

**A-Engrossed**  
**House Bill 2175**

Ordered by the House March 4  
Including House Amendments dated March 4

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.

Modifies class of non-Oregon convictions or juvenile delinquency adjudications that require sex offender reporting.

**Requires interstate compact administrators to determine whether person transferring supervision to Oregon is required to report as sex offender under Oregon law. Requires administrators to notify person before responding to request to transfer supervision to this state.**

**A BILL FOR AN ACT**

1  
2 Relating to sex offender reporting; creating new provisions; and amending ORS 135.873, 137.540,  
3 144.102, 144.270, 181.585, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.826, 181.830,  
4 181.833 and 423.478 and section 6, chapter 627, Oregon Laws 2007, section 1, chapter 35, Oregon  
5 Laws 2008, and section 2, chapter 50, Oregon Laws 2008.

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

7 **SECTION 1.** ORS 181.594 is amended to read:

8 181.594. As used in **this section and** ORS 181.595, 181.596, 181.597, [*and*] 181.603, **181.826,**  
9 **181.830 and 181.833:**

10 (1) **“Another United States court” means a federal court, a military court, the tribal**  
11 **court of a federally recognized Indian tribe or a court of:**

12 (a) **A state other than Oregon;**

13 (b) **The District of Columbia;**

14 (c) **The Commonwealth of Puerto Rico;**

15 (d) **Guam;**

16 (e) **American Samoa;**

17 (f) **The Commonwealth of the Northern Mariana Islands; or**

18 (g) **The United States Virgin Islands.**

19 [(1)] (2) **“Attends” means is enrolled on a full-time or part-time basis.**

20 [(2)(a)] (3)(a) **“Correctional facility” means any place used for the confinement of persons:**

21 (A) **Charged with or convicted of a crime or otherwise confined under a court order.**

22 (B) **Found to be within the jurisdiction of the juvenile court for having committed an act that**  
23 **if committed by an adult would constitute a crime.**

24 (b) **“Correctional facility” applies to a state hospital or a secure intensive community inpatient**  
25 **facility only as to persons detained therein charged with or convicted of a crime, or detained therein**

**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 after being found guilty except for insanity under ORS 161.290 to 161.370.

2 [(3)] (4) "Institution of higher education" means a public or private educational institution that  
3 provides a program of post-secondary education.

4 [(4)] (5) "Sex crime" means:

5 (a) Rape in any degree;

6 (b) Sodomy in any degree;

7 (c) Unlawful sexual penetration in any degree;

8 (d) Sexual abuse in any degree;

9 (e) Incest with a child victim;

10 (f) Using a child in a display of sexually explicit conduct;

11 (g) Encouraging child sexual abuse in any degree;

12 (h) Transporting child pornography into the state;

13 (i) Paying for viewing a child's sexually explicit conduct;

14 (j) Compelling prostitution;

15 (k) Promoting prostitution;

16 (L) Kidnapping in the first degree if the victim was under 18 years of age;

17 (m) Contributing to the sexual delinquency of a minor;

18 (n) Sexual misconduct if the offender is at least 18 years of age;

19 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;

20 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent  
21 or by a person found to be within the jurisdiction of the juvenile court;

22 (q) Online sexual corruption of a child in any degree if the offender reasonably believed the  
23 child to be more than five years younger than the offender;

24 (r) Any attempt to commit any of the crimes set forth in paragraphs (a) to (q) of this subsection;

25 (s) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a)  
26 to (q) or (t) of this subsection; or

27 (t) Public indecency or private indecency, if the person has a prior conviction for a crime listed  
28 in this subsection.

29 [(5)] (6) "Sex offender" means a person who:

30 (a) Has been convicted of a sex crime;

31 (b) Has been found guilty except for insanity of a sex crime;

32 (c) Has been found to be within the jurisdiction of the juvenile court for having committed an  
33 act that if committed by an adult would constitute a sex crime; [or]

34 (d) Is paroled to this state under ORS 144.610 after being convicted in another [jurisdiction]  
35 **United States court** of a crime that would constitute a sex crime if committed in this state; **or**

36 **(e) Is paroled to or otherwise placed in this state after having been found by another**  
37 **United States court to have committed an act while the person was under 18 years of age**  
38 **that would constitute a sex crime if committed in this state by an adult.**

39 [(6)] (7) "Works" or "carries on a vocation" means full-time or part-time employment for more  
40 than 14 days within one calendar year whether financially compensated, volunteered or for the  
41 purpose of governmental or educational benefit.

42 **SECTION 2.** ORS 181.595 is amended to read:

43 181.595. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency [or  
44 *official to whom*] **to which** a person reports under subsection (3) of this section shall complete a sex  
45 offender registration form concerning the person when the person reports under subsection (3) of

1 this section.

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

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

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

10 (A) Conviction of a sex crime;

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

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

14 (b) Is paroled to this state under ORS 144.610 after being convicted in another [*jurisdiction*]  
15 **United States court** of a crime that would constitute a sex crime if committed in this state;

16 (c) Is paroled to or otherwise placed in this state after having been found by [*a court in*] another  
17 [*jurisdiction*] **United States court** to have committed an act while the person was under 18 years  
18 of age that would constitute a sex crime if committed in this state by an adult;

19 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-  
20 curity Review Board after having been found to be responsible except for insanity under ORS  
21 419C.411 for an act that would constitute a sex crime if committed by an adult; or

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

24 (3)(a) **A person described in subsection (2) of this section shall report, in person, to the**  
25 **Department of State Police, a city police department or a county sheriff's office or, if the**  
26 **person is under supervision, to the supervising agency:**

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

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

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

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

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

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

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

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

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

1 (4) As part of the registration requirement under this section, the Department of State Police,  
2 the [chief of] **city police department**, the county **sheriff's office** [sheriff] or the supervising agency:

3 (a) Shall photograph the person and obtain the signature of the person; and

4 (b) May fingerprint the person.

5 **SECTION 3.** ORS 181.596 is amended to read:

6 181.596. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency [or  
7 official to whom] **to which** a person reports under subsection (4) of this section shall complete a sex  
8 offender registration form concerning the person when the person reports under subsection (4) of  
9 this section.

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

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

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

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

19 (c) To this state under ORS 144.610 after being convicted in another [jurisdiction] **United States**  
20 **court** of a crime that would constitute a sex crime if committed in this state; or

21 (d) To this state after having been found by [a court in] another [jurisdiction] **United States**  
22 **court** to have committed an act while the person was under 18 years of age that would constitute  
23 a sex crime if committed in this state by an adult.

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

28 (4)(a) **A person described in subsection (2) of this section shall report, in person, to the**  
29 **Department of State Police, a city police department or a county sheriff's office or, if the**  
30 **person is under supervision, to the supervising agency:**

31 **(A)** Within 10 days following discharge, [or] release **or placement on probation**;*[ the person*  
32 *shall report, in person, to the Department of State Police, chief of police or county sheriff or to the*  
33 *supervising agency, if any.]*

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

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

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

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

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

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

45 *[(d)]* **(b)** If the person required to report under this subsection is a youth offender, as defined in

1 ORS 419A.004, who is under supervision, the person shall *[make the reports required by paragraphs*  
2 *(a) and (b) of this subsection]* **report** to the agency supervising the person.

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

5 (5) As part of the registration requirement under this section, the Department of State Police,  
6 the *[chief of]* **city police department**, the county **sheriff's office** *[sheriff]* or the supervising agency:

7 (a) Shall photograph the person and obtain the signature of the person; and

8 (b) May fingerprint the person.

9 **SECTION 4.** ORS 181.597 is amended to read:

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

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

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

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

17 (b) When a person *[listed]* **described** in subsection (2) of this section attends school or works in  
18 this state, resides in another state and is not otherwise required by ORS 181.595 or 181.596 to re-  
19 port, the person shall report, in person, to the Department of **State Police**, a city police department  
20 or a county sheriff's office no later than 10 days after:

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

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

23 **(c) When a person described in subsection (2) of this section resides in this state at the**  
24 **time of the conviction or adjudication giving rise to the obligation to report, continues to**  
25 **reside in this state following the conviction or adjudication and is not otherwise required by**  
26 **ORS 181.595 or 181.596 to report, the person shall report, in person, to the Department of**  
27 **State Police, a city police department or a county sheriff's office:**

28 **(A) Within 10 days following:**

29 **(i) Discharge, release on parole or release on any form of supervised or conditional re-**  
30 **lease, from a jail, prison or other correctional facility or detention facility; or**

31 **(ii) Discharge, release or placement on probation, by another United States court;**

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

33 **(C) Once each year within 10 days of the person's birth date, regardless of whether the**  
34 **person has changed residence.**

35 *[(c)] (d)* As used in paragraph (b) of this subsection, "attends school" means enrollment in any  
36 type of school on a full-time or part-time basis.

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

40 *[(e)] (f)* The obligation to report under this section terminates if the conviction or adjudication  
41 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

43 (a) A person convicted in another *[jurisdiction]* **United States court** of a crime if the elements  
44 of the crime would constitute a sex crime;

45 (b) A person found by *[a court in another jurisdiction]* **another United States court** to have

1 committed an act while the person was under 18 years of age that would constitute a sex crime if  
2 committed in this state by an adult; and

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

5 (3) As part of the registration required under this section, the Department of State Police, [a]  
6 **the** city police department or [a] **the** sheriff's office:

7 (a) Shall photograph the person and obtain the signature of the person; and

8 (b) May fingerprint the person.

9 **SECTION 5.** ORS 181.599 is amended to read:

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

13 (a) Make the initial report to the appropriate agency [*or official*];

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

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

18 (d) Make an annual report; or

19 (e) Provide complete and accurate information.

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

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

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

24 (b) Subsection (1)(b) or (c) of this section and the crime for which the person is required to re-  
25 port is a felony.

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

28 **SECTION 6.** ORS 181.826 is amended to read:

29 181.826. (1) Except as provided in subsection (6) of this section, when a person is required to  
30 report under ORS 181.595, 181.596 or 181.597 as a result of having been found in a juvenile adjudi-  
31 cation **in another United States court** [*in another jurisdiction*] to have committed an act while the  
32 person was under 18 years of age that would constitute a sex crime if committed in this state by  
33 an adult, the person may file a petition in the circuit court of the county in which the person resides  
34 for an order relieving the person of the duty to report if:

35 (a) The person has been registered as a sex offender in this state for at least two years;

36 (b) At least two years, but not more than five years, have elapsed since the termination of  
37 supervision on probation or parole; and

38 (c) The person submits with the petition all releases and waivers necessary to allow the district  
39 attorney for the county in which the petition is filed to obtain the following documents from the  
40 jurisdiction in which the person was adjudicated for the **act for which reporting is required** [*sex*  
41 *crime*]:

42 (A) The juvenile court petition;

43 (B) The dispositional report to the court;

44 (C) The order of adjudication or jurisdiction;

45 (D) Any other relevant court documents;

1 (E) The police report relating to the [*sex crime*] **act** for which reporting is required;

2 (F) The order terminating jurisdiction for the [*sex crime*] **act** for which reporting is required;

3 and

4 (G) The evaluation and treatment records or reports of the person that are related to the [*sex*  
5 *crime*] **act** for which reporting is required.

6 (2) A person filing a petition under this section has the burden of proving by clear and con-  
7 vincing evidence that the person is rehabilitated and does not pose a threat to the safety of the  
8 public.

9 (3) Unless the court finds good cause for a continuance, the court shall hold a hearing on the  
10 petition no sooner than 90 days and no later than 150 days after the date the petition is filed.

11 (4) Notwithstanding subsection (1)(b) of this section, if a person has not been registered as a sex  
12 offender in this state for two years until more than five years have elapsed since the termination  
13 of supervision on probation or parole, the person may file a petition seeking relief under this section  
14 if the person files the petition no later than 90 days after the date on which the person has been  
15 registered as a sex offender in this state for two years.

16 (5) If a person who files a petition under this section is required to report as a sex offender for  
17 having committed an act that if committed in this state could have subjected the person to prose-  
18 cution as an adult under ORS 137.707, the court may not grant the petition notwithstanding the fact  
19 that the person has met the burden of proof established in subsection (2) of this section unless the  
20 court determines that to do so is in the interest of public safety.

21 (6) This section does not apply to a person who is required to register as a sex offender for life  
22 in the jurisdiction in which the offense occurred.

23 (7) In a hearing under this section, the court may receive testimony, reports and other evidence  
24 without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to  
25 40.585 if the evidence is relevant to the determination and findings required under this section. As  
26 used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

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

31 **SECTION 7.** ORS 181.833 is amended to read:

32 181.833. (1) A person who meets the criteria described in ORS 181.830 and seeks relief from the  
33 requirement to report under ORS 181.595, 181.596 or 181.597 shall:

34 (a) If the person was convicted in this state of the offense or adjudicated in this state for the  
35 act giving rise to the obligation to report, file a motion for relief from the requirement to report and  
36 an affidavit of eligibility with the circuit court of the county in which the person was convicted or  
37 adjudicated and serve a copy of the motion and affidavit on the district attorney for that county.

38 (b) If the person was convicted in another [*jurisdiction*] **United States court** of [*an*] **the** offense  
39 or adjudicated in another [*jurisdiction*] **United States court** for [*an*] **the** act giving rise to the ob-  
40 ligation to report, file a petition for relief from the requirement to report and an affidavit of eligi-  
41 bility with the circuit court of the county in which the person resides and serve a copy of the  
42 petition and affidavit on the district attorney for that county.

43 (2) The court shall schedule a hearing more than 90 days from the date of the filing described  
44 in subsection (1) of this section. The court shall notify the person and the district attorney of the  
45 date of the hearing.

1 (3)(a) Upon receipt of the affidavit described in subsection (1) of this section, the district attorney shall determine whether the district attorney contests the request for relief.

2  
3 (b) If the district attorney does not contest the request for relief, the district attorney shall submit an order to the court relieving the person of the reporting requirements described in ORS 4 181.595, 181.596 or 181.597. The court shall enter the order.

5  
6 (c) If the district attorney contests the request for relief, the district attorney shall notify the person of that determination within 90 days.

7  
8 (4) At the hearing, the state has the burden of proving that the person does not meet the eligibility requirements described in ORS 181.830.

9  
10 (5)(a) If the court finds, by a preponderance of the evidence, that the person does not meet the eligibility requirements described in ORS 181.830, the court shall enter an order denying the request for relief.

11  
12 (b) If the court does not make the finding described in paragraph (a) of this subsection, the court shall enter an order relieving the person from the requirement to report.

13  
14 (6)(a) If the court relieves the person from the requirement to report, the person shall send a certified copy of the court order to the Department of State Police.

15  
16 (b) Upon receipt of the order, the Department of State Police shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 181.595, 181.596 or 181.597.

17 (7) The order entered under subsection (5) of this section is not subject to appeal.

18 (8) The Oregon Evidence Code does not apply to the hearing described in subsection (4) of this section.

19 **SECTION 8.** Section 6, chapter 627, Oregon Laws 2007, is amended to read:

20 **Sec. 6.** [Section 3 of this 2007 Act] **ORS 181.833** applies to persons:

21 (1) Convicted of an offense or adjudicated for an act in this state before [the effective date of this 2007 Act] **January 1, 2008**; and

22 (2) Convicted of an offense or adjudicated for an act in another [jurisdiction] **United States court** before, on or after [the effective date of this 2007 Act] **January 1, 2008**.

23 **SECTION 9.** ORS 181.830 is amended to read:

24 181.830. 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:

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

26 (A) Rape in the third degree as defined in ORS 163.355;

27 (B) Sodomy in the third degree as defined in ORS 163.385;

28 (C) Sexual abuse in the third degree as defined in ORS 163.415;

29 (D) Contributing to the sexual delinquency of a minor as defined in ORS 163.435;

30 (E) Sexual misconduct as defined in ORS 163.445; or

31 (F) An attempt to commit an offense listed in subparagraphs (A) to (E) of this paragraph;

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

33 (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

34 (d) The person is paroled to this state under ORS 144.610 after being convicted in another **United States court** [jurisdiction] of a crime that would constitute an offense listed in paragraph



1 (a) of this subsection;

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

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

5 (c) At the time of the offense or act, the person had no prior conviction for [*an offense listed in*  
6 *ORS 181.594 (4)*] **a sex crime** or adjudication for an act that if committed by an adult would con-  
7 stitute [*an offense listed in ORS 181.594 (4)*] **a sex crime**, or no prior conviction or adjudication **in**  
8 **another United States court** for conduct [*in another jurisdiction*] that if committed in this state  
9 by an adult would constitute [*an offense listed in ORS 181.594 (4)*] **a sex crime**; and

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

11 (3) The court enters an order relieving the person of the requirement to report under ORS  
12 181.832 or 181.833.

13 **SECTION 10.** ORS 135.873 is amended to read:

14 135.873. (1) As used in this section:

15 (a) "Local government" has the meaning given that term in ORS 174.116.

16 (b) "Sexual offense" includes but is not limited to a [*crime listed in*] **sex crime as defined in**  
17 **ORS 181.594 [(4)]**.

18 (c) "State government" has the meaning given that term in ORS 174.111.

19 (d) "Victim" has the meaning given that term in ORS 131.007.

20 (2) Upon a showing of good cause, the court may at any time order that specified disclosures  
21 be denied, restricted or deferred, or make such other order as is appropriate.

22 (3) Upon request of any party, the court may permit a showing of good cause for denial or reg-  
23 ulation of disclosures, or portion of such showing, to be made in camera. A record shall be made  
24 of such proceedings.

25 (4) If the court enters an order granting relief following a showing in camera, the entire record  
26 of the showing shall be sealed and preserved in the records of the court, to be made available to the  
27 appellate court in the event of an appeal. Except for information or materials subject to an order  
28 that has been entered under subsection (5) or (6) of this section, the trial court, in its discretion,  
29 may, after the case has been concluded, unseal matters previously sealed.

30 (5) Upon the request of a district attorney or the victim, the court shall enter a protective order  
31 prohibiting any party to or attorney in, or the agent of a party to or attorney in, criminal pro-  
32 ceedings involving a sexual offense, an offense involving the visual or audio recording of sexual  
33 conduct by a child or invasion of personal privacy under ORS 163.700 from copying or disseminating  
34 any information of a sexually explicit nature including, but not limited to, photographs depicting a  
35 person in a state of nudity, photographs of human genitalia, any information of the prior sexual  
36 history of the victim and any visual or audio recording of the sexual victimization.

37 (6) Upon the request of a district attorney or the victim, unless the court finds good cause to  
38 do otherwise, the court shall enter a protective order prohibiting any party to or attorney in, or the  
39 agent of a party to or attorney in, criminal proceedings involving a sexual offense, an offense in-  
40 volving the visual or audio recording of sexual conduct by a child or invasion of personal privacy  
41 under ORS 163.700 from copying or disseminating a visual or audio recording of the victim describ-  
42 ing the victim's sexual victimization.

43 (7) Notwithstanding a protective order entered under subsection (5) or (6) of this section, infor-  
44 mation or materials described in subsections (5) and (6) may be copied or disseminated for the pur-  
45 pose of:

1 (a) Providing discovery;

2 (b) Submitting evidence to a grand jury, a court, an agency of state government, a local gov-  
3 ernment or a federal agency for use in judicial or administrative proceedings;

4 (c) Having the information or materials examined by an expert witness for the court, the state  
5 or any party;

6 (d) Providing copies of the information or materials to the parties' attorneys or agents; or

7 (e) Sharing the information or materials with an agency of state government for use in carrying  
8 out duties imposed on the agency by statute.

9 (8) Upon the request of the victim, the court may order that the victim be provided with a copy  
10 of information or materials described in subsections (5) and (6) of this section.

11 **SECTION 11.** ORS 137.540 is amended to read:

12 137.540. (1) The court may sentence the defendant to probation subject to the following general  
13 conditions unless specifically deleted by the court. The probationer shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 (p) If required to report as a sex offender under ORS 181.596, report with the Department of  
7 State Police, a [*chief of*] **city police department**, a county [*sheriff*] **sheriff's office** or the supervis-  
8 ing agency:

9 (A) When supervision begins;

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

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

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

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

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

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

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

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

31 (3) When a person who is a sex offender is released on probation, the court shall impose as a  
32 special condition of probation that the person not reside in any dwelling in which another sex  
33 offender who is on probation, parole or post-prison supervision resides, without the approval of the  
34 person's supervising parole and probation officer, or in which more than one other sex offender who  
35 is on probation, parole or post-prison supervision resides, without the approval of the director of the  
36 probation agency that is supervising the person or of the county manager of the Department of  
37 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole  
38 and probation officer of a person subject to the requirements of this subsection shall review the  
39 person's living arrangement with the person's sex offender treatment provider to ensure that the  
40 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
41 subsection:

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

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

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

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

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

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

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

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

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

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

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

22 (5) When a person who is a sex offender, as defined in ORS 181.594, is released on probation,  
23 the Department of Corrections or the county community corrections agency, whichever is appropri-  
24 ate, shall notify the chief of police, if the person is going to reside within a city, and the county  
25 sheriff of the county in which the person is going to reside of the person's release and the conditions  
26 of the person's release.

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

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

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

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

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

40 **SECTION 12.** ORS 144.102 is amended to read:

41 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority  
42 responsible for correctional services for a person shall specify in writing the conditions of post-  
43 prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the person  
44 upon release from prison or jail.

45 (2) The board or the supervisory authority shall determine, and may at any time modify, the

1 conditions of post-prison supervision, which may include, among other conditions, that the person  
2 shall:

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

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

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

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

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

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

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

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

20 (i) If required to report as a sex offender under ORS 181.595, report with the Department of  
21 State Police, a [*chief of*] **city police department**, a county [*sheriff*] **sheriff's office** or the supervis-  
22 ing agency:

23 (A) When supervision begins;

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

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

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

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

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

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

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

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

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

43 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition  
44 against being present, without the prior written approval of the board, supervisory authority or  
45 supervising officer, at, or on property adjacent to, a school, child care center, playground or other

1 place intended for use primarily by persons under 18 years of age.

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

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

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

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

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

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

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

24 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-  
25 thority or supervising officer.

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

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

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

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

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

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

45 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the

1 evidence that no mental intimidation or pressure was brought to bear during the commission of the  
2 crime;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (D) As another condition of post-prison supervision, the person is required to participate in a

1 treatment program that is not available in the established county of residence;

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

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

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

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

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

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

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

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

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

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

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

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

22 **SECTION 13.** ORS 144.270 is amended to read:

23 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on  
24 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be  
25 given to the person paroled.

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

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

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

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

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

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

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

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

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

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

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

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

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



1 gregate.

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

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

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

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

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

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

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

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

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

27 (M) A prohibition against residing in any dwelling in which another sex offender who is on  
28 probation, parole or post-prison supervision resides unless approved by the board or supervising of-  
29 ficer, or in which more than one other sex offender who is on probation, parole or post-prison  
30 supervision resides unless approved by the board or a designee of the board. As soon as practicable,  
31 the supervising officer of a person subject to the requirements of this subparagraph shall review the  
32 person's living arrangement with the person's sex offender treatment provider to ensure that the  
33 arrangement supports the goals of offender rehabilitation and community safety. As used in this  
34 subparagraph:

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

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

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

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

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

45 (ii) The person demonstrates to the board by a preponderance of the evidence that no mental

1 intimidation or pressure was brought to bear during the commission of the crime;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (B) When an inmate did not have one identifiable address of record at the time of the offense,

1 the inmate shall be considered to have resided in the county where the offense occurred.

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

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

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

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

12 (a) When supervision begins;

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

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

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

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

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

21 **SECTION 14.** ORS 181.585 is amended to read:

22 181.585. (1) For purposes of ORS 181.585 to 181.587, a person is a predatory sex offender if the  
23 person exhibits characteristics showing a tendency to victimize or injure others and has been con-  
24 victed of a sex crime listed in ORS 181.594 [(4)(a)] **(5)(a)** to (d), has been convicted of attempting to  
25 commit one of those crimes or has been found guilty except for insanity of one of those crimes.

26 (2) In determining whether a person is a predatory sex offender, an agency shall use a sex  
27 offender risk assessment scale approved by the Department of Corrections or a community cor-  
28 rections agency.

29 **SECTION 15.** ORS 181.598 is amended to read:

30 181.598. (1) Agencies [*and officials*] required to register offenders under ORS 181.595, 181.596 and  
31 181.597 shall use forms provided by the Department of State Police. The department shall include  
32 places on the form to list all the names used by the offender and the address of the offender. No  
33 later than three working days after registration, the agency or official completing the form shall:

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

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

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

42 (3) The department shall assess a person who is required to report under ORS 181.595, 181.596  
43 or 181.597 and who is not under supervision a fee of \$70 each year. Moneys received by the de-  
44 partment under this subsection are continuously appropriated to the department for the purpose of  
45 carrying out the department's duties under ORS 181.585 to 181.587, 181.588, 181.589, 181.594, 181.595,

1 181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606 and 181.820.

2 **SECTION 16.** ORS 423.478 is amended to read:

3 423.478. (1) The Department of Corrections shall:

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

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

6 (A) Allow tracking of offenders; and

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

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

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

13 (a) On parole;

14 (b) On probation;

15 (c) On post-prison supervision;

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

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

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

21 (3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,  
22 when an offender is committed to the custody of the supervisory authority of a county under ORS  
23 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other  
24 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority  
25 releases a person from custody under this subsection and the person is required to report as a sex  
26 offender under ORS 181.595, the supervisory authority, as a condition of release, shall order the  
27 person to report to the Department of State Police, a [*chief of*] **city police department** or a county  
28 [*sheriff*] **sheriff's office** or to the supervising agency, if any:

29 (a) When the person is released;

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

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

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

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

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

38 **SECTION 17.** Section 1, chapter 35, Oregon Laws 2008, is amended to read:

39 **Sec. 1.** (1) When a court sentences a defendant to a term of incarceration that exceeds one year,  
40 the defendant may request a determination of the defendant's eligibility for release on post-prison  
41 supervision under ORS 421.508 (4). The court shall order in the judgment that the Department of  
42 Corrections may release the defendant on post-prison supervision under ORS 421.508 (4) only if, after  
43 a hearing, the court finds that:

44 (a) The defendant meets the eligibility requirements of subsections (2) and (3) of this section;

45 (b) The defendant was not on probation, parole or post-prison supervision for an offense listed

1 in ORS 137.712 (4) or 811.705 (2)(b) at the time of the commission of the current crime of conviction;

2 (c) The defendant has not previously been released on post-prison supervision under ORS 421.508  
3 (4);

4 (d) The harm or loss caused by the crime is not greater than usual for that type of crime;

5 (e) The crime was not part of an organized criminal operation; and

6 (f) After considering the nature of the offense and the harm to the victim, the defendant's suc-  
7 cessful completion of the program would:

8 (A) Increase public safety;

9 (B) Enhance the likelihood that the defendant would be rehabilitated; and

10 (C) Not unduly reduce the appropriate punishment.

11 (2) Except as provided in subsection (4) of this section, a defendant may not be released on  
12 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime under  
13 ORS 163.145, 163.165 (1)(a) or (b), 163.525 or 811.705 (2)(b).

14 (3) A defendant may not be released on post-prison supervision under ORS 421.508 (4) if the de-  
15 fendant is being sentenced for a crime listed in ORS 137.700, 137.707[,] or 163.095 or **a sex crime**  
16 **as defined in ORS 181.594 [(4)].**

17 (4) Notwithstanding subsection (1) of this section, the parties may stipulate to a defendant's el-  
18 igibility for release on post-prison supervision under ORS 421.508 (4). If the court accepts the stip-  
19 ulation, the court does not need to make explicit findings regarding the factors described in  
20 subsection (1)(b) to (f) of this section. The parties may not stipulate to the defendant's release on  
21 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime de-  
22 scribed in subsection (3) of this section.

23 (5) If the court makes the findings described in subsection (1) of this section or accepts the  
24 stipulation of the parties under subsection (4) of this section, the court shall:

25 (a) Order on the record in open court as part of the sentence imposed that the defendant may  
26 be considered by the department for release on post-prison supervision under ORS 421.508 (4); and

27 (b) Include the order described in paragraph (a) of this subsection in the judgment.

28 (6) Subject to the requirements of this section, the court may order that the defendant serve a  
29 minimum period of incarceration before the defendant is released on post-prison supervision under  
30 ORS 421.508 (4). Nothing in this section authorizes the release of the defendant on post-prison  
31 supervision before the defendant has served the period of time described in ORS 421.508 (4)(b).

32 **SECTION 18.** Section 2, chapter 50, Oregon Laws 2008, is amended to read:

33 **Sec. 2.** (1)(a) When a youth makes a first appearance before the juvenile court on a petition  
34 described in subsection (4) of this section alleging that the youth is within the jurisdiction of the  
35 juvenile court under ORS 419C.005, the district attorney or other person filing the petition under  
36 ORS 419C.250 shall notify:

37 (A) The superintendent of the school district in which the youth resides or the superintendent's  
38 designee; or

39 (B) If the person filing the petition has information that the youth is enrolled in a private school  
40 or charter school, the principal of the school in which the youth is enrolled.

41 (b) If the juvenile court sets aside or dismisses a petition as provided in ORS 419C.261 for which  
42 notice was given under subsection (1)(a) of this section, or if the juvenile court determines that the  
43 youth is not within the jurisdiction of the juvenile court, the district attorney or other person  
44 prosecuting the case shall notify:

45 (A) The superintendent of the school district in which the youth resides or the superintendent's

1 designee; or

2 (B) If the person prosecuting the case has information that the youth is enrolled in a private  
3 school or charter school, the principal of the school in which the youth is enrolled.

4 (2) The notice required under subsection (1) of this section may be communicated by mail or  
5 other method of delivery, including but not limited to electronic transmission. The notice must in-  
6 clude:

7 (a) The name and date of birth of the youth;

8 (b) The names and addresses of the youth's parents or guardians;

9 (c) The alleged basis for the juvenile court's jurisdiction over the youth;

10 (d) The act alleged in the petition that, if committed by an adult, would constitute a crime; and

11 (e) If notice is required under subsection (1)(b) of this section, that portion of the juvenile court  
12 order providing for the legal disposition of the youth.

13 (3) The notice required under subsection (1) of this section must be given within 15 days after:

14 (a) The youth makes a first appearance before the juvenile court on a petition;

15 (b) The petition is dismissed or set aside; or

16 (c) The juvenile court determines that the youth is not within the jurisdiction of the juvenile  
17 court after a hearing on the merits of the petition.

18 (4) This section applies to petitions filed alleging that the youth engaged in conduct that, if  
19 committed by an adult, would constitute a crime involving:

20 (a) Harm or threatened harm to another person, including criminal homicide, felony assault or  
21 any attempt to cause serious physical injury to another person;

22 (b) Sexual assault of an animal or animal abuse in any degree;

23 (c) A sex offense listed in ORS 181.594 [(4)], except for rape in the third degree under ORS  
24 163.355;

25 (d) A weapon, as defined in ORS 166.360, or the threatened use of a weapon;

26 (e) Possession or manufacture of a destructive device, as defined in ORS 166.382, or possession  
27 of a hoax destructive device, as defined in ORS 166.385; or

28 (f) An offense for which manufacture or delivery of alcohol or a controlled substance is an ele-  
29 ment of the crime.

30 (5) Except as otherwise provided in ORS 192.490, a person who sends or receives notice under  
31 this section is not civilly or criminally liable for failing to disclose the information under this sec-  
32 tion.

33 **SECTION 19. (1) Before granting permission to a sending state to authorize a delinquent**  
34 **juvenile on probation or parole to reside in this state, the Juvenile Compact Administrator**  
35 **described in ORS 417.040 shall determine whether the delinquent juvenile is required to re-**  
36 **port as a sex offender under ORS 181.595, 181.596 or 181.597. If the delinquent juvenile is re-**  
37 **quired to report as a sex offender, the Juvenile Compact Administrator shall notify the**  
38 **sending state, the delinquent juvenile and the attorney for the delinquent juvenile of the**  
39 **obligation to report before granting permission for the delinquent juvenile to reside in this**  
40 **state.**

41 (2) As used in this section, "delinquent juvenile," "probation or parole" and "sending  
42 state" have the meanings given those terms in ORS 417.030.

43 **SECTION 20. (1) Before responding to a transfer request under the Interstate Compact**  
44 **for Adult Offender Supervision described in ORS 144.600, the Compact Administrator shall**  
45 **determine whether the offender is required to report as a sex offender under ORS 181.595,**

1 181.596 or 181.597. If the offender is required to report as a sex offender, the Compact Ad-  
2 ministrador shall notify the sending state, the offender and the offender's attorney of the  
3 obligation to report before accepting the transfer of the offender.

4 (2) As used in this section, "Compact Administrator" and "offender" have the meanings  
5 given those terms in ORS 144.600.

6 **SECTION 21.** (1) The amendments to ORS 181.595 by section 2 of this 2009 Act apply to  
7 persons paroled to or otherwise placed in this state on or after the effective date of this 2009  
8 Act.

9 (2) The amendments to ORS 181.596 by section 3 of this 2009 Act apply to persons dis-  
10 charged, released or placed on probation to this state on or after the effective date of this  
11 2009 Act.

12 (3)(a) Except as provided in paragraph (b) of this subsection, the amendments to ORS  
13 181.597 by section 4 of this 2009 Act apply to persons who move into this state, or whose first  
14 day of school attendance or work in this state occurs, on or after effective date of this 2009  
15 Act.

16 (b) ORS 181.597 (1)(c) applies to persons convicted of a crime or adjudicated for an act  
17 on or after the effective date of this 2009 Act.

18 (4) The amendments to ORS 181.599 by section 5 of this 2009 Act apply to conduct oc-  
19 ccurring on or after the effective date of this 2009 Act.

20 (5) The amendments to ORS 181.826, 181.830 and 181.833 by sections 6, 7 and 9 of this 2009  
21 Act apply to petitions or motions filed on or after the effective date of this 2009 Act.

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