

Enrolled House Bill 3204

Sponsored by Representative THATCHER

CHAPTER

AN ACT

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

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

REPORTING BY SEX OFFENDERS

SECTION 1. ORS 181.595 is amended to read:

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

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

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

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

(A) Conviction of a sex crime;

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

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

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

(c) Is paroled to or otherwise placed in this state after having been found by another United States court 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;

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

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

(3)(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 [*or, if the person is under supervision, to the supervising agency*], **in the county to which the person was discharged, paroled or released or in which the person was otherwise placed:**

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

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

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

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

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

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

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

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

[(c)] (d) 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.

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

(a) The person required to report shall:

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

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

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

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

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

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

SECTION 2. ORS 181.596 is amended to read:

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

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

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

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

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

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

(d) To **or in** this state after having been found by another United States court 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.

(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.

(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 [*or, if the person is under supervision, to the supervising agency*], **in the county to which the person was discharged or released or in which the person was placed on probation:**

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

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

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

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

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

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

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

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

[(c)] (d) 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) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

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

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

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

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

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

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

SECTION 3. ORS 181.597 is amended to read:

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

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

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

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

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

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

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

[(b)] **(2)(a)** When a person described in **ORS 181.595 (2) or 181.596 (2) or** subsection [(2)] **(6)** of this section attends school or works in this state, resides in another state and is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, **in the county in which the school or place of work is located**, no later than 10 days after:

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

(B) A change in school enrollment or employment.

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

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

(A) Within 10 days following:

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

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

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

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

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

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

[(d) *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.*]

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

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

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

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

(b) A person found by another United States court 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)] (7) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

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

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

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

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

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

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

SECTION 4. ORS 181.599 is amended to read:

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

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

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

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

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

(e) Fails to make an annual report;

(f) Fails to provide complete and accurate information;

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

(h) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos.

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

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

(c) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 181.597 (3) that the person reported, in

person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

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

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

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

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

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

**AMENDMENTS, INCLUDING CONFLICT AMENDMENTS,
IF SENATE BILL 408 BECOMES LAW**

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

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

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

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

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

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

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

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

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

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

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

(B) A Class C felony sex crime:

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

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

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

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

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

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

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

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

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

(b) A change in school enrollment or employment.

(5) The agency to which a person reports under this section shall complete a sex offender registration form concerning the person when the person reports under this section.

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

(a) The person required to report shall:

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

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

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

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

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

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

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

(8) The court shall ensure that a person described in subsection (1)(a) of this section completes a form that documents the person's obligation to report under 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.

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

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

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

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

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

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

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

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

[*(c) Is paroled to or otherwise placed in this state after having been found by another United States court 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;*]

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

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

(3)(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, paroled or released or in which the person was otherwise placed:

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

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

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

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

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

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

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

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

[*(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.*

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

(a) The person required to report shall:

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

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

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

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

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

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

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

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

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

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

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

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

[*(d) To or in this state after having been found by another United States court 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.*]

(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.

(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:

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

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

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

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

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

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

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

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

[*(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) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

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

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

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

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

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

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

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

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

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

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

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

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

(e) Fails to make an annual report;

(f) Fails to provide complete and accurate information;

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

(h) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos.

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

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

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

[(c)] **(d)** It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 181.597 (3) **or section 1 (2)(c)(A)(ii) or (B)(ii) or (3), chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408)**, that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in

the county of the person's residence, if the person otherwise complied with all reporting requirements.

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

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

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

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

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

SECTION 9. If Senate Bill 408 becomes law, section 27, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), is amended to read:

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

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

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

CONFLICT AMENDMENTS, IF BOTH SENATE BILL 408 AND SENATE BILL 68 BECOME LAW

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

CONFLICT AMENDMENTS, IF BOTH SENATE BILL 408 AND SENATE BILL 67 BECOME LAW

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

Sec. 27. (1) Sections 1 and 2, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill 408), and the amendments to ORS 93.275, 181.589, 181.590, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.602, 181.604, 181.606, 181.820, 181.823, 181.826, 181.830, 181.875, 417.042 and 696.880 by sections 3, 4, **7, [to] 8, 10, 13, 14 and 16 to 24, chapter 271, Oregon Laws 2011 (Enrolled Senate Bill**

408), **section 2, chapter __, Oregon Laws 2011 (Enrolled Senate Bill 67)**, and sections 6 to 8 of this 2011 Act become operative on January 1, 2012.

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

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

CAPTIONS AND EMERGENCY CLAUSE

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.

Passed by House May 3, 2011

Received by Governor:

Repassed by House June 21, 2011

.....M.,....., 2011

Approved:

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Ramona Kenady Line, Chief Clerk of House

.....M.,....., 2011

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Bruce Hanna, Speaker of House

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John Kitzhaber, Governor

.....
Arnie Roblan, Speaker of House

Filed in Office of Secretary of State:

Passed by Senate June 16, 2011

.....M.,....., 2011

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Peter Courtney, President of Senate

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Kate Brown, Secretary of State