

House Bill 3423

Sponsored by Representative THATCHER

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**.

Modifies offenses for which person must report as sex offender. Increases frequency with which certain sex offenders must report and amount of information that must be reported. Increases number of sex offenders about whom Department of State Police must post information on Internet.

Increases penalty for failure to report as sex offender under certain circumstances, to maximum of five years' imprisonment, \$125,000 fine, or both.

Becomes operative on January 2, 2011.

A BILL FOR AN ACT

1
2 Relating to sex offenders; creating new provisions; amending ORS 21.110, 90.630, 135.873, 137.540,
3 144.102, 144.270, 144.641, 163.476, 163.479, 181.592, 181.593, 181.594, 181.595, 181.596, 181.597,
4 181.598, 181.599, 181.601, 181.602, 181.603, 181.606, 192.848, 419A.260, 419C.273, 423.478 and
5 696.880 and section 1, chapter 35, Oregon Laws 2008, and section 2, chapter 50, Oregon Laws
6 2008; and repealing ORS 181.585, 181.586, 181.587, 181.588, 181.589, 181.590, 181.605, 181.820,
7 181.823, 181.826, 181.830, 181.832 and 181.833.

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

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

10 181.594. As used in ORS [*181.595, 181.596, 181.597 and 181.603*] **181.592 to 181.606:**

11 (1) "Attends" means is enrolled on a full-time or part-time basis.

12 (2) **"Change of residence" includes any time a person stays away from the residence of**
13 **the person for more than seven days.**

14 (3) **"Conviction" includes a finding of guilt except for insanity and a finding that a person**
15 **is within the jurisdiction of the juvenile court.**

16 [(2)(a)] (4)(a) "Correctional facility" means any place used for the confinement of persons:

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

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

20 (b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient
21 facility only as to persons detained therein charged with or convicted of a crime, or detained therein
22 after being found guilty except for insanity under ORS 161.290 to 161.370.

23 [(3)] (5) "Institution of higher education" means a public or private educational institution that
24 provides a program of post-secondary education.

25 (6) **"Moves into this state" includes persons who are paroled to or otherwise placed in**
26 **this state after being convicted of a sex crime.**

27 (7) **"Regular reporting date" means:**

28 (a) **For a Tier I sex offender, the date that is one year from the date of the person's in-**
29 **itial report under ORS 181.595, 181.596 or 181.597, and annually thereafter.**

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 **(b) For a Tier II sex offender, the date that is six months from the date of the person’s**
 2 **initial report under ORS 181.595, 181.596 or 181.597, and every six months thereafter.**

3 **(c) For a Tier III sex offender, the date that is three months from the date of the per-**
 4 **son’s initial report under ORS 181.595, 181.596 or 181.597, and every three months thereafter.**

5 [(4)] **(8) “Sex crime” means:**

6 (a) Rape in any degree;

7 (b) Sodomy in any degree;

8 (c) Unlawful sexual penetration in any degree;

9 (d) Sexual abuse in any degree;

10 (e) Incest with a child victim;

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

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

13 (h) Transporting child pornography into the state;

14 (i) Paying for viewing a child’s sexually explicit conduct;

15 (j) Compelling prostitution;

16 (k) Promoting prostitution;

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

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

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

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

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

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

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

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

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

30 **(u) Custodial sexual misconduct in any degree;**

31 **(v) Harassment, if the offense involves touching the sexual or other intimate parts of the**
 32 **other person;**

33 **(w) Trafficking in persons, if the victim is under 18 years of age;**

34 **(x) Subjecting another person to involuntary servitude in any degree, if the victim is**
 35 **under 18 years of age;**

36 **(y) Invasion of personal privacy, if the victim is under 18 years of age;**

37 **(z) Attempt or solicitation to commit prostitution, if the other person is:**

38 **(A) Under 18 years of age; or**

39 **(B) Under the custodial authority of the defendant;**

40 **(aa) Any attempt, conspiracy or solicitation to commit a crime described in paragraphs**
 41 **(u) to (y) of this subsection; or**

42 **(bb) A conviction in a federal or military court or a foreign country for an offense that**
 43 **is a statutory counterpart to an offense described in paragraphs (a) to (aa) of this subsection.**

44 [(5)] **(9) “Sex offender” means a person who[.]**

45 [*(a)*] has been convicted of a sex crime[.];

1 *[(b) Has been found guilty except for insanity of a sex crime;]*

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

4 *[(d) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a*
5 *crime that would constitute a sex crime if committed in this state.]*

6 **(10) “Tier I sex offender” means a sex offender other than a Tier II or Tier III sex**
7 **offender.**

8 **(11) “Tier II sex offender” means a sex offender other than a Tier III sex offender who**
9 **has been convicted of:**

10 **(a) A felony sex crime that was committed after the person became a Tier I sex offender;**

11 **(b) A felony sex crime that involves:**

12 **(A) The use of a minor in a sexual performance;**

13 **(B) Solicitation of a minor to engage in prostitution; or**

14 **(C) The production or distribution of child pornography; or**

15 **(c) A felony sex crime against a minor that is comparable to or more severe than any**
16 **of the following offenses:**

17 **(A) Sex trafficking as described in 18 U.S.C. 1591;**

18 **(B) Coercion and enticement as described in 18 U.S.C. 2422(b);**

19 **(C) Transportation with intent to engage in criminal sexual activity as described in 18**
20 **U.S.C. 2423(a);**

21 **(D) Abusive sexual contact as described in 18 U.S.C. 2244; or**

22 **(E) An attempt or conspiracy to commit an offense described in subparagraphs (A) to (D)**
23 **of this paragraph.**

24 **(12) “Tier III sex offender” means a sex offender who has been convicted of:**

25 **(a) A felony sex crime that was committed after the person became a Tier II sex**
26 **offender; or**

27 **(b) Any of the following sex crimes:**

28 **(A) Rape in the first degree;**

29 **(B) Sodomy in the first degree;**

30 **(C) Unlawful sexual penetration in the first degree;**

31 **(D) Compelling prostitution;**

32 **(E) Kidnapping in the first degree, if the victim was under 18 years of age;**

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

35 **(G) Using a child in a display of sexually explicit conduct;**

36 **(H) Harassment, if the offense involves touching the sexual or other intimate parts of the**
37 **other person and the other person is under 13 years of age;**

38 **(I) Sexual abuse in any degree if:**

39 **(i) The victim is subjected to forcible compulsion by the actor;**

40 **(ii) The victim is incapable of consent by reason of being mentally defective, mentally**
41 **incapacitated or physically helpless;**

42 **(iii) The victim was under the age of 13; or**

43 **(iv) The sexual contact involved direct genital touching and the victim was under 16 years**
44 **of age; or**

45 **(J) An attempt or conspiracy to commit an offense described in subparagraphs (A) to (I)**

1 **of this paragraph.**

2 [(6)] (13) “Works” or “carries on a vocation” means full-time or part-time employment [*for more*
 3 *than 14 days within one calendar year*] whether financially compensated, volunteered or for the
 4 purpose of governmental or educational benefit. **“Works” or “carries on a vocation” includes**
 5 **self-employment.**

6 **SECTION 2.** ORS 181.603 is amended to read:

7 181.603. (1) When the court imposes sentence upon a person convicted of a sex crime the court
 8 shall **enter an order that indicates whether the person is a Tier I, Tier II or Tier III sex**
 9 **offender and** notify the person of the requirement to report as a sex offender under ORS 181.595
 10 and 181.596.

11 (2) [*At the initial intake for incarceration or release on any type of supervised release*] **Before a**
 12 **sex offender is physically released from a correctional facility,** the sex offender shall complete
 13 a form that documents the offender’s obligation to report under ORS 181.595 or 181.596. The De-
 14 partment of State Police shall develop and provide the form. No later than three working days after
 15 the sex offender completes the form, the person responsible for the [*intake*] process **of releasing the**
 16 **offender** shall send the form to the Department of State Police.

17 (3) **When there is a reason to believe that a person incarcerated in a correctional facility**
 18 **is a sex offender and the court has not entered an order described in subsection (1) of this**
 19 **section, the Department of Corrections, Psychiatric Security Review Board, Oregon Youth**
 20 **Authority, county sheriff or city chief of police shall file a petition in circuit court requesting**
 21 **that the court determine whether the person is a sex offender and, if so, enter the order**
 22 **described in subsection (1) of this section.**

23 (4) **When there is reason to believe that a person supervised by the court, a supervisory**
 24 **authority as defined in ORS 144.087 or the State Board of Parole and Post-Prison Supervision**
 25 **is a sex offender and the court has not entered an order described in subsection (1) of this**
 26 **section, the district attorney, the supervisory authority or the board shall file a motion in**
 27 **circuit court requesting that the court determine whether the person is a sex offender and,**
 28 **if so, enter the order described in subsection (1) of this section.**

29 (5) **When a person reports under ORS 181.595, 181.596 or 181.597 and the Department of**
 30 **State Police has a reason to believe that the court has not entered an order described in**
 31 **subsection (1) of this section, the department shall file a petition in circuit court requesting**
 32 **that the court enter the order described in subsection (1) of this section.**

33 (6) **When a person is convicted of any crime and there is reason to believe that the per-**
 34 **son is a sex offender and the court has not entered an order described in subsection (1) of**
 35 **this section, the district attorney shall file a petition in circuit court requesting that the**
 36 **court determine whether the person is a sex offender and, if so, enter the order described**
 37 **in subsection (1) of this section.**

38 **SECTION 3.** ORS 181.595 is amended to read:

39 181.595. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency [*or*
 40 *official to whom*] **to which** a person reports under subsection (3) of this section shall complete a sex
 41 offender registration form concerning the person when the person reports under subsection (3) of
 42 this section.

43 (b) When a person who is under supervision reports to the agency supervising the person, the
 44 supervising agency may require the person to report instead to the Department of State Police, a
 45 [*chief of police or a county sheriff*] **city police department or a county sheriff’s office** and provide

1 the supervising agency with proof of the completed registration.

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

3 [(a)] **(2) The Department of Corrections, the Oregon Youth Authority, the Psychiatric**
 4 **Security Review Board, the county sheriff or the city chief of police shall register a sex**
 5 **offender before the person** is discharged, paroled or released on any form of supervised or condi-
 6 tional release from a jail, prison or other correctional facility or detention facility in this state at
 7 which the person was confined as a result of[:]

8 [(A)] conviction of a sex crime[:].

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

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

12 [(b) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a
 13 crime that would constitute a sex crime if committed in this state;]

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

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

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

22 [(3)(a) Within 10 days following discharge, release on parole, post-prison supervision or other
 23 supervised or conditional release, the person shall report, in person, to the Department of State Police,
 24 a chief of police or a county sheriff or to the supervising agency, if any.]

25 [(b)] **(3)(a)** After [making the report] **being registered as** required by [paragraph (a) of this]
 26 subsection **(2) of this section**, the person shall report, in person:

27 (A) Within [10] **three** days of a change of residence;

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

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

32 [(D)] **(C)** Within [10] **three** days of a change in work, vocation or attendance status at an in-
 33 stitution of higher education[:];

34 **(D) Within three days of a legal change of the person's name; and**

35 **(E) Within three days of the person's regular reporting date.**

36 [(c)] **(b)** The person shall make the reports required by paragraph [(b)] **(a)** of this subsection to
 37 the Department[, a chief of police, a county sheriff] **of State Police, a city police department, a**
 38 **county sheriff's office** or the supervising agency, if any.

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

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

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

1 supervising agency:

2 (a) Shall photograph the person and obtain the signature of the person; *[and]*

3 **(b) Shall verify the information contained in the sex offender registration form; and**

4 *[(b)] (c) May fingerprint the person.*

5 **SECTION 4.** 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 **city** chief of police or a county sheriff and provide the supervising agency with proof of the com-
13 pleted 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 of a crime that*
20 *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 to have committed an*
22 *act while the person was under 18 years of age that would constitute a sex crime if committed in this*
23 *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) Within *[10]* **three** days following discharge or release, the person shall report, in person,
29 to the Department of State Police, *[chief of police or county sheriff]* **city police department or**
30 **county sheriff's office** or to the supervising agency, if any.

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

33 (A) Within *[10]* **three** days of a change of residence;

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

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

38 *[(D)] (C) Within [10] three days of a change in work, vocation or attendance status at an in-*
39 *stitution of higher education[.];*

40 **(D) Within three days of a legal change of the person's name; and**

41 **(E) Within three days of the person's regular reporting date.**

42 (c) The person shall make the reports required by paragraph (b) of this subsection to the de-
43 partment, *[a chief of police, a county sheriff]* **a city police department, a county sheriff's office**
44 or the supervising agency, if any.

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

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

3 (e) The obligation to report under this subsection terminates if the conviction or adjudication
 4 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 **city** chief of police, the county sheriff or the supervising agency:

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

8 **(b) Shall verify the information contained in the sex offender registration form; and**

9 *[(b)]* **(c)** May fingerprint the person.

10 **SECTION 5.** ORS 181.597 is amended to read:

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

14 (A) No later than *[10]* **three** days after moving into this state;

15 (B) Within *[10]* **three** days of a change of residence; *[and]*

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

18 **(C) Within three days of the first day the person works, carries on a vocation or attends**
 19 **an institution of higher education;**

20 **(D) Within three days of a change in work, vocation or attendance status at an institu-**
 21 **tion of higher education;**

22 **(E) Within three days of a legal change of the person's name; and**

23 **(F) Within three days of the person's regular reporting date.**

24 (b) When a person *[listed]* **described** in subsection (2) of this section attends school **in this state**
 25 or works in this state, resides in another state and is not otherwise required by ORS 181.595 or
 26 181.596 to report, the person shall report, in person, to the department, a city police department or
 27 a county sheriff's office no later than *[10]* **three** days after:

28 (A) The first day of school attendance or the 14th day of employment in this state; *[and]*

29 (B) A change in school enrollment or employment[.];

30 **(C) A legal change of the person's name; and**

31 **(D) The person's regular reporting date.**

32 **(c) When a person described in subsection (2) of this section resided in this state at the**
 33 **time of conviction giving rise to the obligation to report and continues to reside in this state**
 34 **following the conviction and is not otherwise required by ORS 181.595 or 181.596 to report,**
 35 **the person shall report, in person, to the Department of State Police, a city police depart-**
 36 **ment or a county sheriff's office within three days following:**

37 **(A)(i) Discharge, release on parole or release on any form of supervised or conditional**
 38 **release, from a jail, prison or other correctional facility or detention facility; or**

39 **(ii) Discharge, release or placement on probation;**

40 **(B) A change in residence;**

41 **(C) The first day the person works, carries on a vocation or attends an institution of**
 42 **higher education;**

43 **(D) A change in work, vocation or attendance status at an institution of higher educa-**
 44 **tion;**

45 **(E) A legal change of the person's name; and**

(F) The person's regular reporting date.

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

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

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

*(2) [Subsection (1) of] This section applies to **a person convicted of a sex crime.**[:]*

[(a) A person convicted in another jurisdiction of a crime if the elements of the crime would constitute a sex crime;]

[(b) A person found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult; and]

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

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

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

(b) Shall verify the information contained in the sex offender registration form; and

[(b)] (c) May fingerprint the person.

SECTION 6. ORS 181.598 is amended to read:

181.598. (1) Agencies [and officials] required to register offenders under ORS 181.595, 181.596 and 181.597 shall use forms provided by the Department of State Police. The department shall include places on the form to list:

(a) All the names used by the offender and the offender's date of birth;

(b) The address of the offender[.], or if the offender has no fixed address, any location where the offender may regularly be found;

(c) The Social Security number of the offender;

(d) The name and address of any place where the offender is a student or employee;

(e) The license plate number and a description of any vehicle owned or operated by the offender;

(f) A physical description of the offender;

(g) The criminal history of the offender, including the date of all arrests and convictions and the status of the offender's parole, post-prison supervision or probation;

(h) Whether there are outstanding warrants against the offender;

(i) A photocopy of a valid driver license or identification card issued to the offender;

(j) Any electronic mail address or other designation used by the offender for self-identification or routing in Internet communication or posting;

(k) Any telephone numbers used by the offender;

(L) Travel and immigration documents of the offender;

(m) Any professional licenses held by the offender;

(n) The text of the provision of law defining the offense for which the offender is required to report;

(o) A digital photograph of the offender;

1 **(p) The fingerprints and palm prints of the offender; and**

2 **(q) A verification that the department is in possession of a blood or buccal sample of the**
 3 **offender.**

4 **(2)** No later than three working days after registration, the agency [*or official*] completing the
 5 form shall:

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

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

9 *[(2) If the person is no longer under supervision, the department shall verify the residence address*
 10 *of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765 every*
 11 *90 days by mailing a verification form to the person at the person's last reported residence address.*
 12 *No later than 10 days after receiving the form, the person shall sign and return the form to the de-*
 13 *partment.]*

14 (3) The department shall assess a person who is required to report under ORS 181.595, 181.596
 15 or 181.597 and who is not under supervision a fee of \$70 each year. Moneys received by the de-
 16 partment under this subsection are continuously appropriated to the department for the purpose of
 17 carrying out the department's duties under ORS [*181.585 to 181.587, 181.588, 181.589, 181.594, 181.595,*
 18 *181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606 and 181.820*]
 19 **181.592 to 181.606.**

20 **SECTION 7.** ORS 181.592 is amended to read:

21 181.592. **(1) The Department of State Police shall maintain a sex offender website on the**
 22 **Internet. The website shall:**

23 **(a) Allow an individual to search the website in order to identify sex offenders who reside**
 24 **in a specific area;**

25 **(b) Include instructions on how to seek correction of information that an individual**
 26 **contends is erroneous;**

27 **(c) Contain a warning that information on the site may not be used to commit a crime**
 28 **against a sex offender or any person who lives, works or attends school with the offender.**
 29 **The warning shall note that conduct described in this paragraph may result in civil or**
 30 **criminal penalties;**

31 **(d) Contain links to:**

32 **(A) Other sex offender websites run by Oregon counties, other states or the federal**
 33 **government; and**

34 **(B) Sex offender safety and education resources;**

35 **(e) Allow the department to transmit updated information to:**

36 **(A) Other states and the federal government;**

37 **(B) Law enforcement agencies where the sex offender resides, works or attends school;**

38 **(C) Each school or public housing agency in the area where the offender resides, works**
 39 **or attends school;**

40 **(D) Any agency that is responsible for conducting employment-related background checks**
 41 **under section 3 of the National Child Protections Act of 1993 (P.L. 103-209);**

42 **(E) The Department of Human Services;**

43 **(F) Any volunteer organization in which contact with minors or other vulnerable indi-**
 44 **viduals might occur; and**

45 **(G) Any organization, company or individual, including the victim of the sex offense, who**

1 **requests that the department provide sex offender information; and**

2 **(f) Contain any other functionality the department determines is appropriate.**

3 [(1) (2) The department [of State Police] shall enter into the Law Enforcement Data System the
4 sex offender information obtained from the sex offender registration forms submitted under ORS
5 181.595, 181.596 and 181.597. **The department shall post on the Internet website the sex
6 offender information described in subsection (5) of this section.**

7 (3) The department shall remove from the Law Enforcement Data System **and the Internet
8 website** the sex offender information obtained from the sex offender registration form submitted
9 under ORS 181.595, 181.596 or 181.597 if the conviction or adjudication that gave rise to the regis-
10 tration obligation is reversed or vacated or if the registrant is pardoned.

11 [(2)(a) When a person is under supervision for the first time as a result of a conviction for an of-
12 fense requiring reporting as a sex offender, the department, a chief of police or a county sheriff shall
13 release, upon request, only the following information about the sex offender:]

14 [(A) The sex offender's name and date of birth;]

15 [(B) A physical description of the sex offender and a photograph, if applicable;]

16 [(C) The name and zip code of the city where the sex offender resides;]

17 [(D) The name and telephone number of a contact person at the agency that is supervising the sex
18 offender; and]

19 [(E) The name of institutions of higher education that the sex offender attends or at which the sex
20 offender works or carries on a vocation.]

21 [(b) Notwithstanding paragraph (a) of this subsection, if the sex offender is under the supervision
22 of the Oregon Youth Authority or a county juvenile department, the Department of State Police, chief
23 of police or county sheriff shall release only:]

24 [(A) The sex offender's name and year of birth;]

25 [(B) The name and zip code of the city where the sex offender resides;]

26 [(C) The name and telephone number of a contact person at the agency that is supervising the sex
27 offender; and]

28 [(D) The name of institutions of higher education that the sex offender attends or at which the sex
29 offender works or carries on a vocation.]

30 [(c) An agency that supervises a sex offender shall release, upon request, any information that may
31 be necessary to protect the public concerning the sex offender.]

32 [(3) Except as otherwise limited by subsection (2)(a) and (b) of this section regarding persons who
33 are under supervision for the first time as sex offenders, the Department of State Police, a chief of po-
34 lice or a county sheriff shall release, upon request, any information that may be necessary to protect
35 the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.
36 However, the entity releasing the information may not release the identity of a victim of a sex crime.]

37 [(4)(a) The department may make the information described in subsections (2) and (3) of this section
38 available to the public, without the need for a request, by electronic or other means. The department
39 shall make information about a person who is under supervision for the first time as a result of a
40 conviction for an offense that requires reporting as a sex offender accessible only by the use of the sex
41 offender's name. For all other sex offenders, the department may make the information accessible in
42 any manner the department chooses.]

43 [(b) Notwithstanding paragraph (a) of this subsection, the department may not use the Internet to
44 make information available to the public except as required by paragraph (c) of this subsection.]

45 [(c) Notwithstanding subsections (2) and (3) of this section, the department shall use the Internet

1 to make the information described in paragraph (d) of this subsection available to the public if the in-
 2 formation is about a person:]

3 [(A) Determined to be a predatory sex offender, as provided in ORS 181.585, who has also been
 4 determined, pursuant to rules of the agency making the predatory sex offender determination, to present
 5 the highest risk of reoffending and to require the widest range of notification; or]

6 [(B) Found to be a sexually violent dangerous offender under ORS 144.635.]

7 **(4) If a person is required to report as a sex offender in this state and in another juris-**
 8 **isdiction, the department shall provide the other jurisdiction with an updated copy of the**
 9 **person’s sex offender registration form.**

10 [(d) **(5)** The information required to be [made available under paragraph (c) of this subsection]
 11 **posted on the Internet website is:**

12 [(A)] **(a)** The person’s name and address, **as described in ORS 181.598 (1)(a) and (b);**

13 [(B)] **(b)** A physical description of the person including, but not limited to, the person’s age,
 14 height, weight and eye and hair color;

15 [(C)] **(c)** The type of vehicle that the person is known to drive;

16 [(D)] **(d)** Any conditions or restrictions upon the person’s probation, parole, post-prison super-
 17 vision or conditional release;

18 [(E)] **(e)** A description of the person’s primary and secondary targets;

19 [(F)] **(f) A list of the sex offenses for which the person has been convicted and** a de-
 20 scription of the person’s method of offense;

21 [(G)] **(g)** A current photograph of the person;

22 [(H)] **(h)** If the person is under supervision, the name or telephone number of the person’s parole
 23 and probation officer; and

24 [(I)] **(i)** If the person is not under supervision, contact information for the Department of State
 25 Police.

26 [(5) *The Law Enforcement Data System may send sex offender information to the National Crime*
 27 *Information Center as part of the national sex offender registry in accordance with appropriate state*
 28 *and federal procedures.*]

29 [(6) *As used in this section:*]

30 [(a) *“Attends,” “institution of higher education,” “sex crime,” “works” and “carries on a vocation”*
 31 *have the meanings given those terms in ORS 181.594.*]

32 [(b) *“Sex offender” means a person who is required to report under ORS 181.595, 181.596 or*
 33 *181.597.*]

34 **(6) Notwithstanding ORS 181.594 (3), this section does not apply to juvenile court adjudi-**
 35 **cations, unless:**

36 **(a) The person was 14 years of age or older at the time of the act for which the person**
 37 **was found to be within the jurisdiction of the juvenile court; and**

38 **(b)(A) The act involved engaging in sexual conduct by forcible compulsion or a threat of**
 39 **serious physical injury; or**

40 **(B) The victim was incapable of consent by reason of being mentally defective, mentally**
 41 **incapacitated or physically helpless.**

42 **(7) The department may adopt rules to carry out the provisions of this section.**

43 **SECTION 8.** ORS 181.593 is amended to read:

44 181.593. The Department of State Police [*shall consider:*]

45 [(1) *contracting*] **may contract** with a private vendor to build and maintain the Internet website

1 required by ORS 181.592 [(4)(c)].

2 [(2) Adding links on the website required by ORS 181.592 (4)(c) that connect to other sex offender
3 websites run by Oregon counties and by the federal government.]

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

5 181.599. (1) A person who is required to report as a sex offender and who has knowledge of the
6 reporting requirement commits the crime of failure to report as a sex offender if the person fails,
7 as required by ORS 181.595, 181.596 or 181.597, to:

8 (a) Make the initial report to the appropriate agency or official;

9 (b) Report when the person works [at], carries on a vocation [at] or attends an institution of
10 higher education;

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

13 (d) Make [an annual report] **a report within three days of the person's regular reporting**
14 **date;** or

15 (e) Provide complete and accurate information.

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

18 [(3)] (2) Failure to report as a sex offender is a Class C felony. [if the person violates:]

19 [(a) Subsection (1)(a) of this section; or]

20 [(b) Subsection (1)(b) or (c) of this section and the crime for which the person is required to report
21 is a felony].

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

24 **SECTION 10.** ORS 144.102 is amended to read:

25 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority
26 responsible for correctional services for a person shall specify in writing the conditions of post-
27 prison supervision imposed under ORS 144.096. A copy of the conditions shall be given to the person
28 upon release from prison or jail.

29 (2) The board or the supervisory authority shall determine, and may at any time modify, the
30 conditions of post-prison supervision, which may include, among other conditions, that the person
31 shall:

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

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

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

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

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

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

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

43 (h) Attend a victim impact treatment session in a county that has a victim impact program. If
44 the board or supervisory authority requires attendance under this paragraph, the board or supervi-
45 sory authority may require the person, as an additional condition of post-prison supervision, to pay

1 a reasonable fee to the victim impact program to offset the cost of the person's participation. The
 2 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-
 3 agraph.

4 (i) If required to report as a sex offender under ORS 181.595, report **in accordance with ORS**
 5 **181.592 to 181.606.** *[with the Department of State Police, a chief of police, a county sheriff or the*
 6 *supervising agency:]*

7 [(A) *When supervision begins;*]

8 [(B) *Within 10 days of a change in residence;*]

9 [(C) *Once each year within 10 days of the person's date of birth;*]

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 higher*
 13 *education.*]

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

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

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

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

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

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

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

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

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

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

43 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
 44 upon the request of a representative of the board or supervisory authority if the representative has
 45 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision

1 will be found.

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

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

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

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

- 18 (i) “Dwelling” has the meaning given that term in ORS 469.160.
- 19 (ii) “Dwelling” does not include a residential treatment facility or a halfway house.
- 20 (iii) “Halfway house” means a publicly or privately operated profit or nonprofit residential fa-
 21 cility that provides rehabilitative care and treatment for sex offenders.

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

- 27 (i) The victim resides in a county having a population of less than 130,000 and the person is
 28 required to reside in that county under subsection (6) of this section;
- 29 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the
 30 evidence that no mental intimidation or pressure was brought to bear during the commission of the
 31 crime;
- 32 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the
 33 evidence that imposition of the condition will deprive the person of a residence that would be
 34 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison
 35 supervision; or
- 36 (iv) The person resides in a halfway house. As used in this sub-subparagraph, “halfway house”
 37 means a publicly or privately operated profit or nonprofit residential facility that provides
 38 rehabilitative care and treatment for sex offenders.

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

42 (C) If the board or supervisory authority imposes the special condition of post-prison supervision
 43 described in this paragraph and if at any time during the period of post-prison supervision the victim
 44 moves to within three miles of the person’s residence, the board or supervisory authority may not
 45 require the person to change the person’s residence in order to comply with the special condition

1 of post-prison supervision.

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

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

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

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

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

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

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

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

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

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

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

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

29 (D) As another condition of post-prison supervision, the person is required to participate in a
30 treatment program that is not available in the established county of residence;

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

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

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

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

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

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

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

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

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

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

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

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

6 **SECTION 11.** ORS 144.270 is amended to read:

7 144.270. (1) The State Board of Parole and Post-Prison Supervision, in releasing a person on
 8 parole, shall specify in writing the conditions of the parole and a copy of such conditions shall be
 9 given to the person paroled.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (I) Agreement to consent to a search of the person or the vehicle or residence of the person

1 upon the request of a representative of the board if the representative has reasonable grounds to
 2 believe that evidence of a violation of a condition of parole will be found.

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

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

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

11 (M) A prohibition against residing in any dwelling in which another sex offender who is on
 12 probation, parole or post-prison supervision resides unless approved by the board or supervising of-
 13 ficer, or in which more than one other sex offender who is on probation, parole or post-prison
 14 supervision resides unless approved by the board or a designee of the board. As soon as practicable,
 15 the supervising officer of a person subject to the requirements of this subparagraph shall review the
 16 person’s living arrangement with the person’s sex offender treatment provider to ensure that the
 17 arrangement supports the goals of offender rehabilitation and community safety. As used in this
 18 subparagraph:

19 (i) “Dwelling” has the meaning given that term in ORS 469.160.

20 (ii) “Dwelling” does not include a residential treatment facility or a halfway house.

21 (iii) “Halfway house” means a publicly or privately operated profit or nonprofit residential fa-
 22 cility that provides rehabilitative care and treatment for sex offenders.

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

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

29 (ii) The person demonstrates to the board by a preponderance of the evidence that no mental
 30 intimidation or pressure was brought to bear during the commission of the crime;

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

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

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

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

44 (4) It is not a cause for revocation of parole that the parolee failed to apply for or accept em-
 45 ployment at any workplace where there is a labor dispute in progress. As used in this subsection,

1 “labor dispute” has the meaning given that term in ORS 662.010.

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

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

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

11 (B) The inmate is found to pose a significant danger to the victim of the offender’s crime, or the
 12 victim or victim’s family is found to pose a significant danger to the inmate residing in the county
 13 of residence;

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

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

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

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

22 (c)(A) For purposes of this subsection, “residency” means the last address at the time of the
 23 offense, as established by an examination of all of the following:

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

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

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

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

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

29 (B) When an inmate did not have one identifiable address of record at the time of the offense,
 30 the inmate shall be considered to have resided in the county where the offense occurred.

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

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

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

37 (6) When the board grants an inmate parole from the custody of the Department of Corrections
 38 and if the inmate is required to report as a sex offender under ORS 181.595, the board, as a condi-
 39 tion of parole, shall order the inmate to report **in accordance with ORS 181.592 to 181.606.** [*with*
 40 *the Department of State Police, a chief of police, a county sheriff or the supervising agency:*]

41 [(a) *When supervision begins;*]

42 [(b) *Within 10 days of a change in residence;*]

43 [(c) *Once each year within 10 days of the inmate’s date of birth;*]

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

1 *[(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher*
 2 *education.]*

3 *[(7) As used in this section, “attends,” “institution of higher education,” “works” and “carries on*
 4 *a vocation” have the meanings given those terms in ORS 181.594.]*

5 **SECTION 12.** ORS 423.478 is amended to read:

6 423.478. (1) The Department of Corrections shall:

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

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

9 (A) Allow tracking of offenders; and

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

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

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

16 (a) On parole;

17 (b) On probation;

18 (c) On post-prison supervision;

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

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

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

24 (3) Notwithstanding the fact that the court has sentenced a person to a term of incarceration,
 25 when an offender is committed to the custody of the supervisory authority of a county under ORS
 26 137.124 (2) or (4), the supervisory authority may execute the sentence by imposing sanctions other
 27 than incarceration if deemed appropriate by the supervisory authority. If the supervisory authority
 28 releases a person from custody under this subsection and the person is required to report as a sex
 29 offender under ORS 181.595, the supervisory authority, as a condition of release, shall order the
 30 person to report to the Department of State Police, a chief of police or a county sheriff or to the
 31 supervising agency, if any, **in accordance with ORS 181.592 to 181.606.**[.]

32 *[(a) When the person is released;]*

33 *[(b) Within 10 days of a change of residence;]*

34 *[(c) Once each year within 10 days of the person’s birth date;]*

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

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

39 *[(4) As used in this section, “attends,” “institution of higher education,” “works” and “carries on*
 40 *a vocation” have the meanings given those terms in ORS 181.594.]*

41 **SECTION 13.** ORS 137.540 is amended to read:

42 137.540. (1) The court may sentence the defendant to probation subject to the following general
 43 conditions unless specifically deleted by the court. The probationer shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 (p) If required to report as a sex offender under ORS 181.596, report with the Department of
 37 State Police, a chief of police, a county sheriff or the supervising agency **in accordance with ORS**
 38 **181.592 to 181.606.**[:]

39 [(A) *When supervision begins;*]

40 [(B) *Within 10 days of a change in residence;*]

41 [(C) *Once each year within 10 days of the probationer's date of birth;*]

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

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

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

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

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

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

16 (3) When a person who is a sex offender is released on probation, the court shall impose as a
 17 special condition of probation that the person not reside in any dwelling in which another sex
 18 offender who is on probation, parole or post-prison supervision resides, without the approval of the
 19 person's supervising parole and probation officer, or in which more than one other sex offender who
 20 is on probation, parole or post-prison supervision resides, without the approval of the director of the
 21 probation agency that is supervising the person or of the county manager of the Department of
 22 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole
 23 and probation officer of a person subject to the requirements of this subsection shall review the
 24 person's living arrangement with the person's sex offender treatment provider to ensure that the
 25 arrangement supports the goals of offender rehabilitation and community safety. As used in this
 26 subsection:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 **SECTION 14.** ORS 181.602 is amended to read:

26 181.602. The purpose of ORS 181.594, 181.595, 181.596, 181.597, 181.598, 181.599[,] **and** 181.601
 27 [and 181.820] is to assist law enforcement agencies in preventing future sex offenses.

28 **SECTION 15.** ORS 181.606 is amended to read:

29 181.606. A public agency and its employees are immune from liability, both civil and criminal,
 30 for the good faith performance of the agency's or employee's duties under ORS [181.585 to 181.587,
 31 181.588, 181.589,] 181.592, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601[,] **and** 181.602
 32 [and 181.820].

33 **SECTION 16.** ORS 135.873 is amended to read:

34 135.873. (1) As used in this section:

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

36 (b) "Sexual offense" includes but is not limited to a crime [listed] **described** in ORS 181.594
 37 [(4)].

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

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

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

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

45 (4) If the court enters an order granting relief following a showing in camera, the entire record

1 of the showing shall be sealed and preserved in the records of the court, to be made available to the
 2 appellate court in the event of an appeal. Except for information or materials subject to an order
 3 that has been entered under subsection (5) or (6) of this section, the trial court, in its discretion,
 4 may, after the case has been concluded, unseal matters previously sealed.

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

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

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

21 (a) Providing discovery;

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

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

26 (d) Providing copies of the information or materials to the parties’ attorneys or agents; or

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

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

31 **SECTION 17.** ORS 90.630 is amended to read:

32 90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a
 33 rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured
 34 dwelling or floating home by giving to the tenant not less than 30 days’ notice in writing before the
 35 date designated in the notice for termination if the tenant:

36 (a) Violates a law or ordinance related to the tenant’s conduct as a tenant, including but not
 37 limited to a material noncompliance with ORS 90.740;

38 (b) Violates a rule or rental agreement provision related to the tenant’s conduct as a tenant and
 39 imposed as a condition of occupancy, including but not limited to a material noncompliance with a
 40 rental agreement regarding a program of recovery in drug and alcohol free housing;

41 (c) Is determined to be a [*predatory sex offender under ORS 181.585 to 181.587*] **Tier III sex**
 42 **offender as defined in ORS 181.594;** or

43 (d) Fails to pay a:

44 (A) Late charge pursuant to ORS 90.260;

45 (B) Fee pursuant to ORS 90.302; or

1 (C) Utility or service charge pursuant to ORS 90.534 or 90.536.

2 (2) A violation making a tenant subject to termination under subsection (1) of this section in-
 3 cludes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or
 4 rule, but does not include the physical condition of the dwelling or home. Termination of a rental
 5 agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS
 6 90.632.

7 (3) The notice required by subsection (1) of this section shall state facts sufficient to notify the
 8 tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination
 9 by correcting the violation as provided in subsection (4) of this section.

10 (4) The tenant may avoid termination of the tenancy by correcting the violation within the
 11 30-day period specified in subsection (1) of this section. However, if substantially the same act or
 12 omission that constituted a prior violation of which notice was given recurs within six months after
 13 the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice
 14 specifying the violation and the date of termination of the tenancy.

15 (5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of ter-
 16 mination under subsection (1)(c) of this section does not have a right to correct the violation. A
 17 notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not
 18 have a right to avoid the termination.

19 (6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent
 20 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying
 21 with ORS 105.105 to 105.168.

22 (7) A tenancy terminates on the date designated in the notice and without regard to the expi-
 23 ration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless
 24 otherwise agreed, rent is uniformly apportionable from day to day.

25 (8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the
 26 landlord may terminate the rental agreement for space for a manufactured dwelling or floating home
 27 because of repeated late payment of rent by giving the tenant not less than 30 days' notice in
 28 writing before the date designated in that notice for termination and may take possession as pro-
 29 vided in ORS 105.105 to 105.168 if:

30 (a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as
 31 described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b)
 32 in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment
 33 of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of non-
 34 payment;

35 (b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right
 36 to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within
 37 a 12-month period. The warning must be contained in at least two nonpayment of rent termination
 38 notices that precede the third notice within a 12-month period or in separate written notices that
 39 are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termi-
 40 nation notices; and

41 (c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for
 42 termination of the tenancy and is given to the tenant concurrent with or after the third or a sub-
 43 sequent nonpayment of rent termination notice.

44 (9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of ter-
 45 mination pursuant to subsection (8) of this section does not have a right to correct the cause for the

1 notice.

2 (10) The landlord may give a copy of the notice required by subsection (8) of this section to any
 3 lienholder of the manufactured dwelling or floating home by first class mail with certificate of
 4 mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a
 5 tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice
 6 in good faith to a lienholder. A lienholder’s rights and obligations regarding an abandoned manu-
 7 factured dwelling or floating home shall be as provided under ORS 90.675.

8 **SECTION 18.** ORS 144.641 is amended to read:

9 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

10 (1) “Dwelling” has the meaning given that term in ORS 469.160.

11 (2) “Dwelling” does not include a residential treatment facility or a halfway house.

12 (3) “Halfway house” means a publicly or privately operated profit or nonprofit residential facil-
 13 ity that provides rehabilitative care and treatment for sex offenders.

14 (4) “Locations where children are the primary occupants or users” includes, but is not limited
 15 to, public and private elementary and secondary schools and licensed day care centers.

16 (5) “Sex offender” means a:

17 (a) Sexually violent dangerous offender as defined in ORS 137.765; or

18 [(b) *Predatory sex offender as described in ORS 181.585.*]

19 **(b) A Tier III sex offender as defined in ORS 181.594.**

20 (6) “Transitional housing” means housing intended to be occupied by a sex offender for 45 days
 21 or less immediately after release from incarceration.

22 **SECTION 19.** ORS 163.476 is amended to read:

23 163.476. (1) A person commits the crime of unlawfully being in a location where children regu-
 24 larly congregate if the person:

25 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

26 (B) Has been designated a [*predatory sex offender under ORS 181.585*] **Tier III sex offender as**
 27 **defined in ORS 181.594** and does not have written approval from the State Board of Parole and
 28 Post-Prison Supervision or the person’s supervisory authority or supervising officer to be in or upon
 29 the specific premises;

30 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex
 31 crime; or

32 (D) Has been given a similar designation or been sentenced under a similar law of another ju-
 33 risdiction; and

34 (b) Knowingly enters or remains in or upon premises where persons under 18 years of age reg-
 35 ularly congregate.

36 (2) As used in this section:

37 (a) “Premises where persons under 18 years of age regularly congregate” means schools, child
 38 care centers, playgrounds, other places intended for use primarily by persons under 18 years of age
 39 and places where persons under 18 years of age gather for regularly scheduled educational and
 40 recreational programs.

41 (b) “Sex crime” has the meaning given that term in ORS 181.594.

42 (3) Unlawfully being in a location where children regularly congregate is a Class A
 43 misdemeanor.

44 **SECTION 20.** ORS 163.479 is amended to read:

45 163.479. (1) A person commits the crime of unlawful contact with a child if the person:

1 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

2 (B) Has been designated a [*predatory sex offender under ORS 181.585*] **Tier III sex offender as**
 3 **defined in ORS 181.594;**

4 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex
 5 crime; or

6 (D) Has been given a similar designation or been sentenced under a similar law of another ju-
 7 risdiction; and

8 (b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing
 9 or satisfying the sexual desires of the person or another person.

10 (2) As used in this section:

11 (a) "Child" means a person under 18 years of age.

12 (b) "Contact" means to communicate in any manner.

13 (c) "Sex crime" has the meaning given that term in ORS 181.594.

14 (3) Unlawful contact with a child is a Class C felony.

15 **SECTION 21.** ORS 696.880 is amended to read:

16 696.880. Nothing in ORS [*181.586, 181.587, 181.588, 181.589,*] **181.592 to 181.606**, 696.301, 696.805,
 17 696.810, 696.815 or 696.855 creates an obligation on the part of a person licensed under this chapter
 18 to disclose to a potential purchaser of residential property that a convicted sex offender registered
 19 under ORS 181.595, 181.596 or 181.597 resides in the area.

20 **SECTION 22.** ORS 21.110 is amended to read:

21 21.110. (1) Except as otherwise provided in this section, at the time of filing in the circuit court
 22 of any civil action, suit or proceeding, including appeals, the clerk of the circuit court shall collect
 23 from the plaintiff, appellant or moving party the sum of \$107 as a flat and uniform filing fee. In ad-
 24 dition, at the time of filing any appearance in any such action, suit or proceeding by any defendant
 25 or respondent appearing separately, or upon the part of defendants or respondents appearing jointly,
 26 the clerk shall collect from the party or parties the sum of \$107 as a flat and uniform filing fee.

27 (2) In the following actions, the clerk of the circuit court shall collect the sum of \$68 as a flat
 28 and uniform filing fee from the plaintiff, appellant or moving party at the time the action is filed,
 29 and shall collect the sum of \$68 as a flat and uniform filing fee from any defendant or respondent
 30 appearing separately, or upon the part of defendants or respondents appearing jointly, at the time
 31 of filing any appearance in the action:

32 (a) Actions for the recovery of money or damages only when the amount claimed does not ex-
 33 ceed \$10,000.

34 (b) Actions for the recovery of specific personal property when the value of the property claimed
 35 and the damages for the detention do not exceed \$10,000.

36 (c) Actions for the recovery of any penalty or forfeiture, whether given by statute or arising out
 37 of contract, not exceeding \$10,000.

38 (d) Actions to enforce, marshal and foreclose liens upon personal property where the amount
 39 claimed for such liens does not exceed \$10,000.

40 (e) Actions of interpleader, and in the nature of interpleader, when the amount of money or the
 41 value of the property involved does not exceed \$10,000.

42 (f) Actions for injunctive relief under ORS chapter 90 when the amount of any damages claimed
 43 does not exceed \$10,000.

44 [(3) *The clerk of the court shall collect the sum of \$300 as a flat and uniform filing fee from the*
 45 *petitioner in a proceeding under ORS 181.823 or 181.826, at the time the petition is filed. Fees collected*

1 *under this subsection shall be deposited into the Judicial Department Operating Account established*
 2 *in ORS 1.009.]*

3 [(4)] (3) For purposes of subsection (2) of this section, the amount claimed, value of property,
 4 damages or any amount in controversy does not include any amount claimed as costs and disburse-
 5 ments or attorney fees as defined by ORCP 68 A.

6 [(5)] (4) A pleading or other document shall be filed by the clerk only if the fee required under
 7 this section is paid by the person filing the document, or if a request for a fee waiver or deferral
 8 is granted by the court. No part of any such filing fee shall be refunded to any party. The uniform
 9 fee shall cover all services to be performed by the court or clerk in any such action, suit or pro-
 10 ceeding, except where additional fees are specially authorized by law.

11 [(6)] (5) Any plaintiff, appellant, moving party, defendant or respondent that files an action or
 12 appearance that is subject to the filing fees established under subsection (2) of this section must
 13 include in the caption of the pleading the following words: "Claim of not more than \$10,000."

14 [(7)] (6) The fees imposed by this section do not apply to:

- 15 (a) Protective proceedings under ORS chapter 125;
- 16 (b) Proceedings for dissolution of marriage, annulment of marriage or separation;
- 17 (c) Filiation proceedings under ORS 109.124 to 109.230;
- 18 (d) Proceedings to determine custody or support of a child under ORS 109.103;
- 19 (e) Probate, adoption or change of name proceedings;
- 20 (f) Proceedings involving dwelling units to which ORS chapter 90 applies and for which the fee
 21 is provided by ORS 105.130; or

22 (g) Any counterclaim, cross-claim or third-party claim filed by a party who has appeared in the
 23 action or proceeding.

24 [(8)] (7) The fees described in this section shall not be charged to a district attorney or to the
 25 Division of Child Support of the Department of Justice for the filing of any case, motion, document,
 26 stipulated order, process or other document relating to the provision of support enforcement ser-
 27 vices as described in ORS 25.080.

28 **SECTION 23.** ORS 181.601 is amended to read:

29 181.601. (1)(a) When information about a person is first entered into the Law Enforcement Data
 30 System under ORS 181.592, the person will be assigned a registry identification number.

31 (b) A victim shall be issued a victim identification number and shall be given the registry iden-
 32 tification number of the person who committed the crime against the victim:

- 33 (A) At any time, upon request by the victim; and
- 34 (B) Upon verification of the identification of the victim.

35 (2) The Department of State Police shall establish a toll-free telephone number to provide vic-
 36 tims with updates on the prison status, release information, parole status and any other information
 37 authorized for release in ORS 181.592 [(2) and (3)] (5) regarding the person who committed the crime
 38 against the victim. The telephone line shall be operational within the state during normal working
 39 hours.

40 (3) Access of the victim to the telephone line shall be revoked if the victim makes public, or
 41 otherwise misuses, information received.

42 (4) When a victim receives notification under ORS 144.120 (7) of upcoming parole release
 43 hearings, or at any other time that the victim is notified concerning the offender, the victim shall
 44 be provided a notice of rights under this section and information about the toll-free telephone num-
 45 ber.

SECTION 24. ORS 192.848 is amended to read:

192.848. (1) The Attorney General may not disclose the actual address or telephone number of a program participant, except under either of the following circumstances:

(a) Upon receipt of a court order signed by a judge pursuant to a finding of good cause. Good cause exists when disclosure is sought for a lawful purpose that outweighs the risk of the disclosure and, in the case of a request for disclosure received from a federal, state or local law enforcement agency, district attorney or other public body, when information is provided to the court that describes the official purpose for which the actual address or telephone number of the program participant will be used. If a judge finds that good cause exists, the terms of the court order shall address, as much as practicable, the safety and protection of the program participant. In cases where the Attorney General has not received prior notice of a court order, not later than three business days after receiving the order, the Attorney General may object to the order and request a hearing before the judge who signed the order.

(b) Where the program participant is required to disclose the actual address of the program participant as part of a registration for sex offenders as required under ORS [181.598 and 181.599] **181.592 to 181.606.**

(2) A person to whom an actual address or telephone number of a program participant has been disclosed pursuant to a court order may not disclose the actual address or telephone number to any other person unless permitted to do so by order of the court.

(3) The Attorney General shall notify a program participant within one business day after the Attorney General discloses an actual address under subsection (1)(a) of this section.

(4) Upon request by a public body, the Attorney General may verify whether or not a person is a program participant when the verification is for official use only.

SECTION 25. ORS 419A.260 is amended to read:

419A.260. (1) As used in this section and ORS 419A.262:

(a) "Contact" means any instance in which a person's act or behavior, or alleged act or behavior, which could result in a juvenile court's assumption of jurisdiction under ORS 419B.100 (1)(a) to (c) and (f) or 419C.005 comes to the attention of an agency specified in paragraph (d) of this subsection.

(b) "Expunction" means:

(A) The removal and destruction or sealing of a judgment or order related to a contact and all records and references; and

(B) Where a record is kept by the Department of Human Services or the Oregon Youth Authority, either the sealing of such record by the department or the Oregon Youth Authority or, in a multiperson file, the affixing to the front of the file, by the department or the youth authority, a stamp or statement identifying the name of the individual, the date of expunction and instruction that no further reference shall be made to the material that is subject to the expunction order except upon an order of a court of competent jurisdiction.

(c) "Person" includes a person under 18 years of age.

(d) "Record" includes a fingerprint or photograph file, report, exhibit or other material which contains information relating to a person's contact with any law enforcement agency or juvenile court or juvenile department and is kept manually, through the use of electronic data processing equipment, or by any other means by a law enforcement or public investigative agency, a juvenile court or juvenile department or an agency of the State of Oregon. "Record" does not include:

(A) A transcript of a student's Youth Corrections Education Program academic record;

1 (B) Material on file with a public agency which is necessary for obtaining federal financial
 2 participation regarding financial assistance or services on behalf of a person who has had a contact;

3 (C) Records kept or disseminated by the Department of Transportation, State Marine Board and
 4 State Fish and Wildlife Commission pursuant to juvenile or adult order or recommendation;

5 (D) Police and court records related to an order of waiver where the matter is still pending in
 6 the adult court or on appeal therefrom, or to any disposition as an adult pursuant to such order;

7 (E) Records related to a support obligation;

8 (F) Medical records;

9 (G) Records of a proposed or adjudicated termination of parental rights and adoptions;

10 (H) Any law enforcement record of a person who currently does not qualify for expunction or
 11 of current investigations or cases waived to the adult court;

12 (I) Records and case reports of the Oregon Supreme Court and the Oregon Court of Appeals;

13 (J) Any records in cases under ORS 419C.005 in which a juvenile court found a person to be
 14 within the jurisdiction of the court based upon the person's commission of an act which if done by
 15 an adult would constitute one of the following offenses:

16 (i) Aggravated murder under ORS 163.095;

17 (ii) Murder under ORS 163.115;

18 (iii) Attempt, solicitation or conspiracy to commit murder or aggravated murder;

19 (iv) Manslaughter in the first degree under ORS 163.118;

20 (v) Manslaughter in the second degree under ORS 163.125;

21 (vi) Criminally negligent homicide under ORS 163.145;

22 (vii) Assault in the first degree under ORS 163.185;

23 (viii) Criminal mistreatment in the first degree under ORS 163.205;

24 (ix) Kidnapping in the first degree under ORS 163.235;

25 (x) Rape in the third degree under ORS 163.355;

26 (xi) Rape in the second degree under ORS 163.365;

27 (xii) Rape in the first degree under ORS 163.375;

28 (xiii) Sodomy in the third degree under ORS 163.385;

29 (xiv) Sodomy in the second degree under ORS 163.395;

30 (xv) Sodomy in the first degree under ORS 163.405;

31 (xvi) Unlawful sexual penetration in the second degree under ORS 163.408;

32 (xvii) Unlawful sexual penetration in the first degree under ORS 163.411;

33 (xviii) Sexual abuse in the third degree under ORS 163.415;

34 (xix) Sexual abuse in the second degree under ORS 163.425;

35 (xx) Sexual abuse in the first degree under ORS 163.427;

36 (xxi) Promoting prostitution under ORS 167.012;

37 (xxii) Compelling prostitution under ORS 167.017;

38 (xxiii) Aggravated vehicular homicide under ORS 163.149; or

39 (xxiv) An attempt to commit a crime listed in this subparagraph other than manslaughter in the
 40 second degree and criminally negligent homicide;

41 (K) Blood samples, buccal samples and other physical evidence and identification information
 42 obtained, stored or maintained by the Department of State Police under authority of ORS 137.076,
 43 181.085 or 419C.473; or

44 (L) Records maintained in the Law Enforcement Data System under ORS 181.592.

45 (e) "Termination" means:

1 (A) For a person who is the subject of a record kept by a juvenile court or juvenile department,
 2 the final disposition of a case by informal means, by a decision not to place the person on probation
 3 or make the person a ward of the court after the person has been found to be within the court's
 4 jurisdiction, or by a discontinuance of probation or of the court's wardship.

5 (B) For a person who is the subject of a record kept by a law enforcement or public investi-
 6 gative agency, a juvenile court or juvenile department or an agency of the State of Oregon, the final
 7 disposition of the person's most recent contact with a law enforcement agency.

8 (2) The juvenile court or juvenile department shall make reasonable effort to provide written
 9 notice to a child who is within the court's jurisdiction under ORS 419B.100 (1)(a) to (c) and (f) or
 10 to a youth who is within the court's jurisdiction under ORS 419C.005, and to the child's or youth's
 11 parent, of the procedures for expunction of a record, the right to counsel under this chapter[,] **and**
 12 the legal effect of an expunction order [*and the procedures for seeking relief from the duty to report*
 13 *as a sex offender provided under ORS 181.823*], at the following times:

14 (a) At any dispositional hearing or at the time of entering into a formal accountability agree-
 15 ment;

16 (b) At the time of termination;

17 (c) Upon notice to the subject of an expunction pending pursuant to application of a juvenile
 18 department or motion on a juvenile court; and

19 (d) At the time of notice of execution of an expunction order.

20 **SECTION 26.** ORS 419C.273 is amended to read:

21 419C.273. (1)(a) The victim of any act alleged in a petition filed under this chapter may be
 22 present at and, upon request, must be informed in advance of critical stages of the proceedings held
 23 in open court when the youth or youth offender will be present.

24 (b) The victim must be informed of any constitutional rights of the victim. Except as provided
 25 in ORS 147.417, the district attorney or juvenile department must ensure that victims are informed
 26 of their constitutional rights. If a victim requests, the district attorney or juvenile department must
 27 support the victim in exercising the victim's constitutional rights.

28 (2)(a) The victim has the right, upon request, to be notified in advance of or to be heard at:

29 (A) A detention or shelter hearing;

30 (B) A hearing to review the placement of the youth or youth offender; or

31 (C) A dispositional hearing.

32 (b) For a release hearing, the victim has the right:

33 (A) Upon request, to be notified in advance of the hearing;

34 (B) To appear personally at the hearing; and

35 (C) If present, to reasonably express any views relevant to the issues before the court.

36 (c) Failure to notify the victim of a hearing under this subsection or failure of the victim to
 37 appear at the hearing does not affect the validity of the proceeding.

38 (3) If the victim is not present at a critical stage of the proceeding, the court shall ask the
 39 district attorney or juvenile department whether the victim requested to be notified of critical stages
 40 of the proceedings. If the victim requested to be notified, the court shall ask the district attorney
 41 or juvenile department whether the victim was notified of the date, time and place of the hearing.
 42 The validity of the proceeding is not affected by the failure to notify the victim of a hearing or
 43 failure of the victim to appear at a hearing that is a critical stage of the proceeding, including but
 44 not limited to hearings under ORS 135.953, [*181.823*], 419A.262, 419C.097, 419C.142, 419C.173,
 45 419C.261, 419C.450 or 419C.653.

- 1 (4) As used in this section:
- 2 (a) “Critical stage of the proceeding” means a hearing that:
- 3 (A) Affects the legal interests of the youth or youth offender;
- 4 (B) Is held in open court; and
- 5 (C) Is conducted in the presence of the youth or youth offender.
- 6 (b) “Critical stage of the proceeding” includes, but is not limited to:
- 7 (A) Detention and shelter hearings;
- 8 (B) Hearings to review placements;
- 9 (C) Hearings to set or change conditions of release;
- 10 (D) Hearings to transfer proceedings or to transfer parts of proceedings;
- 11 (E) Waiver hearings;
- 12 (F) Adjudication and plea hearings;
- 13 (G) Dispositional hearings, including but not limited to restitution hearings;
- 14 (H) Review or dispositional review hearings;
- 15 (I) Hearings on motions to amend, dismiss or set aside petitions, orders or judgments;
- 16 (J) Probation violation hearings, including probation revocation hearings, when the basis for the
- 17 alleged violation directly implicates a victim’s rights or well-being; **and**
- 18 *[(K) Hearings for relief from the duty to report under ORS 181.823; and]*
- 19 *[(L)]* **(K)** Expunction hearings.
- 20 (5) Nothing in this section creates a cause of action for compensation or damages. This section
- 21 may not be used to invalidate an accusatory instrument, ruling of the court or otherwise suspend
- 22 or terminate any proceeding at any point after the case is commenced or on appeal.
- 23 **SECTION 27.** Section 1, chapter 35, Oregon Laws 2008, is amended to read:
- 24 **Sec. 1.** (1) When a court sentences a defendant to a term of incarceration that exceeds one year,
- 25 the defendant may request a determination of the defendant’s eligibility for release on post-prison
- 26 supervision under ORS 421.508 (4). The court shall order in the judgment that the Department of
- 27 Corrections may release the defendant on post-prison supervision under ORS 421.508 (4) only if, after
- 28 a hearing, the court finds that:
- 29 (a) The defendant meets the eligibility requirements of subsections (2) and (3) of this section;
- 30 (b) The defendant was not on probation, parole or post-prison supervision for an offense listed
- 31 in ORS 137.712 (4) or 811.705 (2)(b) at the time of the commission of the current crime of conviction;
- 32 (c) The defendant has not previously been released on post-prison supervision under ORS 421.508
- 33 (4);
- 34 (d) The harm or loss caused by the crime is not greater than usual for that type of crime;
- 35 (e) The crime was not part of an organized criminal operation; and
- 36 (f) After considering the nature of the offense and the harm to the victim, the defendant’s suc-
- 37 cessful completion of the program would:
- 38 (A) Increase public safety;
- 39 (B) Enhance the likelihood that the defendant would be rehabilitated; and
- 40 (C) Not unduly reduce the appropriate punishment.
- 41 (2) Except as provided in subsection (4) of this section, a defendant may not be released on
- 42 post-prison supervision under ORS 421.508 (4) if the defendant is being sentenced for a crime under
- 43 ORS 163.145, 163.165 (1)(a) or (b), 163.525 or 811.705 (2)(b).
- 44 (3) A defendant may not be released on post-prison supervision under ORS 421.508 (4) if the de-
- 45 fendant is being sentenced for a crime listed in ORS 137.700, 137.707, 163.095 or 181.594 [(4)].

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

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

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

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

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

16 **SECTION 28.** Section 2, chapter 50, Oregon Laws 2008, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45 (c) The juvenile court determines that the youth is not within the jurisdiction of the juvenile

1 court after a hearing on the merits of the petition.

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

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

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

7 (c) A sex offense listed in ORS 181.594 [(4)], except for rape in the third degree under ORS
 8 163.355;

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

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

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

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

17 **SECTION 29. ORS 181.585, 181.586, 181.587, 181.588, 181.589, 181.590, 181.605, 181.820,**
 18 **181.823, 181.826, 181.830, 181.832 and 181.833 are repealed.**

19 **SECTION 30. ORS 181.592, 181.593, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599,**
 20 **181.601, 181.602, 181.603, 181.604 and 181.606 are added to and made a part of ORS chapter 181.**

21 **SECTION 31. (1) The amendments to ORS 21.110, 90.630, 135.873, 137.540, 144.102, 144.270,**
 22 **144.641, 163.476, 163.479, 181.592, 181.593, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599,**
 23 **181.601, 181.602, 181.603, 181.606, 192.848, 419A.260, 419C.273, 423.478 and 696.880 and section 1,**
 24 **chapter 35, Oregon Laws 2008, and section 2, chapter 50, Oregon Laws 2008, by sections 1 to**
 25 **28 of this 2009 Act and the repeal of ORS 181.585, 181.586, 181.587, 181.588, 181.589, 181.590,**
 26 **181.605, 181.820, 181.823, 181.826, 181.830, 181.832 and 181.833 by section 29 of this 2009 Act be-**
 27 **come operative on January 2, 2011.**

28 **(2) Notwithstanding subsection (1) of this section:**

29 **(a) The Department of State Police may adopt rules or take any other action before the**
 30 **operative date specified in subsection (1) of this section that is necessary to enable the de-**
 31 **partment to exercise, on or after the operative date specified in subsection (1) of this section,**
 32 **all the duties, functions and powers conferred on the department by this 2009 Act.**

33 **(b) The Governor shall request the appropriate extensions described in 42 U.S.C. 16924**
 34 **from the United States Attorney General.**

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