

CHAPTER 98

AN ACT

HB 2206

Relating to commercial sexual solicitation; amending ORS 12.117, 90.396, 105.555, 131.602, 163.413, 167.008 and 419B.005.

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

SECTION 1. ORS 167.008 is amended to read:

167.008. (1) A person commits the crime of [*patronizing a prostitute*] **commercial sexual solicitation** if the person pays, or offers or agrees to pay, a fee to engage in sexual conduct or sexual contact.

(2) [*Patronizing a prostitute*] **Commercial sexual solicitation** is a Class A misdemeanor.

SECTION 2. ORS 12.117 is amended to read:

12.117. (1) Notwithstanding ORS 12.110, 12.115 or 12.160, an action based on conduct that constitutes child abuse or conduct knowingly allowing, permitting or encouraging child abuse that occurs while the person is under 18 years of age must be commenced before the person attains 40 years of age, or if the person has not discovered the causal connection between the injury and the child abuse, nor in the exercise of reasonable care should have discovered the causal connection between the injury and the child abuse, not more than five years from the date the person discovers or in the exercise of reasonable care should have discovered the causal connection between the child abuse and the injury, whichever period is longer.

(2) As used in subsection (1) of this section, "child abuse" means any of the following:

(a) Intentional conduct by an adult that results in:

(A) Any physical injury to a child; or

(B) Any mental injury to a child which results in observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child;

(b) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration and incest, as those acts are defined in ORS chapter 163;

(c) Sexual abuse, as defined in ORS chapter 163, when the victim is a child; or

(d) Sexual exploitation of a child, including but not limited to:

(A) Conduct constituting violation of ORS 163.435 and any other conduct which allows, employs, authorizes, permits, induces or encourages a child to engage in the performing for people to observe or the photographing, filming, tape recording or other exhibition which, in whole or in part, depicts sexual conduct or contact; and

(B) Allowing, permitting, encouraging or hiring a child to engage in prostitution or [*to patronize a prostitute*] **commercial sexual solicitation**, as defined in ORS chapter 167.

(3) Nothing in this section creates a new cause of action or enlarges any existing cause of action.

SECTION 3. ORS 90.396 is amended to read:

90.396. (1) Except as provided in subsection (2) of this section, after at least 24 hours' written notice specifying the acts and omissions constituting the cause and specifying the date and time of the termination, the landlord may terminate the rental agreement and take possession as provided in ORS 105.105 to 105.168, if:

(a) The tenant, someone in the tenant's control or the tenant's pet seriously threatens to inflict substantial personal injury, or inflicts any substantial personal injury, upon a person on the premises other than the tenant;

(b) The tenant or someone in the tenant's control recklessly endangers a person on the premises other than the tenant by creating a serious risk of substantial personal injury;

(c) The tenant, someone in the tenant's control or the tenant's pet inflicts any substantial personal injury upon a neighbor living in the immediate vicinity of the premises;

(d) The tenant or someone in the tenant's control intentionally inflicts any substantial damage to the premises or the tenant's pet inflicts substantial damage to the premises on more than one occasion;

(e)(A) The tenant intentionally provided substantial false information on the application for the tenancy within the past year;

(B) The false information was with regard to a criminal conviction of the tenant that would have been material to the landlord's acceptance of the application; and

(C) The landlord terminates the rental agreement within 30 days after discovering the falsity of the information; or

(f) The tenant, someone in the tenant's control or the tenant's pet commits any act that is outrageous in the extreme, on the premises or in the immediate vicinity of the premises. For purposes of this paragraph, an act is outrageous in the extreme if the act is not described in paragraphs (a) to (e) of this subsection, but is similar in degree and is one that a reasonable person in that community would consider to be so offensive as to warrant termination of the tenancy within 24 hours, considering the seriousness of the act or the risk to others. An act that is outrageous in the extreme is more extreme or serious than an act that warrants a 30-day termination under ORS 90.392. Acts that are "outrageous in the extreme" include, but are not limited to, the following acts by a person:

(A) Prostitution, [*patronizing a prostitute*] **commercial sexual solicitation** or promoting prostitution, as described in ORS 167.007, 167.008 and 167.012;

(B) Manufacture, delivery or possession of a controlled substance, as described in ORS 475.005, but not including:

(i) The medical use of marijuana in compliance with ORS 475.300 to 475.346;

(ii) Possession of, or delivery for no consideration of, less than one avoirdupois ounce of marijuana as described in ORS 475.860 (3) or 475.864 (3); or

(iii) Possession of prescription drugs;

(C) Intimidation, as described in ORS 166.155 and 166.165; or

(D) Burglary as described in ORS 164.215 and 164.225.

(2) If the cause for a termination notice given pursuant to subsection (1) of this section is based upon the acts of the tenant's pet, the tenant may cure the cause and avoid termination of the tenancy by removing the pet from the premises prior to the end of the notice period. The notice must describe the right of the tenant to cure the cause. If the tenant returns the pet to the premises at any time after having cured the violation, the landlord, after at least 24 hours' written notice specifying the subsequent presence of the offending pet, may terminate the rental agreement and take possession as provided in ORS 105.105 to 105.168. The tenant does not have a right to cure this subsequent violation.

(3) For purposes of subsection (1) of this section, someone is in the tenant's control if that person enters or remains on the premises with the tenant's permission or consent after the tenant reasonably knows or should know of that person's act or likelihood to commit any act of the type described in subsection (1) of this section.

(4) An act can be proven to be outrageous in the extreme even if the act is one that does not violate a criminal statute. Notwithstanding the references to criminal statutes in subsection (1)(f) of this section, the landlord's burden of proof in an action for possession under subsection (1) of this section is the civil standard of proof by a preponderance of the evidence.

(5) If a good faith effort by a landlord to terminate the tenancy under subsection (1)(f) of this section and to recover possession of the rental unit under ORS 105.105 to 105.168 fails by decision of the court, the landlord may not be found in violation of any state statute or local ordinance requiring the landlord to remove that tenant upon threat of fine, abatement or forfeiture as long as the landlord continues to make a good faith effort to terminate the tenancy.

SECTION 4. ORS 105.555 is amended to read:

105.555. (1) The following are declared to be nuisances and shall be enjoined and abated as provided in ORS 105.550 to 105.600:

(a) Any place that, as a regular course of business, is used for the purpose of prostitution and any place where acts of prostitution or [*patronizing a prostitute*] **commercial sexual solicitation** occur;

(b) Any place that is used and maintained for profit and for the purpose of gambling or a lottery, as defined in ORS 167.117, by any person, partnership or corporation organized for profit and wherein take place any of the acts or wherein are kept, stored or located any of the games, devices or things

that are forbidden by or made punishable by ORS 167.108 to 167.164;

(c) Any place that has been determined to be not fit for use under ORS 453.876 and that has not been decontaminated and certified as fit for use under ORS 453.885 within 180 days after the determination under ORS 453.876; and

(d) Any place where activity involving the unauthorized delivery, manufacture or possession of a controlled substance, as defined in ORS 475.005, occurs or any place wherein are kept, stored or located any of the devices, equipment, things or substances used for unauthorized delivery, manufacture or possession of a controlled substance. As used in this paragraph, "devices, equipment, things" does not include hypodermic syringes or needles. This paragraph does not apply to acts that constitute violations under ORS 475.860 or 475.864.

(2) Nothing in ORS 105.550 to 105.600, 166.715 and 167.158 applies to property to the extent that the devices, equipment, things or substances that are used for delivery, manufacture or possession of a controlled substance are kept, stored or located in or on the property for the purpose of lawful sale or use of these items.

SECTION 5. ORS 131.602 is amended to read:

131.602. The crimes to which ORS 131.550 (12)(b) applies are:

(1) Bribe giving, as defined in ORS 162.015.

(2) Bribe receiving, as defined in ORS 162.025.

(3) Public investment fraud, as defined in ORS 162.117.

(4) Bribing a witness, as defined in ORS 162.265.

(5) Bribe receiving by a witness, as defined in ORS 162.275.

(6) Simulating legal process, as defined in ORS 162.355.

(7) Official misconduct in the first degree, as defined in ORS 162.415.

(8) Assisting another person to commit suicide, as defined in ORS 163.193.

(9) Custodial interference in the second degree, as defined in ORS 163.245.

(10) Custodial interference in the first degree, as defined in ORS 163.257.

(11) Buying or selling a person under 18 years of age, as defined in ORS 163.537.

(12) Using a child in a display of sexually explicit conduct, as defined in ORS 163.670.

(13) Encouraging child sexual abuse in the first degree, as defined in ORS 163.684.

(14) Encouraging child sexual abuse in the second degree, as defined in ORS 163.686.

(15) Encouraging child sexual abuse in the third degree, as defined in ORS 163.687.

(16) Possession of materials depicting sexually explicit conduct of a child in the first degree, as defined in ORS 163.688.

(17) Possession of materials depicting sexually explicit conduct of a child in the second degree, as defined in ORS 163.689.

- (18) Theft in the second degree, as defined in ORS 164.045.
- (19) Theft in the first degree, as defined in ORS 164.055.
- (20) Aggravated theft in the first degree, as defined in ORS 164.057.
- (21) Theft by extortion, as defined in ORS 164.075.
- (22) Theft by deception, as defined in ORS 164.085, if it is a felony or a Class A misdemeanor.
- (23) Theft by receiving, as defined in ORS 164.095, if it is a felony or a Class A misdemeanor.
- (24) Theft of services, as defined in ORS 164.125, if it is a felony or a Class A misdemeanor.
- (25) Unauthorized use of a vehicle, as defined in ORS 164.135.
- (26) Mail theft or receipt of stolen mail, as defined in ORS 164.162.
- (27) Laundering a monetary instrument, as defined in ORS 164.170.
- (28) Engaging in a financial transaction in property derived from unlawful activity, as defined in ORS 164.172.
- (29) Burglary in the second degree, as defined in ORS 164.215.
- (30) Burglary in the first degree, as defined in ORS 164.225.
- (31) Possession of a burglary tool or theft device, as defined in ORS 164.235.
- (32) Unlawful entry into a motor vehicle, as defined in ORS 164.272.
- (33) Arson in the second degree, as defined in ORS 164.315.
- (34) Arson in the first degree, as defined in ORS 164.325.
- (35) Computer crime, as defined in ORS 164.377.
- (36) Robbery in the third degree, as defined in ORS 164.395.
- (37) Robbery in the second degree, as defined in ORS 164.405.
- (38) Robbery in the first degree, as defined in ORS 164.415.
- (39) Unlawful labeling of a sound recording, as defined in ORS 164.868.
- (40) Unlawful recording of a live performance, as defined in ORS 164.869.
- (41) Unlawful labeling of a videotape recording, as defined in ORS 164.872.
- (42) A violation of ORS 164.886.
- (43)(a) Endangering aircraft in the first degree, as defined in ORS 164.885.
- (b) Endangering aircraft in the second degree, as defined in ORS 164.885.
- (44) Interference with agricultural operations, as defined in ORS 164.887.
- (45) Forgery in the second degree, as defined in ORS 165.007.
- (46) Forgery in the first degree, as defined in ORS 165.013.
- (47) Criminal possession of a forged instrument in the second degree, as defined in ORS 165.017.
- (48) Criminal possession of a forged instrument in the first degree, as defined in ORS 165.022.
- (49) Criminal possession of a forgery device, as defined in ORS 165.032.
- (50) Criminal simulation, as defined in ORS 165.037.
- (51) Fraudulently obtaining a signature, as defined in ORS 165.042.
- (52) Fraudulent use of a credit card, as defined in ORS 165.055.
- (53) Negotiating a bad check, as defined in ORS 165.065.
- (54) Possessing a fraudulent communications device, as defined in ORS 165.070.
- (55) Unlawful factoring of a payment card transaction, as defined in ORS 165.074.
- (56) Falsifying business records, as defined in ORS 165.080.
- (57) Sports bribery, as defined in ORS 165.085.
- (58) Sports bribe receiving, as defined in ORS 165.090.
- (59) Misapplication of entrusted property, as defined in ORS 165.095.
- (60) Issuing a false financial statement, as defined in ORS 165.100.
- (61) Obtaining execution of documents by deception, as defined in ORS 165.102.
- (62) A violation of ORS 165.543.
- (63) Cellular counterfeiting in the third degree, as defined in ORS 165.577.
- (64) Cellular counterfeiting in the second degree, as defined in ORS 165.579.
- (65) Cellular counterfeiting in the first degree, as defined in ORS 165.581.
- (66) Identity theft, as defined in ORS 165.800.
- (67) A violation of ORS 166.190.
- (68) Unlawful use of a weapon, as defined in ORS 166.220.
- (69) A violation of ORS 166.240.
- (70) Unlawful possession of a firearm, as defined in ORS 166.250.
- (71) A violation of ORS 166.270.
- (72) Unlawful possession of a machine gun, short-barreled rifle, short-barreled shotgun or firearms silencer, as defined in ORS 166.272.
- (73) A violation of ORS 166.275.
- (74) Unlawful possession of armor piercing ammunition, as defined in ORS 166.350.
- (75) A violation of ORS 166.370.
- (76) Unlawful possession of a destructive device, as defined in ORS 166.382.
- (77) Unlawful manufacture of a destructive device, as defined in ORS 166.384.
- (78) Possession of a hoax destructive device, as defined in ORS 166.385.
- (79) A violation of ORS 166.410.
- (80) Providing false information in connection with a transfer of a firearm, as defined in ORS 166.416.
- (81) Improperly transferring a firearm, as defined in ORS 166.418.
- (82) Unlawfully purchasing a firearm, as defined in ORS 166.425.
- (83) A violation of ORS 166.429.
- (84) A violation of ORS 166.470.

- (85) A violation of ORS 166.480.
 (86) A violation of ORS 166.635.
 (87) A violation of ORS 166.638.
 (88) Unlawful paramilitary activity, as defined in ORS 166.660.
 (89) A violation of ORS 166.720.
 (90) Prostitution, as defined in ORS 167.007.
 (91) [*Patronizing a prostitute*] **Commercial sexual solicitation**, as defined in ORS 167.008.
 (92) Promoting prostitution, as defined in ORS 167.012.
 (93) Compelling prostitution, as defined in ORS 167.017.
 (94) Exhibiting an obscene performance to a minor, as defined in ORS 167.075.
 (95) Unlawful gambling in the second degree, as defined in ORS 167.122.
 (96) Unlawful gambling in the first degree, as defined in ORS 167.127.
 (97) Possession of gambling records in the second degree, as defined in ORS 167.132.
 (98) Possession of gambling records in the first degree, as defined in ORS 167.137.
 (99) Possession of a gambling device, as defined in ORS 167.147.
 (100) Possession of a gray machine, as defined in ORS 167.164.
 (101) Cheating, as defined in ORS 167.167.
 (102) Tampering with drug records, as defined in ORS 167.212.
 (103) A violation of ORS 167.262.
 (104) Research and animal interference, as defined in ORS 167.312.
 (105) Animal abuse in the first degree, as defined in ORS 167.320.
 (106) Aggravated animal abuse in the first degree, as defined in ORS 167.322.
 (107) Animal neglect in the first degree, as defined in ORS 167.330.
 (108) Interfering with an assistance, a search and rescue or a therapy animal, as defined in ORS 167.352.
 (109) Involvement in animal fighting, as defined in ORS 167.355.
 (110) Dogfighting, as defined in ORS 167.365.
 (111) Participation in dogfighting, as defined in ORS 167.370.
 (112) Unauthorized use of a livestock animal, as defined in ORS 167.385.
 (113) Interference with livestock production, as defined in ORS 167.388.
 (114) A violation of ORS 167.390.
 (115) Participation in cockfighting, as defined in ORS 167.431.
 (116) A violation of ORS 471.410.
 (117) Failure to report missing precursor substances, as defined in ORS 475.955.
 (118) Illegally selling drug equipment, as defined in ORS 475.960.
 (119) Providing false information on a precursor substances report, as defined in ORS 475.965.
 (120) Unlawful delivery of an imitation controlled substance, as defined in ORS 475.912.
 (121) A violation of ORS 475.752, if it is a felony or a Class A misdemeanor.
 (122) A violation of ORS 475.914, if it is a felony or a Class A misdemeanor.
 (123) A violation of ORS 475.916.
 (124) A violation of ORS 475.906, if it is a felony or a Class A misdemeanor.
 (125) A violation of ORS 475.904.
 (126) Misuse of an identification card, as defined in ORS 807.430.
 (127) Unlawful production of identification cards, licenses, permits, forms or camera cards, as defined in ORS 807.500.
 (128) Transfer of documents for the purposes of misrepresentation, as defined in ORS 807.510.
 (129) Using an invalid license, as defined in ORS 807.580.
 (130) Permitting misuse of a license, as defined in ORS 807.590.
 (131) Using another's license, as defined in ORS 807.600.
 (132) Criminal driving while suspended or revoked, as defined in ORS 811.182.
 (133) Aggravated driving while suspended or revoked, as defined in ORS 163.196.
 (134) Driving while under the influence of intoxicants, as defined in ORS 813.010, when it is a felony.
 (135) Unlawful distribution of cigarettes, as defined in ORS 323.482.
 (136) Unlawful distribution of tobacco products, as defined in ORS 323.632.
 (137) A violation of ORS 180.440 (2) or 180.486 (2).
 (138) A violation described in ORS 475.806 to 475.894, if it is a felony.
 (139) Subjecting another person to involuntary servitude in the first degree, as defined in ORS 163.264.
 (140) Subjecting another person to involuntary servitude in the second degree, as defined in ORS 163.263.
 (141) Trafficking in persons, as defined in ORS 163.266.
 (142) Luring a minor, as defined in ORS 167.057.
 (143) Online sexual corruption of a child in the second degree, as defined in ORS 163.432.
 (144) Online sexual corruption of a child in the first degree, as defined in ORS 163.433.
 (145) An attempt, conspiracy or solicitation to commit a crime in subsections (1) to (144) of this section if the attempt, conspiracy or solicitation is a felony or a Class A misdemeanor.
- SECTION 6.** ORS 163.413 is amended to read:
 163.413. (1) A person commits the crime of purchasing sex with a minor if the person pays, or offers or agrees to pay, a fee to engage in sexual intercourse or sexual contact with a minor.
 (2)(a) If the person does not have a prior conviction under this section at the time of the offense, purchasing sex with a minor is a Class C felony and the person may use a defense described in ORS

163.325 only if the minor was at least 16 years of age.

(b) If the person has one or more prior convictions under this section at the time of the offense, purchasing sex with a minor is a Class B felony, the state need not prove that the person knew the minor was under 18 years of age and the person may not use a defense described in ORS 163.325.

(3)(a) When a person is convicted under this section, in addition to any other sentence that may be imposed, the court shall impose and may not suspend the sentence described in paragraph (b) of this subsection.

(b) The mandatory minimum sentences that apply to paragraph (a) of this subsection are as follows:

(A) For a person's first conviction, a fine in the amount of \$10,000, a term of incarceration of at least 30 days and completion of a john school program.

(B) For a person's second or subsequent conviction, a fine in the amount of \$20,000 and the court shall designate the offense as a sex crime under ORS 181.805.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, if the court determines that the person is unable to pay the full amount of the mandatory minimum fine, the court shall impose and may not suspend a fine in an amount the court determines the person is able to pay.

(d) For a person's first conviction under this section, the court may designate the offense as a sex crime under ORS 181.805 if the court finds that the circumstances of the offense and the age of the minor as reported to the defendant require the defendant to register and report as a sex offender for the safety of the community.

(4) As used in this section:

(a) "John school" means any course, class or program intended to educate and prevent recidivism of persons who have been arrested for, charged with or convicted of [*patronizing a prostitute*] **commercial sexual solicitation** or purchasing sex with a minor or attempting to [*patronize a prostitute*] **engage in commercial sexual solicitation** or purchase sex with a minor.

(b) "Minor" means a person under 18 years of age.

SECTION 7. ORS 419B.005 is amended to read:

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

(1)(a) "Abuse" means:

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

(B) Any mental injury to a child, which shall include only observable and substantial impairment of the child's mental or psychological ability to function caused by cruelty to the child, with due regard to the culture of the child.

(C) Rape of a child, which includes but is not limited to rape, sodomy, unlawful sexual penetration

and incest, as those acts are described in ORS chapter 163.

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

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

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

(ii) Allowing, permitting, encouraging or hiring a child to engage in prostitution as described in ORS 167.007 or a commercial sex act as defined in ORS 163.266, to purchase sex with a minor as described in ORS 163.413 or [*to patronize a prostitute*] **to engage in commercial sexual solicitation** as described in ORS 167.008.

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

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

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

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

(J) Unlawful exposure to a controlled substance, as defined in ORS 475.005, that subjects a child to a substantial risk of harm to the child's health or safety.

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

(2) "Child" means an unmarried person who is under 18 years of age.

(3) "Higher education institution" means:

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

(b) A public university listed in ORS 352.002;

(c) The Oregon Health and Science University; and

(d) A private institution of higher education located in Oregon.

(4) "Law enforcement agency" means:

(a) A city or municipal police department.

(b) A county sheriff's office.

(c) The Oregon State Police.

(d) A police department established by a university under ORS 352.383 or 353.125.

(e) A county juvenile department.

- (5) "Public or private official" means:
- (a) Physician or physician assistant licensed under ORS chapter 677 or naturopathic physician, including any intern or resident.
 - (b) Dentist.
 - (c) School employee, including an employee of a higher education institution.
 - (d) Licensed practical nurse, registered nurse, nurse practitioner, nurse's aide, home health aide or employee of an in-home health service.
 - (e) Employee of the Department of Human Services, Oregon Health Authority, Early Learning Division, Youth Development Division, Office of Child Care, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.
 - (f) Peace officer.
 - (g) Psychologist.
 - (h) Member of the clergy.
 - (i) Regulated social worker.
 - (j) Optometrist.
 - (k) Chiropractor.
 - (L) Certified provider of foster care, or an employee thereof.
 - (m) Attorney.
 - (n) Licensed professional counselor.
 - (o) Licensed marriage and family therapist.
 - (p) Firefighter or emergency medical services provider.
 - (q) A court appointed special advocate, as defined in ORS 419A.004.
 - (r) A child care provider registered or certified under ORS 329A.030 and 329A.250 to 329A.450.
 - (s) Member of the Legislative Assembly.
 - (t) Physical, speech or occupational therapist.
 - (u) Audiologist.
 - (v) Speech-language pathologist.
 - (w) Employee of the Teacher Standards and Practices Commission directly involved in investigations or discipline by the commission.
 - (x) Pharmacist.
 - (y) An operator of a preschool recorded program under ORS 329A.255.
 - (z) An operator of a school-age recorded program under ORS 329A.257.
 - (aa) Employee of a private agency or organization facilitating the provision of respite services, as defined in ORS 418.205, for parents pursuant to a properly executed power of attorney under ORS 109.056.
 - (bb) Employee of a public or private organization providing child-related services or activities:
 - (A) Including but not limited to youth groups or centers, scout groups or camps, summer or day camps, survival camps or groups, centers or camps that are operated under the guidance, supervision or auspices of religious, public or private educational systems or community service organizations; and
 - (B) Excluding community-based, nonprofit organizations whose primary purpose is to provide confidential, direct services to victims of domestic violence, sexual assault, stalking or human trafficking.
 - (cc) A coach, assistant coach or trainer of an amateur, semiprofessional or professional athlete, if compensated and if the athlete is a child.

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