

# House Bill 3204

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 **as introduced**.

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.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to sex offender reporting; creating new provisions; amending ORS 181.595 and 181.596; and  
3 declaring an emergency.

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

5 **SECTION 1.** ORS 181.595 is amended to read:

6 181.595. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency to  
7 which a person reports under subsection (3) of this section shall complete a sex offender registration  
8 form concerning the person when the person reports under subsection (3) of this section.

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

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

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

17 (A) Conviction of a sex crime;

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

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

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

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

26 (d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Se-  
27 curity Review Board after having been found to be responsible except for insanity under ORS  
28 419C.411 for an act that would constitute a sex crime if committed by an adult; or

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

**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 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-  
 2 ment of State Police, a city police department or a county sheriff's office or, if the person is under  
 3 supervision, to the supervising agency:

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

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

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

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

11 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
 12 education[.]; **and**

13 **(F) If the person does not reside in this state, within 10 days of:**

14 **(i) The first day of school attendance or the 15th day of employment in this state; and**

15 **(ii) A change in the person's school enrollment or employment in this state.**

16 (b) If the person required to report under this subsection is a youth offender or young person,  
 17 as defined in ORS 419A.004, who is under supervision, the person shall report to the agency super-  
 18 vising the person.

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

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

22 (a) The person required to report shall:

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

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

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

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

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

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

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

35 181.596. (1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency to  
 36 which a person reports under subsection (4) of this section shall complete a sex offender registration  
 37 form concerning the person when the person reports under subsection (4) of this section.

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

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

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

45 (b) By the juvenile court after being found to be within the jurisdiction of the juvenile court for

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

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

4 (d) To this state after having been found by another United States court to have committed an  
5 act while the person was under 18 years of age that would constitute a sex crime if committed in  
6 this state by an adult.

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

11 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-  
12 ment of State Police, a city police department or a county sheriff's office or, if the person is under  
13 supervision, to the supervising agency:

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

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

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

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

20 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher  
21 education[.]; **and**

22 **(F) If the person does not reside in this state, within 10 days of:**

23 **(i) The first day of school attendance or the 15th day of employment in this state; and**

24 **(ii) A change in the person's school enrollment or employment in this state.**

25 (b) If the person required to report under this subsection is a youth offender, as defined in ORS  
26 419A.004, who is under supervision, the person shall report to the agency supervising the person.

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

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

30 (a) The person required to report shall:

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

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

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

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

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

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

42 **SECTION 3. The amendments to ORS 181.595 and 181.596 by sections 1 and 2 of this 2011**  
43 **Act apply to persons convicted of a sex crime before, on or after the effective date of this**  
44 **2011 Act.**

45 **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**

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

3

---