

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2333

By COMMITTEE ON JUDICIARY

June 7

1 On page 1 of the printed A-engrossed bill, line 20, delete “and”.

2 Delete lines 24 through 26 and insert:

3 “(c) At the time of the offense or act, the person had no prior conviction for an offense listed  
4 in ORS 181.594 (4) or adjudication for an act that if committed by an adult would constitute an of-  
5 fense listed in ORS 181.594 (4), or no prior conviction or adjudication for conduct in another juris-  
6 diction that if committed in this state by an adult would constitute an offense listed in ORS 181.594  
7 (4); and”.

8 In line 27, delete the period and insert “or act; and”.

9 On page 2, delete lines 1 and 2 and insert:

10 “(3) The court enters an order relieving the person of the requirement to report under section  
11 2 or 3 of this 2007 Act.

12 **“SECTION 2. (1) When a person is convicted of an offense or adjudicated for an act de-  
13 scribed in section 1 (1) of this 2007 Act, the court shall determine whether the person is re-  
14 quired to report under ORS 181.595 or 181.596.**

15 **“(2) The court shall enter an order relieving the person of the requirement to report,  
16 unless:**

17 **“(a) The court finds by a preponderance of the evidence that the person does not meet  
18 the eligibility requirements described in section 1 of this 2007 Act; or**

19 **“(b) The district attorney and the person stipulate that the person is required to report.**

20 **“(3) The state has the burden of proving that the person does not meet the eligibility  
21 requirements described in section 1 of this 2007 Act.**

22 **“SECTION 3. (1) A person who meets the criteria described in section 1 of this 2007 Act  
23 and seeks relief from the requirement to report under ORS 181.595, 181.596 or 181.597 shall:**

24 **“(a) If the person was convicted in this state of the offense or adjudicated in this state  
25 for the act giving rise to the obligation to report, file a motion for relief from the require-  
26 ment to report and an affidavit of eligibility with the circuit court of the county in which the  
27 person was convicted or adjudicated and serve a copy of the motion and affidavit on the  
28 district attorney for that county.**

29 **“(b) If the person was convicted in another jurisdiction of an offense or adjudicated in  
30 another jurisdiction for an act giving rise to the obligation to report, file a petition for relief  
31 from the requirement to report and an affidavit of eligibility with the circuit court of the  
32 county in which the person resides and serve a copy of the petition and affidavit on the dis-  
33 trict attorney for that county.**

34 **“(2) The court shall schedule a hearing more than 90 days from the date of the filing  
35 described in subsection (1) of this section. The court shall notify the person and the district**

1 attorney of the date of the hearing.

2 “(3)(a) Upon receipt of the affidavit described in subsection (1) of this section, the district  
3 attorney shall determine whether the district attorney contests the request for relief.

4 “(b) If the district attorney does not contest the request for relief, the district attorney  
5 shall submit an order to the court relieving the person of the reporting requirements de-  
6 scribed in ORS 181.595, 181.596 or 181.597. The court shall enter the order.

7 “(c) If the district attorney contests the request for relief, the district attorney shall  
8 notify the person of that determination within 90 days.

9 “(4) At the hearing, the state has the burden of proving that the person does not meet  
10 the eligibility requirements described in section 1 of this 2007 Act.

11 “(5)(a) If the court finds, by a preponderance of the evidence, that the person does not  
12 meet the eligibility requirements described in section 1 of this 2007 Act, the court shall enter  
13 an order denying the request for relief.

14 “(b) If the court does not make the finding described in paragraph (a) of this subsection,  
15 the court shall enter an order relieving the person from the requirement to report.

16 “(6)(a) If the court relieves the person from the requirement to report, the person shall  
17 send a certified copy of the court order to the Department of State Police.

18 “(b) Upon receipt of the order, the Department of State Police shall remove from the Law  
19 Enforcement Data System the sex offender information obtained from the sex offender reg-  
20 istration form submitted under ORS 181.595, 181.596 or 181.597.

21 “(7) The order entered under subsection (5) of this section is not subject to appeal.

22 “(8) The Oregon Evidence Code does not apply to the hearing described in subsection (4)  
23 of this section.

24 “SECTION 4. Section 1 of this 2007 Act applies to persons convicted of an offense or ad-  
25 judicated for an act before, on or after the effective date of this 2007 Act.

26 “SECTION 5. Section 2 of this 2007 Act applies to persons convicted of an offense or ad-  
27 judicated for an act on or after the effective date of this 2007 Act.

28 “SECTION 6. Section 3 of this 2007 Act applies to persons:

29 “(1) Convicted of an offense or adjudicated for an act in this state before the effective  
30 date of this 2007 Act; and

31 “(2) Convicted of an offense or adjudicated for an act in another jurisdiction before, on  
32 or after the effective date of this 2007 Act.”.