

**REVENUE:** No revenue impact

**FISCAL:** Minimal fiscal impact, no statement issued

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**Action:** Do Pass  
**Vote:** 5 - 0 - 0  
**Yeas:** Bonamici, Boquist, Dingfelder, Whitsett, Prozanski  
**Nays:** 0  
**Exc.:** 0  
**Prepared By:** Anna Braun, Counsel  
**Meeting Dates:** 5/18

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**WHAT THE MEASURE DOES:** Shifts the burden of proof to the offender to prove that he or she meets the requirements of ORS 181.830 to be relieved from reporting as a sex offender. Provides that the victim of the offense may testify voluntarily at the hearing or under subpoena if issued under a court order. Permits the court to allow a victim to appear by telephone. Declares an emergency, effective upon passage.

**ISSUES DISCUSSED:**

- Level of proof required
- Possible difficulty for requester

**EFFECT OF COMMITTEE AMENDMENT:** No amendment.

**BACKGROUND:** ORS 181.830 allows sex offenders that meet certain criteria to petition the court for relief from reporting as a sex offender. It allows those who were convicted of a sex crime but were reasonably close in age to the victim and the victim's lack of consent was based on incapacity due to age, a method to petition the court to remove the reporting requirement. This bill places the burden on the offender and provides safeguards to victims in cases where an offender is seeking relief from reporting. Under current law, the offender may subpoena the victim to the hearing requiring the victim to once again come face-to-face with the offender who victimized him or her. HB 2972 would allow an offender to subpoena the victim only after demonstrating to the court that the victim's testimony is material and favorable to the offender's request for relief.