

Enrolled
House Bill 2172

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)

CHAPTER

AN ACT

Relating to relief from sex offender reporting; creating new provisions; and amending ORS 181.820.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 181.820 is amended to read:

181.820. (1)(a) No sooner than 10 years after termination of supervision on probation, conditional release, parole or post-prison supervision, a person required to report under ORS 181.595, 181.596 or 181.597 may file a petition in [*the*] circuit court [*of the county in which the person resides*] for an order relieving the person of the duty to report if:

(A) The person has only one conviction for, or juvenile court finding of jurisdiction based on, a sex crime;

(B) The sex crime was a misdemeanor or Class C felony or, if committed in another state, would have been a misdemeanor or Class C felony if committed in this state; and

(C) The person has not been determined to be a predatory sex offender as described in ORS 181.585.

(b)(A) Except as otherwise provided in this paragraph, the petition must be filed in the circuit court of the county in which the person was convicted of, or found to be within the jurisdiction of the juvenile court based on, the sex crime.

(B) If the person was convicted of, or found to be within the jurisdiction of the juvenile court based on, the sex crime in another state, the petition must be filed in the circuit court of the county in which the person resides.

[(b)] (c) The district attorney of the county **in which the petition is filed** shall be named and served as the respondent in the petition.

(2) The court shall hold a hearing on the petition. In determining whether to grant the relief requested, the court shall consider:

(a) The nature of the offense that required reporting;

(b) The age and number of victims;

(c) The degree of violence involved in the offense;

(d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the conviction that required reporting;

(e) The period of time during which the petitioner has not reoffended;

(f) Whether the petitioner has successfully completed a court-approved sex offender treatment program; and

(g) Any other relevant factors.

(3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated and that the petitioner does not pose a threat to the safety of the public, the court shall enter an order relieving the petitioner of the duty to report. When the court enters an order under this subsection, the petitioner shall send a certified copy of the court order to the Department of State Police.

SECTION 2. The amendments to ORS 181.820 by section 1 of this 2009 Act apply to petitions filed on or after the effective date of this 2009 Act.

Passed by House February 12, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate March 3, 2009

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President of Senate

Received by Governor:

.....M.,....., 2009

Approved:

.....M.,....., 2009

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2009

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Secretary of State