

Enrolled
Senate Bill 649

Sponsored by Senators HANSELL, TAYLOR, Representative LEVY; Representatives BONHAM, BOSHART DAVIS, BREESE-IVERSON, CATE, DEXTER, HUDSON, KROPF, LEIF, LEWIS, MOORE-GREEN, MORGAN, NOBLE, OWENS, POWER, RESCHKE, SMITH DB, SMITH G, STARK, WALLAN, WEBER, WRIGHT, ZIKA (Pre-session filed.)

CHAPTER

AN ACT

Relating to sexual abuse in the second degree; amending ORS 163.425 and 163.426.

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

SECTION 1. ORS 163.425 is amended to read:

163.425. (1) A person commits the crime of sexual abuse in the second degree when:

(a) The person subjects another person to sexual intercourse, oral or anal sexual intercourse or, except as provided in ORS 163.412, penetration of the vagina, anus or penis with any object other than the penis or mouth of the actor and the victim does not consent thereto; or

(b)(A) The person violates ORS 163.415 (1)(a)(B);

(B) The person is 21 years of age or older; and

(C) At any time before the commission of the offense, the person was the victim's coach **or teacher**, as **those terms are** defined in ORS 163.426.

(2) Sexual abuse in the second degree is a Class C felony.

SECTION 2. ORS 163.426 is amended to read:

163.426. (1) As used in this section[,]:

(a) "Coach" means a person who instructs or trains an individual or members of a team in a sport.

(b) "**Teacher**" means an employee of a school or school district who has direct responsibility for the instruction of students.

(2) The Oregon Criminal Justice Commission shall classify sexual abuse in the second degree as described in ORS 163.425 (1)(a) as a crime category 8 of the sentencing guidelines grid of the commission if:

(a) The victim is incapable of consent by reason of being under 18 years of age;

(b) The offender is 21 years of age or older; and

(c) At any time before the commission of the offense, the offender was the victim's coach **or teacher**.

Passed by Senate April 12, 2021

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Lori L. Brocker, Secretary of Senate

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Peter Courtney, President of Senate

Passed by House June 7, 2021

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Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2021

Approved:

.....M.,....., 2021

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Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2021

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Shemia Fagan, Secretary of State