

## HOUSE AMENDMENTS TO HOUSE BILL 3365

By COMMITTEE ON JUDICIARY

April 27

1 On page 1 of the printed bill, delete lines 4 through 25 and insert:

2 “**SECTION 1.** ORS 167.080 is amended to read:

3 “167.080. (1) A person commits the crime of [*displaying*] **making** obscene materials **available** to  
4 minors if, being the owner, operator or manager of a business or acting in a managerial capacity,  
5 the person knowingly or recklessly permits:

6 “(a) A minor **under 18 years of age** who is not accompanied by the parent or lawful guardian  
7 of the minor to enter or remain on the premises, if in that part of the premises where the minor is  
8 so permitted to be, there is visibly displayed:

9 “[*a*] (A) Any picture, photograph, drawing, sculpture or other visual representation or image  
10 of a person or portion of the human body that depicts [*nudity*,] sexual conduct, sexual excitement  
11 or sadomasochistic abuse; or

12 “[*b*] (B) Any book, magazine, paperback, pamphlet or other written or printed matter, however  
13 reproduced, that reveals a person or portion of the human body that depicts [*nudity*,] sexual conduct,  
14 sexual excitement or sadomasochistic abuse[.];

15 “(b) A minor **under 14 years of age who is not accompanied by the parent or lawful**  
16 **guardian of the minor to enter or remain on the premises if, in that part of the premises**  
17 **where the minor is so permitted to be, there is visibly displayed any instrument or device,**  
18 **other than one primarily intended for a medical purpose including contraception, that is**  
19 **specifically designed to sexually stimulate a person’s genital or anal areas as part of an act**  
20 **of sexual conduct; or**

21 “(c) A minor **under 14 years of age who is not accompanied by the parent or lawful**  
22 **guardian of the minor to purchase from the business any instrument or device, other than**  
23 **one primarily intended for a medical purpose including contraception, that is specifically de-**  
24 **signed to sexually stimulate a person’s genital or anal areas as part of an act of sexual**  
25 **conduct.**

26 “(2) [*Displaying*] **Making** obscene materials **available** to minors is a Class A misdemeanor.  
27 Notwithstanding ORS 161.635 and 161.655, a person convicted under this section may be sentenced  
28 to pay a fine, fixed by the court, not exceeding \$10,000.”.

29 On page 2, delete line 30.  
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