

**A-Engrossed**  
**House Bill 2169**

Ordered by the House March 19  
Including House Amendments dated March 19

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**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.

Modifies crime of failure to report as sex offender and procedures related to sex offender reporting.

**A BILL FOR AN ACT**

1  
2 Relating to sex offender reporting; creating new provisions; and amending ORS 137.540, 144.102,  
3 144.270, 181.595, 181.596, 181.597, 181.598, 181.599 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  
7 official to whom a person reports under subsection (3) of this section shall complete a sex offender  
8 registration form concerning the person when the person reports under subsection (3) of this section.

9 (b) When a person who is under supervision reports to the agency supervising the person, the  
10 supervising agency may require the person to report instead to the Department of State Police, a  
11 [*chief of police or a county sheriff*] **city police department or a county sheriff's office** and provide  
12 the supervising agency with proof of the completed registration.

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

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

17 (A) Conviction of a sex crime;

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

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

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

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

26 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-  
27 curity Review Board after having been found to be responsible except for insanity under ORS  
28 419C.411 for an act that would constitute a sex crime if committed by an adult; or

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

3 (3)(a) **A person required to report under this section shall report, in person, to the De-**  
4 **partment of State Police, a city police department or a county sheriff's office or, if the per-**  
5 **son is under supervision, to the supervising agency:**

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

9 [(b) After making the report required by paragraph (a) of this subsection, the person shall report,  
10 in person:]

11 [(A)] (B) Within 10 days of a change of residence;

12 [(B)] (C) Once each year within 10 days of the person's birth date, regardless of whether the  
13 person changed residence;

14 [(C)] (D) Within 10 days of the first day the person works at, carries on a vocation at or attends  
15 an institution of higher education; and

16 [(D)] (E) Within 10 days of a change in work, vocation or attendance status at an institution  
17 of higher education.

18 [(c) The person shall make the reports required by paragraph (b) of this subsection to the depart-  
19 ment, a chief of police, a county sheriff or the supervising agency, if any.]

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

23 [(e)] (c) The obligation to report under this subsection terminates if the conviction or adjudi-  
24 cation that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

25 (4) As part of the registration **and reporting requirements of** [*requirement under*] this  
26 section[.]:

27 (a) **The person required to report shall:**

28 (A) **Provide the information necessary to complete the sex offender registration form and**  
29 **sign the form as required; and**

30 (B) **Submit to the requirements described in paragraph (b) of this subsection.**

31 (b) The Department of State Police, the [*chief of police, the county sheriff*] **city police depart-**  
32 **ment, the county sheriff's office** or the supervising agency:

33 [(a)] (A) Shall photograph the person **when the person initially reports under this section**  
34 **and each time the person reports annually under this section;** [*and obtain the signature of the*  
35 *person; and*]

36 (B) **May photograph the person or any identifying scars, marks or tattoos located on the**  
37 **person when the person reports under any of the circumstances described in this section;**  
38 **and**

39 [(b)] (C) **Shall** [*May*] fingerprint the person **if the person's fingerprints are not included in**  
40 **the record file of the Department of State Police bureau of criminal identification.**

41 **SECTION 2.** ORS 181.596 is amended to read:

42 181.596. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or  
43 official to whom a person reports under subsection (4) of this section shall complete a sex offender  
44 registration form concerning the person when the person reports under subsection (4) of this section.

45 (b) When a person who is under supervision reports to the agency supervising the person, the

1 supervising agency may require the person to report instead to the Department of State Police, a  
2 [*chief of police or a county sheriff*] **city police department or a county sheriff's office** and provide  
3 the supervising agency with proof of the completed registration.

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

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

7 (b) By the juvenile court after being found to be within the jurisdiction of the juvenile court for  
8 having committed an act that if committed by an adult would constitute a sex crime;

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

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

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

18 **(4)(a) A person required to report under this section shall report, in person, to the De-**  
19 **partment of State Police, a city police department or a county sheriff's office or, if the per-**  
20 **son is under supervision, to the supervising agency:**

21 [(4)(a)] **(A)** Within 10 days following discharge or release; [*the person shall report, in person,*  
22 *to the Department of State Police, chief of police or county sheriff or to the supervising agency, if*  
23 *any.*]

24 [(b) *After making the report required by paragraph (a) of this subsection, the person shall report,*  
25 *in person.*]

26 [(A)] **(B)** Within 10 days of a change of residence;

27 [(B)] **(C)** Once each year within 10 days of the person's birth date, regardless of whether the  
28 person changed residence;

29 [(C)] **(D)** Within 10 days of the first day the person works at, carries on a vocation at or attends  
30 an institution of higher education; and

31 [(D)] **(E)** Within 10 days of a change in work, vocation or attendance status at an institution  
32 of higher education.

33 [(c) *The person shall make the reports required by paragraph (b) of this subsection to the depart-*  
34 *ment, a chief of police, a county sheriff or the supervising agency, if any.*]

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

38 [(e)] **(c)** The obligation to report under this subsection terminates if the conviction or adjudi-  
39 cation that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

40 (5) As part of the registration **and reporting requirements of** [*requirement under*] this  
41 section[.];

42 **(a) The person required to report shall:**

43 **(A) Provide the information necessary to complete the sex offender registration form and**  
44 **sign the form as required; and**

45 **(B) Submit to the requirements described in paragraph (b) of this subsection.**

1 (b) The Department of State Police, the [*chief of police, the county sheriff*] **city police depart-**  
2 **ment, the county sheriff's office** or the supervising agency:

3 [(a)] (A) Shall photograph the person **when the person initially reports under this section**  
4 **and each time the person reports annually under this section;** [*and obtain the signature of the*  
5 *person; and*]

6 (B) **May photograph the person or any identifying scars, marks or tattoos located on the**  
7 **person when the person reports under any of the circumstances described in this section;**  
8 **and**

9 [(b)] (C) **Shall [May] fingerprint the person if the person's fingerprints are not included in**  
10 **the record file of the Department of State Police bureau of criminal identification.**

11 **SECTION 3.** ORS 181.597 is amended to read:

12 181.597. (1)(a) When a person listed in subsection (2) of this section moves into this state and  
13 is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person, to  
14 the Department of State Police, a city police department or a county sheriff's office:

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

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

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

19 (b) When a person listed in subsection (2) of this section attends school or works in this state,  
20 resides in another state and is not otherwise required by ORS 181.595 or 181.596 to report, the  
21 person shall report, in person, to the department, a city police department or a county sheriff's office  
22 no later than 10 days after:

23 (A) The first day of school attendance or the 14th day of employment in this state; and

24 (B) A change in school enrollment or employment.

25 (c) As used in paragraph (b) of this subsection, "attends school" means enrollment in any type  
26 of school on a full-time or part-time basis.

27 (d) When a person reports under paragraph (a) of this subsection, the agency [*or official to*  
28 *whom*] **to which** the person reports shall complete a sex offender registration form concerning the  
29 person.

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

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

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

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

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

40 (3) As part of the registration **and reporting requirements of** [*required under*] this section[.]:

41 (a) **The person required to report shall:**

42 (A) **Provide the information necessary to complete the sex offender registration form and**  
43 **sign the form as required; and**

44 (B) **Submit to the requirements described in paragraph (b) of this subsection.**

45 (b) The Department of State Police, a city police department or a sheriff's office:

1        *[(a)]* **(A) Shall photograph the person when the person initially reports under this section,**  
2 **each time the person reports annually under subsection (1)(a)(C) of this section and each**  
3 **time the person reports under subsection (1)(b)(B) of this section;** *[and obtain the signature of*  
4 *the person; and]*

5        **(B) May photograph the person or any identifying scars, marks or tattoos located on the**  
6 **person when the person reports under any of the circumstances described in this section;**  
7 **and**

8        *[(b)]* **(C) Shall [May] fingerprint the person if the person's fingerprints are not included in**  
9 **the record file of the Department of State Police bureau of criminal identification.**

10        **SECTION 4.** ORS 181.599 is amended to read:

11        181.599. (1) A person who is required to report as a sex offender and who has knowledge of the  
12 reporting requirement commits the crime of failure to report as a sex offender if the person fails,  
13 as required by ORS 181.595, 181.596 or 181.597, to:

14        (a) Make the initial report to the appropriate agency or official;

15        (b) Report when the person works at, carries on a vocation at or attends an institution of higher  
16 education;

17        (c) Report following a change of residence, school enrollment or employment status, including  
18 enrollment, employment or vocation status at an institution of higher education;

19        (d) Make an annual report; *[or]*

20        (e) Provide complete and accurate information;

21        **(f) Sign the sex offender registration form as required; or**

22        **(g) Submit to fingerprinting or to having a photograph taken of the person's face, iden-**  
23 **tifying scars, marks or tattoos.**

24        (2) Except as otherwise provided in subsection (3) of this section, failure to report as a sex  
25 offender is a Class A misdemeanor.

26        (3) Failure to report as a sex offender is a Class C felony if the person violates:

27        (a) Subsection (1)(a) of this section; or

28        (b) Subsection (1)(b), *[or]* (c) **or (f)** of this section and the crime for which the person is required  
29 to report is a felony.

30        (4) A person who fails to sign and return an address verification form as required by ORS  
31 181.598 (2) commits a violation.

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

33        137.540. (1) The court may sentence the defendant to probation subject to the following general  
34 conditions unless specifically deleted by the court. The probationer shall:

35        (a) Pay supervision fees, fines, restitution or other fees ordered by the court.

36        (b) Not use or possess controlled substances except pursuant to a medical prescription.

37        (c) Submit to testing of breath or urine for controlled substance or alcohol use if the probationer  
38 has a history of substance abuse or if there is a reasonable suspicion that the probationer has ille-  
39 gally used controlled substances.

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

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

45        (f) If physically able, find and maintain gainful full-time employment, approved schooling, or a

1 full-time combination of both. Any waiver of this requirement must be based on a finding by the  
2 court stating the reasons for the waiver.

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

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

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

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

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

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

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

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

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

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

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

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

27 (p) If required to report as a sex offender under ORS 181.596, report with the Department of  
28 State Police, a [*chief of police, a county sheriff*] **city police department, a county sheriff's office**  
29 or the supervising agency:

30 (A) When supervision begins;

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

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

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

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

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

41 (a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after  
42 November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence  
43 or to the premises thereof, or be subject to any combination of such confinement and restriction,  
44 such confinement or restriction or combination thereof to be for a period not to exceed one year  
45 or one-half of the maximum period of confinement that could be imposed for the offense for which

1 the defendant is convicted, whichever is the lesser.

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

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

7 (3) When a person who is a sex offender is released on probation, the court shall impose as a  
8 special condition of probation that the person not reside in any dwelling in which another sex  
9 offender who is on probation, parole or post-prison supervision resides, without the approval of the  
10 person's supervising parole and probation officer, or in which more than one other sex offender who  
11 is on probation, parole or post-prison supervision resides, without the approval of the director of the  
12 probation agency that is supervising the person or of the county manager of the Department of  
13 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole  
14 and probation officer of a person subject to the requirements of this subsection shall review the  
15 person's living arrangement with the person's sex offender treatment provider to ensure that the  
16 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
17 subsection:

18 (a) "Dwelling" has the meaning given that term in ORS 469.160.

19 (b) "Dwelling" does not include a residential treatment facility or a halfway house.

20 (c) "Halfway house" means a publicly or privately operated profit or nonprofit residential facil-  
21 ity that provides rehabilitative care and treatment for sex offenders.

22 (d) "Sex offender" has the meaning given that term in ORS 181.594.

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

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

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

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

34 (D) The person resides in a halfway house. As used in this subparagraph, "halfway house" means  
35 a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative  
36 care and treatment for sex offenders.

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

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

43 (5) When a person who is a sex offender, as defined in ORS 181.594, is released on probation,  
44 the Department of Corrections or the county community corrections agency, whichever is appropri-  
45 ate, shall notify the [*chief of police*] **city police department**, if the person is going to reside within

1 a city, and the county [*sheriff*] **sheriff's office** of the county in which the person is going to reside  
2 of the person's release and the conditions of the person's release.

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

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

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

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

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

16 **SECTION 6.** ORS 144.102 is amended to read:

17 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority  
18 responsible for correctional services for a person shall specify in writing the conditions of post-  
19 prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the person  
20 upon release from prison or jail.

21 (2) The board or the supervisory authority shall determine, and may at any time modify, the  
22 conditions of post-prison supervision, which may include, among other conditions, that the person  
23 shall:

24 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-  
25 sory authority.

26 (b) Be under the supervision of the Department of Corrections and its representatives or other  
27 supervisory authority and abide by their direction and counsel.

28 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

29 (d) Report to the parole officer as directed by the board, the department or the supervisory au-  
30 thority.

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

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

33 (g) Understand that the board or supervisory authority may, at its discretion, punish violations  
34 of post-prison supervision.

35 (h) Attend a victim impact treatment session in a county that has a victim impact program. If  
36 the board or supervisory authority requires attendance under this paragraph, the board or supervi-  
37 sory authority may require the person, as an additional condition of post-prison supervision, to pay  
38 a reasonable fee to the victim impact program to offset the cost of the person's participation. The  
39 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-  
40 agraph.

41 (i) If required to report as a sex offender under ORS 181.595, report with the Department of  
42 State Police, a [*chief of police, a county sheriff*] **city police department, a county sheriff's office**  
43 or the supervising agency:

44 (A) When supervision begins;

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



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

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

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

6 (3)(a) The board or supervisory authority may establish special conditions as the board or su-  
7 pervisory authority determines necessary because of the individual circumstances of the person on  
8 post-prison supervision.

9 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in  
10 ORS 181.594, the board or supervisory authority shall include all of the following as special condi-  
11 tions of the person's post-prison supervision:

12 (A) Agreement to comply with any curfew set by the board, the supervisory authority or the  
13 supervising officer.

14 (B) A prohibition against contacting a person under 18 years of age without the prior written  
15 approval of the board, supervisory authority or supervising officer.

16 (C) A prohibition against being present more than one time, without the prior written approval  
17 of the board, supervisory authority or supervising officer, at a place where persons under 18 years  
18 of age regularly congregate.

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

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

25 (F) Entry into and completion of or successful discharge from a sex offender treatment program  
26 approved by the board, supervisory authority or supervising officer. The program may include  
27 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-  
28 gram.

29 (G) A prohibition against any contact with the victim, directly or indirectly, unless approved  
30 by the victim, the person's treatment provider and the board, supervisory authority or supervising  
31 officer.

32 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-  
33 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating  
34 visual or auditory materials that are relevant to the person's deviant behavior.

35 (I) Agreement to consent to a search of the person or the vehicle or residence of the person  
36 upon the request of a representative of the board or supervisory authority if the representative has  
37 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision  
38 will be found.

39 (J) Participation in random polygraph examinations to obtain information for risk management  
40 and treatment. The person is responsible for paying the expenses of the examinations. The results  
41 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to  
42 prove a violation of post-prison supervision.

43 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless  
44 approved by the board, supervisory authority or supervising officer.

45 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-

1   thority or supervising officer.

2       (M) A prohibition against residing in any dwelling in which another sex offender who is on  
3   probation, parole or post-prison supervision resides unless approved by the board, supervisory au-  
4   thority or supervising officer, or in which more than one other sex offender who is on probation,  
5   parole or post-prison supervision resides unless approved by the board or the director of the super-  
6   visory authority, or a designee of the board or director. As soon as practicable, the supervising of-  
7   ficer of a person subject to the requirements of this subparagraph shall review the person's living  
8   arrangement with the person's sex offender treatment provider to ensure that the arrangement  
9   supports the goals of offender rehabilitation and community safety. As used in this subparagraph:

10       (i) "Dwelling" has the meaning given that term in ORS 469.160.

11       (ii) "Dwelling" does not include a residential treatment facility or a halfway house.

12       (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-  
13   cility that provides rehabilitative care and treatment for sex offenders.

14       (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined  
15   in ORS 181.594, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18  
16   years of age, the board or supervisory authority, if requested by the victim, shall include as a special  
17   condition of the person's post-prison supervision that the person not reside within three miles of the  
18   victim unless:

19       (i) The victim resides in a county having a population of less than 130,000 and the person is  
20   required to reside in that county under subsection (6) of this section;

21       (ii) The person demonstrates to the board or supervisory authority by a preponderance of the  
22   evidence that no mental intimidation or pressure was brought to bear during the commission of the  
23   crime;

24       (iii) The person demonstrates to the board or supervisory authority by a preponderance of the  
25   evidence that imposition of the condition will deprive the person of a residence that would be  
26   materially significant in aiding in the rehabilitation of the person or in the success of the post-prison  
27   supervision; or

28       (iv) The person resides in a halfway house. As used in this sub-subparagraph, "halfway house"  
29   means a publicly or privately operated profit or nonprofit residential facility that provides  
30   rehabilitative care and treatment for sex offenders.

31       (B) A victim may request imposition of the special condition of post-prison supervision described  
32   in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's  
33   request may be included in the judgment document.

34       (C) If the board or supervisory authority imposes the special condition of post-prison supervision  
35   described in this paragraph and if at any time during the period of post-prison supervision the victim  
36   moves to within three miles of the person's residence, the board or supervisory authority may not  
37   require the person to change the person's residence in order to comply with the special condition  
38   of post-prison supervision.

39       (4)(a) The board or supervisory authority may require the person to pay, as a condition of  
40   post-prison supervision, any compensatory fines, restitution or attorney fees:

41       (A) As determined, imposed or required by the sentencing court; or

42       (B) When previously required as a condition of any type of supervision that is later revoked.

43       (b) The board may require a person to pay restitution as a condition of post-prison supervision  
44   imposed for an offense other than the offense for which the restitution was ordered if the person:

45       (A) Was ordered to pay restitution as a result of another conviction; and

1 (B) Has not fully paid the restitution by the time the person has completed the period of post-  
2 prison supervision imposed for the offense for which the restitution was ordered.

3 (5) A person's failure to apply for or accept employment at any workplace where there is a labor  
4 dispute in progress does not constitute a violation of the conditions of post-prison supervision. As  
5 used in this subsection, "labor dispute" has the meaning given that term in ORS 662.010.

6 (6)(a) When a person is released from imprisonment on post-prison supervision, the board shall  
7 order, as a condition of post-prison supervision, that the person reside for the first six months after  
8 release in the county where the person resided at the time of the offense that resulted in the  
9 imprisonment.

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

13 (A) The person provides proof of employment with no set ending date in a county other than the  
14 established county of residence;

15 (B) The person is found to pose a significant danger to a victim of the person's crime, or a vic-  
16 tim or victim's family is found to pose a significant danger to the person residing in the established  
17 county of residence;

18 (C) The person has a spouse or biological or adoptive family residing in a county other than the  
19 established county of residence who will be materially significant in aiding in the rehabilitation of  
20 the person and in the success of the post-prison supervision;

21 (D) As another condition of post-prison supervision, the person is required to participate in a  
22 treatment program that is not available in the established county of residence;

23 (E) The person desires to be released to another state; or

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

26 (c)(A) The board shall determine the county where the person resided at the time of the offense  
27 by establishing the person's last address at the time of the offense. In making its determination, the  
28 board shall examine all of the following:

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

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

31 (iii) Records maintained by the Department of State Police bureau of criminal identification;

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

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

34 (B) When the person did not have an identifiable address of record at the time of the offense,  
35 the person is considered to have resided in the county where the offense occurred.

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

38 (D) In determining the person's county of residence for purposes of this subsection, the board  
39 may not consider offenses committed by the person while the person was incarcerated in a Depart-  
40 ment of Corrections facility.

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

43 **SECTION 7.** ORS 144.270 is amended to read:

44 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on  
45 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be

1 given to the person paroled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-  
35 graph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating  
36 visual or auditory materials that are relevant to the person's deviant behavior.

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

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

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

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

3 (M) A prohibition against residing in any dwelling in which another sex offender who is on  
4 probation, parole or post-prison supervision resides unless approved by the board or supervising of-  
5 ficer, or in which more than one other sex offender who is on probation, parole or post-prison  
6 supervision resides unless approved by the board or a designee of the board. As soon as practicable,  
7 the supervising officer of a person subject to the requirements of this subparagraph 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 subparagraph:

11 (i) "Dwelling" has the meaning given that term in ORS 469.160.

12 (ii) "Dwelling" does not include a residential treatment facility or a halfway house.

13 (iii) "Halfway house" means a publicly or privately operated profit or nonprofit residential fa-  
14 cility that provides rehabilitative care and treatment for sex offenders.

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

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

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

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

26 (iv) The person resides in a halfway house. As used in this sub-subparagraph, "halfway house"  
27 means a publicly or privately operated profit or nonprofit residential facility that provides  
28 rehabilitative care and treatment for sex offenders.

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

32 (C) If the board imposes the special condition of parole described in this paragraph and if at any  
33 time during the period of parole the victim moves to within three miles of the parolee's residence,  
34 the board may not require the parolee to change the parolee's residence in order to comply with the  
35 special condition of parole.

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

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

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

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

3 (B) The inmate is found to pose a significant danger to the victim of the offender's crime, or the  
4 victim or victim's family is found to pose a significant danger to the inmate residing in the county  
5 of residence;

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

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

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

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

14 (c)(A) For purposes of this subsection, "residency" means the last address at the time of the  
15 offense, as established by an examination of all of the following:

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

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

18 (iii) Records maintained by the Department of State Police bureau of criminal identification;

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

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

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

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

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

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

29 (6) When the board grants an inmate parole from the custody of the Department of Corrections  
30 and if the inmate is required to report as a sex offender under ORS 181.595, the board, as a condi-  
31 tion of parole, shall order the inmate to report with the Department of State Police, a [*chief of police,*  
32 *a county sheriff*] **city police department, a county sheriff's office** or the supervising agency:

33 (a) When supervision begins;

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

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

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

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

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

42 **SECTION 8.** ORS 181.598 is amended to read:

43 181.598. (1) Agencies [*and officials*] required to register offenders under ORS 181.595, 181.596 and  
44 181.597 shall use forms provided by the Department of State Police. The department shall include  
45 places on the form to list all the names used by the offender and the address of the offender. No

1 later than three working days after registration, the agency or official completing the form shall:

2 (a) Send the original copy of the registration form to the department; or

3 (b) Forward the registration information to the department by any means and, within 10 working  
4 days after registration, send the original copy of the registration form to the department.

5 (2) If the person is no longer under supervision, the department shall verify the residence ad-  
6 dress of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765  
7 every 90 days by mailing a verification form to the person at the person's last reported residence  
8 address. No later than 10 days after receiving the form, the person shall sign and return the form  
9 to the department.

10 (3) The department shall assess a person who is required to report under ORS 181.595, 181.596  
11 or 181.597 and who is not under supervision a fee of \$70 each year. Moneys received by the de-  
12 partment under this subsection are continuously appropriated to the department for the purpose of  
13 carrying out the department's duties under ORS 181.585 to 181.587, 181.588, 181.589, 181.594, 181.595,  
14 181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606 and 181.820.

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

16 423.478. (1) The Department of Corrections shall:

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

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

19 (A) Allow tracking of offenders; and

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

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

23 (2) Subject to ORS 423.483, the county, in partnership with the department, shall assume re-  
24 sponsibility for community-based supervision, sanctions and services for offenders convicted of felo-  
25 nies who are:

26 (a) On parole;

27 (b) On probation;

28 (c) On post-prison supervision;

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

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

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

34 (3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,  
35 when an offender is committed to the custody of the supervisory authority of a county under ORS  
36 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other  
37 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority  
38 releases a person from custody under this subsection and the person is required to report as a sex  
39 offender under ORS 181.595, the supervisory authority, as a condition of release, shall order the  
40 person to report to the Department of State Police, a [*chief of police or a county sheriff*] **city police**  
41 **department or a county sheriff's office** or to the supervising agency, if any:

42 (a) When the person is released;

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

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

45 (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an

1 institution of higher education; and

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

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

6 **SECTION 10. The amendments to ORS 181.595, 181.596, 181.597 and 181.599 by sections 1**  
7 **to 4 of this 2009 Act apply to persons required to report on or after the effective date of this**  
8 **2009 Act.**

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