

HB 2474 STAFF MEASURE SUMMARY

House Committee On Judiciary

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Sub-Referral To: Joint Committee On Ways and Means

Meeting Dates: 2/24

WHAT THE MEASURE DOES:

House Bill 2474 modifies several criminal law statutes relating to crimes involving sexual abuse, assault, and strangulation of victims that are minors or have a specific familial relationships with the defendant. Takes effect on the 91st day following adjournment sine die.

DETAILED SUMMARY

The measure modifies the types of familial relationships involved in ORS 163.375 defining Rape in the first degree (Rape I), ORS 163.405 defining the crime of Sodomy in the first degree (Sodomy I), and ORS 163.411 defining the crime of Unlawful Sexual Penetration in the first degree (USPI).

States that a person may commit the crimes of Rape I, Sodomy I, or USP I when the person engages in the criminal conduct specified by the statute with a person who is under 16 years of age and is the person's biological or adopted sibling, the person's biological or adopted child or the biological or adopted child of the person's spouse, former spouse, sexually intimate partner or former sexually intimate partner.

Modifies the crime of Assault in the third degree under ORS 163.165 and Felony Strangulation under ORS 163.187. Increases the age of the victim against whom these crimes may be committed from 10 years of age to under 18 years of age.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

Under Oregon statutes, the crimes of Rape I, Sodomy I, and USP I may be committed if a person engages in the underlying behavior defined in the crime and the victim is under 16 years of age and is the actor's brother or sister, of the whole or half blood, the son or daughter of the actor or the son or daughter of the actor's spouse. House Bill 2474 would expand the scope of qualifying familial relationship to include the adopted child or sibling of the actor as well as the adopted child of the person's current or former spouse or sexually intimate partner.

Certain Oregon criminal statutes, including Strangulation and Assault, have increased criminal severity if the acts are committed against a child. Currently, ORS 163.165 provides a person can commit the crime of Assault in the third degree if the person, being at least 18 years of age, intentionally or knowingly causes physical injury to a child 10 years of age or younger. The crime of Strangulation, under ORS 163.187, is a felony if the person knowingly impedes the normal breathing or circulation of the blood of another and the person is a child 10 years or younger. House Bill 2474 would increase the victim age in these statutes from 10 years to children under the age of 18 years.