

Enrolled House Bill 2173

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 181.830.

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

SECTION 1. ORS 181.830 is amended to read:

181.830. A person otherwise required to report under ORS 181.595, 181.596 or 181.597 is not required to report, and if currently reporting is no longer required to report, if:

(1)(a) The person has been convicted of:

- (A) Rape in the third degree as defined in ORS 163.355;
- (B) Sodomy in the third degree as defined in ORS 163.385;
- (C) Sexual abuse in the third degree as defined in ORS 163.415;
- (D) Contributing to the sexual delinquency of a minor as defined in ORS 163.435;
- (E) Sexual misconduct as defined in ORS 163.445; or
- (F) An attempt to commit an offense listed in subparagraphs (A) to (E) of this paragraph;

(b) The person has been found guilty except for insanity of an offense listed in paragraph (a) of this subsection;

(c) The person has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute an offense listed in paragraph (a) of this subsection; or

(d) The person is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a crime that would constitute an offense listed in paragraph (a) of this subsection;

(2)(a) The person is less than five years older than the victim;

(b) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;

[(c) At the time of the offense or act, the person had no prior conviction for an offense listed in ORS 181.594 (4) or adjudication for an act that if committed by an adult would constitute an offense listed in ORS 181.594 (4), or no prior conviction or adjudication for conduct in another jurisdiction that if committed in this state by an adult would constitute an offense listed in ORS 181.594 (4); and]

[(d)] (c) The victim was at least 14 years of age at the time of the offense or act; [and]

(d) Except for the convictions or findings described in subsection (1) of this section, the person has not been convicted of, found guilty except for insanity of, or found to be within the jurisdiction of the juvenile court based on, an offense listed in ORS 181.594 (4) or conduct in another jurisdiction that if committed in this state would constitute an offense listed in ORS 181.594 (4); and

(e) Each conviction or finding described in subsection (1) of this section involved the same victim; and

(3) The court enters an order relieving the person of the requirement to report under ORS 181.832 or 181.833.

SECTION 2. The amendments to ORS 181.830 by section 1 of this 2009 Act apply to:

(1) Determinations made under ORS 181.832 on or after the effective date of this 2009 Act; and

(2) Motions or petitions filed under ORS 181.833 on or after the effective date of this 2009 Act.

Passed by House March 17, 2009

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Chief Clerk of House

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Speaker of House

Passed by Senate May 13, 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