

**SENATE AMENDMENTS TO
A-ENGROSSED HOUSE BILL 2175
(INCLUDING AMENDMENTS TO RESOLVE CONFLICTS)**

By COMMITTEE ON JUDICIARY

June 2

1 On page 22 of the printed A-engrossed bill, line 37, after the comma delete the rest of the line
2 and delete lines 38 through 40 and insert “the Juvenile Compact Administrator shall, before granting
3 permission for the delinquent juvenile to reside in this state, make a diligent effort to ensure that
4 the sending state notifies the delinquent juvenile of the obligation to report.”.

5 Delete lines 43 through 45.

6 Delete page 23 and insert:

7 “**SECTION 20. If House Bill 2169 becomes law, section 2 of this 2009 Act (amending ORS**
8 **181.595) is repealed and ORS 181.595, as amended by section 1, chapter __, Oregon Laws 2009**
9 **(Enrolled House Bill 2169), is amended to read:**

10 “181.595. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency [*or*
11 *official to whom*] **to which** a person reports under subsection (3) of this section shall complete a sex
12 offender registration form concerning the person when the person reports under subsection (3) of
13 this section.

14 “(b) When a person who is under supervision reports to the agency supervising the person, the
15 supervising agency may require the person to report instead to the Department of State Police, a
16 city police department or a county sheriff’s office and provide the supervising agency with proof of
17 the completed registration.

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

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

22 “(A) Conviction of a sex crime;

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

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

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

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

31 “(d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-
32 curity Review Board after having been found to be responsible except for insanity under ORS
33 419C.411 for an act that would constitute a sex crime if committed by an adult; or

34 “(e) Is discharged by the court under ORS 161.329 after having been found guilty except for in-

1 sanity of a sex crime.

2 “(3)(a) A person [required to report under] **described in subsection (2) of** this section shall re-
3 port, in person, to the Department of State Police, a city police department or a county sheriff’s
4 office or, if the person is under supervision, to the supervising agency:

5 “(A) Within 10 days following discharge, release on parole, post-prison supervision or other
6 supervised or conditional release;

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

8 “(C) Once each year within 10 days of the person’s birth date, regardless of whether the person
9 changed residence;

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

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

14 “(b) If the person required to report under this subsection is a youth offender or young person,
15 as defined in ORS 419A.004, who is under supervision, the person shall report to the agency super-
16 vising the person.

17 “(c) The obligation to report under this subsection terminates if the conviction or adjudication
18 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

19 “(4) As part of the registration and reporting requirements of this section:

20 “(a) The person required to report shall:

21 “(A) Provide the information necessary to complete the sex offender registration form and sign
22 the form as required; and

23 “(B) Submit to the requirements described in paragraph (b) of this subsection.

24 “(b) The Department of State Police, the city police department, the county sheriff’s office or the
25 supervising agency:

26 “(A) Shall photograph the person when the person initially reports under this section and each
27 time the person reports annually under this section;

28 “(B) May photograph the person or any identifying scars, marks or tattoos located on the person
29 when the person reports under any of the circumstances described in this section; and

30 “(C) Shall fingerprint the person if the person’s fingerprints are not included in the record file
31 of the Department of State Police bureau of criminal identification.

32 “**SECTION 21. If House Bill 2169 becomes law, section 3 of this 2009 Act (amending ORS**
33 **181.596) is repealed and ORS 181.596, as amended by section 2, chapter __, Oregon Laws 2009**
34 **(Enrolled House Bill 2169), is amended to read:**

35 “181.596. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency [or
36 official to whom] **to which** a person reports under subsection (4) of this section shall complete a sex
37 offender registration form concerning the person when the person reports under subsection (4) of
38 this section.

39 “(b) When a person who is under supervision reports to the agency supervising the person, the
40 supervising agency may require the person to report instead to the Department of State Police, a
41 city police department or a county sheriff’s office and provide the supervising agency with proof of
42 the completed registration.

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

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

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

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

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

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

12 “(4)(a) A person [required to report under] **described in subsection (2) of** this section shall re-
13 port, in person, to the Department of State Police, a city police department or a county sheriff’s
14 office or, if the person is under supervision, to the supervising agency:

15 “(A) Within 10 days following discharge, [or] release **or placement on probation;**

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

17 “(C) Once each year within 10 days of the person’s birth date, regardless of whether the person
18 changed residence;

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

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

23 “(b) If the person required to report under this subsection is a youth offender, as defined in ORS
24 419A.004, who is under supervision, the person shall report to the agency supervising the person.

25 “(c) The obligation to report under this subsection terminates if the conviction or adjudication
26 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

27 “(5) As part of the registration and reporting requirements of this section:

28 “(a) The person required to report shall:

29 “(A) Provide the information necessary to complete the sex offender registration form and sign
30 the form as required; and

31 “(B) Submit to the requirements described in paragraph (b) of this subsection.

32 “(b) The Department of State Police, the city police department, the county sheriff’s office or the
33 supervising agency:

34 “(A) Shall photograph the person when the person initially reports under this section and each
35 time the person reports annually under this section;

36 “(B) May photograph the person or any identifying scars, marks or tattoos located on the person
37 when the person reports under any of the circumstances described in this section; and

38 “(C) Shall fingerprint the person if the person’s fingerprints are not included in the record file
39 of the Department of State Police bureau of criminal identification.

40 “**SECTION 22. If House Bill 2170 becomes law, section 4 of this 2009 Act (amending ORS**
41 **181.597) is repealed and ORS 181.597, as amended by section 1, chapter 34, Oregon Laws 2009**
42 **(Enrolled House Bill 2170), is amended to read:**

43 “181.597. (1)(a) When a person [listed] **described** in subsection (2) of this section moves into this
44 state and is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in
45 person, to the Department of State Police, a city police department or a county sheriff’s office:

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

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

3 “(C) Once each year within 10 days of the person’s birth date, regardless of whether the person

4 changed residence;

5 “(D) Within 10 days of the first day the person works at, carries on a vocation at or attends an

6 institution of higher education; and

7 “(E) Within 10 days of a change in work, vocation or attendance status at an institution of

8 higher education.

9 “(b) When a person *[listed]* **described** in subsection (2) of this section attends school or works

10 in this state, resides in another state and is not otherwise required by ORS 181.595 or 181.596 to

11 report, the person shall report, in person, to the Department of **State Police**, a city police depart-

12 ment or a county sheriff’s office no later than 10 days after:

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

14 “(B) A change in school enrollment or employment.

15 “(c) **When a person described in subsection (2) of this section resides in this state at the**

16 **time of the conviction or adjudication giving rise to the obligation to report, continues to**

17 **reside in this state following the conviction or adjudication and is not otherwise required by**

18 **ORS 181.595 or 181.596 to report, the person shall report, in person, to the Department of**

19 **State Police, a city police department or a county sheriff’s office:**

20 “(A) **Within 10 days following:**

21 “(i) **Discharge, release on parole or release on any form of supervised or conditional re-**

22 **lease, from a jail, prison or other correctional facility or detention facility; or**

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

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

25 “(C) **Once each year within 10 days of the person’s birth date, regardless of whether the**

26 **person has changed residence;**

27 “(D) **Within 10 days of the first day the person works at, carries on a vocation at or at-**

28 **tends an institution of higher education; and**

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

30 **of higher education.**

31 “[c] (d) As used in paragraph (b) of this subsection, ‘attends school’ means enrollment in any

32 type of school on a full-time or part-time basis.

33 “[d] (e) When a person reports under *[paragraph (a) of]* this subsection, the agency *[or official*

34 *to whom]* **to which** the person reports shall complete a sex offender registration form concerning

35 the person.

36 “[e] (f) The obligation to report under this section terminates if the conviction or adjudication

37 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

38 “(2) Subsection (1) of this section applies to:

39 “(a) A person convicted in another *[jurisdiction]* **United States court** of a crime if the elements

40 of the crime would constitute a sex crime;

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

42 committed an act while the person was under 18 years of age that would constitute a sex crime if

43 committed in this state by an adult; and

44 “(c) A person required to register in another state for having committed a sex offense in that

45 state regardless of whether the crime would constitute a sex crime in this state.

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

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

4 “(b) May fingerprint the person.

5 “**SECTION 23. If House Bill 2173 becomes law, section 9 of this 2009 Act (amending ORS**
6 **181.830) is repealed and ORS 181.830, as amended by section 1, chapter __, Oregon Laws 2009**
7 **(Enrolled House Bill 2173), is amended to read:**

8 “181.830. A person otherwise required to report under ORS 181.595, 181.596 or 181.597 is not
9 required to report, and if currently reporting is no longer required to report, if:

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

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

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

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

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

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

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

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

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

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

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

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

28 “(c) The victim was at least 14 years of age at the time of the offense or act;

29 “(d) Except for the convictions or findings described in subsection (1) of this section, the person
30 has not been convicted of, found guilty except for insanity of, or found to be within the jurisdiction
31 of the juvenile court based on, [an offense listed in ORS 181.594 (4)] **a sex crime or an offense, in**
32 **another United States court, for** conduct [in another jurisdiction] that if committed in this state
33 would constitute [an offense listed in ORS 181.594 (4)] **a sex crime**; and

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

36 “(3) The court enters an order relieving the person of the requirement to report under ORS
37 181.832 or 181.833.

38 “**SECTION 24. (1) The amendments to ORS 181.595 by sections 2 and 20 of this 2009 Act**
39 **apply to persons paroled to or otherwise placed in this state on or after the effective date**
40 **of this 2009 Act.**

41 “**(2) The amendments to ORS 181.596 by sections 3 and 21 of this 2009 Act apply to per-**
42 **sons discharged, released or placed on probation to this state on or after the effective date**
43 **of this 2009 Act.**

44 “**(3)(a) Except as provided in paragraph (b) of this subsection, the amendments to ORS**
45 **181.597 by sections 4 and 22 of this 2009 Act apply to persons who move into this state, or**

1 **whose first day of school attendance or work in this state occurs, on or after the effective**
2 **date of this 2009 Act.**

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

5 **“(4) The amendments to ORS 181.599 by section 5 of this 2009 Act apply to conduct oc-**
6 **curing on or after the effective date of this 2009 Act.**

7 **“(5) The amendments to ORS 181.826, 181.830 and 181.833 by sections 6, 7, 9 and 23 of this**
8 **2009 Act apply to petitions or motions filed on or after the effective date of this 2009 Act.”.**

9
