

**Enrolled**  
**Senate Bill 408**

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CHAPTER .....

AN ACT

Relating to sex offenders; creating new provisions; amending 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 and sections 13 and 17, chapter 659, Oregon Laws 2009; and declaring an emergency.

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

**SECTION 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 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 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 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 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 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 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:

(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 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 2.** No later than January 1, 2013, the Department of State Police shall remove from the Law Enforcement Data System the sex offender information obtained from sex offender registration forms submitted under ORS 181.595, 181.596 or 181.597 for any person who has reported as a sex offender solely as the result of a juvenile adjudication for an act that if committed by an adult in this state would constitute a misdemeanor.

**SECTION 3.** ORS 181.823 is amended to read:

181.823. [(1)(a)] (1) [No sooner than two years, but no later than five years, after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction over a person required to report under ORS 181.595, 181.596 or 181.597, the person may file a petition for relief from the duty to report. The person must file the petition] **A person required to report as a sex offender under section 1 (1)(a) of this 2011 Act may file a petition for an order relieving the person of the duty to report. If the person resides:**

(a) **In this state and is required to report under section 1 (2) or (3) of this 2011 Act, the petition must be filed** in the juvenile court in which the person was adjudicated for the act that requires reporting.

(b) **In another state and is required to report under section 1 (4) of this 2011 Act, the petition must be filed in the juvenile court in the county in which the person attends school or works.**

(2) **If the act giving rise to the obligation to report would constitute:**

(a) **A Class A or Class B felony sex crime if committed by an adult, the petition may be filed no sooner than two years after the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than two years after the person is discharged from the jurisdiction of the board.**

(b) **A Class C felony sex crime if committed by an adult, the petition may be filed no sooner than 30 days before the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than 30 days before the person is discharged from the jurisdiction of the board.**

[(b)] (3)(a) The juvenile court in which a petition under this section is filed may transfer the matter to the juvenile court of the county that last supervised the person if the court determines that the convenience of the parties, the victim and witnesses require the transfer.

[(c)] (b) The juvenile court has exclusive original jurisdiction in any proceeding under this section.

[(d)] (c) The person, the district attorney and the juvenile department are parties to a hearing on a petition filed under this section.

[(2) When a person files a petition under this section and the petition was filed:]

[(a) No later than three years after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction, the state has the burden of proving by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to the safety of the public.]

[(b) More than three years, but no later than five years, after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction,]

(4) The person **filing the petition** has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public.

[3] In determining whether [*the state or*] the person has met the burden of proof [*established in subsection (2) of this section*], the juvenile court may consider but need not be limited to considering:

- (a) The extent and impact of any physical or emotional injury to the victim;
  - (b) The nature of the act that subjected the person to the duty of reporting as a sex offender;
  - (c) Whether the person used or threatened to use force in committing the act;
  - (d) Whether the act was premeditated;
  - (e) Whether the person took advantage of a position of authority or trust in committing the act;
  - (f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;
  - (g) The vulnerability of the victim;
  - (h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;
  - (i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;
  - (j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;
  - (k) The person's ability and efforts to pay the victim's expenses for counseling and other trauma-related expenses or other efforts to mitigate the effects of the act;
  - (L) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other intervention, and if so the juvenile court may also consider:
    - (A) The availability, duration and extent of the treatment activities;
    - (B) Reports and recommendations from the providers of the treatment;
    - (C) The person's compliance with court, board or supervision requirements regarding treatment;
- and
- (D) The quality and thoroughness of the treatment program;
  - (m) The person's academic and employment history;
  - (n) The person's use of drugs or alcohol before and after the adjudication;
  - (o) The person's history of public or private indecency;
  - (p) The person's compliance with and success in completing the terms of supervision;
  - (q) The results of psychological examinations of the person;
  - (r) The protection afforded the public by the continued existence of the records; and
  - (s) Any other relevant factors.

[4] (5) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

[5] (6) When a petition is filed under this section, the state has the right to have a psychosexual evaluation of the person conducted. The state shall file notice with the juvenile court of its intention to have the person evaluated. If the person objects to the evaluator chosen by the state, the juvenile court for good cause shown may direct the state to select a different evaluator.

[6] (7) As soon as practicable after a petition has been filed under this section, the district attorney or juvenile department shall make a reasonable effort to notify the victim of the crime that the person has filed a petition seeking relief under this section and, if the victim has requested, to inform the victim of the date, time and place of a hearing on the petition in advance of the hearing.

[7(a)] (8)(a) [*When a petition has been filed under this section and the petition was*] **When a petition filed under this section is filed:**

(A) [*No later than three years after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction,*] **While the person is under the jurisdiction of the juvenile court or the Psychiatric Security Review Board or less than three years after the date the jurisdiction is**

**terminated**, the court shall hold a hearing [*on the petition*] no sooner than 60 days and no later than 120 days after the date of filing.

(B) [*More than three years, but no later than five years, after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction,*] **Three years or more after the date the juvenile court or board jurisdiction is terminated**, the court shall hold a hearing no sooner than 90 days and no later than 150 days after the date of filing.

(b) Notwithstanding paragraph (a) of this subsection, upon a showing of good cause, the court may extend the period of time in which a hearing on the petition must be held.

[~~(8)~~] **(9)(a)** [*When the state has the burden of proof under subsection (2) of this section and proves by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to the safety of the public, the court shall deny the petition. When the person has the burden of proof under subsection (2) of this section and*] **When the person** proves by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public, the court shall grant the petition.

**(b) Notwithstanding paragraph (a) of this subsection, the court may not grant a petition filed under this section before the date the juvenile court or board jurisdiction over the person is terminated.**

[~~(9)~~] **(10)** When a juvenile court enters an order relieving a person of the requirement to report under [*ORS 181.595, 181.596 or 181.597*] **section 1 of this 2011 Act**, the person shall send a certified copy of the juvenile court order to the Department of State Police.

[~~(10)~~] **(11)** If a person commits an act that could be charged as a sex crime listed in ORS 137.707 and the person is 15, 16 or 17 years of age at the time the act is committed, the state and the person may stipulate that the person may not petition for relief under this section as part of an agreement that the person be subject to the jurisdiction of the juvenile court rather than being prosecuted as an adult under ORS 137.707.

**(12) When a petition is filed under subsection (2)(b) of this section before the termination of juvenile court or board jurisdiction, if the person, or the parent or guardian of the person if the person is less than 18 years of age, requests counsel and is without sufficient financial means to employ suitable counsel to represent the person, for purposes of the petition described in this section, the court shall appoint suitable counsel to represent the person. Appointment of counsel under this subsection is subject to ORS 419C.200, 419C.203, 419C.206 and 419C.209.**

**SECTION 4.** ORS 181.826 is amended to read:

181.826. (1) Except as provided in subsection [~~(6)~~] **(7)** of this section, [*when a person is required to report under ORS 181.595, 181.596 or 181.597 as a result of having 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 sex crime if committed in this state by an adult, the person may file a petition in the circuit court of the county in which the person resides for*] **a person required to report under section 1 (1)(b) of this 2011 Act may file a petition in the juvenile court for an order relieving the person of the duty to report [if:]. If the person resides:**

(a) [*The person has been registered as a sex offender in this state for at least two years;*] **In this state and is required to report under section 1 (2) or (3) of this 2011 Act, the petition must be filed in the juvenile court of the county in which the person resides.**

(b) [*At least two years, but not more than five years, have elapsed since the termination of supervision on probation or parole; and*] **In another state and is required to report under section 1 (4) of this 2011 Act, the petition must be filed in the juvenile court of the county in which the person attends school or works.**

**(2) If the act giving rise to the obligation to report would constitute:**

(a) **A Class A or Class B felony sex crime if committed in this state by an adult, the petition may be filed no sooner than two years after the termination of the other United States court's jurisdiction over the person.**

**(b) A Class C felony sex crime if committed in this state by an adult, the petition may be filed no sooner than 30 days before the termination of the other United States court's jurisdiction over the person.**

[(c)] **(3)** The person [submits] **filing the petition must submit** with the petition all releases and waivers necessary to allow the district attorney for the county in which the petition is filed to obtain the following documents from the jurisdiction in which the person was adjudicated for the act for which reporting is required:

[(A)] **(a)** The juvenile court petition;

[(B)] **(b)** The dispositional report to the court;

[(C)] **(c)** The order of adjudication or jurisdiction;

[(D)] **(d)** Any other relevant court documents;

[(E)] **(e)** The police report relating to the act for which reporting is required;

[(F)] **(f)** The order terminating jurisdiction for the act for which reporting is required; and

[(G)] **(g)** The evaluation and treatment records or reports of the person that are related to the act for which reporting is required.

[(2)] **(4)** A person filing a petition under this section has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public.

[(3)] **(5)** Unless the court finds good cause for a continuance, the court shall hold a hearing on the petition no sooner than 90 days and no later than 150 days after the date the petition is filed.

[(4) *Notwithstanding subsection (1)(b) of this section, if a person has not been registered as a sex offender in this state for two years until more than five years have elapsed since the termination of supervision on probation or parole, the person may file a petition seeking relief under this section if the person files the petition no later than 90 days after the date on which the person has been registered as a sex offender in this state for two years.*]

[(5)] **(6)** If a person who files a petition under this section is required to report as a sex offender for having committed an act that if committed in this state could have subjected the person to prosecution as an adult under ORS 137.707, the court may not grant the petition notwithstanding the fact that the person has met the burden of proof established in subsection [(2)] (4) of this section unless the court determines that to do so is in the interest of public safety.

[(6)] **(7)** This section does not apply to a person who is required to register as a sex offender for life in the jurisdiction in which the offense occurred.

[(7)] **(8)** In a hearing under this section, the court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

[(8)] **(9)** If the court is satisfied by clear and convincing evidence that the person is rehabilitated and that the person does not pose a threat to the safety of the public, the court shall enter an order relieving the person of the duty to report. When the court enters an order under this subsection, the person shall send a certified copy of the court order to the Department of State Police.

**SECTION 5.** ORS 21.110, as amended by section 16, chapter 659, Oregon Laws 2009, section 37c, chapter 885, Oregon Laws 2009, and section 29, chapter 107, Oregon Laws 2010, is amended to read:

21.110. (1) Except as otherwise provided by law, at the time of filing of a complaint or other pleading or motion in the circuit court for the purpose of commencing an action or other civil proceeding, the clerk of the circuit court shall collect a fee of \$78 from the party filing the pleading or motion if the amount claimed or in controversy does not exceed \$10,000, without regard to the number of parties named in the pleading or motion. The clerk shall collect the same fee for each answer or other first appearance filed in the action or proceeding.

(2)(a) Except as otherwise provided by law, at the time of filing of a complaint or other pleading or motion in the circuit court for the purpose of commencing an action or other civil proceeding, the clerk of the circuit court shall collect the following fees:

(A) If the amount claimed or in controversy is more than \$10,000, and less than \$50,000, the clerk of the circuit court shall collect a fee of \$117 for each named plaintiff, appellant or moving party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$117 apiece for the second, third and subsequent defendants or respondents named in the pleading.

(B) If the amount claimed or in controversy is \$50,000 or more, and less than \$150,000, the clerk of the circuit court shall collect a fee of \$225 for each named plaintiff, appellant or moving party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$225 apiece for the second, third and subsequent defendants or respondents named in the pleading.

(C) If the amount claimed or in controversy is \$150,000 or more, and less than \$500,000, the clerk of the circuit court shall collect a fee of \$275 for each named plaintiff, appellant or moving party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$275 apiece for the second, third and subsequent defendants or respondents named in the pleading.

(D) If the amount claimed or in controversy is \$500,000 or more, and less than \$1 million, the clerk of the circuit court shall collect a fee of \$325 for each named plaintiff, appellant or moving party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$325 apiece for the second, third and subsequent defendants or respondents named in the pleading.

(E) If the amount claimed or in controversy is \$1 million or more, the clerk of the circuit court shall collect a fee of \$375 for each named plaintiff, appellant or moving party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$375 apiece for the second, third and subsequent defendants or respondents named in the pleading.

(b) If at any time a plaintiff, appellant or moving party files an amended pleading that names one or more additional parties to a proceeding subject to a fee under paragraph (a) of this subsection, the clerk of the circuit court shall collect an additional fee that is equal to the difference between the fee that was paid and the fee that would have been collected under paragraph (a) of this subsection if the party or parties had been named in the original pleading.

(3) Except as otherwise provided by law, at the time of filing in the circuit court of an answer or other first appearance in a proceeding subject to a fee under subsection (2) of this section, the clerk shall collect the following fees:

(a) If the amount claimed or in controversy is more than \$10,000, and less than \$50,000, the clerk of the circuit court shall collect a fee of \$117. If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall collect a fee of \$117 for each of those defendants or respondents.

(b) If the amount claimed or in controversy is \$50,000 or more, and less than \$150,000, the clerk of the circuit court shall collect a fee of \$225. If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall collect a fee of \$225 for each of those defendants or respondents.

(c) If the amount claimed or in controversy is \$150,000 or more, and less than \$500,000, the clerk of the circuit court shall collect a fee of \$275. If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall collect a fee of \$275 for each of those defendants or respondents.

(d) If the amount claimed or in controversy is \$500,000 or more, and less than \$1 million, the clerk of the circuit court shall collect a fee of \$325. If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall collect a fee of \$325 for each of those defendants or respondents.

(e) If the amount claimed or in controversy is \$1 million or more, the clerk of the circuit court shall collect a fee of \$375. If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall collect a fee of \$375 for each of those defendants or respondents.

(4) The Chief Justice of the Supreme Court by order may provide for exemptions from the fees established under subsections (2) and (3) of this section if exemptions are needed for the equitable imposition of those fees.

*[(5) The clerk of the court shall collect the sum of \$300 as a flat and uniform filing fee from the petitioner in a proceeding under ORS 181.823 or 181.826, at the time the petition is filed. Fees collected under this subsection shall be deposited into the Judicial Department Operating Account established in ORS 1.009.]*

[(6)(a)] **(5)(a)** Except as otherwise provided by law, at the time of filing in the circuit court of a complaint or other pleading or motion for the purpose of commencing an action or other civil proceeding, including an appeal, that is not subject to a fee under subsections (1) to [(5)] **(4)** of this section, the clerk of the circuit court shall collect a fee of \$117 for each named plaintiff, appellant or moving party. In addition, if more than one defendant or respondent is named the clerk shall collect a fee of \$117 apiece for the second, third and subsequent defendants or respondents named in the pleading.

(b) At the time of filing in the circuit court of an answer or other first appearance in a proceeding subject to a fee under paragraph (a) of this subsection, the clerk shall collect a fee of \$117. If a first appearance is filed jointly for more than one defendant or respondent, the clerk shall collect a fee of \$117 for each of those defendants or respondents.

[(7)] **(6)** For purposes of this section, the amount claimed or in controversy does not include any amount claimed as costs and disbursements or attorney fees as defined by ORCP 68 A.

[(8)] **(7)** For purposes of this section, the amount in controversy in an action or other proceeding includes:

(a) The value of property claimed in actions for the recovery of specific personal property, and the damages for the detention of the property.

(b) Any penalty or forfeiture provided by statute or arising out of contract.

(c) The amount claimed for a lien on personal property in an action to enforce or foreclose the lien.

(d) The money, or the value of property, deposited or secured in an interpleader action.

[(9)] **(8)** A pleading or other document shall be filed by the clerk only if the fee required under this section is paid by the person filing the document, or if a request for a fee waiver or deferral is granted by the court. No part of any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be performed by the court or clerk in any such action, suit or proceeding, except where additional fees are specially authorized by law.

[(10)] **(9)** Any plaintiff, appellant, moving party, defendant or respondent that files an action or appearance that is subject to the filing fees established under subsections (1) to (3) of this section must include in the caption of the pleading a statement of the amount claimed.

[(11)] **(10)** The fees imposed by this section do not apply to:

(a) Protective proceedings under ORS chapter 125;

(b) Proceedings for dissolution of marriage, annulment of marriage or separation;

(c) Filiation proceedings under ORS 109.124 to 109.230;

(d) Proceedings to determine custody or support of a child under ORS 109.103;

(e) Probate, adoption or change of name proceedings;

(f) Proceedings involving dwelling units to which ORS chapter 90 applies and for which the fee is provided by ORS 105.130; or

(g) Any counterclaim, cross-claim or third-party claim filed by a party who has appeared in the action or proceeding.

[(12)] **(11)** The fees described in this section shall not be charged to a district attorney or to the Division of Child Support of the Department of Justice for the filing of any case, motion, document, stipulated order, process or other document relating to the provision of support enforcement services as described in ORS 25.080.



**SECTION 6.** ORS 21.110, as amended by section 16, chapter 659, Oregon Laws 2009, section 37c, chapter 885, Oregon Laws 2009, and sections 29 and 31, chapter 107, Oregon Laws 2010, is amended to read:

21.110. (1) Except as otherwise provided in this section, at the time of filing in the circuit court of any civil action, suit or proceeding, including appeals, the clerk of the circuit court shall collect from the plaintiff, appellant or moving party the sum of \$107 as a flat and uniform filing fee. In addition, at the time of filing any appearance in any such action, suit or proceeding by any defendant or respondent appearing separately, or upon the part of defendants or respondents appearing jointly, the clerk shall collect from the party or parties the sum of \$107 as a flat and uniform filing fee.

(2) In the following actions, the clerk of the circuit court shall collect the sum of \$68 as a flat and uniform filing fee from the plaintiff, appellant or moving party at the time the action is filed, and shall collect the sum of \$68 as a flat and uniform filing fee from any defendant or respondent appearing separately, or upon the part of defendants or respondents appearing jointly, at the time of filing any appearance in the action:

(a) Actions for the recovery of money or damages only when the amount claimed does not exceed \$10,000.

(b) Actions for the recovery of specific personal property when the value of the property claimed and the damages for the detention do not exceed \$10,000.

(c) Actions for the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding \$10,000.

(d) Actions to enforce, marshal and foreclose liens upon personal property where the amount claimed for such liens does not exceed \$10,000.

(e) Actions of interpleader, and in the nature of interpleader, when the amount of money or the value of the property involved does not exceed \$10,000.

(f) Actions for injunctive relief under ORS chapter 90 when the amount of any damages claimed does not exceed \$10,000.

*[(3) The clerk of the court shall collect the sum of \$300 as a flat and uniform filing fee from the petitioner in a proceeding under ORS 181.823 or 181.826, at the time the petition is filed. Fees collected under this subsection shall be deposited into the Judicial Department Operating Account established in ORS 1.009.]*

*[(4) (3) For purposes of this section, the amount claimed, value of property, damages or any amount in controversy does not include any amount claimed as costs and disbursements or attorney fees as defined by ORCP 68 A.*

*[(5) (4) A pleading or other document shall be filed by the clerk only if the fee required under this section is paid by the person filing the document, or if a request for a fee waiver or deferral is granted by the court. No part of any such filing fee shall be refunded to any party. The uniform fee shall cover all services to be performed by the court or clerk in any such action, suit or proceeding, except where additional fees are specially authorized by law.*

*[(6) (5) Any plaintiff, appellant, moving party, defendant or respondent that files an action or appearance that is subject to the filing fees established under subsection (2) of this section must include in the caption of the pleading the following words: "Claim of not more than \$10,000."*

*[(7) (6) The fees imposed by this section do not apply to:*

*(a) Protective proceedings under ORS chapter 125;*

*(b) Proceedings for dissolution of marriage, annulment of marriage or separation;*

*(c) Filiation proceedings under ORS 109.124 to 109.230;*

*(d) Proceedings to determine custody or support of a child under ORS 109.103;*

*(e) Probate, adoption or change of name proceedings;*

*(f) Proceedings involving dwelling units to which ORS chapter 90 applies and for which the fee is provided by ORS 105.130; or*

*(g) Any counterclaim, cross-claim or third-party claim filed by a party who has appeared in the action or proceeding.*

[8] (7) The fees described in this section shall not be charged to a district attorney or to the Division of Child Support of the Department of Justice for the filing of any case, motion, document, stipulated order, process or other document relating to the provision of support enforcement services as described in ORS 25.080.

**SECTION 7.** ORS 181.589 is amended to read:

181.589. (1) Notwithstanding any other provision of law, the Department of State Police, [*the chief of police of*] a city police department or a county [*sheriff*] **sheriff's office** may notify the public that a person is a predatory sex offender if:

(a) The person is required to report under [*ORS 181.595, 181.596 or 181.597*] **section 1 of this 2011 Act** 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 **felony** sex crime;

(b) The person is not under the supervision of the juvenile court; and

(c) The Department of State Police, [*chief of police or sheriff,*] **city police department or county sheriff's office**, after consulting with the person's last primary supervising agency, determines that the person is a predatory sex offender as provided in ORS 181.585.

(2) Notification under subsection (1) of this section may include any of the following information:

(a) The person's name and address;

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

(c) The type of vehicle the person is known to drive;

(d) Any conditions or restrictions upon the person's release;

(e) A description of the person's primary and secondary victims of choice;

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

(g) A current photograph of the person; and

(h) The name or work telephone number of the person's parole and probation officer.

**SECTION 8.** ORS 181.590 is amended to read:

181.590. Upon the request of the Department of State Police, [*a chief of police, a county sheriff*] **a city police department, a county sheriff's office** or a supervising agency, a supervising agency or an agency having responsibility for community notification shall enter into agreements to resolve concerns regarding community notification. As used in this section:

(1) "Community notification" means the disclosure of information to the public as provided in ORS 181.585 to 181.587, 181.588 and 181.589.

(2) "Supervising agency" means a governmental entity responsible for supervising a person required to report under ORS 181.595 or 181.596 **or section 1 of this 2011 Act**.

**SECTION 9.** ORS 181.592 is amended to read:

181.592. (1) The Department of State Police shall enter into the Law Enforcement Data System the sex offender information obtained from the sex offender registration forms submitted under **section 1 of this 2011 Act and** ORS 181.595, 181.596 and 181.597. The department shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under **section 1 of this 2011 Act or** ORS 181.595, 181.596 or 181.597 if the conviction or adjudication that gave rise to the registration obligation is reversed or vacated or if the registrant is pardoned.

(2)(a) When a person is under supervision for the first time as a result of a conviction for an offense requiring reporting as a sex offender, the Department of **State Police**, [*a chief of police or a county sheriff*] **a city police department or a county sheriff's office** shall release, upon request, only the following information about the sex offender:

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

(B) A physical description of the sex offender and a photograph, if applicable;

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

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

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

(b) Notwithstanding paragraph (a) of this subsection, if the sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department, the Department of State Police, [*chief of police or county sheriff*] **city police department or county sheriff's office** shall release only:

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

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

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

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

(c) An agency that supervises a sex offender shall release, upon request, any information that may be necessary to protect the public concerning the sex offender.

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

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

(b) Notwithstanding paragraph (a) of this subsection, the Department **of State Police** may not use the Internet to make information available to the public except as required by paragraph (c) of this subsection.

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

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

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

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

(A) The person's name and address;

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

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

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

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

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

(G) A current photograph of the person;

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

(I) If the person is not under supervision, contact information for the Department of State Police.

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

(6) As used in this section:

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

(b) "Sex offender" means a person who is required to report under **section 1 of this 2011 Act** or ORS 181.595, 181.596 or 181.597.

**SECTION 10.** ORS 181.594 is amended to read:

181.594. As used in this section **and section 1 of this 2011 Act** and ORS 181.595, 181.596, 181.597, 181.603, 181.826, 181.830 and 181.833:

(1) "Another United States court" means a federal court, a military court, the tribal court of a federally recognized Indian tribe or a court of:

- (a) A state other than Oregon;
- (b) The District of Columbia;
- (c) The Commonwealth of Puerto Rico;
- (d) Guam;
- (e) American Samoa;
- (f) The Commonwealth of the Northern Mariana Islands; or
- (g) The United States Virgin Islands.

(2) "Attends" means is enrolled on a full-time or part-time basis.

(3)(a) "Correctional facility" means any place used for the confinement of persons:

(A) charged with or convicted of a crime or otherwise confined under a court order.

(B) Found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a crime.

(b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after being found guilty except for insanity under ORS 161.290 to 161.370 **or responsible except for insanity under ORS 419C.411.**

(4) "Institution of higher education" means a public or private educational institution that provides a program of post-secondary education.

(5) "Sex crime" means:

- (a) Rape in any degree;
- (b) Sodomy in any degree;
- (c) Unlawful sexual penetration in any degree;
- (d) Sexual abuse in any degree;
- (e) Incest with a child victim;
- (f) Using a child in a display of sexually explicit conduct;
- (g) Encouraging child sexual abuse in any degree;
- (h) Transporting child pornography into the state;
- (i) Paying for viewing a child's sexually explicit conduct;
- (j) Compelling prostitution;
- (k) Promoting prostitution;
- (L) Kidnapping in the first degree if the victim was under 18 years of age;
- (m) Contributing to the sexual delinquency of a minor;
- (n) Sexual misconduct if the offender is at least 18 years of age;
- (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
- (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;
- (q) Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender;
- (r) Any attempt to commit any of the crimes set forth in paragraphs (a) to (q) of this subsection;

(s) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to (q) or (t) of this subsection; or

(t) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection.

(6) "Sex offender" means a person who:

(a) Has been convicted of a sex crime;

(b) Has been found guilty except for insanity of a sex crime;

*[(c) Has 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;]*

*[(d)] (e) 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*

*[(e) 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 described in section 1 (1) of this 2011 Act.**

(7) "Works" or "carries on a vocation" means full-time or part-time employment for more than 14 days within one calendar year whether financially compensated, volunteered or for the purpose of governmental or educational benefit.

**SECTION 11.** 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; **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 or, if the person is under supervision, to the supervising agency:

(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 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.]*

*[(c)]* (b) 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 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 12.** 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; **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 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 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:

(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 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.]*

[(c)] (b) 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 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 13.** ORS 181.597 is amended to read:

181.597. (1)(a) When a person described in subsection (2) of this section moves into this state and is not otherwise required by ORS 181.595 or 181.596 **or section 1 of this 2011 Act** to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office:

(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)(A) When a person described in subsection (2) 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 **or section 1 of this 2011 Act** to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office no later than 10 days after:

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

[(B)] (ii) A change in school enrollment or employment.

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

(c) When a person described in subsection (2) 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 **or section 1 of this 2011 Act** to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office:

(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.]*

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

*[(f)] (e)* 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) Subsection (1) of this section applies to:

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

*[(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)] (b)* 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) 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) of this section and each time the person reports under subsection *[(1)(b)(B)] (1)(b)(A)(ii)* 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 14.** ORS 181.598 is amended to read:

181.598. (1) Agencies required to register offenders under **section 1 of this 2011 Act and** ORS 181.595, 181.596 and 181.597 shall use forms provided by the Department of State Police. The department shall include places on the form to list all the names used by the offender and the address of the offender. No later than three working days after registration, the agency or official completing the form shall:

(a) Send the original copy of the registration form to the department; or

(b) Forward the registration information to the department by any means and, within 10 working days after registration, send the original copy of the registration form to the department.

(2) If the person is no longer under supervision, the department shall verify the residence address of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765 every 90 days by mailing a verification form to the person at the person's last reported residence address. No later than 10 days after receiving the form, the person shall sign and return the form to the department.

(3) The department shall assess a person who is required to report under **section 1 of this 2011 Act or** ORS 181.595, 181.596 or 181.597 and who is not under supervision a fee of \$70 each year. Moneys received by the department under this subsection are continuously appropriated to the department for the purpose of carrying out the department's duties under **section 1 of this 2011 Act and** ORS 181.585 to 181.587, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606 and 181.820.



**SECTION 15.** ORS 181.599 is amended to read:

181.599. (1) A person who is required to report as a sex offender under **section 1 of this 2011 Act or 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) Except as otherwise provided in subsection (3) of this section, failure to report as a sex offender is a Class A misdemeanor.

(3) 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 16.** ORS 181.602, as amended by section 1, chapter 51, Oregon Laws 2010, is amended to read:

181.602. (1) The purpose of **section 1 of this 2011 Act and ORS 181.594, 181.595, 181.596, 181.597, 181.598, 181.599 and 181.601** is to assist law enforcement agencies in preventing future sex offenses.

(2) The Department of State Police may adopt rules to carry out the provisions of **section 1 of this 2011 Act and ORS 181.585 to 181.587, 181.588, 181.589, 181.590, 181.592, 181.593, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601, 181.603, 181.604, 181.605, 181.606, 181.820, 181.823, 181.826, 181.830, 181.832 and 181.833.**

**SECTION 17.** ORS 181.604 is amended to read:

181.604. When the Department of State Police learns that a person required to report under **section 1 of this 2011 Act or ORS 181.595, 181.596 or 181.597** is moving to another state, the department shall notify the appropriate criminal justice agency of that state of that fact. The department is not responsible for registering and tracking a person once the person has moved from this state.

**SECTION 18.** ORS 181.606, as amended by section 2, chapter 51, Oregon Laws 2010, is amended to read:

181.606. A public agency and its employees are immune from liability, both civil and criminal, for the good faith performance of the agency's or employee's duties under **section 1 of this 2011 Act and ORS 181.585 to 181.587, 181.588, 181.589, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601 and 181.820.**

**SECTION 19.** ORS 181.820 is amended to read:

181.820. (1)(a) No sooner than 10 years after termination of supervision on probation, conditional release, parole or post-prison supervision, a person required to report under ORS 181.595, 181.596 or 181.597 may file a petition in circuit court for an order relieving the person of the duty to report if:

- (A) The person has only one conviction for[, or juvenile court finding of jurisdiction based on,] a sex crime;

(B) The sex crime was a misdemeanor or Class C felony or, if committed in another state, would have been a misdemeanor or Class C felony if committed in this state; and

(C) The person has not been determined to be a predatory sex offender as described in ORS 181.585.

(b)(A) Except as otherwise provided in this paragraph, the petition must be filed in the circuit court of the county in which the person was convicted of[, or found to be within the jurisdiction of the juvenile court based on,] the sex crime.

(B) If the person was convicted of[, or found to be within the jurisdiction of the juvenile court based on,] the sex crime in another state, the petition must be filed in the circuit court of the county in which the person resides.

(c) The district attorney of the county in which the petition is filed shall be named and served as the respondent in the petition.

(2) The court shall hold a hearing on the petition. In determining whether to grant the relief requested, the court shall consider:

(a) The nature of the offense that required reporting;

(b) The age and number of victims;

(c) The degree of violence involved in the offense;

(d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the conviction that required reporting;

(e) The period of time during which the petitioner has not reoffended;

(f) Whether the petitioner has successfully completed a court-approved sex offender treatment program; and

(g) Any other relevant factors.

(3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated and that the petitioner does not pose a threat to the safety of the public, the court shall enter an order relieving the petitioner of the duty to report. When the court enters an order under this subsection, the petitioner shall send a certified copy of the court order to the Department of State Police.

**SECTION 20.** ORS 181.830 is amended to read:

181.830. A person otherwise required to report under **section 1 of this 2011 Act** or ORS 181.595, 181.596 or 181.597 is not required to report, and if currently reporting is no longer required to report, if:

(1)(a) The person has been convicted of:

(A) Rape in the third degree as defined in ORS 163.355;

(B) Sodomy in the third degree as defined in ORS 163.385;

(C) Sexual abuse in the third degree as defined in ORS 163.415;

(D) Contributing to the sexual delinquency of a minor as defined in ORS 163.435;

(E) Sexual misconduct as defined in ORS 163.445; or

(F) An attempt to commit an offense listed in subparagraphs (A) to (E) of this paragraph;

(b) The person has been found guilty except for insanity of an offense listed in paragraph (a) of this subsection;

(c) The person has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute an offense listed in paragraph (a)(A) or (B) of this subsection; or

(d) The person is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute an offense listed in paragraph (a) of this subsection;

(2)(a) The person is less than five years older than the victim;

(b) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;

(c) The victim was at least 14 years of age at the time of the offense or act;

(d) Except for the convictions or findings described in subsection (1) of this section, the person has not been convicted of, found guilty except for insanity of, or found to be within the jurisdiction of the juvenile court based on, a sex crime or an offense, in another United States court, for conduct that if committed in this state would constitute a sex crime; and

(e) Each conviction or finding described in subsection (1) of this section involved the same victim; and

(3) The court enters an order relieving the person of the requirement to report under ORS 181.832 or 181.833.

**SECTION 21.** ORS 93.275 is amended to read:

93.275. (1) The following are among incidents that are not material facts to a real property transaction:

(a) The fact or suspicion that the real property or a neighboring property was the site of a death by violent crime, by suicide or by any other manner;

(b) The fact or suspicion that the real property or a neighboring property was the site of a crime, political activity, religious activity or any other act or occurrence that does not adversely affect the physical condition of or title to real property;

(c) The fact or suspicion that an owner or occupant of the real property has or had human immunodeficiency virus or acquired immune deficiency syndrome;

(d) The fact or suspicion that a [*convicted*] sex offender registered under **section 1 of this 2011 Act** or ORS 181.595, 181.596 or 181.597 resides in the area; and

(e) The fact that a notice has been received that a neighboring property has been determined to be not fit for use under ORS 453.876.

(2) The Legislative Assembly finds that there is no known risk of the transmission of human immunodeficiency virus or acquired immune deficiency syndrome by casual contact.

**SECTION 22.** ORS 181.875 is amended to read:

181.875. (1) An applicant for certification as a private security professional:

(a) Must be:

(A) At least 18 years of age, if an applicant for certification as an unarmed private security professional; or

(B) At least 21 years of age, if an applicant for certification as an armed private security professional;

(b) Must have satisfactorily completed training requirements approved by the Board on Public Safety Standards and Training; and

(c) Must not be required to register or be registered as a sex offender under **section 1 of this 2011 Act** or ORS 181.595, 181.596 or 181.597.

(2) The Department of Public Safety Standards and Training, in consultation with the board, shall adopt rules specifying those crimes for which a conviction requires the denial or revocation of certification as a private security professional or instructor.

**SECTION 23.** ORS 417.042 is amended to read:

417.042. Before granting permission to a sending state to authorize an adjudicated delinquent on probation or parole to reside in this state, the Juvenile Compact Administrator described in ORS 417.040 shall determine whether the adjudicated delinquent is required to report as a sex offender under [*ORS 181.595, 181.596 or 181.597*] **section 1 of this 2011 Act**. If the adjudicated delinquent is required to report as a sex offender, the Juvenile Compact Administrator shall, before granting permission for the adjudicated delinquent to reside in this state, make a diligent effort to ensure that the sending state notifies the adjudicated delinquent of the obligation to report **described in section 1 of this 2011 Act and the procedures for obtaining relief from that obligation described in ORS 181.823 and 181.826**.

**SECTION 24.** ORS 696.880 is amended to read:

696.880. Nothing in ORS 181.586, 181.587, 181.588, 181.589, 696.301, 696.805, 696.810, 696.815 or 696.855 creates an obligation on the part of a person licensed under this chapter to disclose to a

potential purchaser of residential property that a [convicted] sex offender registered under **section 1 of this 2011 Act** or ORS 181.595, 181.596 or 181.597 resides in the area.

**SECTION 25.** Section 13, chapter 659, Oregon Laws 2009, as amended by section 27, chapter 107, Oregon Laws 2010, is amended to read:

**Sec. 13.** (1) Notwithstanding ORS 21.110 [(11)(g)] **(10)(g)**, when a person files a third-party complaint in a civil action, suit or proceeding in circuit court, the clerk of the court shall collect from the third-party plaintiff the same fees, charges and surcharges that would be required of a plaintiff filing the same complaint in an original action. Fees collected under this section are subject to ORS 21.110 [(9)] **(8)**.

(2) When a third-party defendant files an appearance in a civil action, suit or proceeding in circuit court, the clerk of the court shall collect the same fees, charges and surcharges that would be required of a defendant filing the same appearance in an original action.

(3) This section applies only to third-party complaints and appearances filed on or after October 1, 2009, and before July 1, 2011.

(4) All amounts imposed as fees under this section shall be deposited in the Judicial System Surcharge Account.

(5) The collections and revenue management program established under ORS 1.204 may not be reimbursed under ORS 1.204 from amounts imposed under this section.

**SECTION 26.** Section 13, chapter 659, Oregon Laws 2009, as amended by section 27, chapter 107, Oregon Laws 2010, and section 25 of this 2011 Act, is amended to read:

**Sec. 13.** (1) Notwithstanding ORS 21.110 [(10)(g)] **(6)(g)**, when a person files a third-party complaint in a civil action, suit or proceeding in circuit court, the clerk of the court shall collect from the third-party plaintiff the same fees, charges and surcharges that would be required of a plaintiff filing the same complaint in an original action. Fees collected under this section are subject to ORS 21.110 [(8)] **(4)**.

(2) When a third-party defendant files an appearance in a civil action, suit or proceeding in circuit court, the clerk of the court shall collect the same fees, charges and surcharges that would be required of a defendant filing the same appearance in an original action.

(3) This section applies only to third-party complaints and appearances filed on or after October 1, 2009, and before July 1, 2011.

(4) All amounts imposed as fees under this section shall be deposited in the Judicial System Surcharge Account.

(5) The collections and revenue management program established under ORS 1.204 may not be reimbursed under ORS 1.204 from amounts imposed under this section.

**SECTION 27.** (1) **Sections 1 and 2 of this 2011 Act 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 24 of this 2011 Act become operative on January 1, 2012.**

(2) **Sections 1 and 2 of this 2011 Act 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 24 of this 2011 Act apply to persons adjudicated before, on or after the effective date of this 2011 Act.**

(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, 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, no later than the date described in section 1 (2) of this 2011 Act, as applicable.**

**SECTION 28.** Section 17, chapter 659, Oregon Laws 2009, as amended by section 32, chapter 107, Oregon Laws 2010, is amended to read:

**Sec. 17.** (1) The amendments to ORS 21.110 by section 31, **chapter 107, Oregon Laws 2010, [of this 2010 Act]** become operative July 1, 2011.

(2) The amendments to section 13, chapter 659, Oregon Laws 2009, by section 26 of this 2011 Act become operative July 1, 2011.

**SECTION 29.** Section 2 of this 2011 Act is repealed on January 2, 2013.

**SECTION 30.** 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 Senate May 3, 2011**

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Robert Taylor, Secretary of Senate

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Peter Courtney, President of Senate

**Passed by House May 25, 2011**

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

**Received by Governor:**

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

**Approved:**

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

.....  
John Kitzhaber, Governor

**Filed in Office of Secretary of State:**

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

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Kate Brown, Secretary of State