

House Bill 3370

Sponsored by Representative HELFRICH; Representatives BOICE, HIEB, JAVADI, MANNIX, OSBORNE

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**.

Creates process for charging aggravated version of certain sex offenses when defendant, in order to facilitate commission of offense, knowingly causes victim to ingest controlled substance without victim's consent. Directs court to sentence defendant to mandatory minimum of 24 months' imprisonment, or to add 24 months to presumptive or mandatory minimum term of imprisonment. Provides that defendants sentenced for aggravated offense are not eligible for temporary leave from custody or reduction in term of incarceration.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex crimes involving controlled substances; and declaring an emergency.

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

4 **SECTION 1. (1)(a) If a person, in order to facilitate the commission of an offense listed**
5 **in subsection (4) of this section, knowingly causes the victim to ingest a controlled substance**
6 **as defined in ORS 475.005 without the victim's consent, the allegation may be pleaded in the**
7 **accusatory instrument and proved at trial as an element in aggravation of the crime as**
8 **provided in this section.**

9 **(b) When an offense listed in subsection (4) of this section is pleaded as described in**
10 **paragraph (a) of this subsection, the words "facilitated by a controlled substance" shall be**
11 **added to the title of the offense. The unaggravated crime shall be considered a lesser in-**
12 **cluded offense.**

13 **(2) Notwithstanding ORS 161.605 and 161.615, if a defendant is convicted of a crime listed**
14 **in subsection (4) of this section having as an element that the defendant, in order to facili-**
15 **tate the commission of the offense, knowingly caused the victim to ingest a controlled sub-**
16 **stance as defined in ORS 475.005 without the victim's consent, the court shall sentence the**
17 **defendant as follows:**

18 **(a) If the presumptive sentence under the rules of the Oregon Criminal Justice Com-**
19 **mission is a term of probation, the court shall sentence the defendant to at least 24 months**
20 **of imprisonment, to be served consecutively to any other sentence imposed by the court.**

21 **(b) If the presumptive sentence under the rules of the Oregon Criminal Justice Com-**
22 **mission is a term of imprisonment, the court shall impose a term of imprisonment equal to**
23 **the presumptive sentence plus 24 months, and the total sentence must be served consec-**
24 **utively to any other sentence imposed by the court.**

25 **(c) If the offense is subject to a mandatory minimum sentence, the court shall increase**
26 **the mandatory minimum sentence of imprisonment by 24 months, and the total sentence**
27 **must be served consecutively to any other sentence imposed by the court.**

28 **(3) During the service of the term of imprisonment, a person sentenced under this sec-**

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 **tion is not eligible for:**

2 (a) **Release on post-prison supervision or any form of temporary leave from custody.**

3 (b) **A reduction in the term of incarceration under ORS 421.121.**

4 (4) **The crimes to which this section applies are:**

5 (a) **Rape in the third degree under ORS 163.355.**

6 (b) **Rape in the second degree under ORS 163.365.**

7 (c) **Rape in the first degree under ORS 163.375.**

8 (d) **Sodomy in the third degree under ORS 163.385.**

9 (e) **Sodomy in the second degree under ORS 163.395.**

10 (f) **Sodomy in the first degree under ORS 163.405.**

11 (g) **Unlawful sexual penetration in the second degree under ORS 163.408.**

12 (h) **Unlawful sexual penetration in the first degree under ORS 163.411.**

13 (i) **Sexual abuse in the second degree under ORS 163.425.**

14 (j) **Sexual abuse in the first degree under ORS 163.427.**

15 (5) **As used in this section, “victim” means the person named in the charging instrument**
16 **against whom an offense listed in subsection (4) of this section is alleged to have been com-**
17 **mitted.**

18 **SECTION 2. Section 1 of this 2023 Act applies to crimes alleged to have been committed**
19 **on or after the effective date of this 2023 Act.**

20 **SECTION 3. This 2023 Act being necessary for the immediate preservation of the public**
21 **peace, health and safety, an emergency is declared to exist, and this 2023 Act takes effect**
22 **on its passage.**