

A-Engrossed
Senate Bill 957

Ordered by the Senate April 11
Including Senate Amendments dated April 11

Sponsored by Senators HANSELL, TAYLOR, ANDERSON, KNOPP, Representative LEVY B; Senators MANNING JR, SMITH DB

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.

Expands types of prior convictions that increase offense level for crime of public indecency.
Modifies crime of luring a minor to include engaging in sexual conduct in immediate presence of minor for purposes of inducing minor to engage in sexual conduct.
[Declares emergency, effective on passage.]

A BILL FOR AN ACT

Relating to sex offenses; amending ORS 163.465 and 167.057.

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

SECTION 1. ORS 163.465 is amended to read:

163.465. (1) A person commits the crime of public indecency if while in, or in view of, a public place the person performs:

(a) An act of sexual intercourse;

(b) An act of oral or anal sexual intercourse;

(c) Masturbation; or

(d) An act of exposing the genitals of the person with the intent of arousing the sexual desire of the person or another person.

(2)(a) Public indecency is a Class A misdemeanor.

(b) Notwithstanding paragraph (a) of this subsection, public indecency is a Class C felony if the person has a prior conviction for public indecency or a crime described in ORS 163.355 to 163.445 **or 163.665 to 163.693** or for a crime in another jurisdiction that, if committed in this state, would constitute public indecency or a crime described in ORS 163.355 to 163.445 **or 163.665 to 163.693**.

SECTION 2. ORS 167.057 is amended to read:

167.057. (1) A person commits the crime of luring a minor if the person:

(a) Furnishes to, or uses with, a minor, a police officer posing as a minor or an agent of a police officer posing as a minor, a visual representation or explicit verbal description or narrative account of sexual conduct for the purpose of inducing the minor or purported minor to engage in sexual conduct[.]; **or**

(b) **Engages in sexual conduct in the immediate presence of a minor for the purpose of inducing the minor to engage in sexual conduct.**

(2) A person is not liable to prosecution for violating subsection (1) of this section if the person furnishes or uses a representation, description or account of sexual conduct that forms merely an

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 incidental part of an otherwise nonoffending whole and serves some purpose other than titillation.

2 (3) In a prosecution under subsection (1) of this section, it is an affirmative defense:

3 (a) That the representation, description or account was furnished or used for the purpose of
4 psychological or medical treatment and was furnished by a treatment provider or by another person
5 acting on behalf of the treatment provider;

6 (b) That the defendant had reasonable cause to believe that the person to whom the represen-
7 tation, description or account was furnished or with whom the representation, description or ac-
8 count was used, **or the person in the immediate presence of whom the defendant engaged in**
9 **sexual conduct**, was not a minor; or

10 (c) That the defendant was less than three years older than the minor or, in the case of a police
11 officer or agent of a police officer posing as a minor, the age of the purported minor as reported to
12 the defendant at the time of the alleged offense.

13 (4) Luring a minor is a Class C felony.

14 (5)(a) The court may designate luring a minor as a sex crime under ORS 163A.005 if the court
15 determines that:

16 (A) The offender reasonably believed the minor or, in the case of a police officer or agent of a
17 police officer posing as a minor, the purported minor to be more than five years younger than the
18 offender or under 16 years of age; and

19 (B) Given the nature of the offense, the age of the minor or purported minor as reported to the
20 defendant and the person's criminal history, designation of the offense as a sex crime is necessary
21 for the safety of the community.

22 (b) The court shall indicate the designation and the findings supporting the designation in the
23 judgment.

24 (6) As used in this section, "police officer" has the meaning given that term in ORS 181A.355.
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