

Senate Bill 605

Sponsored by Senator CAMPOS; Senator MANNING JR, Representative HUDSON (Presession filed.)

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 affirmative defense to crimes involving visual depiction or visual recording of sexually explicit conduct involving child when defendant and child are within specified age range and certain other circumstances exist.

A BILL FOR AN ACT

1
2 Relating to affirmative defenses.

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

4 **SECTION 1. Section 2 of this 2023 Act is added to and made a part of ORS 163.665 to**
5 **163.693.**

6 **SECTION 2. It is an affirmative defense to a prosecution under ORS 163.665 to 163.693**
7 **that:**

8 (1) **The prohibited conduct consists of creating, possessing, controlling or disseminating**
9 **a visual recording or visual depiction of sexually explicit conduct involving a child;**

10 (2) **The defendant, at the time of engaging in the prohibited conduct:**

11 (a) **Was at least 13 years of age and under 18 years of age; and**

12 (b) **Was within three years of age of the child depicted in the visual recording or visual**
13 **depiction;**

14 (3) **The child depicted in the visual recording or visual depiction was at least 13 years of**
15 **age at the time the recording or depiction was created;**

16 (4) **The visual recording or visual depiction was created without coercion or financial in-**
17 **ducement; and**

18 (5) **If the visual recording or visual depiction was disseminated, the dissemination was for**
19 **no consideration and only to a third party agreed upon by all parties.**

20 **SECTION 3. Section 2 of this 2023 Act applies to conduct occurring on or after the ef-**
21 **fective date of this 2023 Act.**

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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.