

SB 339 B STAFF MEASURE SUMMARY

Carrier: Rep. Morgan

House Committee On Judiciary**Action Date:** 05/10/23**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 9-0-1-0**Yeas:** 9 - Andersen, Chaichi, Conrad, Kropf, Lewis, Morgan, Reynolds, Tran, Wallan**Exc:** 1 - Bynum**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, LPRO Analyst**Meeting Dates:** 4/18, 5/3, 5/9, 5/10**WHAT THE MEASURE DOES:**

Authorizes a court to order a person convicted of harassment for touching a sexual or other intimate part of another, under ORS 166.065(4)(a)(A), to successfully complete a sex offender treatment program if recommended by the supervising probation officer and to submit to polygraph examinations at the direction of the supervising officer. Provides that a court may order a defendant to successfully complete a sex offender treatment program if recommended by the supervising probation officer when a person is convicted of any sex crime as defined in ORS 163A.005.

ISSUES DISCUSSED:

- Relevant testimony from hearing on Senate Bill 566 (2023) and Senate Bill 567 (2023)
- Scope of crimes currently covered by statute not comprehensive; amendment expands statute
- Current status of law

EFFECT OF AMENDMENT:

Provides that a court may order a defendant to successfully complete a sex offender treatment program if recommended by the supervising probation officer when a person is convicted of any sex crime as defined in ORS 163A.005.

BACKGROUND:

Oregon statute provides that a court may sentence a defendant to probation and order them to follow general conditions unless specifically excluded by the court. In addition to the general conditions, the court may impose any special conditions of probation that are reasonably related to the crime of conviction or the needs of the defendant for the protection of the public or reformation of the offender. However, under ORS 137.540, a court may only impose conditions requiring an evaluation and/or sex offender treatment as recommended by a supervising probation officer if a person is on supervision for a sex offense under ORS 163.305-163.467. Since the adoption of ORS 137.540, additional sex crimes have been added to Oregon statute. ORS 137.540 has not been updated and currently does not provide authority for a court to allow special probation conditions described above for convictions of those added crimes.

Senate Bill 339 B adds the crime of harassment for the touching of a sexual or intimate part of another to the list of crimes for which a court may order sex offender treatment as part of supervision requirements and further provides that a court may order a defendant to complete a sex offender treatment program when a person is convicted of any sex crime as defined in ORS 163A.005.