y)] **(z)** of this
- 25 subsection;
- 26 [(aa)] **(bb)** Burglary, when committed with intent to commit any of the offenses listed in para-
- 27 graphs (a) to [(y)] **(z)** of this subsection; or
- 28 [(bb)] **(cc)** Criminal conspiracy if the offender agrees with one or more persons to engage in or
- 29 cause the performance of an offense listed in paragraphs (a) to [(y)] **(z)** of this subsection.
- 30 (6) "Sex offender" means a person who:
 - 31 (a) Has been convicted of a sex crime;
 - 32 (b) Has been found guilty except for insanity of a sex crime;
 - 33 (c) Has been convicted in another United States court of a crime:
 - 34 (A) That would constitute a sex crime if committed in this state; or
 - 35 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
 - 36 or as required under federal law, regardless of whether the crime would constitute a sex crime in
 - 37 this state; or
 - 38 (d) Is described in ORS 163A.025 (1).
 - 39 (7) "Works" or "carries on a vocation" means full-time or part-time employment for more than
 - 40 14 days within one calendar year whether financially compensated, volunteered or for the purpose
 - 41 of governmental or educational benefit.
- 42 **SECTION 4.** ORS 163A.115, as amended by section 2, chapter 63, Oregon Laws 2024, is amended
- 43 to read:
 - 44 163A.115. Notwithstanding any other provision of law:
 - 45 (1) A person who is a sexually violent dangerous offender under ORS 137.765:

- 1 (a) Must be classified as a level three sex offender under ORS 163A.100 (3); and
2 (b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as
3 a level two sex offender under ORS 163A.100 (2), pursuant to a petition filed under ORS 163A.125.
4 (2) A person who has been convicted or found guilty except for insanity of one of the following
5 offenses is not eligible for relief from the obligation to report as a sex offender pursuant to a peti-
6 tion filed under ORS 163A.125 (1):
7 (a) Rape in the first degree;
8 (b) Sodomy in the first degree;
9 (c) Unlawful sexual penetration in the first degree;
10 (d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or when the victim is under
11 18 years of age; or
12 (e) Burglary in the first degree when committed with the intent to commit any of the offenses
13 listed in ORS 163A.005 (5)(a) to [(y)] (z).
14 (3) A person classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon
15 Laws 2013, is not eligible for relief from the obligation to report as a sex offender pursuant to a
16 petition filed under ORS 163A.125 (1).
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