



# CITY OF BEAVERTON

## CITY ORDINANCES

### ORDINANCE 3655

AN ORDINANCE AMENDING THE BEAVERTON CODE BY ADDING BC  
5.08.320, SEXUAL ABUSE, TO THE "SEXUAL AND RELATED OFFENSES"  
SECTION OF THE CODE AND AMENDING BC 5.08.800, PENALTIES.

### NUMBER OF PAGES

3

# CODE

ORDINANCE NO. 3655

AN ORDINANCE AMENDING THE BEAVERTON CODE BY ADDING BC 5.08.320, SEXUAL ABUSE, TO THE "SEXUAL AND RELATED OFFENSES" SECTION OF THE CODE AND AMENDING BC 5.08.800, PENALTIES.

WHEREAS, Sexual Abuse is a crime under the State criminal code, punishable as a misdemeanor; and

WHEREAS, the City is able to prosecute any misdemeanor crime in the Beaverton Municipal Court as an offense under the Municipal Code; and

WHEREAS, the Beaverton Police Department, Municipal Court and City Attorney's Office all recommend adopting Sexual Abuse as a criminal offense under the Municipal Code; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

Section 1. BC 5.08.320, Sexual Abuse, is hereby added to Chapter Five of the Beaverton Code to the "Sexual and Related Offenses" section, to read as follows:

"BC 5.08.320, Sexual Abuse.

"A. No person shall subject another person to sexual contact while:

"1. the victim does not consent to the sexual contact; or

"2. the victim is incapable of consent by reason of being under 18 years of age, mentally defective, mentally incapacitated or physically helpless.

"B. In any prosecution under subsection (A) of this section it is an affirmative defense for the defendant to prove that:

ORDINANCE NO. 3655

"1. the victim's lack of consent was due solely to incapacity to consent by reason of being under 18 years of age; and

"2. the victim was more than 14 years of age; and

"3. the defendant was less than four years older than the victim."

Section 2. BC 5.08.800(A), Penalties, is hereby amended by adding:

"5.08.320 Sexual Abuse."

First reading this 27<sup>th</sup> day of February, 1989.

Passed by the Council this 6<sup>th</sup> day of March, 1989.

Approved by the Mayor this 9<sup>th</sup> day of MARCH, 1989.

ATTEST:

APPROVED:

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ANN L. JOHNSON, City Recorder

  
LARRY D. COLE, Mayor