

SENATE AMENDMENTS TO SENATE BILL 974

By COMMITTEE ON JUDICIARY

April 14

1 On page 1 of the printed bill, line 2, after “161.005,” insert “163.412.”

2 Delete lines 5 through 18 and insert:

3 **“SECTION 1. (1) A person commits the crime of sexual abuse by fraudulent represen-**
4 **tation if the person is a licensee and knowingly:**

5 **“(a) Subjects another person to sexual contact; and**

6 **“(b) Falsely or fraudulently represents to the other person that the sexual contact serves**
7 **a legitimate medical purpose.**

8 **“(2) Sexual abuse by fraudulent representation is a Class B felony.**

9 **“(3) The Oregon Criminal Justice Commission shall classify sexual abuse by fraudulent**
10 **representation as a crime category 8 of the sentencing guidelines grid of the commission.**

11 **“(4) As used in this section:**

12 **“(a) ‘Licensee’ has the meaning given that term in ORS 676.150.**

13 **“(b) ‘Sexual contact’ has the meaning given that term in ORS 163.305.”.**

14 On page 3, line 22, delete “assault” and insert “abuse”.

15 On page 4, after line 26, insert:

16 **“SECTION 3a. ORS 163.412 is amended to read:**

17 **“163.412. Nothing in ORS 163.408, 163.411 or 163.452 prohibits a penetration described in those**
18 **sections when:**

19 **“(1) The penetration is part of a medically recognized treatment or diagnostic procedure **and****
20 **is for a legitimate medical purpose; or**

21 **“(2) The penetration is accomplished by a peace officer or a corrections officer acting in official**
22 **capacity, or by medical personnel at the request of such an officer, in order to search for weapons,**
23 **contraband or evidence of crime.”.**

24 On page 5, line 38, delete “assault” and insert “abuse”.

25