

## HOUSE AMENDMENTS TO HOUSE BILL 2169

By COMMITTEE ON JUDICIARY

March 19

1 On page 1 of the printed bill, line 2, after “ORS” delete the rest of the line and line 3 and insert  
2 “137.540, 144.102, 144.270, 181.595, 181.596, 181.597, 181.598, 181.599 and 423.478.”.

3 In line 11, delete “chief of police or a county sheriff” and insert “city police department or a  
4 county sheriff’s office”.

5 On page 2, line 1, delete “chief of police or a county sheriff” and insert “city police department  
6 or a county sheriff’s office”.

7 In line 28, delete “chief of police, the county sheriff” and insert “city police department, the  
8 county sheriff’s office”.

9 In line 44, delete “chief of police or a county sheriff” and insert “city police department or a  
10 county sheriff’s office”.

11 On page 3, line 16, delete “chief of police or a county sheriff” and insert “city police department  
12 or a county sheriff’s office”.

13 In line 43, delete “chief of police, the county sheriff” and insert “city police department, the  
14 county sheriff’s office”.

15 On page 5, delete lines 29 through 31 and insert:

16 “**SECTION 5.** ORS 137.540 is amended to read:

17 “137.540. (1) The court may sentence the defendant to probation subject to the following general  
18 conditions unless specifically deleted by the court. The probationer shall:

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

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

21 “(c) Submit to testing of breath or urine for controlled substance or alcohol use if the  
22 probationer has a history of substance abuse or if there is a reasonable suspicion that the  
23 probationer has illegally used controlled substances.

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

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

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

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

34 “(h) Permit the parole and probation officer to visit the probationer or the probationer’s work  
35 site or residence and to conduct a walk-through of the common areas and of the rooms in the resi-

1 dence occupied by or under the control of the probationer.

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

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

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

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

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

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

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

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

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

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

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

24 “(A) When supervision begins;

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

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

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

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

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

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

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

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

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

12 “(a) ‘Dwelling’ has the meaning given that term in ORS 469.160.

13 “(b) ‘Dwelling’ does not include a residential treatment facility or a halfway house.

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

16 “(d) ‘Sex offender’ has the meaning given that term in ORS 181.594.

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

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

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

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

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

31 “(b) A victim may request imposition of the special condition of probation described in this  
32 subsection at the time of sentencing in person or through the prosecuting attorney.

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

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

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

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

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

5           “(9) It is not a cause for revocation of probation that the probationer failed to apply for or ac-  
6 cept employment at any workplace where there is a labor dispute in progress. As used in this sub-  
7 section, ‘labor dispute’ has the meaning for that term provided in ORS 662.010.

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

10          “**SECTION 6.** ORS 144.102 is amended to read:

11          “144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory au-  
12 thority responsible for correctional services for a person shall specify in writing the conditions of  
13 post-prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the  
14 person upon release from prison or jail.

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

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

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

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

23           “(d) Report to the parole officer as directed by the board, the department or the supervisory  
24 authority.

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

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

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

29           “(h) Attend a victim impact treatment session in a county that has a victim impact program. If  
30 the board or supervisory authority requires attendance under this paragraph, the board or supervi-  
31 sory authority may require the person, as an additional condition of post-prison supervision, to pay  
32 a reasonable fee to the victim impact program to offset the cost of the person’s participation. The  
33 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-  
34 agraph.

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

38           “(A) When supervision begins;

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

40           “(C) Once each year within 10 days of the person’s date of birth;

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

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

45          “(3)(a) The board or supervisory authority may establish special conditions as the board or su-

1   pervisory authority determines necessary because of the individual circumstances of the person on  
2   post-prison supervision.

3       “(b) If the person is on post-prison supervision following conviction of a sex crime, as defined  
4   in ORS 181.594, the board or supervisory authority shall include all of the following as special  
5   conditions of the person’s post-prison supervision:

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

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

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

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

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

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

23      “(G) A prohibition against any contact with the victim, directly or indirectly, unless approved  
24   by the victim, the person’s treatment provider and the board, supervisory authority or supervising  
25   officer.

26      “(H) Unless otherwise indicated for the treatment required under subparagraph (F) of this par-  
27   agraph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating  
28   visual or auditory materials that are relevant to the person’s deviant behavior.

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

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

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

39      “(L) A prohibition against using a post-office box unless approved by the board, supervisory  
40   authority or supervising officer.

41      “(M) A prohibition against residing in any dwelling in which another sex offender who is on  
42   probation, parole or post-prison supervision resides unless approved by the board, supervisory au-  
43   thority or supervising officer, or in which more than one other sex offender who is on probation,  
44   parole or post-prison supervision resides unless approved by the board or the director of the super-  
45   visory authority, or a designee of the board or director. As soon as practicable, the supervising of-

1 ficer of a person subject to the requirements of this subparagraph shall review the person's living  
2 arrangement with the person's sex offender treatment provider to ensure that the arrangement  
3 supports the goals of offender rehabilitation and community safety. As used in this subparagraph:

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

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

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

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

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

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

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

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

25 "(B) A victim may request imposition of the special condition of post-prison supervision de-  
26 scribed in this paragraph at the time of sentencing in person or through the prosecuting attorney.  
27 A victim's request may be included in the judgment document.

28 "(C) If the board or supervisory authority imposes the special condition of post-prison super-  
29 vision described in this paragraph and if at any time during the period of post-prison supervision the  
30 victim moves to within three miles of the person's residence, the board or supervisory authority may  
31 not require the person to change the person's residence in order to comply with the special condi-  
32 tion of post-prison supervision.

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

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

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

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

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

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

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

45 "(6)(a) When a person is released from imprisonment on post-prison supervision, the board shall

1 order, as a condition of post-prison supervision, that the person reside for the first six months after  
2 release in the county where the person resided at the time of the offense that resulted in the  
3 imprisonment.

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

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

9 “(B) The person is found to pose a significant danger to a victim of the person’s crime, or a  
10 victim or victim’s family is found to pose a significant danger to the person residing in the estab-  
11 lished county of residence;

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

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

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

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

20 “(c)(A) The board shall determine the county where the person resided at the time of the offense  
21 by establishing the person’s last address at the time of the offense. In making its determination, the  
22 board shall examine all of the following:

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

24 “(ii) Records maintained by the Department of Revenue;

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

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

27 “(v) Records maintained by the Department of Corrections.

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

30 “(C) If the person is serving multiple sentences, the county of residence shall be determined  
31 according to the date of the last arrest resulting in a conviction.

32 “(D) In determining the person’s county of residence for purposes of this subsection, the board  
33 may not consider offenses committed by the person while the person was incarcerated in a Depart-  
34 ment of Corrections facility.

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

37 “**SECTION 7.** ORS 144.270 is amended to read:

38 “144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on  
39 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be  
40 given to the person paroled.

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

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

44 “(b) Be under the supervision of the Department of Corrections and its representatives and abide  
45 by their direction and counsel.

1       “(c) Answer all reasonable inquiries of the board or the parole officer.  
2       “(d) Report to the parole officer as directed by the board or parole officer.  
3       “(e) Not own, possess or be in control of any weapon.  
4       “(f) Respect and obey all municipal, county, state and federal laws.  
5       “(g) Understand that the board may, in its discretion, suspend or revoke parole if it determines  
6 that the parole is not in the best interest of the parolee, or in the best interest of society.  
7       “(3)(a) The board may establish such special conditions as it determines are necessary because  
8 of the individual circumstances of the parolee.  
9       “(b) If the person is on parole following conviction of a sex crime, as defined in ORS 181.594,  
10 the board shall include all of the following as special conditions of the person’s parole:  
11       “(A) Agreement to comply with any curfew set by the board or the supervising officer.  
12       “(B) A prohibition against contacting a person under 18 years of age without the prior written  
13 approval of the board or supervising officer.  
14       “(C) A prohibition against being present more than one time, without the prior written approval  
15 of the board or supervising officer, at a place where persons under 18 years of age regularly con-  
16 gregate.  
17       “(D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition  
18 against being present, without the prior written approval of the board or supervising officer, at, or  
19 on property adjacent to, a school, child care center, playground or other place intended for use  
20 primarily by persons under 18 years of age.  
21       “(E) A prohibition against working or volunteering at a school, child care center, park, play-  
22 ground or other place where persons under 18 years of age regularly congregate.  
23       “(F) Entry into and completion of or successful discharge from a sex offender treatment program  
24 approved by the board or supervising officer. The program may include polygraph and  
25 plethysmograph testing. The person is responsible for paying for the treatment program.  
26       “(G) A prohibition against any contact with the victim, directly or indirectly, unless approved  
27 by the victim, the person’s treatment provider and the board or supervising officer.  
28       “(H) Unless otherwise indicated for the treatment required under subparagraph (F) of this par-  
29 agraph, a prohibition against viewing, listening to, owning or possessing any sexually stimulating  
30 visual or auditory materials that are relevant to the person’s deviant behavior.  
31       “(I) Agreement to consent to a search of the person or the vehicle or residence of the person  
32 upon the request of a representative of the board if the representative has reasonable grounds to  
33 believe that evidence of a violation of a condition of parole will be found.  
34       “(J) Participation in random polygraph examinations to obtain information for risk management  
35 and treatment. The person is responsible for paying the expenses of the examinations. The results  
36 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to  
37 prove a violation of parole.  
38       “(K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless  
39 approved by the board or supervising officer.  
40       “(L) A prohibition against using a post-office box unless approved by the board or supervising  
41 officer.  
42       “(M) A prohibition against residing in any dwelling in which another sex offender who is on  
43 probation, parole or post-prison supervision resides unless approved by the board or supervising of-  
44 ficer, or in which more than one other sex offender who is on probation, parole or post-prison  
45 supervision resides unless approved by the board or a designee of the board. As soon as practicable,



1 the supervising officer of a person subject to the requirements of this subparagraph shall review the  
2 person's living arrangement with the person's sex offender treatment provider to ensure that the  
3 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
4 subparagraph:

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

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

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

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

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

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

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

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

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

26 "(C) If the board imposes the special condition of parole described in this paragraph and if at  
27 any time during the period of parole the victim moves to within three miles of the parolee's resi-  
28 dence, the board may not require the parolee to change the parolee's residence in order to comply  
29 with the special condition of parole.

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

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

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

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

42 "(B) The inmate is found to pose a significant danger to the victim of the offender's crime, or  
43 the victim or victim's family is found to pose a significant danger to the inmate residing in the  
44 county of residence;

45 "(C) The inmate has a spouse or biological or adoptive family residing in other than the county

1 of residence who will be materially significant in aiding in the rehabilitation of the offender and in  
2 the success of the parole;

3 “(D) As another condition of parole, the inmate is required to participate in a treatment pro-  
4 gram that is not available or located in the county of residence;

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

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

8 “(c)(A) For purposes of this subsection, ‘residency’ means the last address at the time of the  
9 offense, as established by an examination of all of the following:

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

11 “(ii) Records maintained by the Department of Revenue;

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

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

14 “(v) Records maintained by the Department of Corrections.

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

17 “(C) If the inmate is serving multiple sentences, the county of residence shall be determined  
18 according to the date of the last arrest resulting in a conviction.

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

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

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

27 “(a) When supervision begins;

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

29 “(c) Once each year within 10 days of the inmate’s date of birth;

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

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

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

36 “**SECTION 8.** ORS 181.598 is amended to read:

37 “181.598. (1) Agencies [*and officials*] required to register offenders under ORS 181.595, 181.596  
38 and 181.597 shall use forms provided by the Department of State Police. The department shall in-  
39 clude places on the form to list all the names used by the offender and the address of the offender.  
40 No later than three working days after registration, the agency or official completing the form shall:

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

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

44 “(2) If the person is no longer under supervision, the department shall verify the residence ad-  
45 dress of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765

1 every 90 days by mailing a verification form to the person at the person's last reported residence  
2 address. No later than 10 days after receiving the form, the person shall sign and return the form  
3 to the department.

4 "(3) The department shall assess a person who is required to report under ORS 181.595, 181.596  
5 or 181.597 and who is not under supervision a fee of \$70 each year. Moneys received by the de-  
6 partment under this subsection are continuously appropriated to the department for the purpose of  
7 carrying out the department's duties under ORS 181.585 to 181.587, 181.588, 181.589, 181.594, 181.595,  
8 181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606 and 181.820.

9 "**SECTION 9.** 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 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*] **city police**  
35 **department or a county sheriff's office** or to the supervising agency, if any:

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  
42 higher education.

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

45 "**SECTION 10.** The amendments to ORS 181.595, 181.596, 181.597 and 181.599 by sections 1

1 to 4 of this 2009 Act apply to persons required to report on or after the effective date of this  
2 2009 Act.”

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