

REVENUE: No revenue impact

FISCAL: No fiscal impact

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<b>Action:</b>	Do Pass as Amended and Be Printed Engrossed
<b>Vote:</b>	5 - 0 - 0
<b>Yeas:</b>	Bonamici, Dingfelder, Kruse, Whitsett, Prozanski
<b>Nays:</b>	0
<b>Exc.:</b>	0
<b>Prepared By:</b>	Aaron Knott, Counsel
<b>Meeting Dates:</b>	5/24, 6/1

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**WHAT THE MEASURE DOES:** Requires reporting by a sex offender convicted or adjudicated in Oregon court who does not reside in Oregon, within specified time of beginning or changing school attendance or employment in Oregon. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Scope of *Depeche* decision
- Legal concept of venue
- Impact of the *Depeche* decision on the prosecution of the crime of failure to report as a sex offender
- Commuters who live in Washington State but attend school or work in Oregon and who would otherwise be required to register as a sex offender if a residence was maintained in Oregon

**EFFECT OF COMMITTEE AMENDMENT:** Replaces the measure. Adds contingent conflict amendments.

**BACKGROUND:** Sex offenders are subject to a range of reporting requirements, including submission of current information regarding changes in attendance or work at an institution of higher education. House Bill 3204 A requires an individual who does not reside in the state to report within 10 days of the first day of school or the 15<sup>th</sup> day of employment to the Oregon State Police, a city police department or a county sheriff's office or, if on supervision, to the relevant supervisory authority if the individual has begun working or studying in Oregon. The individual will also be required to notify the aforementioned authorities in the instance of any change in the person's school enrollment or employment in Oregon.

The Oregon Court of Appeals 2011 ruling in *State v. Depeche* held that the crime of failure to register as a sex offender is committed in the county in which the failure to register physically occurs. Otherwise stated, a defendant who fails to register a change of residence within 10 days as required by law commits the offense on midnight of the 10<sup>th</sup> day. House Bill 3204 A responds to this case by requiring a person obligated to do so under this section to report in person to the Oregon State Police in Marion County, Oregon. Venue is therefore established in Marion County for a failure to report as required. House Bill 3204 A also mandates that subsequent to the initial reporting requirement, an individual governed under this section must report to the Oregon State Police, a city police department or a county sheriff's office in the county of the person's last reported residence. As a practical matter, this establishes venue in Marion County for the offense of failure to register as a sex offender if the person required to report does not do so.