

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass as Amended and be Printed Engrossed
Vote:	10 - 0 - 0
Yeas:	Barton, Cameron, Garrett, Krieger, Olson, Shields, Smith J., Stiegler, Whisnant, Barker
Nays:	0
Exc.:	0
Prepared By:	Shannon Sivell, Counsel
Meeting Dates:	2/4, 3/3

WHAT THE MEASURE DOES: Narrows the class of offenders eligible for relief from the reporting requirement to only those persons with no more than one conviction listed under ORS 181.830(1). Modifies the measure so that a person who is convicted of more than one offense under ORS 181.830(1) may be eligible for relief if the convictions involve the same victim and at the time the offenses were committed, the defendant did not have any prior convictions for sex offenses.

ISSUES DISCUSSED:

- Legislative intent in passing HB 2333
- One offense vs. one victim vs. one conviction
- Single incidents and multiple charges or convictions
- District Attorney intent in charging multiple counts

EFFECT OF COMMITTEE AMENDMENT: Provides that a person who is convicted of more than one offense under ORS 181.830(1) may be eligible for relief if the convictions involve the same victim and at the time the offenses were committed, the defendant did not have any prior convictions for sex offenses.

BACKGROUND: This statute was passed in the 2007 session and originated as HB 2333. As currently written, the statute allows for a person with no PRIOR convictions who is convicted of MULTIPLE counts listed 181.830(1) to apply for relief from registering as a sex offender. There are two scenarios that could end with this result: 1) an offender was convicted of multiple offenses stemming from one incident; or, 2) a person committed multiple offenses over a period of time and was not convicted until a later date. In both situations the court would be confronted with a person who is eligible for relief under the statute because at the time of the offenses the person did not have a prior conviction. It's unclear whether that was the actual intent of the drafters. This bill amends the law such that if an offender has more than one conviction listed under 181.830(1), he or she is not eligible to apply for relief.

During the public hearing it became clear that the intent of the committee in 2007 was to allow for possible relief from reporting when the defendant was charged with multiple counts involving the same victim so long as at the time of the offense the defendant did not have any prior convictions for sex crimes. This amendment clarifies the intent behind the original HB 2333.

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This summary has not been adopted or officially endorsed by action of the committee.