

House Bill 3584

Sponsored by Representative HARTMAN, Senators GELSER BLOUIN, MEEK; Representatives BOICE, DOBSON, LEVY E, MANNIX, OWENS, SCHARF, Senator PATTERSON

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act says that a person must be at least 18 years of age to commit the crime of prostitution. The Act also allows protective custody for kids in some cases. The Act takes effect on the 91st day after sine die. (Flesch Readability Score: 75.7).

Provides that a person must be 18 years of age or older in order for the person to commit the crime of prostitution.

Authorizes the taking of a child into protective custody when the child has engaged in or is at risk of engaging in a commercial sex act.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to prostitution; creating new provisions; amending ORS 167.002, 167.007, 419B.005, 419B.152
3 and 687.011; and prescribing an effective date.

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

5 **SECTION 1.** ORS 167.007 is amended to read:

6 167.007. (1) A person commits the crime of prostitution if the person is **18 years of age or older**
7 **and** engages in, or offers or agrees to engage in, sexual conduct or sexual contact in return for a
8 fee.

9 (2) Prostitution is a Class A misdemeanor.

10 (3) It is an affirmative defense to prosecution under this section that the defendant, at the time
11 of the alleged offense, was a victim of the crime of trafficking in persons as described in ORS 163.266
12 (1)(b) or (c).

13 **SECTION 2.** ORS 167.002 is amended to read:

14 167.002. As used in ORS 167.002 to 167.027, unless the context requires otherwise:

15 (1) "Place of prostitution" means any place where prostitution is practiced.

16 (2) "Prostitute" means a male or female person who engages in sexual conduct or sexual contact
17 for a fee.

18 (3) "**Prostitution**" means **conduct constituting the crime of prostitution under ORS**
19 **167.007, or conduct that, if committed by an adult, would constitute the crime of prostitution**
20 **under ORS 167.007.**

21 [(3)] (4) "Prostitution enterprise" means an arrangement whereby two or more prostitutes are
22 organized to conduct prostitution activities.

23 [(4)] (5) "Sexual conduct" means sexual intercourse or oral or anal sexual intercourse.

24 [(5)] (6) "Sexual contact" means any touching of the sexual organs or other intimate parts of a
25 person not married to the actor for the purpose of arousing or gratifying the sexual desire of either
26 party.

27 **SECTION 3.** ORS 419B.005, as amended by section 64, chapter 73, Oregon Laws 2024, is

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 amended to read:

2 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:

3 (1)(a) "Abuse" means:

4 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
5 has been caused by other than accidental means, including any injury that appears to be at variance
6 with the explanation given of the injury.

7 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
8 statements made, or threatened to be made, to a child if the acts, statements or threats result in
9 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.

10 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
11 tration and incest, as those acts are described in ORS chapter 163.

12 (D) Sexual abuse, as described in ORS chapter 163.

13 (E) Sexual exploitation, including but not limited to:

14 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any
15 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
16 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
17 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
18 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
19 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
20 is designed to serve educational or other legitimate purposes; and

21 (ii) Allowing, permitting, encouraging or hiring a child to engage in **conduct that, if commit-**
22 **ted by an adult, would constitute the crime of prostitution** as described in ORS 167.007 or a
23 commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS
24 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

25 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
26 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
27 welfare of the child.

28 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
29 to the child's health or welfare.

30 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

31 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
32 methamphetamines are being manufactured.

33 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
34 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
35 stantial risk of harm to the child's health or safety.

36 (K) The restraint or seclusion of a child in violation of ORS 339.285, 339.288, 339.291, 339.303
37 or 339.308.

38 (L) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

39 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
40 conditions described in paragraph (a) of this subsection.

41 (2) "Child" means an unmarried person who:

42 (a) Is under 18 years of age; or

43 (b) Is a child in care, as defined in ORS 418.257.

44 (3) "Higher education institution" means:

45 (a) A community college as defined in ORS 341.005;

- 1 (b) A public university listed in ORS 352.002;
- 2 (c) The Oregon Health and Science University; and
- 3 (d) A private institution of higher education located in Oregon.
- 4 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
- 5 to have experienced abuse.
- 6 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.
- 7 (5) "Law enforcement agency" means:
- 8 (a) A city or municipal police department.
- 9 (b) A county sheriff's office.
- 10 (c) The Oregon State Police.
- 11 (d) A police department established by a university under ORS 352.121 or 353.125.
- 12 (e) A county juvenile department.
- 13 (6) "Public or private official" means:
- 14 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
- 15 including any intern or resident.
- 16 (b) Dentist.
- 17 (c) School employee, including an employee of a higher education institution.
- 18 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
- 19 or employee of an in-home health service.
- 20 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
- 21 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
- 22 Authority, a local health department, a community mental health program, a community develop-
- 23 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
- 24 fined in ORS 418.205 or an alcohol and drug treatment program.
- 25 (f) Peace officer.
- 26 (g) Psychologist.
- 27 (h) Member of the clergy.
- 28 (i) Regulated social worker.
- 29 (j) Optometrist.
- 30 (k) Chiropractor.
- 31 (L) Certified provider of foster care, or an employee thereof.
- 32 (m) Attorney.
- 33 (n) Licensed professional counselor.
- 34 (o) Licensed marriage and family therapist.
- 35 (p) Firefighter or emergency medical services provider.
- 36 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 37 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 38 (s) Elected official of a branch of government of this state or a state agency, board, commission
- 39 or department of a branch of government of this state or of a city, county or other political subdi-
- 40 vision in this state.
- 41 (t) Physical, speech or occupational therapist.
- 42 (u) Audiologist.
- 43 (v) Speech-language pathologist.
- 44 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
- 45 gations or discipline by the commission.

- 1 (x) Pharmacist.
- 2 (y) Operator of a preschool recorded program under ORS 329A.255.
- 3 (z) Operator of a school-age recorded program under ORS 329A.255.
- 4 (aa) Employee of a private agency or organization facilitating the provision of respite services,
5 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
6 109.056.
- 7 (bb) Employee of a public or private organization providing child-related services or activities:
8 (A) Including but not limited to an employee of a:
9 (i) Youth group or center;
10 (ii) Scout group or camp;
11 (iii) Summer or day camp;
12 (iv) Survival camp; or
13 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
14 ligious, public or private educational system or a community service organization; and
15 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
16 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-
17 man trafficking.
- 18 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
19 if compensated and if the athlete is a child.
- 20 (dd) Personal support worker, as defined in ORS 410.600.
- 21 (ee) Home care worker, as defined in ORS 410.600.
- 22 (ff) Animal control officer, as defined in ORS 609.500.
- 23 (gg) Member of a school district board, an education service district board or a public charter
24 school governing body.
- 25 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
26 vice identified in an individualized service plan of a child with a developmental disability.
- 27 (ii) Referral agent, as defined in ORS 418.351.
- 28 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 29 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
30 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 31 **SECTION 4.** ORS 419B.005, as amended by section 6, chapter 581, Oregon Laws 2023, and sec-
32 tion 65, chapter 73, Oregon Laws 2024, is amended to read:
33 419B.005. As used in ORS 419B.005 to 419B.050, unless the context requires otherwise:
34 (1)(a) "Abuse" means:
35 (A) Any assault, as defined in ORS chapter 163, of a child and any physical injury to a child that
36 has been caused by other than accidental means, including any injury that appears to be at variance
37 with the explanation given of the injury.
38 (B) Any mental injury to a child, which shall include only cruel or unconscionable acts or
39 statements made, or threatened to be made, to a child if the acts, statements or threats result in
40 severe harm to the child's psychological, cognitive, emotional or social well-being and functioning.
41 (C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual pene-
42 tration and incest, as those acts are described in ORS chapter 163.
43 (D) Sexual abuse, as described in ORS chapter 163.
44 (E) Sexual exploitation, including but not limited to:
45 (i) Contributing to the sexual delinquency of a minor, as defined in ORS chapter 163, and any

1 other conduct that allows, employs, authorizes, permits, induces or encourages a child to engage in
 2 the performing for people to observe or the photographing, filming, tape recording or other exhibi-
 3 tion that, in whole or in part, depicts sexual conduct or contact, as defined in ORS 167.002 or de-
 4 scribed in ORS 163.665 and 163.670, sexual abuse involving a child or rape of a child, but not
 5 including any conduct that is part of any investigation conducted pursuant to ORS 419B.020 or that
 6 is designed to serve educational or other legitimate purposes; and

7 (ii) Allowing, permitting, encouraging or hiring a child to engage in **conduct that, if commit-**
 8 **ted by an adult, would constitute the crime of** prostitution as described in ORS 167.007 or a
 9 commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS
 10 163.413 or to engage in commercial sexual solicitation as described in ORS 167.008.

11 (F) Negligent treatment or maltreatment of a child, including but not limited to the failure to
 12 provide adequate food, clothing, shelter or medical care that is likely to endanger the health or
 13 welfare of the child.

14 (G) Threatened harm to a child, which means subjecting a child to a substantial risk of harm
 15 to the child's health or welfare.

16 (H) Buying or selling a person under 18 years of age as described in ORS 163.537.

17 (I) Permitting a person under 18 years of age to enter or remain in or upon premises where
 18 methamphetamines are being manufactured.

19 (J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, or to the unlawful
 20 manufacturing of a cannabinoid extract, as defined in ORS 475C.009, that subjects a child to a sub-
 21 stantial risk of harm to the child's health or safety.

22 (K) The infliction of corporal punishment on a child in violation of ORS 339.250 (9).

23 (b) "Abuse" does not include reasonable discipline unless the discipline results in one of the
 24 conditions described in paragraph (a) of this subsection.

25 (2) "Child" means an unmarried person who:

- 26 (a) Is under 18 years of age; or
- 27 (b) Is a child in care, as defined in ORS 418.257.

28 (3) "Higher education institution" means:

- 29 (a) A community college as defined in ORS 341.005;
- 30 (b) A public university listed in ORS 352.002;
- 31 (c) The Oregon Health and Science University; and
- 32 (d) A private institution of higher education located in Oregon.

33 (4)(a) "Investigation" means a detailed inquiry into or assessment of the safety of a child alleged
 34 to have experienced abuse.

35 (b) "Investigation" does not include screening activities conducted upon the receipt of a report.

36 (5) "Law enforcement agency" means:

- 37 (a) A city or municipal police department.
- 38 (b) A county sheriff's office.
- 39 (c) The Oregon State Police.
- 40 (d) A police department established by a university under ORS 352.121 or 353.125.
- 41 (e) A county juvenile department.

42 (6) "Public or private official" means:

43 (a) Physician or physician associate licensed under ORS chapter 677 or naturopathic physician,
 44 including any intern or resident.

45 (b) Dentist.

- 1 (c) School employee, including an employee of a higher education institution.
- 2 (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide
3 or employee of an in-home health service.
- 4 (e) Employee of the Department of Human Services, Oregon Health Authority, Department of
5 Early Learning and Care, Department of Education, Youth Development Division, the Oregon Youth
6 Authority, a local health department, a community mental health program, a community develop-
7 mental disabilities program, a county juvenile department, a child-caring agency as that term is de-
8 fined in ORS 418.205 or an alcohol and drug treatment program.
- 9 (f) Peace officer.
- 10 (g) Psychologist.
- 11 (h) Member of the clergy.
- 12 (i) Regulated social worker.
- 13 (j) Optometrist.
- 14 (k) Chiropractor.
- 15 (L) Certified provider of foster care, or an employee thereof.
- 16 (m) Attorney.
- 17 (n) Licensed professional counselor.
- 18 (o) Licensed marriage and family therapist.
- 19 (p) Firefighter or emergency medical services provider.
- 20 (q) Court appointed special advocate, as defined in ORS 419A.004.
- 21 (r) Child care provider registered or certified under ORS 329A.250 to 329A.450.
- 22 (s) Elected official of a branch of government of this state or a state agency, board, commission
23 or department of a branch of government of this state or of a city, county or other political subdi-
24 vision in this state.
- 25 (t) Physical, speech or occupational therapist.
- 26 (u) Audiologist.
- 27 (v) Speech-language pathologist.
- 28 (w) Employee of the Teacher Standards and Practices Commission directly involved in investi-
29 gations or discipline by the commission.
- 30 (x) Pharmacist.
- 31 (y) Operator of a preschool recorded program under ORS 329A.255.
- 32 (z) Operator of a school-age recorded program under ORS 329A.255.
- 33 (aa) Employee of a private agency or organization facilitating the provision of respite services,
34 as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS
35 109.056.
- 36 (bb) Employee of a public or private organization providing child-related services or activities:
37 (A) Including but not limited to an employee of a:
38 (i) Youth group or center;
39 (ii) Scout group or camp;
40 (iii) Summer or day camp;
41 (iv) Survival camp; or
42 (v) Group, center or camp that is operated under the guidance, supervision or auspices of a re-
43 ligious, public or private educational system or a community service organization; and
44 (B) Excluding an employee of a qualified victim services program as defined in ORS 147.600 that
45 provides confidential, direct services to victims of domestic violence, sexual assault, stalking or hu-

- 1 man trafficking.
- 2 (cc) Coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete,
3 if compensated and if the athlete is a child.
- 4 (dd) Personal support worker, as defined in ORS 410.600.
- 5 (ee) Home care worker, as defined in ORS 410.600.
- 6 (ff) Animal control officer, as defined in ORS 609.500.
- 7 (gg) Member of a school district board, an education service district board or a public charter
8 school governing body.
- 9 (hh) Individual who is paid by a public body, in accordance with ORS 430.215, to provide a ser-
10 vice identified in an individualized service plan of a child with a developmental disability.
- 11 (ii) Referral agent, as defined in ORS 418.351.
- 12 (jj) Parole and probation officer, as defined in ORS 181A.355.
- 13 (kk) Behavior analyst or assistant behavior analyst licensed under ORS 676.810 or behavior
14 analysis interventionist registered by the Health Licensing Office under ORS 676.815.
- 15 **SECTION 5.** ORS 687.011 is amended to read:
- 16 687.011. As used in ORS 687.011 to 687.250, 687.895 and 687.991:
- 17 (1) “Board” means the State Board of Massage Therapists.
- 18 (2) “Certified class” means a class that is approved by the board and is offered:
- 19 (a) By a person or institution licensed as a career school under ORS 345.010 to 345.340;
- 20 (b) By a community college and approved by the Higher Education Coordinating Commission;
- 21 (c) By an accredited college or university; or
- 22 (d) In another state and licensed or approved by the appropriate agency in that state.
- 23 (3) “Manual” means the use of the hands, feet or any other part of the body in the performance
24 of massage.
- 25 (4)(a) “Massage,” “massage therapy” or “bodywork” means the use of pressure, friction, strok-
26 ing, tapping or kneading on the human body, or the use of vibration or stretching on the human
27 body by manual or mechanical means or gymnastics, with or without appliances such as vibrators,
28 infrared heat, sun lamps or external baths, and with or without lubricants such as salts, powders,
29 liquids or creams, for the purpose of, but not limited to, maintaining good health and establishing
30 and maintaining good physical condition.
- 31 (b) “Massage,” “massage therapy” and “bodywork” do not include the use of high-velocity,
32 short-amplitude manipulative thrusting procedures to the articulations of the spine or extremities.
- 33 (5)(a) “Massage facility” means a facility where a person engages in the practice of massage.
- 34 (b) “Massage facility” does not include:
- 35 (A) A career school licensed under ORS 345.010 to 345.340;
- 36 (B) An accredited college or university or a community college operated under ORS chapter 341;
- 37 or
- 38 (C) A clinic or facility owned or operated by a person authorized to practice a profession by a
39 health professional regulatory board, as defined in ORS 676.160.
- 40 (6) “Massage therapist” means a person licensed under ORS 687.011 to 687.250, 687.895 and
41 687.991 to practice massage.
- 42 (7) “Practice of massage” means the performance of massage:
- 43 (a) For purposes other than sexual contact, as defined in ORS 167.002 [(5)]; and
- 44 (b) For compensation.
- 45 (8) “Preceptor” means a licensed massage therapist who contracts with an approved school or

1 program of massage to provide direct on-site clinical supervision of a student enrolled in a certified
 2 class.

3 (9) “Supervision” means:

4 (a) The process of overseeing and directing the training of students enrolled in a certified class
 5 as set forth in the rules of the board;

6 (b) The process of overseeing and directing a licensee, or a person that has a permit to operate
 7 a massage facility, who is being disciplined by the board; or

8 (c) Voluntary consultation with, and education of, less experienced licensed massage therapists
 9 or practitioners in related fields.

10 (10) “Unprofessional or dishonorable conduct” means a behavior, practice or condition that is
 11 contrary to the ethical standards adopted by the board.

12 **SECTION 6.** ORS 419B.152 is amended to read:

13 419B.152. (1) If it reasonably appears that a child is a runaway, **or that the child has engaged**
 14 **in or is at imminent risk of engaging in a commercial sex act**, the child may be taken into
 15 protective custody by a peace officer, counselor, employee of the Department of Human Services or
 16 any other person authorized by the juvenile court of the county in which the child is found.

17 (2) When a child is taken into protective custody [*as a runaway*] under subsection (1) of this
 18 section, the peace officer or other person who takes the child into custody:

19 (a)(A) Shall release the child without unnecessary delay to the custody of the child’s parent or
 20 guardian or to a shelter care facility that has agreed to provide care and services to runaway **or**
 21 **at-risk** children and that has been designated by the juvenile court to provide such care and ser-
 22 vices; or

23 (B) Shall follow the procedures described in ORS 419B.160, 419B.165, 419B.168 and 419B.171;

24 (b) Shall, if possible, determine the preferences of the child and the child’s parent or guardian
 25 as to whether the best interests of the child are better served by placement in a shelter care facility
 26 that has agreed to provide care and services to runaway **or at-risk** children and that has been
 27 designated by the juvenile court to provide such care and services or by release to the child’s parent
 28 or guardian; and

29 (c) Notwithstanding ORS 419B.165 and subsection (1) of this section, shall release the child to
 30 a shelter care facility that has agreed to provide care and services to runaway **or at-risk** children
 31 and that has been designated by the juvenile court to provide such care and services if it reasonably
 32 appears that the child would not willingly remain at home if released to the child’s parent or
 33 guardian.

34 (3) **Notwithstanding subsection (2) of this section, if the person who takes a child into**
 35 **protective custody under this section develops reasonable cause to believe that the child’s**
 36 **parent or guardian allowed, permitted or encouraged the child to engage in a commercial sex**
 37 **act, the person may not release the child to the custody of the parent or guardian and may**
 38 **instead proceed under ORS 419B.150.**

39 (4) **As used in this section, “commercial sex act” has the meaning given that term in ORS**
 40 **163.266.**

41 **SECTION 7.** The amendments to ORS 167.002, 167.007, 419B.005 and 687.011 by sections 1
 42 to 5 of this 2025 Act apply to conduct occurring on or after the effective date of this 2025
 43 Act.

44 **SECTION 8.** This 2025 Act takes effect on the 91st day after the date on which the 2025
 45 regular session of the Eighty-third Legislative Assembly adjourns sine die.

