

REVENUE: No revenue impact
FISCAL: Fiscal statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	5 - 0 - 0
Yeas:	Beyer, Kruse, Prozanski, Walker, Burdick
Nays:	0
Exc.:	0
Prepared By:	Darian Stanford, Counsel
Meeting Dates:	5/16, 5/30

WHAT THE MEASURE DOES: Relieves some persons convicted of sex offenses of the duty to report as sex offender. Applies to persons convicted of sex offenses before, on or after the effective date.

ISSUES DISCUSSED:

- Persons still convicted of crimes, just do not have to report as sex offenders
- Narrow class of persons to which exception applies

EFFECT OF COMMITTEE AMENDMENT: Clarifies process through which person would be relieved of reporting obligation. Requires court to enter order. Requires, for future convictions, court makes determination whether criteria applies based on preponderance of the evidence standard (state has burden). Requires, for past convictions in which person must presently register but wants relief, person to file motion for relief from reporting requirement and affidavit of eligibility with circuit court in appropriate county. Requires district attorney then to either agree that person meets criteria or, if district attorney objects, set hearing for court to decide based on preponderance of evidence standard. Establishes that evidence rules do not apply to hearing.

BACKGROUND: ORS 181.595 and ORS 181.596 require certain persons convicted of sex crimes to maintain lifetime sex offender registration in Oregon. There is presently a mechanism for relief from this requirement at ORS 181.600.

HB 2333 B revises Oregon's sex offender reporting requirements for the crimes of rape 3, sodomy 3, sex abuse 3, contributing to the delinquency of a minor, sexual misconduct, or the "attempt" versions of any of these crimes (collectively referred to as the "Listed Crimes"). It applies to persons: (1) convicted of one of the Listed Crimes (or "Attempted" any of the Listed Crimes); (2) found guilty except for insanity of one of the Listed Crimes; (3) who committed one of the Listed Crimes and was under juvenile court jurisdiction; or (4) was convicted in another state of one of the Listed Crimes.

If any of the above four conditions are met, then the person need not report as a sex offender if *each* of the following is true: (1) the person is less than five years older than the victim; (2) the victim's lack of consent was solely due to age; (3) the victim was at least 14 years of age; and (4) at the time of the offense, the person had no prior adult or juvenile conviction for an offense listed ORS 181.594(4) (most sex-related crimes).

HB 2333 B also sets forth the appropriate processes for determining whether persons covered by the bill need to report as sex offenders.