

# House Bill 2765

Sponsored by Representative THATCHER (at the request of Dan Meister) (Presession filed.)

## 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**.

Eliminates restrictions on release of information about person under supervision for first time as result of conviction for offense that requires reporting as sex offender.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to sex offender information; amending ORS 181.592; and declaring an emergency.

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

4 **SECTION 1.** ORS 181.592 is amended to read:

5 181.592. (1) The Department of State Police shall enter into the Law Enforcement Data System  
6 the sex offender information obtained from the sex offender registration forms submitted under ORS  
7 181.595, 181.596 and 181.597. The department shall remove from the Law Enforcement Data System  
8 the sex offender information obtained from the sex offender registration form submitted under ORS  
9 181.595, 181.596 or 181.597 if the conviction or adjudication that gave rise to the registration obli-  
10 gation 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)]* **(2)(a)** *[Notwithstanding paragraph (a) of this subsection, if the]* **If a** sex offender is under the  
22 supervision of the Oregon Youth Authority or a county juvenile department, **upon request by use**  
23 **of the sex offender's name**, the Department of State Police, chief of police or county sheriff shall  
24 release only **the following information about the sex offender**:

25 (A) The sex offender's name and year of birth;

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

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

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

31 *[(c)]* **(b)** An agency that supervises a sex offender shall release, upon request, any information

**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 that may be necessary to protect the public concerning the sex offender.

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

8 (4)(a) The department may make the information described in subsections (2) and (3) of this  
 9 section available to the public, without the need for a request, by electronic or other means. [*The*  
 10 *department shall make information about a person who is under supervision for the first time as a re-*  
 11 *sult of a conviction for an offense that requires reporting as a sex offender accessible only by the use*  
 12 *of the sex offender's name. For all other sex offenders,]* The department may make the information  
 13 accessible in any manner the department chooses.

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

16 (c) Notwithstanding subsections (2) and (3) of this section, the department shall use the Internet  
 17 to make the information described in paragraph (d) of this subsection available to the public if the  
 18 information is about a person:

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

22 (B) Found to be a sexually violent dangerous offender under ORS 144.635.

23 (d) The information required to be made available under paragraph (c) of this subsection is:

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

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

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

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

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

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

32 (G) A current photograph of the person;

33 (H) If the person is under supervision, the name or telephone number of the person's parole and  
 34 probation officer; and

35 (I) If the person is not under supervision, contact information for the Department of State Po-  
 36 lice.

37 (5) The Law Enforcement Data System may send sex offender information to the National Crime  
 38 Information Center as part of the national sex offender registry in accordance with appropriate state  
 39 and federal procedures.

40 (6) As used in this section:

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

43 (b) "Sex offender" means a person who is required to report under ORS 181.595, 181.596 or  
 44 181.597.

45 **SECTION 2. This 2011 Act being necessary for the immediate preservation of the public**

1 **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
2 **on its passage.**

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