

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass
Vote:	9 - 0 - 1
Yeas:	Garrett, Nolan, Olson, Schaufler, Tomei, Wand, Whisnant, Barker, Krieger
Nays:	0
Exc.:	Hicks
Prepared By:	Aaron Knott, Counsel
Meeting Dates:	3/21, 4/12

WHAT THE MEASURE DOES: Creates venue for the crime of failure to report as a sex offender in the county where a defendant is apprehended or last registered if the county where the offense is committed cannot otherwise be ascertained.

ISSUES DISCUSSED:

- Constitutionality of venue
- Intra-state extradition

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: ORS 131.325 establishes the general rules of venue for criminal prosecution. If an offense is committed within the state and it cannot be readily determined within which county the commission of the crime took place, the trial may be held in the county in which the defendant resides, or, if the defendant has no fixed residence, the county in which the defendant is apprehended or to which the defendant is extradited. House Bill 3126 modifies the venue statute for the crime of failure to report as a sex offender to allow venue to be established in the county in which the defendant last reported as a sex offender or the county in which the defendant is apprehended.

ORS 181.599 obligates persons convicted of a predicate sexual offense to register and maintain current information with a state-wide sex offender registry. A person governed under this section commits the crime of failure to register as a sex offender if he or she fails to make the initial report to an agency, fails to report when the person works at, carries on a vocation at or attends an institution of higher education, fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education, moves to a new residence and fails to report the move and the person's new address, fails to make an annual report, fails to provide complete and accurate information when reporting, fails to sign the sex offender registration form as required or fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos.

Failure to report as a sex offender is a Class A misdemeanor but is elevated to a Class C felony if the person fails to make an initial report or if the underlying conviction is for a felony and the person fails to report a change in address, employment or education, or if the person fails to sign the sex offender registration form.