

HB 2428 A STAFF MEASURE SUMMARY

Carrier: Rep. Lewis

House Committee On Judiciary

Action Date: 03/18/19

Action: Do pass with amendments. (Printed A-Eng.)

Vote: 7-1-3-0

Yeas: 7 - Barker, Bynum, Lewis, Power, Sprenger, Stark, Williamson

Nays: 1 - Greenlick

Exc: 3 - Gorsek, McLane, Piluso

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Gillian Fischer, Counsel

Meeting Dates: 3/11, 3/18

WHAT THE MEASURE DOES:

Expands the crime of public indecency to include the act of masturbation while in, or in view of, a public place.

ISSUES DISCUSSED:

- Public masturbation can create similar safety concerns as conduct addressed currently by statute
- Current law does not encompass masturbation through or over clothing
- No modification to available mental health-related defenses

EFFECT OF AMENDMENT:

Makes technical correction.

BACKGROUND:

A person commits the crime of public indecency if while in, or in view of, a public place the person performs an act of sexual intercourse; an act of oral or anal sexual intercourse; or an act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person. The act of masturbation in, or in view of, a public place is not encompassed by the conduct prohibited by the statute if the act does not expose the genitals of the person.

House Bill 2428 A amends ORS 163.465 by including the act of public masturbation in the crime of public indecency.