

# Senate Bill 626

Sponsored by Senator BONHAM (Pre-session filed.)

## 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 expands three crimes to include digitally-created images. The Act goes into effect when the Governor signs it. (Flesch Readability Score: 60.7).

Expands the crimes of encouraging child sexual abuse in the first degree, second degree and third degree to include visual depictions of child abuse that are computer-generated.

Declares an emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to encouraging child sexual abuse; amending ORS 163.665, 163.684, 163.686, 163.687 and  
3 163.690; and declaring an emergency.

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

5 **SECTION 1.** ORS 163.665 is amended to read:

6 163.665. As used in ORS 163.665 to 163.693:

7 (1) "Child" means a person who is less than 18 years of age, and any reference to a child in  
8 relation to a visual recording of the child is a reference to a person who was less than 18 years of  
9 age at the time the original image in the visual recording was created and not the age of the person  
10 at the time of an alleged offense relating to the subsequent reproduction, use or possession of the  
11 visual recording.

12 (2) "Child abuse" means conduct that constitutes, **appears to constitute** or would constitute if  
13 committed in this state[,] a crime in which the victim is a child.

14 (3) "Sexually explicit conduct" means actual or simulated:

15 (a) Sexual intercourse or deviant sexual intercourse;

16 (b) Genital-genital, oral-genital, anal-genital or oral-anal contact, whether between persons of the  
17 same or opposite sex or between humans and animals;

18 (c) Penetration of the vagina or rectum by any object other than as part of a medical diagnosis  
19 or treatment or as part of a personal hygiene practice;

20 (d) Masturbation;

21 (e) Sadistic or masochistic abuse; or

22 (f) Lewd exhibition of sexual or other intimate parts.

23 (4) "Visual depiction" includes, but is not limited to, visual recordings, pictures and computer-  
24 generated images, **videos** and pictures, whether made, **altered** or produced by electronic, mechan-  
25 ical, **digital** or other means **or by artificial intelligence**.

26 (5) "Visual recording" includes, but is not limited to, photographs, films, videotapes and com-  
27 puter and other digital pictures, regardless of the manner in which the recording is stored.

28 **SECTION 2.** ORS 163.684 is amended to read:

29 163.684. (1) A person commits the crime of encouraging child sexual abuse in the first degree if

**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 the person:

2 (a)(A) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, displays, fi-  
 3 nances, attempts to finance or sells a visual recording of sexually explicit conduct involving a child  
 4 **or a visual depiction of sexually explicit conduct that appears to involve a child**, or knowingly  
 5 possesses, accesses or views such a visual recording **or visual depiction** with the intent to develop,  
 6 duplicate, publish, print, disseminate, exchange, display or sell it; or

7 (B) Knowingly brings into this state, or causes to be brought or sent into this state, for sale or  
 8 distribution, a visual recording of sexually explicit conduct involving a child **or a visual depiction**  
 9 **of sexually explicit conduct that appears to involve a child**; and

10 (b) Knows or is aware of and consciously disregards the fact that [*creation of*] the visual re-  
 11 cording **or visual depiction** of sexually explicit conduct [*involved*] **portrays** child abuse.

12 (2) Encouraging child sexual abuse in the first degree is a Class B felony.

13 **SECTION 3.** ORS 163.686 is amended to read:

14 163.686. (1) A person commits the crime of encouraging child sexual abuse in the second degree  
 15 if the person:

16 (a)(A)(i) Knowingly possesses or controls, or knowingly accesses with the intent to view, a visual  
 17 recording of sexually explicit conduct involving a child, **or a visual depiction of sexually explicit**  
 18 **conduct that appears to involve a child**, for the purpose of arousing or satisfying the sexual de-  
 19 sires of the person or another person; or

20 (ii) Knowingly pays, exchanges or gives anything of value to obtain or view a visual recording  
 21 of sexually explicit conduct involving a child, **or a visual depiction of sexually explicit conduct**  
 22 **that appears to involve a child**, for the purpose of arousing or satisfying the sexual desires of the  
 23 person or another person; and

24 (B) Knows or is aware of and consciously disregards the fact that [*creation of*] the visual re-  
 25 cording **or visual depiction** of sexually explicit conduct [*involved*] **portrays** child abuse; or

26 (b)(A) Knowingly pays, exchanges or gives anything of value to observe sexually explicit conduct  
 27 by a child or knowingly observes, for the purpose of arousing or gratifying the sexual desire of the  
 28 person, sexually explicit conduct by a child; and

29 (B) Knows or is aware of and consciously disregards the fact that the conduct constitutes child  
 30 abuse.

31 (2) Encouraging child sexual abuse in the second degree is a Class C felony.

32 **SECTION 4.** ORS 163.687 is amended to read:

33 163.687. (1) A person commits the crime of encouraging child sexual abuse in the third degree  
 34 if the person:

35 (a)(A)(i) Knowingly possesses or controls, or knowingly accesses with the intent to view, a visual  
 36 recording of sexually explicit conduct involving a child, **or a visual depiction of sexually explicit**  
 37 **conduct that appears to involve a child**, for the purpose of arousing or satisfying the sexual de-  
 38 sires of the person or another person; or

39 (ii) Knowingly pays, exchanges or gives anything of value to obtain or view a visual recording  
 40 of sexually explicit conduct involving a child, **or a visual depiction of sexually explicit conduct**  
 41 **that appears to involve a child**, for the purpose of arousing or satisfying the sexual desires of the  
 42 person or another person; and

43 (B) Knows or fails to be aware of a substantial and unjustifiable risk that [*the creation of*] the  
 44 visual recording **or visual depiction** of sexually explicit conduct [*involved*] **portrays** child abuse;  
 45 or

1 (b)(A) Knowingly pays, exchanges or gives anything of value to observe sexually explicit conduct  
2 by a child or knowingly observes, for the purpose of arousing or gratifying the sexual desire of the  
3 person, sexually explicit conduct by a child; and

4 (B) Knows or fails to be aware of a substantial and unjustifiable risk that the conduct consti-  
5 tutes child abuse.

6 (2) Encouraging child sexual abuse in the third degree is a Class A misdemeanor.

7 **SECTION 5.** ORS 163.690 is amended to read:

8 163.690. It is an affirmative defense to any prosecution under ORS [*163.684, 163.686, 163.687 or*]  
9 163.693 that the defendant, at the time of engaging in the conduct prohibited therein, did not know  
10 and did not have reason to know that the relevant sexually explicit conduct involved a child.

11 **SECTION 6. This 2025 Act being necessary for the immediate preservation of the public**  
12 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**  
13 **on its passage.**