

(Including Amendments to Resolve Conflicts)

**A-Engrossed
House Bill 3204**

Ordered by the Senate June 13
Including Senate Amendments dated June 13

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.

[Requires reporting by 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.]

Modifies reporting requirements for sex offenders. Creates affirmative defenses to charge of failure to report under certain circumstances.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offender reporting; creating new provisions; amending ORS 181.595, 181.596, 181.597
3 and 181.599 and sections 1 and 27, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408);
4 repealing sections 3 and 4, chapter ___, Oregon Laws 2011 (Enrolled Senate Bill 67), sections
5 36a and 36b, chapter ___, Oregon Laws 2011 (Enrolled Senate Bill 68), and sections 11, 12 and
6 15, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408);; and declaring an emergency.

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

8
9 **REPORTING BY SEX OFFENDERS**

10
11 **SECTION 1.** ORS 181.595 is amended to read:

12 181.595. (1)*(a) Except as otherwise provided in paragraph (b) of this subsection,* The agency to
13 which a person reports under subsection (3) of this section shall complete a sex offender registration
14 form concerning the person when the person reports under subsection (3) of this section.

15 *(b) When a person who is under supervision reports to the agency supervising the person, the*
16 *supervising agency may require the person to report instead to the Department of State Police, a city*
17 *police department or a county sheriff's office and provide the supervising agency with proof of the*
18 *completed registration.*

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

20 (a) Is discharged, paroled or released on any form of supervised or conditional release from a
21 jail, prison or other correctional facility or detention facility in this state at which the person was
22 confined as a result of:

23 (A) Conviction of a sex crime;

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

25 (C) Having been found to be within the jurisdiction of the juvenile court for having committed

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 an act that if committed by an adult would constitute a sex crime;

2 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
3 court of a crime that would constitute a sex crime if committed in this state;

4 (c) Is paroled to or otherwise placed in this state after having been found by another United
5 States court to have committed an act while the person was under 18 years of age that would con-
6 stitute a sex crime if committed in this state by an adult;

7 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-
8 curity Review Board after having been found to be responsible except for insanity under ORS
9 419C.411 for an act that would constitute a sex crime if committed by an adult; or

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

12 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
13 ment of State Police, a city police department or a county sheriff's office [*or, if the person is under*
14 *supervision, to the supervising agency*], **in the county to which the person was discharged,**
15 **paroled or released or in which the person was otherwise placed:**

16 (A) Within 10 days following discharge, release on parole, post-prison supervision or other
17 supervised or conditional release;

18 (B) Within 10 days of a change of residence;

19 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
20 changed residence;

21 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
22 institution of higher education; and

23 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
24 education.

25 **(b) If a person required to report under this subsection has complied with the initial re-**
26 **porting requirement under paragraph (a)(A) of this subsection, the person shall subsequently**
27 **report, in person, in the circumstances specified in paragraph (a) of this subsection, as ap-**
28 **licable, to the Department of State Police, a city police department or a county sheriff's**
29 **office, in the county of the person's last reported residence.**

30 [(b)] (c)(A) If the person required to report under this subsection is a youth offender or young
31 person, as defined in ORS 419A.004, who is under supervision, the person shall report to the agency
32 supervising the person.

33 **(B) When a youth offender or young person reports to the supervising agency as required**
34 **under this paragraph, the supervising agency may require the person to report instead to the**
35 **Department of State Police, a city police department or a county sheriff's office, in the**
36 **county in which the supervising agency is located, and to provide the supervising agency with**
37 **proof of registration.**

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

40 (4) As part of the registration and reporting requirements of this section:

41 (a) The person required to report shall:

42 (A) Provide the information necessary to complete the sex offender registration form and sign
43 the form as required; and

44 (B) Submit to the requirements described in paragraph (b) of this subsection.

45 (b) The Department of State Police, the city police department, the county sheriff's office or, **if**

1 **the person is a youth offender or young person**, the supervising agency:

2 (A) Shall photograph the person when the person initially reports under this section and each
3 time the person reports annually under this section;

4 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
5 when the person reports under any of the circumstances described in this section; and

6 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
7 of the Department of State Police bureau of criminal identification.

8 **SECTION 2.** ORS 181.596 is amended to read:

9 181.596. (1)[(a) *Except as otherwise provided in paragraph (b) of this subsection,*] The agency to
10 which a person reports under subsection (4) of this section shall complete a sex offender registration
11 form concerning the person when the person reports under subsection (4) of this section.

12 [(b) *When a person who is under supervision reports to the agency supervising the person, the*
13 *supervising agency may require the person to report instead to the Department of State Police, a city*
14 *police department or a county sheriff's office and provide the supervising agency with proof of the*
15 *completed registration.*]

16 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on
17 probation:

18 (a) By the court after being convicted in this state of a sex crime;

19 (b) By the juvenile court after being found to be within the jurisdiction of the juvenile court for
20 having committed an act that if committed by an adult would constitute a sex crime;

21 (c) To **or in** this state under ORS 144.610 after being convicted in another United States court
22 of a crime that would constitute a sex crime if committed in this state; or

23 (d) To **or in** this state after having been found by another United States court to have commit-
24 ted an act while the person was under 18 years of age that would constitute a sex crime if com-
25 mitted in this state by an adult.

26 (3) The court shall ensure that the person completes a form that documents the person's obli-
27 gation to report under ORS 181.595 or this section. No later than three working days after the
28 person completes the form required by this subsection, the court shall ensure that the form is sent
29 to the Department of State Police.

30 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
31 ment of State Police, a city police department or a county sheriff's office [*or, if the person is under*
32 *supervision, to the supervising agency*], **in the county to which the person was discharged or**
33 **released or in which the person was placed on probation:**

34 (A) Within 10 days following discharge, release or placement on probation;

35 (B) Within 10 days of a change of residence;

36 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
37 changed residence;

38 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
39 institution of higher education; and

40 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
41 education.

42 **(b) If a person required to report under this subsection has complied with the initial re-**
43 **porting requirement under paragraph (a)(A) of this subsection, the person shall subsequently**
44 **report, in person, in the circumstances specified in paragraph (a) of this subsection, as ap-**
45 **plicable, to the Department of State Police, a city police department or a county sheriff's**

1 **office, in the county of the person's last reported residence.**

2 [(b)] (c)(A) If the person required to report under this subsection is a youth offender, as defined
3 in ORS 419A.004, who is under supervision, the person shall report to the agency supervising the
4 person.

5 **(B) When a youth offender reports to the supervising agency as required under this**
6 **paragraph, the supervising agency may require the person to report instead to the Depart-**
7 **ment of State Police, a city police department or a county sheriff's office, in the county in**
8 **which the supervising agency is located, and to provide the supervising agency with proof**
9 **of registration.**

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

12 (5) As part of the registration and reporting requirements of this section:

13 (a) The person required to report shall:

14 (A) Provide the information necessary to complete the sex offender registration form and sign
15 the form as required; and

16 (B) Submit to the requirements described in paragraph (b) of this subsection.

17 (b) The Department of State Police, the city police department, the county sheriff's office or, **if**
18 **the person is a youth offender**, the supervising agency:

19 (A) Shall photograph the person when the person initially reports under this section and each
20 time the person reports annually under this section;

21 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
22 when the person reports under any of the circumstances described in this section; and

23 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
24 of the Department of State Police bureau of criminal identification.

25 **SECTION 3.** ORS 181.597 is amended to read:

26 181.597. (1)(a) When a person described in subsection [(2)] (6) of this section moves into this
27 state and is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in
28 person, to the Department of State Police[, *a city police department or a county sheriff's office*] **in**
29 **Marion County, Oregon:**

30 (A) No later than 10 days after moving into this state;

31 (B) Within 10 days of a change of residence;

32 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
33 changed residence;

34 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
35 institution of higher education; and

36 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
37 education.

38 **(b) If a person required to report under this subsection has complied with the initial re-**
39 **porting requirement under paragraph (a)(A) of this subsection, the person shall subsequently**
40 **report, in person, in the circumstances specified in paragraph (a) of this subsection, as ap-**
41 **plicable, to the Department of State Police, a city police department or a county sheriff's**
42 **office, in the county of the person's last reported residence.**

43 [(b)] (2)(a) When a person described in **ORS 181.595 (2) or 181.596 (2) or** subsection [(2)] (6)
44 of this section attends school or works in this state, resides in another state and is not otherwise
45 required by ORS 181.595 or 181.596 to report, the person shall report, in person, to the Department

1 of State Police, a city police department or a county sheriff's office, **in the county in which the**
2 **school or place of work is located**, no later than 10 days after:

3 (A) The first day of school attendance or the 14th day of employment in this state; and

4 (B) A change in school enrollment or employment.

5 **(b) As used in this subsection, "attends school" means enrollment in any type of school**
6 **on a full-time or part-time basis.**

7 [(c)] **(3)(a)** When a person described in subsection [(2)] **(6)** of this section resides in this state
8 at the time of the conviction or adjudication giving rise to the obligation to report, continues to
9 reside in this state following the conviction or adjudication and is not otherwise required by ORS
10 181.595 or 181.596 to report, the person shall report, in person, to the Department of State Police[,
11 *a city police department or a county sheriff's office*] **in Marion, County, Oregon:**

12 (A) Within 10 days following:

13 (i) Discharge, release on parole or release on any form of supervised or conditional release, from
14 a jail, prison or other correctional facility or detention facility; or

15 (ii) Discharge, release or placement on probation, by another United States court;

16 (B) Within 10 days of a change of residence;

17 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
18 has changed residence;

19 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
20 institution of higher education; and

21 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
22 education.

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

25 **(b) If a person required to report under this subsection has complied with the applicable**
26 **initial reporting requirement under paragraph (a)(A) of this subsection, the person shall**
27 **subsequently report, in person, in the circumstances specified in paragraph (a) of this sub-**
28 **section, as applicable, to the Department of State Police, a city police department or a**
29 **county sheriff's office, in the county of the person's last reported residence.**

30 [(e)] **(4)** When a person reports under this [subsection] **section**, the agency to which the person
31 reports shall complete a sex offender registration form concerning the person.

32 [(f)] **(5)** The obligation to report under this section terminates if the conviction or adjudication
33 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

34 [(2)] **(6)** [Subsection (1)] **Subsections (1) to (5)** of this section [applies] **apply** to:

35 (a) A person convicted in another United States court of a crime if the elements of the crime
36 would constitute a sex crime;

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

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

42 [(3)] **(7)** As part of the registration and reporting requirements of this section:

43 (a) The person required to report shall:

44 (A) Provide the information necessary to complete the sex offender registration form and sign
45 the form as required; and

1 (B) Submit to the requirements described in paragraph (b) of this subsection.

2 (b) The Department of State Police, the city police department or the sheriff's office:

3 (A) Shall photograph the person when the person initially reports under this section, each time
4 the person reports annually under subsection (1)(a)(C) or (3)(a)(C) of this section and each time the
5 person reports under subsection [(1)(b)(B)] (2)(a)(B) of this section;

6 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
7 when the person reports under any of the circumstances described in this section; and

8 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
9 of the Department of State Police bureau of criminal identification.

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

11 181.599. (1) A person who is required to report as a sex offender [*under*] **in accordance with**
12 **the applicable provisions of** ORS 181.595, 181.596 or 181.597 and who has knowledge of the re-
13 porting requirement commits the crime of failure to report as a sex offender if the person:

14 (a) Fails to make the initial report to an agency;

15 (b) Fails to report when the person works at, carries on a vocation at or attends an institution
16 of higher education;

17 (c) Fails to report following a change of school enrollment or employment status, including en-
18 rollment, employment or vocation status at an institution of higher education;

19 (d) Moves to a new residence and fails to report the move and the person's new address;

20 (e) Fails to make an annual report;

21 (f) Fails to provide complete and accurate information;

22 (g) Fails to sign the sex offender registration form as required; or

23 (h) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
24 tifying scars, marks or tattoos.

25 (2)(a) **It is an affirmative defense to a charge of failure to report under subsection (1)(d)**
26 **of this section by a person required to report under ORS 181.595 (3)(a)(B) or 181.596 (4)(a)(B)**
27 **that the person reported, in person, within 10 days of a change of residence to the Depart-**
28 **ment of State Police, a city police department or a county sheriff's office, in the county of**
29 **the person's new residence, if the person otherwise complied with all reporting requirements.**

30 (b) **It is an affirmative defense to a charge of failure to report under subsection (1)(a)**
31 **of this section by a person required to report under ORS 181.597 (1)(a) that the person re-**
32 **ported, in person, to the Department of State Police, a city police department or a county**
33 **sheriff's office, in the county of the person's new residence, within 10 days of moving into**
34 **this state.**

35 (c) **It is an affirmative defense to a charge of failure to report under subsection (1) of this**
36 **section by a person required to report under ORS 181.597 (3) that the person reported, in**
37 **person, to the Department of State Police, a city police department or a county sheriff's of-**
38 **ice, in the county of the person's residence, if the person otherwise complied with all re-**
39 **porting requirements.**

40 [(2)] (3)(a) Except as otherwise provided in [*subsection (3) of this section*] **paragraph (b) of this**
41 **subsection**, failure to report as a sex offender is a Class A misdemeanor.

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

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

44 [(b)] (B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is
45 required to report is a felony.

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

3
4 **AMENDMENTS, INCLUDING CONFLICT AMENDMENTS,**
5 **IF SENATE BILL 408 BECOMES LAW**
6

7 **SECTION 5.** If Senate Bill 408 becomes law, section 1, chapter 271, Oregon Laws 2011 (Enrolled
8 Senate Bill 408), is amended to read:

9 **Sec. 1.** (1) Unless the juvenile court enters an order under ORS 181.823 or 181.826 relieving a
10 person of the obligation to report as a sex offender, subsections (2) to (4) of this section apply to a
11 person:

12 (a) Who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005,
13 or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having
14 committed an act that if committed by an adult would constitute a felony sex crime; or

15 (b) Who has been found in a juvenile adjudication in another United States court to have com-
16 mitted an act while the person was under 18 years of age that would constitute a felony sex crime
17 if committed in this state by an adult.

18 (2) A person described in subsection (1) of this section who resides in this state shall make an
19 initial report, in person, to the Department of State Police, a city police department or a county
20 sheriff's office as follows:

21 (a) If, as a result of the juvenile adjudication for a felony sex crime, the person is discharged,
22 released or placed on probation or any other form of supervised or conditional release by the juve-
23 nile court, the person shall make the initial report **in the county in which the person is dis-**
24 **charged, released or placed on probation or other form of supervised or conditional release,**
25 no later than 10 days after the date the person is discharged, released or placed on probation or
26 other form of supervised or conditional release;

27 (b) If, as a result of the juvenile adjudication for a felony sex crime, the person is confined in
28 a correctional facility by the juvenile court, the person shall make the initial report **in the county**
29 **in which the person is discharged or otherwise released from the facility,** no later than 10 days
30 after the date the person is discharged or otherwise released from the facility; or

31 (c) If the person is adjudicated for the act giving rise to the obligation to report in another
32 United States court and the person is found to have committed an act that if committed by an adult
33 in this state would constitute:

34 (A) A Class A or Class B felony sex crime:

35 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
36 make the initial report **to the Department of State Police in Marion County, Oregon,** no later
37 than 10 days after the date the person moves into this state; or

38 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
39 the initial report **to the Department of State Police in Marion County, Oregon,** no later than
40 10 days after the date the person is discharged, released or placed on probation or any other form
41 of supervised or conditional release by the other United States court or, if the person is confined
42 in a correctional facility by the other United States court, no later than 10 days after the date the
43 person is discharged or otherwise released from the facility.

44 (B) A Class C felony sex crime:

45 (i) If the person is not a resident of this state at the time of the adjudication, the person shall

1 make the initial report **to the Department of State Police in Marion County, Oregon**, no later
2 than six months after the date the person moves into this state; or

3 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
4 the initial report **to the Department of State Police in Marion County, Oregon**, no later than
5 10 days after the date the person is discharged, released or placed on probation or any other form
6 of supervised or conditional release by the other United States court or, if the person is confined
7 in a correctional facility by the other United States court, no later than 10 days after the date the
8 person is discharged or otherwise released from the facility.

9 (3) After making the initial report described in subsection (2) of this section, the person shall
10 report, in person, to the Department of State Police, a city police department or a county sheriff's
11 office, **in the county of the person's last reported residence**:

12 (a) Within 10 days of a change of residence;

13 (b) Once each year within 10 days of the person's birth date, regardless of whether the person
14 changed residence;

15 (c) Within 10 days of the first day the person works at, carries on a vocation at or attends an
16 institution of higher education; and

17 (d) Within 10 days of a change in work, vocation or attendance status at an institution of higher
18 education.

19 (4) When a person described in subsection (1) of this section attends school or works in this
20 state, resides in another state and is not otherwise required to report as a sex offender under this
21 section or ORS 181.595, 181.596 or 181.597, the person shall report, in person, to the Department of
22 State Police, a city police department or a county sheriff's office, **in the county in which the**
23 **person attends school or works**, no later than 10 days after:

24 (a) The first day of school attendance or the 14th day of employment in this state; and

25 (b) A change in school enrollment or employment.

26 (5) The agency to which a person reports under this section shall complete a sex offender reg-
27 istration form concerning the person when the person reports under this section.

28 (6) As part of the registration and reporting requirements of this section:

29 (a) The person required to report shall:

30 (A) Provide the information necessary to complete the sex offender registration form and sign
31 the form as required; and

32 (B) Submit to the requirements described in paragraph (b) of this subsection.

33 (b) The Department of State Police, the city police department or the county sheriff's office:

34 (A) Shall photograph the person when the person initially reports under this section and each
35 time the person reports annually under this section;

36 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
37 when the person reports under any of the circumstances described in this section; and

38 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
39 of the Department of State Police.

40 (7) The obligation to report under this section is terminated if the adjudication that gave rise
41 to the obligation is reversed or vacated.

42 (8) The court shall ensure that a person described in subsection (1)(a) of this section completes
43 a form that documents the person's obligation to report under this section. No later than three
44 working days after the person completes the form required by this subsection, the court shall ensure
45 that the form is sent to the Department of State Police.

1 **SECTION 6. If Senate Bill 408 becomes law, section 11, chapter 271, Oregon Laws 2011**
2 **(Enrolled Senate Bill 408) (amending ORS 181.595), is repealed and ORS 181.595, as amended**
3 **by section 1 of this 2011 Act, is amended to read:**

4 181.595. (1) The agency to which a person reports under subsection (3) of this section shall
5 complete a sex offender registration form concerning the person when the person reports under
6 subsection (3) of this section.

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

8 (a) Is discharged, paroled or released on any form of supervised or conditional release from a
9 jail, prison or other correctional facility or detention facility in this state at which the person was
10 confined as a result of:

11 (A) Conviction of a sex crime; **or**

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

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

15 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
16 court of a crime that would constitute a sex crime if committed in this state; **or**

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

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

23 [*(e)*] (c) Is discharged by the court under ORS 161.329 after having been found guilty except for
24 insanity of a sex crime.

25 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
26 ment of State Police, a city police department or a county sheriff's office, in the county to which the
27 person was discharged, paroled or released or in which the person was otherwise placed:

28 (A) Within 10 days following discharge, release on parole, post-prison supervision or other
29 supervised or conditional release;

30 (B) Within 10 days of a change of residence;

31 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
32 changed residence;

33 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
34 institution of higher education; and

35 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
36 education.

37 (b) If a person required to report under this subsection has complied with the initial reporting
38 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
39 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
40 partment of State Police, a city police department or a county sheriff's office, in the county of the
41 person's last reported residence.

42 [*(c)(A) If the person required to report under this subsection is a youth offender or young person,*
43 *as defined in ORS 419A.004, who is under supervision, the person shall report to the agency super-*
44 *vising the person.*]

45 [*(B) When a youth offender or young person reports to the supervising agency as required under*

1 *this paragraph, the supervising agency may require the person to report instead to the Department of*
2 *State Police, a city police department or a county sheriff's office, in the county in which the supervising*
3 *agency is located, and to provide the supervising agency with proof of registration.]*

4 [(d)] (c) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

5 (4) As part of the registration and reporting requirements of this section:

6 (a) The person required to report shall:

7 (A) Provide the information necessary to complete the sex offender registration form and sign
8 the form as required; and

9 (B) Submit to the requirements described in paragraph (b) of this subsection.

10 (b) The Department of State Police, the city police department[,] **or** the county sheriff's office
11 [or, if the person is a youth offender or young person, the supervising agency]:

12 (A) Shall photograph the person when the person initially reports under this section and each
13 time the person reports annually under this section;

14 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
15 when the person reports under any of the circumstances described in this section; and

16 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
17 of the Department of State Police bureau of criminal identification.

18 **SECTION 7. If Senate Bill 408 becomes law, section 12, chapter 271, Oregon Laws 2011**
19 **(Enrolled Senate Bill 408) (amending ORS 181.596), is repealed and ORS 181.596, as amended**
20 **by section 2 of this 2011 Act, is amended to read:**

21 181.596. (1) The agency to which a person reports under subsection (4) of this section shall
22 complete a sex offender registration form concerning the person when the person reports under
23 subsection (4) of this section.

24 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on
25 probation:

26 (a) By the court after being convicted in this state of a sex crime; **or**

27 [(b) *By the juvenile court after being found to be within the jurisdiction of the juvenile court for*
28 *having committed an act that if committed by an adult would constitute a sex crime;]*

29 [(c)] (b) To or in this state under ORS 144.610 after being convicted in another United States
30 court of a crime that would constitute a sex crime if committed in this state[; or].

31 [(d) *To or in this state after having been found by another United States court to have committed*
32 *an act while the person was under 18 years of age that would constitute a sex crime if committed in*
33 *this state by an adult.*]

34 (3) The court shall ensure that the person completes a form that documents the person's obligation to report under ORS 181.595 or this section. No later than three working days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

35 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged or released or in which the person was placed on probation:

36 (A) Within 10 days following discharge, release or placement on probation;

37 (B) Within 10 days of a change of residence;

38 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
39 changed residence;

1 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
2 institution of higher education; and

3 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
4 education.

5 (b) If a person required to report under this subsection has complied with the initial reporting
6 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
7 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
8 partment of State Police, a city police department or a county sheriff's office, in the county of the
9 person's last reported residence.

10 [(c)(A) *If the person required to report under this subsection is a youth offender, as defined in ORS*
11 *419A.004, who is under supervision, the person shall report to the agency supervising the person.*]

12 [(B) *When a youth offender reports to the supervising agency as required under this paragraph,*
13 *the supervising agency may require the person to report instead to the Department of State Police, a*
14 *city police department or a county sheriff's office, in the county in which the supervising agency is lo-*
15 *cated, and to provide the supervising agency with proof of registration.*]

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

18 (5) As part of the registration and reporting requirements of this section:

19 (a) The person required to report shall:

20 (A) Provide the information necessary to complete the sex offender registration form and sign
21 the form as required; and

22 (B) Submit to the requirements described in paragraph (b) of this subsection.

23 (b) The Department of State Police, the city police department[,] **or** the county sheriff's office
24 [*or, if the person is a youth offender, the supervising agency*]:

25 (A) Shall photograph the person when the person initially reports under this section and each
26 time the person reports annually under this section;

27 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
28 when the person reports under any of the circumstances described in this section; and

29 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
30 of the Department of State Police bureau of criminal identification.

31 **SECTION 8. If Senate Bill 408 becomes law, section 15, chapter 271, Oregon Laws 2011**
32 **(Enrolled Senate Bill 408) (amending ORS 181.599), is repealed and ORS 181.599, as amended**
33 **by section 4 of this 2011 Act, is amended to read:**

34 181.599. (1) A person who is required to report as a sex offender in accordance with the appli-
35 cable provisions of ORS 181.595, 181.596 or 181.597 **or section 1, chapter 271, Oregon Laws 2011**
36 **(Enrolled Senate Bill 408)**, and who has knowledge of the reporting requirement commits the crime
37 of failure to report as a sex offender if the person:

38 (a) Fails to make the initial report to an agency;

39 (b) Fails to report when the person works at, carries on a vocation at or attends an institution
40 of higher education;

41 (c) Fails to report following a change of school enrollment or employment status, including en-
42 rollment, employment or vocation status at an institution of higher education;

43 (d) Moves to a new residence and fails to report the move and the person's new address;

44 (e) Fails to make an annual report;

45 (f) Fails to provide complete and accurate information;

1 (g) Fails to sign the sex offender registration form as required; or

2 (h) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
3 tifying scars, marks or tattoos.

4 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
5 section by a person required to report under ORS 181.595 (3)(a)(B) or 181.596 (4)(a)(B) **or section 1**
6 **(3)(a), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408)**, that the person reported, in
7 person, within 10 days of a change of residence to the Department of State Police, a city police
8 department or a county sheriff's office, in the county of the person's new residence, if the person
9 otherwise complied with all reporting requirements.

10 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
11 section by a person required to report under ORS 181.597 (1)(a) **or section 1 (2)(c)(A)(i), chapter**
12 **271, Oregon Laws 2011 (Enrolled Senate Bill 408)**, that the person reported, in person, to the
13 Department of State Police, a city police department or a county sheriff's office, in the county of the
14 person's new residence, within 10 days of moving into this state.

15 **(c) It is an affirmative defense to a charge of failure to report under subsection (1)(a)**
16 **of this section by a person required to report under section 1 (2)(c)(B)(i), chapter 271, Oregon**
17 **Laws 2011 (Enrolled Senate Bill 408), that the person reported, in person, to the Department**
18 **of State Police, a city police department or a county sheriff's office, in the county of the**
19 **person's new residence, within six months of moving into this state.**

20 [(c)] (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this
21 section by a person required to report under ORS 181.597 (3) **or section 1 (2)(c)(A)(ii) or (B)(ii)**
22 **or (3), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408)**, that the person reported, in
23 person, to the Department of State Police, a city police department or a county sheriff's office, in
24 the county of the person's residence, if the person otherwise complied with all reporting require-
25 ments.

26 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, failure to report as a sex
27 offender is a Class A misdemeanor.

28 (b) Failure to report as a sex offender is a Class C felony if the person violates:

29 (A) Subsection (1)(a) of this section; or

30 (B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is required
31 to report is a felony.

32 (4) A person who fails to sign and return an address verification form as required by ORS
33 181.598 (2) commits a violation.

34 **SECTION 9.** If Senate Bill 408 becomes law, section 27, chapter 271, Oregon Laws 2011 (En-
35 rolled Senate Bill 408), is amended to read:

36 **Sec. 27.** (1) Sections 1 and 2 [of this 2011 Act], **chapter 271, Oregon Laws 2011 (Enrolled**
37 **Senate Bill 408)**, and the amendments to ORS 93.275, 181.589, 181.590, 181.592, 181.594, 181.595,
38 181.596, 181.597, 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875,
39 417.042 and 696.880 by sections 3, 4, [and] 7 to 10, 13, 14 and 16 to 24 [of this 2011 Act], **chapter**
40 **271, Oregon Laws 2011 (Enrolled Senate Bill 408)**, and sections 6 to 8 of this 2011 Act become
41 operative on January 1, 2012.

42 (2) Sections 1 and 2 [of this 2011 Act], **chapter 271, Oregon Laws 2011 (Enrolled Senate Bill**
43 **408)**, and the amendments to ORS 21.110, 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596,
44 181.597, 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042
45 and 696.880 by sections 3 to 10, 13, 14 and 16 to 24 [of this 2011 Act], **chapter 271, Oregon Laws**

1 **2011 (Enrolled Senate Bill 408), and sections 6 to 8 of this 2011 Act** apply to persons adjudicated
 2 before, on or after the effective date of *[this 2011 Act]* **chapter 271, Oregon Laws 2011 (Enrolled**
 3 **Senate Bill 408).**

4 (3) A person who is adjudicated before January 1, 2012, and, but for the amendments to ORS
 5 181.595, 181.596 and 181.597 by *[sections 11, 12 and 13]* **section 13, chapter 271, Oregon Laws 2011**
 6 **(Enrolled Senate Bill 408), and sections 6 and 7 of this 2011 Act,** would be required to make an
 7 initial report as a sex offender on or after January 1, 2012, shall make an initial report that complies
 8 with section 1 (6) *[of this 2011 Act]*, **chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408),**
 9 no later than the date described in section 1 (2) *[of this 2011 Act]*, **chapter 271, Oregon Laws 2011**
 10 **(Enrolled Senate Bill 408),** as applicable.

11
 12 **CONFLICT AMENDMENTS, IF BOTH SENATE BILL 408 AND**
 13 **SENATE BILL 68 BECOME LAW**

14
 15 **SECTION 10. If both Senate Bill 408 and Senate Bill 68 become law, sections 36a**
 16 **(amending ORS 181.596) and 36b (amending section 27, chapter 271, Oregon Laws 2011 (En-**
 17 **rolled Senate Bill 408)), chapter __, Oregon Laws 2011 (Enrolled Senate Bill 68), are repealed.**

18
 19 **CONFLICT AMENDMENTS, IF BOTH SENATE BILL 408 AND**
 20 **SENATE BILL 67 BECOME LAW**

21
 22 **SECTION 11. If both Senate Bill 408 and Senate Bill 67 become law, sections 3 and 4,**
 23 **chapter __, Oregon Laws 2011 (Enrolled Senate Bill 67) (both amending section 27, chapter**
 24 **271, Oregon Laws 2011 (Enrolled Senate Bill 408)), are repealed and section 27, chapter 271,**
 25 **Oregon Laws 2011 (Enrolled Senate Bill 408), as amended by section 9 of this 2011 Act, is**
 26 **amended to read:**

27 **Sec. 27.** (1) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and the
 28 amendments to ORS 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598,
 29 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and 696.880 by
 30 sections 3, 4, **7, [to] 8,** 10, 13, 14 and 16 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill
 31 408), **section 2, chapter __, Oregon Laws 2011 (Enrolled Senate Bill 67),** and sections 6 to 8 of
 32 this 2011 Act become operative on January 1, 2012.

33 (2) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and the amend-
 34 ments to ORS 21.110, 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598,
 35 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and 696.880 by
 36 sections 3 to **8,** 10, 13, 14 and 16 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408),
 37 **section 2, chapter __, Oregon Laws 2011 (Enrolled Senate Bill 67),** and sections 6 to 8 of this
 38 2011 Act apply to persons adjudicated before, on or after the effective date of chapter 271, Oregon
 39 Laws 2011 (Enrolled Senate Bill 408).

40 (3) A person who is adjudicated before January 1, 2012, and, but for the amendments to ORS
 41 181.595, 181.596 and 181.597 by section 13, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408),
 42 and sections 9, 10 and 11 of this 2011 Act, would be required to make an initial report as a sex
 43 offender on or after January 1, 2012, shall make an initial report that complies with section 1 (6),
 44 chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), no later than the date described in sec-
 45 tion 1 (2), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), as applicable.

CAPTIONS AND EMERGENCY CLAUSE

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SECTION 12. The unit captions used in this 2011 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2011 Act.

SECTION 13. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.
