

House Bill 3035

Sponsored by Representative ESQUIVEL; Representatives BENTZ, BRUUN, CAMERON, FREEMAN, GARRARD, GILLIAM, GILMAN, JENSON, KRIEGER, MAURER, RICHARDSON, SPRENGER, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD, Senator WHITSETT

SUMMARY

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

Requires supervising agency to determine if supervised person is predatory sex offender.
Directs Psychiatric Security Review Board to enter certain information into Law Enforcement Data System when certain persons are placed on conditional release.

A BILL FOR AN ACT

1
2 Relating to crime; creating new provisions; and amending ORS 181.585, 181.586, 181.587, 181.588 and
3 181.605.

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

5 **SECTION 1.** ORS 181.585 is amended to read:

6 181.585. *[(1) For purposes of ORS 181.585 to 181.587, a person is a predatory sex offender if the*
7 *person exhibits characteristics showing a tendency to victimize or injure others and has been convicted*
8 *of a sex crime listed in ORS 181.594 (4)(a) to (d), has been convicted of attempting to commit one of*
9 *those crimes or has been found guilty except for insanity of one of those crimes.]*

10 **(1) As used in ORS 181.585 to 181.587, 181.588, 181.589 and 181.605:**

11 **(a) "Predatory sex offender" means a person who exhibits characteristics showing a**
12 **tendency to victimize or injure others and who has been convicted of a sex crime listed in**
13 **ORS 181.594 (4)(a) to (d), has been convicted of attempting to commit one of those crimes**
14 **or has been found guilty except for insanity of one of those crimes.**

15 **(b) "Supervising agency" means:**

16 **(A) The State Board of Parole and Post-Prison Supervision, if the person is on parole or**
17 **post-prison supervision;**

18 **(B) The supervisory authority as defined in ORS 144.087, if the person is on probation;**
19 **and**

20 **(C) The Psychiatric Security Review Board, if the person is conditionally released under**
21 **ORS 161.327 or 161.336 to 161.351.**

22 **(2) A supervising agency shall determine whether a person convicted of or found guilty**
23 **except for insanity of a crime described in subsection (1)(a) of this section is a predatory sex**
24 **offender. The determination shall be made:**

25 **(a) Before the person is released on parole or post-prison supervision;**

26 **(b) Before the person is conditionally released under ORS 161.336 to 161.351; or**

27 **(c) If the person is conditionally released under ORS 161.327 or sentenced to probation,**
28 **as soon as practicable.**

29 **[(2)] (3) In determining whether a person is a predatory sex offender, [an] the supervising**
30 **agency shall use a sex offender risk assessment scale approved by the Department of Corrections**

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 or a community corrections agency.

2 **SECTION 2.** ORS 181.586 is amended to read:

3 181.586. (1)(a) If [*the State Board of Parole and Post-Prison Supervision for a person on parole*
 4 *or post-prison supervision or the Department of Corrections or a community corrections agency for a*
 5 *person on probation*] a **supervising agency** makes a determination that [*the*] a person under its
 6 supervision is a predatory sex offender, the agency supervising the person shall notify:

7 (A) Anyone whom the agency determines is appropriate that the person is a predatory sex
 8 offender; and

9 (B) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined
 10 in ORS 443.400, that the person is a predatory sex offender if the agency knows that the person is
 11 seeking admission to the facility.

12 (b) When a predatory sex offender has been subsequently convicted of another crime and is on
 13 supervision for that crime, the **supervising agency** [*supervising the person*], regardless of the nature
 14 of the crime for which the person is being supervised:

15 (A) May notify anyone whom the agency determines is appropriate that the person is a
 16 predatory sex offender; and

17 (B) Shall notify a long term care facility, as defined in ORS 442.015, or a residential care facility,
 18 as defined in ORS 443.400, that the person is a predatory sex offender if the agency knows that the
 19 person is seeking admission to the facility.

20 (2) In making a determination under subsection (1) of this section, the **supervising agency** shall
 21 consider notifying:

22 (a) The person's family;

23 (b) The person's sponsor;

24 (c) Residential neighbors and churches, community parks, schools, convenience stores, busi-
 25 nesses and other places that children or other potential victims may frequent; and

26 (d) Any prior victim of the offender.

27 (3) When [*an*] a **supervising agency** determines that notification is necessary, the agency may
 28 use any method of communication that the agency determines is appropriate. The notification:

29 (a) May include, but is not limited to, distribution of the following information:

30 (A) The person's name and address;

31 (B) A physical description of the person including, but not limited to, the person's age, height,
 32 weight and eye and hair color;

33 (C) The type of vehicle that the person is known to drive;

34 (D) Any conditions or restrictions upon the person's probation, parole, post-prison supervision
 35 or conditional release;

36 (E) A description of the person's primary and secondary targets;

37 (F) A description of the person's method of offense;

38 (G) A current photograph of the person; and

39 (H) The name or telephone number of the person's parole and probation officer.

40 (b) Shall include, if the notification is required under subsection (1)(a)(B) or (b)(B) of this section,
 41 the information described in paragraph (a)(D), (F) and (H) of this subsection.

42 (4) Not later than 10 days after making its determination that a person is a predatory sex
 43 offender, the **supervising agency** [*supervising the person*] shall:

44 (a) Notify the Department of State Police of the person's status as a predatory sex offender;

45 (b) Enter into the Law Enforcement Data System the fact that the person is a predatory sex

1 offender; and

2 (c) Send to the Department of State Police, by electronic or other means, all of the information
3 listed in subsection (3) of this section that is available.

4 (5) When the Department of State Police receives information regarding a person under sub-
5 section (4) of this section, the Department of State Police, upon request, may make the information
6 available to the public.

7 (6) Upon termination of its supervision of a person determined to be a predatory sex offender,
8 the **supervising** agency [*supervising the person*] shall:

9 (a) Notify the Department of State Police:

10 (A) Of the person’s status as a predatory sex offender;

11 (B) Whether the agency made a notification regarding the person under this section; and

12 (C) Of the person’s level of supervision immediately prior to termination of supervision; and

13 (b) Send to the Department of State Police, by electronic or other means, the documents relied
14 upon in determining that the person is a predatory sex offender and in establishing the person’s
15 level of supervision.

16 (7) The **supervising** agency [*supervising a person determined to be a predatory sex offender*] shall
17 verify the residence address of [*the*] a person **determined to be a predatory sex offender** every
18 90 days.

19 **SECTION 3.** ORS 181.587 is amended to read:

20 181.587. (1) Unless the **supervising** agency determines that release of the information would
21 substantially interfere with the treatment or rehabilitation of the supervised person, [*an*] **the** agency
22 [*that supervises a predatory sex offender*] shall make any information regarding the [*person*]
23 **predatory sex offender** that the agency determines is appropriate, including, but not limited to, the
24 information listed in ORS 181.586 (3), available to any other person upon request.

25 (2) Notwithstanding subsection (1) of this section, the **supervising** agency shall make the infor-
26 mation listed in ORS 181.586 (3), or any other information regarding the supervised person that the
27 agency determines is appropriate, available to any other person upon request if the person under
28 supervision:

29 (a) Is a predatory sex offender; and

30 (b) Is neglecting to take treatment or participate in rehabilitation.

31 **SECTION 4.** ORS 181.588 is amended to read:

32 181.588. (1) Notwithstanding any other provision of law, when a person who has been under
33 supervision by [*the Department of Corrections or a community corrections agency*] a **supervising**
34 **agency** is no longer under supervision, the Department of State Police, the chief of police of a city
35 police department or a county sheriff may notify the public that the person is a predatory sex
36 offender if:

37 (a) While the person was under supervision, the person was determined to be a predatory sex
38 offender as provided in ORS 181.585 and notification under ORS 181.586 was made to someone other
39 than the person’s family; and

40 (b) The person’s last primary supervising authority has notified the Department of State Police
41 that the person was under a high level of supervision at the termination of the person’s most recent
42 period of supervision.

43 (2) The Department of State Police, the chief of police of a city police department or a county
44 sheriff may notify the public that a person is a predatory sex offender if:

45 (a) The Department of State Police, the chief of police or the county sheriff determines that the

1 person is a predatory sex offender as provided in ORS 181.585; and

2 (b) The person was not under supervision in this state or for some other reason was not subject
3 to a determination under ORS 181.586.

4 (3) When the circumstances authorizing notification to the public of a person's status as a
5 predatory sex offender under subsection (1) or (2) of this section exist, the Department of State Po-
6 lice, chief of police or county sheriff shall notify a long term care facility, as defined in ORS 442.015,
7 or a residential care facility, as defined in ORS 443.400, that the person is a predatory sex offender
8 if the department, chief of police or county sheriff knows that the person is seeking admission to the
9 facility.

10 (4) Notification under subsection (1), (2) or (3) of this section may include distribution of any
11 information listed in ORS 181.586 (3)(a). Notification under subsection (3) of this section shall in-
12 clude distribution of the information listed in ORS 181.586 (3)(b).

13 **SECTION 5.** ORS 181.605 is amended to read:

14 181.605. (1) For those sex offenders designated as a predatory sex offender by [*a community*
15 *corrections agency, the Department of Corrections and any other agency that is responsible for super-*
16 *vising or treating sex offenders*] **a supervising agency**, the agency [*or department*] shall provide the
17 Department of State Police, by electronic or other means, at the termination of supervision, with the
18 following information for the purpose of offender profiling:

- 19 (a) Presentence investigations;
- 20 (b) Violation reports;
- 21 (c) Parole and probation orders;
- 22 (d) Conditions of parole and probation and other corrections records;
- 23 (e) Sex offender risk assessment tools; and
- 24 (f) Any other information that the agency determines is appropriate, disclosure of which is not
25 otherwise prohibited by law.

26 (2) The Oregon Youth Authority and county juvenile departments shall provide access to infor-
27 mation in their files to the Oregon State Police for the purpose of offender profiling.

28 (3)(a) Except as otherwise provided by law, the Oregon State Police may not disclose informa-
29 tion received under subsection (1) or (2) of this section.

30 (b) The Department of State Police may release information on the methodology of offenses and
31 behavior profiles derived from information received under subsection (1) or (2) of this section to lo-
32 cal law enforcement agencies.

33 **SECTION 6. If a person under the jurisdiction of the Psychiatric Security Review Board**
34 **is conditionally released under ORS 161.327 or 161.336 to 161.351 after having been found**
35 **guilty except for insanity of a crime described in ORS 137.700, the board shall enter the fol-**
36 **lowing information into the Law Enforcement Data System established in ORS 181.730:**

- 37 (1) **The crime for which the person was found guilty except for insanity.**
- 38 (2) **The conditions of the person's release.**
- 39 (3) **The person's address while on conditional release.**
- 40 (4) **The name and telephone number of a Psychiatric Security Review Board contact**
41 **person.**

42 **SECTION 7. Section 6 of this 2009 Act and the amendments to ORS 181.585, 181.586,**
43 **181.587, 181.588 and 181.605 by sections 1 to 5 of this 2009 Act apply to persons released on**
44 **parole or post-prison supervision, conditionally released under ORS 161.327 or 161.336 to**
45 **161.351 or sentenced to probation on or after the effective date of this 2009 Act.**

