

HB 3819 STAFF MEASURE SUMMARY

House Committee On Judiciary

Prepared By: Abby Shearer, LPRO Analyst

Meeting Dates: 3/26

WHAT THE MEASURE DOES:

The measure authorizes the State Board of Massage Therapists (SBMT) to issue temporary practice permits and establishes a registration requirement for individuals providing reflexology services. The measure defines reflexology and amends related provisions to include reflexology. It allows the SBMT to post a placard on massage facilities operating without proper licensure and increases the maximum civil penalty from \$1,000 to \$5,000 per violation. The measure increases the criminal classification for operating a massage facility without a license or violating related administrative rules from a Class A misdemeanor to a Class C felony. It also increases the classifications for crimes of promoting or compelling prostitution when the offense occurs within 200 feet of a noncompliant massage facility. The measure creates a hearsay exception for certain victim statements describing or reporting trafficking or purchasing sex with a minor, if the offense occurred within 200 feet of a massage facility that is unlicensed, engaging in prohibited practices, or associated with promoting or compelling prostitution, provided the statement was either recorded or made to an officer and has sufficient indicia of reliability. Takes effect on the 91st day following adjournment sine die.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

The State Board of Massage Therapists (SBMT) regulates massage therapy practice and enforces licensing requirements for massage therapists and massage facilities. The Board has authority to investigate complaints, issue sanctions, and adopt administrative rules governing professional conduct. Operating a massage facility without a license, practicing massage without appropriate certification, or violating applicable rules may result in civil penalties or a Class A misdemeanor. Reflexology, though often offered in massage facilities, is not presently subject to a registration or licensing requirement in Oregon. House Bill 3819 creates a registration requirement for individuals providing reflexology services and amends related statutes to include reflexology. It also increases civil penalties and elevates the criminal classification for operating a massage facility without a license, practicing massage without a license, or violating board-adopted rules from a Class A misdemeanor to a Class C felony.

Current law classifies promoting prostitution (ORS 167.012) and compelling prostitution (ORS 167.017) as Class C and Class B felonies, respectively. HB 3819 increases these penalties when the offense is committed on or within 200 feet of a massage facility that is both unlicensed and engaging in prohibited conduct, raising promoting prostitution to a Class B felony and compelling prostitution to a Class A felony under those circumstances.

Oregon's evidence code generally excludes hearsay—out-of-court statements offered for the truth of the matter asserted—unless a statutory exception applies. Some well-established exceptions apply even when the declarant is available to testify, such as for excited utterances, statements made for medical diagnosis, or certain recorded statements in child abuse proceedings. HB 3819 proposes a new exception allowing the admission of victim statements that describe, report, or explain specific crimes, including trafficking in persons, purchasing sex with a minor, promoting prostitution, or compelling prostitution. The exception applies when the crime or attempted crime occurred within 200 feet of a massage facility operating without a license and engaging in specific violations

under ORS 687. The statement must have been recorded or made to a listed official—such as a peace officer, EMS provider, or firefighter—and must show sufficient indicia of reliability. Currently, Oregon law does not contain a hearsay exception tied to the physical location of a crime or the licensing status of a facility where the crime occurred.

PRELIMINARY