

# House Bill 3005

Sponsored by Representative KRUMMEL; Representatives BARKER, BOONE, BOQUIST, MAURER, NELSON, THATCHER, WHISNANT, Senators AVAKIAN, L GEORGE, STARR

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires person who must report as sex offender to report solely to sheriff of county in which person resides.

## A BILL FOR AN ACT

1  
2 Relating to sex offender reporting; creating new provisions; and amending ORS 137.540, 144.270,  
3 181.595, 181.596, 181.597 and 423.478.

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

5 **SECTION 1.** ORS 181.595 is amended to read:

6 181.595. (1)*[(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or of-*  
7 *ficial]* **The county sheriff** to whom a person reports under subsection (3) of this section shall com-  
8 plete a sex offender registration form concerning the person when the person reports under  
9 subsection (3) of this section.

10 *[(b) When a person who is under supervision reports to the agency supervising the person, the*  
11 *supervising agency may require the person to report instead to the Department of State Police, a chief*  
12 *of police or a county sheriff and provide the supervising agency with proof of the completed registra-*  
13 *tion.]*

14 (2) Subsection (3) of this section applies to a person who:

15 (a) Is discharged, paroled or released on any form of supervised or conditional release from a  
16 jail, prison or other correctional facility or detention facility in this state at which the person was  
17 confined as a result of:

18 (A) Conviction of a sex crime;

19 (B) Having been found guilty except for insanity of a sex crime; or

20 (C) Having been found to be within the jurisdiction of the juvenile court for having committed  
21 an act that if committed by an adult would constitute a sex crime;

22 (b) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a  
23 crime that would constitute a sex crime if committed in this state;

24 (c) Is paroled to or otherwise placed in this state after having been found by a court in another  
25 jurisdiction to have committed an act while the person was under 18 years of age that would con-  
26 stitute a sex crime if committed in this state by an adult; or

27 (d) Is discharged by the court under ORS 161.329 after having been found guilty except for in-  
28 sanity of a sex crime.

29 (3)(a) Within 10 days following discharge, release on parole, post-prison supervision or other  
30 supervised or conditional release, the person shall report, in person, to the [*Department of State*  
31 *Police, a chief of police or a county]* sheriff [*or to the supervising agency, if any*] **of the county in**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 **which the person resides.**

2 (b) After making the report required by paragraph (a) of this subsection, the person shall report,  
3 in person:

4 (A) Within 10 days of a change of residence;

5 (B) Once each year within 10 days of the person's birth date, regardless of whether the person  
6 changed residence;

7 (C) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
8 institution of higher education; and

9 (D) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
10 education.

11 (c) The person shall make the reports required by paragraph (b) of this subsection to the [*de-*  
12 *partment, a chief of police, a county*] sheriff [*or the supervising agency, if any*] **of the county in which**  
13 **the person resides.**

14 (d) If the person required to report under this subsection is a youth offender, as defined in ORS  
15 419A.004, who is under supervision, the person shall make the reports required by paragraphs (a)  
16 and (b) of this subsection to the agency supervising the person.

17 (e) The obligation to report under this subsection terminates if the conviction or adjudication  
18 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

19 (4) As part of the registration requirement under this section, the [*Department of State Police,*  
20 *the chief of police, the county*] sheriff **of the county in which the person resides** or the supervising  
21 agency:

22 (a) Shall photograph the person and obtain the signature of the person; and

23 (b) May fingerprint the person.

24 **SECTION 2.** ORS 181.595, as amended by section 34, chapter 843, Oregon Laws 2005, is  
25 amended to read:

26 181.595. (1)[*(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or of-*  
27 *ficial*] **The county sheriff** to whom a person reports under subsection (3) of this section shall com-  
28 plete a sex offender registration form concerning the person when the person reports under  
29 subsection (3) of this section.

30 [*(b) When a person who is under supervision reports to the agency supervising the person, the*  
31 *supervising agency may require the person to report instead to the Department of State Police, a chief*  
32 *of police or a county sheriff and provide the supervising agency with proof of the completed registra-*  
33 *tion.*]

34 (2) Subsection (3) of this section applies to a person who:

35 (a) Is discharged, paroled or released on any form of supervised or conditional release from a  
36 jail, prison or other correctional facility or detention facility in this state at which the person was  
37 confined as a result of:

38 (A) Conviction of a sex crime;

39 (B) Having been found guilty except for insanity of a sex crime; or

40 (C) Having been found to be within the jurisdiction of the juvenile court for having committed  
41 an act that if committed by an adult would constitute a sex crime;

42 (b) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a  
43 crime that would constitute a sex crime if committed in this state;

44 (c) Is paroled to or otherwise placed in this state after having been found by a court in another  
45 jurisdiction to have committed an act while the person was under 18 years of age that would con-

1 stitute a sex crime if committed in this state by an adult;

2 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-  
 3 curity Review Board after having been found to be responsible except for insanity under ORS  
 4 419C.411 for an act that would constitute a sex crime if committed by an adult; or

5 (e) Is discharged by the court under ORS 161.329 after having been found guilty except for in-  
 6 sanity of a sex crime.

7 (3)(a) Within 10 days following discharge, release on parole, post-prison supervision or other  
 8 supervised or conditional release, the person shall report, in person, to the [*Department of State*  
 9 *Police, a chief of police or a county*] sheriff [*or to the supervising agency, if any*] **of the county in**  
 10 **which the person resides.**

11 (b) After making the report required by paragraph (a) of this subsection, the person shall report,  
 12 in person:

13 (A) Within 10 days of a change of residence;

14 (B) Once each year within 10 days of the person's birth date, regardless of whether the person  
 15 changed residence;

16 (C) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
 17 institution of higher education; and

18 (D) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
 19 education.

20 (c) The person shall make the reports required by paragraph (b) of this subsection to the [*de-*  
 21 *partment, a chief of police, a county*] sheriff [*or the supervising agency, if any*] **of the county in which**  
 22 **the person resides.**

23 (d) If the person required to report under this subsection is a youth offender or young person,  
 24 as defined in ORS 419A.004, who is under supervision, the person shall make the reports required  
 25 by paragraphs (a) and (b) of this subsection to the agency supervising the person.

26 (e) The obligation to report under this subsection terminates if the conviction or adjudication  
 27 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

28 (4) As part of the registration requirement under this section, the [*Department of State Police,*  
 29 *the chief of police, the county*] sheriff **of the county in which the person resides** or the supervising  
 30 agency:

31 (a) Shall photograph the person and obtain the signature of the person; and

32 (b) May fingerprint the person.

33 **SECTION 3.** ORS 181.596 is amended to read:

34 181.596. (1)(a) *Except as otherwise provided in paragraph (b) of this subsection, the agency or of-*  
 35 *ficial* **The county sheriff** to whom a person reports under subsection (4) of this section shall com-  
 36 plete a sex offender registration form concerning the person when the person reports under  
 37 subsection (4) of this section.

38 [(b) *When a person who is under supervision reports to the agency supervising the person, the*  
 39 *supervising agency may require the person to report instead to the Department of State Police, a chief*  
 40 *of police or a county sheriff and provide the supervising agency with proof of the completed registra-*  
 41 *tion.*]

42 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on  
 43 probation:

44 (a) By the court after being convicted in this state of a sex crime;

45 (b) By the juvenile court after being found to be within the jurisdiction of the juvenile court for

1 having committed an act that if committed by an adult would constitute a sex crime;

2 (c) To this state under ORS 144.610 after being convicted in another jurisdiction of a crime that  
 3 would constitute a sex crime if committed in this state; or

4 (d) To this state after having been found by a court in another jurisdiction to have committed  
 5 an act while the person was under 18 years of age that would constitute a sex crime if committed  
 6 in this state by an adult.

7 (3) The court shall ensure that the person completes a form that documents the person's obli-  
 8 gation to report under ORS 181.595 or this section. No later than three working days after the  
 9 person completes the form required by this subsection, the court shall ensure that the form is sent  
 10 to the Department of State Police.

11 (4)(a) Within 10 days following discharge or release, the person shall report, in person, to the  
 12 *[Department of State Police, chief of police or county]* sheriff *[or to the supervising agency, if any]* **of**  
 13 **the county in which the person resides.**

14 (b) After making the report required by paragraph (a) of this subsection, the person shall report,  
 15 in person:

16 (A) Within 10 days of a change of residence;

17 (B) Once each year within 10 days of the person's birth date, regardless of whether the person  
 18 changed residence;

19 (C) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
 20 institution of higher education; and

21 (D) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
 22 education.

23 (c) The person shall make the reports required by paragraph (b) of this subsection to the *[de-*  
 24 *partment, a chief of police, a county]* sheriff *[or the supervising agency, if any]* **of the county in which**  
 25 **the person resides.**

26 (d) If the person required to report under this subsection is a youth offender, as defined in ORS  
 27 419A.004, who is under supervision, the person shall make the reports required by paragraphs (a)  
 28 and (b) of this subsection to the agency supervising the person.

29 (e) The obligation to report under this subsection terminates if the conviction or adjudication  
 30 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

31 (5) As part of the registration requirement under this section, the *[Department of State Police,*  
 32 *the chief of police, the county]* sheriff **of the county in which the person resides** or the supervising  
 33 agency:

34 (a) Shall photograph the person and obtain the signature of the person; and

35 (b) May fingerprint the person.

36 **SECTION 4.** ORS 181.597 is amended to read:

37 181.597. (1)(a) When a person listed in subsection (2) of this section moves into this state and  
 38 is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person, to  
 39 the *[Department of State Police, a city police department or a county sheriff's office]* **sheriff of the**  
 40 **county in which the person resides:**

41 (A) No later than 10 days after moving into this state;

42 (B) Within 10 days of a change of residence; and

43 (C) Once each year within 10 days of the person's birth date, regardless of whether the person  
 44 changed residence.

45 (b) When a person listed in subsection (2) of this section attends school or works in this state,

1 resides in another state and is not otherwise required by ORS 181.595 or 181.596 to report, the  
 2 person shall report, in person, to the [*department, a city police department or a county sheriff's*  
 3 *office*] **sheriff of the county in which the person resides** no later than 10 days after:

- 4 (A) The first day of school attendance or the 14th day of employment in this state; and
- 5 (B) A change in school enrollment or employment.

6 (c) As used in paragraph (b) of this subsection, “attends school” means enrollment in any type  
 7 of school on a full-time or part-time basis.

8 (d) When a person reports under paragraph (a) of this subsection, the [*agency or official*] **county**  
 9 **sheriff** to whom the person reports shall complete a sex offender registration form concerning the  
 10 person.

11 (e) The obligation to report under this section terminates if the conviction or adjudication that  
 12 gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

13 (2) Subsection (1) of this section applies to:

14 (a) A person convicted in another jurisdiction of a crime if the elements of the crime would  
 15 constitute a sex crime;

16 (b) A person found by a court in another jurisdiction to have committed an act while the person  
 17 was under 18 years of age that would constitute a sex crime if committed in this state by an adult;  
 18 and

19 (c) A person required to register in another state for having committed a sex offense in that  
 20 state regardless of whether the crime would constitute a sex crime in this state.

21 (3) As part of the registration required under this section, the [*Department of State Police, a city*  
 22 *police department or a sheriff's office*] **sheriff of the county in which the person resides**:

- 23 (a) Shall photograph the person and obtain the signature of the person; and
- 24 (b) May fingerprint the person.

25 **SECTION 5.** ORS 137.540 is amended to read:

26 137.540. (1) The court may sentence the defendant to probation subject to the following general  
 27 conditions unless specifically deleted by the court. The probationer shall:

- 28 (a) Pay supervision fees, fines, restitution or other fees ordered by the court.
- 29 (b) Not use or possess controlled substances except pursuant to a medical prescription.
- 30 (c) Submit to testing of breath or urine for controlled substance or alcohol use if the probationer  
 31 has a history of substance abuse or if there is a reasonable suspicion that the probationer has ille-  
 32 gally used controlled substances.

33 (d) Participate in a substance abuse evaluation as directed by the supervising officer and follow  
 34 the recommendations of the evaluator if there are reasonable grounds to believe there is a history  
 35 of substance abuse.

36 (e) Remain in the State of Oregon until written permission to leave is granted by the Depart-  
 37 ment of Corrections or a county community corrections agency.

38 (f) If physically able, find and maintain gainful full-time employment, approved schooling, or a  
 39 full-time combination of both. Any waiver of this requirement must be based on a finding by the  
 40 court stating the reasons for the waiver.

41 (g) Change neither employment nor residence without prior permission from the Department of  
 42 Corrections or a county community corrections agency.

43 (h) Permit the parole and probation officer to visit the probationer or the probationer’s work  
 44 site or residence and to conduct a walk-through of the common areas and of the rooms in the resi-  
 45 dence occupied by or under the control of the probationer.

1 (i) Consent to the search of person, vehicle or premises upon the request of a representative of  
 2 the supervising officer if the supervising officer has reasonable grounds to believe that evidence of  
 3 a violation will be found, and submit to fingerprinting or photographing, or both, when requested  
 4 by the Department of Corrections or a county community corrections agency for supervision pur-  
 5 poses.

6 (j) Obey all laws, municipal, county, state and federal.

7 (k) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections  
 8 or a county community corrections agency.

9 (L) Not possess weapons, firearms or dangerous animals.

10 (m) If recommended by the supervising officer, successfully complete a sex offender treatment  
 11 program approved by the supervising officer and submit to polygraph examinations at the direction  
 12 of the supervising officer if the probationer:

13 (A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

14 (B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or

15 (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex  
 16 offense under ORS 163.305 to 163.467 if committed in this state.

17 (n) Participate in a mental health evaluation as directed by the supervising officer and follow  
 18 the recommendation of the evaluator.

19 (o) Report as required and abide by the direction of the supervising officer.

20 (p) If required to report as a sex offender under ORS 181.596, report [*with the Department of*  
 21 *State Police, a chief of police, a county sheriff or the supervising agency*] **to the sheriff of the county**  
 22 **in which the person resides:**

23 (A) When supervision begins;

24 (B) Within 10 days of a change in residence;

25 (C) Once each year within 10 days of the probationer's date of birth;

26 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
 27 institution of higher education; and

28 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
 29 education.

30 (2) In addition to the general conditions, the court may impose any special conditions of pro-  
 31 bation that are reasonably related to the crime of conviction or the needs of the probationer for the  
 32 protection of the public or reformation of the probationer, or both, including, but not limited to, that  
 33 the probationer shall:

34 (a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after  
 35 November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence  
 36 or to the premises thereof, or be subject to any combination of such confinement and restriction,  
 37 such confinement or restriction or combination thereof to be for a period not to exceed one year  
 38 or one-half of the maximum period of confinement that could be imposed for the offense for which  
 39 the defendant is convicted, whichever is the lesser.

40 (b) For felonies committed on or after November 1, 1989, be confined in the county jail, or be  
 41 subject to other custodial sanctions under community supervision, or both, as provided by rules of  
 42 the Oregon Criminal Justice Commission.

43 (c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as  
 44 specifically ordered by the court in order to pay restitution.

45 (3) When a person who is a sex offender is released on probation, the court shall impose as a

1 special condition of probation that the person not reside in any dwelling in which another sex  
 2 offender who is on probation, parole or post-prison supervision resides, without the approval of the  
 3 person’s supervising parole and probation officer, or in which more than one other sex offender who  
 4 is on probation, parole or post-prison supervision resides, without the approval of the director of the  
 5 probation agency that is supervising the person or of the county manager of the Department of  
 6 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole  
 7 and probation officer of a person subject to the requirements of this subsection shall review the  
 8 person’s living arrangement with the person’s sex offender treatment provider to ensure that the  
 9 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
 10 subsection:

11 (a) “Dwelling” has the meaning given that term in ORS 469.160.

12 (b) “Dwelling” does not include a residential treatment facility or a halfway house.

13 (c) “Halfway house” means a publicly or privately operated profit or nonprofit residential facil-  
 14 ity that provides rehabilitative care and treatment for sex offenders.

15 (d) “Sex offender” has the meaning given that term in ORS 181.594.

16 (4)(a) If the person is released on probation following conviction of a sex crime, as defined in  
 17 ORS 181.594, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years  
 18 of age, the court, if requested by the victim, shall include as a special condition of the person’s  
 19 probation that the person not reside within three miles of the victim unless:

20 (A) The victim resides in a county having a population of less than 130,000 and the person is  
 21 required to reside in that county;

22 (B) The person demonstrates to the court by a preponderance of the evidence that no mental  
 23 intimidation or pressure was brought to bear during the commission of the crime;

24 (C) The person demonstrates to the court by a preponderance of the evidence that imposition  
 25 of the condition will deprive the person of a residence that would be materially significant in aiding  
 26 in the rehabilitation of the person or in the success of the probation; or

27 (D) The person resides in a halfway house. As used in this subparagraph, “halfway house” means  
 28 a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative  
 29 care and treatment for sex offenders.

30 (b) A victim may request imposition of the special condition of probation described in this sub-  
 31 section at the time of sentencing in person or through the prosecuting attorney.

32 (c) If the court imposes the special condition of probation described in this subsection and if at  
 33 any time during the period of probation the victim moves to within three miles of the probationer’s  
 34 residence, the court may not require the probationer to change the probationer’s residence in order  
 35 to comply with the special condition of probation.

36 (5) When a person who is a sex offender, as defined in ORS 181.594, is released on probation,  
 37 the Department of Corrections or the county community corrections agency, whichever is appropri-  
 38 ate, shall notify the chief of police, if the person is going to reside within a city, and the [county]  
 39 sheriff of the county in which the person is going to reside of the person’s release and the conditions  
 40 of the person’s release.

41 (6) Failure to abide by all general and special conditions imposed by the court and supervised  
 42 by the Department of Corrections or a county community corrections agency may result in arrest,  
 43 modification of conditions, revocation of probation or imposition of structured, intermediate sanc-  
 44 tions in accordance with rules adopted under ORS 137.595.

45 (7) The court may at any time modify the conditions of probation.

1 (8) A court may not order revocation of probation as a result of the probationer’s failure to pay  
 2 restitution unless the court determines from the totality of the circumstances that the purposes of  
 3 the probation are not being served.

4 (9) It is not a cause for revocation of probation that the probationer failed to apply for or accept  
 5 employment at any workplace where there is a labor dispute in progress. As used in this subsection,  
 6 “labor dispute” has the meaning for that term provided in ORS 662.010.

7 (10) As used in this section, “attends,” “institution of higher education,” “works” and “carries  
 8 on a vocation” have the meanings given those terms in ORS 181.594.

9 **SECTION 6.** ORS 144.270 is amended to read:

10 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on  
 11 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be  
 12 given to the person paroled.

13 (2) The board shall determine, and may at any time modify, the conditions of parole, which may  
 14 include, among other conditions, that the parolee shall:

15 (a) Accept the parole granted subject to all terms and conditions specified by the board.

16 (b) Be under the supervision of the Department of Corrections and its representatives and abide  
 17 by their direction and counsel.

18 (c) Answer all reasonable inquiries of the board or the parole officer.

19 (d) Report to the parole officer as directed by the board or parole officer.

20 (e) Not own, possess or be in control of any weapon.

21 (f) Respect and obey all municipal, county, state and federal laws.

22 (g) Understand that the board may, in its discretion, suspend or revoke parole if it determines  
 23 that the parole is not in the best interest of the parolee, or in the best interest of society.

24 (3)(a) The board may establish such special conditions as it determines are necessary because  
 25 of the individual circumstances of the parolee.

26 (b) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594, the  
 27 board shall include all of the following as special conditions of the person’s parole:

28 (A) Agreement to comply with any curfew set by the board or the supervising officer.

29 (B) A prohibition against contacting a person under 18 years of age without the prior written  
 30 approval of the board or supervising officer.

31 (C) A prohibition against being present more than one time, without the prior written approval  
 32 of the board or supervising officer, at a place where persons under 18 years of age regularly con-  
 33 gregate.

34 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition  
 35 against being present, without the prior written approval of the board or supervising officer, at, or  
 36 on property adjacent to, a school, child care center, playground or other place intended for use  
 37 primarily by persons under 18 years of age.

38 (E) A prohibition against working or volunteering at a school, child care center, park, play-  
 39 ground or other place where persons under 18 years of age regularly congregate.

40 (F) Entry into and completion of or successful discharge from a sex offender treatment program  
 41 approved by the board or supervising officer. The program may include polygraph and  
 42 plethysmograph testing. The person is responsible for paying for the treatment program.

43 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved  
 44 by the victim, the person’s treatment provider and the board or supervising officer.

45 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-



1 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating  
 2 visual or auditory materials that are relevant to the person’s deviant behavior.

3 (I) Agreement to consent to a search of the person or the vehicle or residence of the person  
 4 upon the request of a representative of the board if the representative has reasonable grounds to  
 5 believe that evidence of a violation of a condition of parole will be found.

6 (J) Participation in random polygraph examinations to obtain information for risk management  
 7 and treatment. The person is responsible for paying the expenses of the examinations. The results  
 8 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to  
 9 prove a violation of parole.

10 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless  
 11 approved by the board or supervising officer.

12 (L) A prohibition against using a post-office box unless approved by the board or supervising  
 13 officer.

14 (M) A prohibition against residing in any dwelling in which another sex offender who is on  
 15 probation, parole or post-prison supervision resides unless approved by the board or supervising of-  
 16 ficer, or in which more than one other sex offender who is on probation, parole or post-prison  
 17 supervision resides unless approved by the board or a designee of the board. As soon as practicable,  
 18 the supervising officer of a person subject to the requirements of this subparagraph shall review the  
 19 person’s living arrangement with the person’s sex offender treatment provider to ensure that the  
 20 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
 21 *[subparagraph]* **subsection:**

22 (i) “Dwelling” has the meaning given that term in ORS 469.160.

23 (ii) “Dwelling” does not include a residential treatment facility or a halfway house.

24 (iii) “Halfway house” means a publicly or privately operated profit or nonprofit residential fa-  
 25 cility that provides rehabilitative care and treatment for sex offenders.

26 (c)(A) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594,  
 27 or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the  
 28 board, if requested by the victim, shall include as a special condition of the person’s parole that the  
 29 person not reside within three miles of the victim unless:

30 (i) The victim resides in a county having a population of less than 130,000 and the person is  
 31 required to reside in that county under subsection (5) of this section;

32 (ii) The person demonstrates to the board by a preponderance of the evidence that no mental  
 33 intimidation or pressure was brought to bear during the commission of the crime;

34 (iii) The person demonstrates to the board by a preponderance of the evidence that imposition  
 35 of the condition will deprive the person of a residence that would be materially significant in aiding  
 36 in the rehabilitation of the person or in the success of the parole; or

37 (iv) The person resides in a halfway house. *[As used in this sub-subparagraph, “halfway house”*  
 38 *means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative*  
 39 *care and treatment for sex offenders.]*

40 (B) A victim may request imposition of the special condition of parole described in this para-  
 41 graph at the time of sentencing in person or through the prosecuting attorney. A victim’s request  
 42 may be included in the judgment document.

43 (C) If the board imposes the special condition of parole described in this paragraph and if at any  
 44 time during the period of parole the victim moves to within three miles of the parolee’s residence,  
 45 the board may not require the parolee to change the parolee’s residence in order to comply with the

1 special condition of parole.

2 (4) It is not a cause for revocation of parole that the parolee failed to apply for or accept em-  
 3 ployment at any workplace where there is a labor dispute in progress. As used in this subsection,  
 4 “labor dispute” has the meaning for that term provided in ORS 662.010.

5 (5)(a) When the board grants an inmate parole from the custody of the Department of Cor-  
 6 rections, the board shall order, as a condition of parole, that the inmate reside for the first six  
 7 months in the county where the inmate resided at the time of the offense that resulted in the  
 8 imprisonment.

9 (b) Upon motion of the board, an inmate, a victim or a district attorney, the board may waive  
 10 the residency requirement only after making a finding that one of the following conditions has been  
 11 met:

12 (A) The inmate provides proof of a job with no set ending date in a county other than the es-  
 13 tablished county of residence;

14 (B) The inmate is found to pose a significant danger to the victim of the offender’s crime, or the  
 15 victim or victim’s family is found to pose a significant danger to the inmate residing in the county  
 16 of residence;

17 (C) The inmate has a spouse or biological or adoptive family residing in other than the county  
 18 of residence who will be materially significant in aiding in the rehabilitation of the offender and in  
 19 the success of the parole;

20 (D) As another condition of parole, the inmate is required to participate in a treatment program  
 21 which is not available or located in the county of residence;

22 (E) The inmate desires to be paroled to another state; or

23 (F) The board finds other good cause, of a nature similar to the other conditions listed in this  
 24 paragraph, for the waiver.

25 (c)(A) For purposes of this subsection, “residency” means the last address at the time of the  
 26 offense, as established by an examination of all of the following:

27 (i) An Oregon driver license, regardless of its validity;

28 (ii) Records maintained by the Department of Revenue;

29 (iii) Records maintained by the Department of State Police, Bureau of Criminal Identification;

30 (iv) Records maintained by the Department of Human Services; and

31 (v) Records maintained by the Department of Corrections.

32 (B) When an inmate did not have one identifiable address of record at the time of the offense,  
 33 the inmate shall be considered to have resided in the county where the offense occurred.

34 (C) If the inmate is serving multiple sentences, the county of residence shall be determined ac-  
 35 cording to the date of the last arrest resulting in a conviction.

36 (D) If the inmate is being rereleased after revocation of parole, the county of residence shall  
 37 be determined according to the date of the arrest resulting in a conviction of the underlying offense.

38 (E) In determining the inmate’s county of residence, a conviction for an offense that the inmate  
 39 committed while incarcerated in a state corrections institution may not be considered.

40 (6) When the board grants an inmate parole from the custody of the Department of Corrections  
 41 and if the inmate is required to report as a sex offender under ORS 181.595, the board, as a condi-  
 42 tion of parole, shall order the inmate to report [*with the Department of State Police, a chief of police,*  
 43 *a county sheriff or the supervising agency*] **to the sheriff of the county in which the person re-**  
 44 **sides:**

45 (a) When supervision begins;

1 (b) Within 10 days of a change in residence;

2 (c) Once each year within 10 days of the inmate's date of birth;

3 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
4 institution of higher education; and

5 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
6 education.

7 (7) As used in this section, "attends," "institution of higher education," "works" and "carries  
8 on a vocation" have the meanings given those terms in ORS 181.594.

9 **SECTION 7.** ORS 423.478 is amended to read:

10 423.478. (1) The Department of Corrections shall:

11 (a) Operate prisons for offenders sentenced to terms of incarceration for more than 12 months;

12 (b) Provide central information and data services sufficient to:

13 (A) Allow tracking of offenders; and

14 (B) Permit analysis of correlations between sanctions, supervision, services and programs, and  
15 future criminal conduct; and

16 (c) Provide interstate compact administration and jail inspections.

17 (2) Subject to ORS 423.483, *[the]* a county, in partnership with the department, shall assume re-  
18 sponsibility for community-based supervision, sanctions and services for offenders convicted of felo-  
19 nies who are:

20 (a) On parole;

21 (b) On probation;

22 (c) On post-prison supervision;

23 (d) Sentenced, on or after January 1, 1997, to 12 months or less incarceration;

24 (e) Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-  
25 Prison Supervision to 12 months or less incarceration for violation of a condition of parole, pro-  
26 bation or post-prison supervision; and

27 (f) On conditional release under ORS 420A.206.

28 (3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,  
29 when an offender is committed to the custody of the supervisory authority of a county under ORS  
30 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other  
31 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority  
32 releases a person from custody under this subsection and the person is required to report as a sex  
33 offender under ORS 181.595, the supervisory authority, as a condition of release, shall order the  
34 person to report to the *[Department of State Police, a chief of police or a county]* sheriff *[or to the*  
35 *supervising agency, if any]* **of the county where the person resides:**

36 (a) When the person is released;

37 (b) Within 10 days of a change of residence;

38 (c) Once each year within 10 days of the person's birth date;

39 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an  
40 institution of higher education; and

41 (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
42 education.

43 (4) As used in this section, "attends," "institution of higher education," "works" and "carries  
44 on a vocation" have the meanings given those terms in ORS 181.594.

45 **SECTION 8. The amendments to ORS 137.540, 144.270, 181.595, 181.596, 181.597 and 423.478**

1 **by sections 1 to 7 of this 2007 Act apply to persons whose duty to report begins on or after**  
2 **the effective date of this 2007 Act.**

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