

SB 566 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 2/1

WHAT THE MEASURE DOES:

Provides that lack of verbal or physical resistance does not by itself constitute lack of consent or inability to consent in determination of whether sexual act is consensual.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Currently, under ORS 163.315, a lack of verbal or physical resistance does not, by itself, constitute consent, but may be considered by the trier of fact along with all other relevant evidence.

Senate Bill 566 would amend this provision to include that a lack of verbal or physical resistance, by itself, does not constitute a lack of consent or inability to consent.