

House Bill 2169

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Governor Theodore R. Kulongoski for Department of State Police)

SUMMARY

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

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 181.595, 181.596,
3 181.597 and 181.599.

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 and provide the supervising agency with proof of the completed
12 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

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

31 (3)(a) **A person required to report under this section shall report, in person, to the De-**

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 **partment of State Police, a chief of police or a county sheriff or, if the person is under**
 2 **supervision, to the supervising agency:**

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

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

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

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

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

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

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

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

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

22 (4) As part of the registration **and reporting requirements of** [*requirement under*] this
 23 section[.];

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

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

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

28 (b) The Department of State Police, the chief of police, the county sheriff or the supervising
 29 agency:

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

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

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

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

39 181.596. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or
 40 official to whom a person reports under subsection (4) of this section shall complete a sex offender
 41 registration form concerning the person when the person reports under subsection (4) of this section.

42 (b) When a person who is under supervision reports to the agency supervising the person, the
 43 supervising agency may require the person to report instead to the Department of State Police, a
 44 chief of police or a county sheriff and provide the supervising agency with proof of the completed
 45 registration.

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

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

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

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

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

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

15 **(4)(a) A person required to report under this section shall report, in person, to the De-**
 16 **partment of State Police, a chief of police or a county sheriff or, if the person is under**
 17 **supervision, to the supervising agency:**

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

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

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

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

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

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

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

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

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

37 (5) As part of the registration **and reporting requirements of** [*requirement under*] this
 38 section[.]:

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

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

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

43 **(b)** The Department of State Police, the chief of police, the county sheriff or the supervising
 44 agency:

45 [(a)] **(A)** Shall photograph the person **when the person initially reports under this section**

1 **and each time the person reports annually under this section;** *[and obtain the signature of the*
 2 *person; and]*

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

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

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

9 181.597. (1)(a) When a person listed in subsection (2) of this section moves into this state and
 10 is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person, to
 11 the Department of State Police, a city police department or a county sheriff’s office:

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

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

14 (C) Once each year within 10 days of the person’s birth date, regardless of whether the person
 15 changed residence.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 **(b)** The Department of State Police, a city police department or a sheriff’s office:

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

1 *the person; and]*

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

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

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

8 181.599. (1) A person who is required to report as a sex offender and who has knowledge of the
9 reporting requirement commits the crime of failure to report as a sex offender if the person fails,
10 as required by ORS 181.595, 181.596 or 181.597, to:

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

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

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

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

17 (e) Provide complete and accurate information;

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

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

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

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

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

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

27 (4) A person who fails to sign and return an address verification form as required by ORS
28 181.598 (2) commits a violation.

29 **SECTION 5. The amendments to ORS 181.595, 181.596, 181.597 and 181.599 by sections 1**
30 **to 4 of this 2009 Act apply to persons required to report on or after the effective date of this**
31 **2009 Act.**

32