

Selected Oregon Sexual Offenses

Crime	Elements	Affirmative defense in statute?	Listed as reportable?
Rape in the 1 st degree 163.375	Requires forcible compulsion, victim under 12, victim under 16 and a sibling or child or stepchild, or victim incapable of consent for reason of mental defect, mental incapacitation, or physical helplessness	No	Yes
Rape in the 2 nd degree 163.365	No requirement other than intercourse and victim under 14	163.345(1) actor less than three years older than victim	Yes
Rape in the 3 rd degree 163.355	No requirement other than intercourse and victim under 16	163.345(1) actor less than three years older than victim	Yes
Sodomy in the 1 st degree 163.405	Requires forcible compulsion, victim under 12, victim under 16 and a sibling or child or stepchild, or victim incapable of consent for reason of mental defect, mental incapacitation, or physical helplessness	No	Yes
Sodomy in the 2 nd degree 163.395	No requirement other than deviate sexual intercourse and victim under 14	163.345(1) actor less than three years older than victim	Yes
Sodomy in the 3 rd degree 163.385	No requirement other than deviate sexual intercourse and victim under 16	163.345(1) actor less than three years older than victim	Yes
Unlawful sexual penetration In the 1 st degree 163.411	Requires forcible compulsion, penetration of vagina, anus, or penis, victim under 12, victim under 16 and a sibling or child or stepchild, or victim incapable of consent for reason other than age	163.412 (penetration is part of a medically recognized treatment or diagnostic procedures, or is accomplished by a peace officer to search for contraband or weapons)	Yes
Unlawful sexual penetration in the 2 nd degree 163.408	No requirement other than penetration and victim under 14	163.345(2); penetration is by hand and actor less than three years older than victim	Yes
Sexual abuse in the 1 st degree 163.427	Requires that actor subjects victim to sexual contact ¹ and : victim less than 14, or subject to forcible compulsion, or incapable of consent by reason of being mentally defective, incapacitated or physically helpless, or intentionally causes person under 18 to touch mouth, anus, or sex organs of an animal for purposes of arousing or gratifying sexual desire of perpetrator.	163.345 (1), actor less than three years older than victim.	Yes
Sexual abuse in the 2 nd degree 163.425	Intercourse, deviate sexual intercourse or penetration and victim does not consent or sexual abuse in the 3 rd degree and offender is 21 or older, victim is incapable of consent by reason of being under 18, and offender is or was victim's athletic coach	163.345 (1), actor less than three years older than victim; also 163.412 (penetration is part of a medically recognized treatment or diagnostic procedures, or is accomplished by a peace officer to search for contraband or weapons)	Yes

¹ Sexual contact is defined in ORS 163.305(6) as "any touching of the sexual or other intimate parts of a person or causing such person to touch the sexual or other intimate parts of the actor for the purpose of arousing or gratifying the sexual desire of either party"

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Sexual abuse in the 3 rd degree 163.415	Subjects victim to sexual contact and no consent or victim incapable of consent by reason of being under 18 OR person propels bodily fluid at victim without victim's consent, for purposes of gratifying person's sexual desires	163.345 (1), actor less than three years older than victim.	Yes
Contributing to the sexual delinquency of a minor 163.435	Intercourse, deviant intercourse and perpetrator 18 or older and victim under 18	163.345 (1), actor less than three years older than victim.	Yes
Sexual misconduct 163.445	Intercourse or deviate sexual intercourse with unmarried person under 18	163.345(3) actor less than three years older than victim AND victim was at least 15	No
Furnishing sexually explicit material to a child 167.054	Victim under 13; victim is furnished with material containing images of sexual intercourse, masturbation, or other sexual conduct. Persons not liable if: employees of a school, museum, law enforcement agency, medical treatment provider, or library acting within regular scope of employment or if sexually explicit material is "incidental part of an otherwise nonoffending whole and serve some purpose other than titillation"	167.054(3), material furnished by parent/legal guardian, educator, or treatment provider solely for the purposes of sex ed, art education, or psychological treatment; or actor had reasonable cause to believe victim was not a child; or actor less than 3 years older than the victim	No
Luring a minor 167.057	Victim under 18; victim is furnished with materials containing images or explicit narrative description of sexual conduct with the intent of arousing or satisfying sexual desire or inducing the victim to engage in sexual conduct Persons not liable if: the sexual conduct material is "incidental part of an otherwise nonoffending whole and serve some purpose other than titillation"	167.057(3), material furnished by treatment provider for the purposes of psychological or medical treatment; or actor had reasonable cause to believe victim was not a minor; or actor less than 3 years older than the victim	No
Displaying obscene materials to minors 167.080	Victim under 18 and unaccompanied by parent or guardian; person knowingly or recklessly permits minor to see image of person or portion of the human body that depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse.	167.085, person is employee of school, museum or public library serving the educational purpose of such organization OR objectionable parts are "merely an incidental part of an otherwise nonoffending whole [and serve] some purpose therein other than titillation".	No
Invasion of personal privacy 163.700	Visual recording or observation of victim in state of nudity, without victim's consent, in a place where victim has reasonable expectation of personal privacy	Law does not apply to legitimate medical procedure, criminal justice operations, or visual recordings made by family members or a person under 12 years for non-sexual purposes	Yes

Note: not all sexual offenses are described here. See ORS Chapter 163 (Offenses against persons) for additional detail. Laws related to mandatory reporting of child abuse may be found at ORS Chapter 419b.