

**HB 2549**  
**Relating to sex offenders**

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HB 2549 establishes a three-tier system for categorizing sex offenders based on a risk assessment tool established by the Department of Corrections. Currently, DOC and the Board of Parole and Post-Prison Supervision conduct sex offender risk assessments using a tool called a “Static 99” that would meet the requirements of the measure.

The measure requires the Board of Parole to conduct these risk assessments on current offenders who have not already received one by December 2016. The Board of Parole reports there are close to 20,000 registered sex offenders currently in Oregon and approximately 16,000 have a current Static 99.

The measure includes a General Fund appropriation of \$254,655 for the establishment of two positions (1.67 FTE) for the Board of Parole to conduct the approximately 4,000 Static 99 assessments.

The Capital Construction Subcommittee recommends HB 2549 be amended and reported out do pass as amended.

**77<sup>th</sup> OREGON LEGISLATIVE ASSEMBLY – 2013 Session  
BUDGET REPORT AND MEASURE SUMMARY**

**JOINT COMMITTEE ON WAYS AND MEANS**

**MEASURE: HB 2549-B**

**Carrier – House: Rep. Williamson**

**Carrier – Senate: Sen. Winters**

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**Action:** Do Pass the A-Engrossed Measure as Amended and be Printed B-Engrossed

**Vote:**

House

Yeas:

Nays:

Exc:

Senate

Yeas:

Nays:

Exc:

**Prepared By:** Art Ayre, Department of Administrative Services

**Reviewed By:** John Terpening, Legislative Fiscal Office

**Meeting Date:** July 6, 2013

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Agency

Board of Parole and Post-Prison Supervision

Biennium

2013-15

**Budget Summary\***

	2011-13 Legislatively Approved Budget <sup>(1)</sup>	2013-15 Current Service Level	2013-15 Committee Recommendation	Committee Change from 2011-13 Leg. Approved	
				\$ Change	% Change
<u>Board of Parole and Post-Prison Supervision</u>					
General Fund	\$ 0	\$ 0	\$ 254,655	\$ 254,655	100.0%

**Position Summary**

Authorized Positions	0	0	2	2
Full-time Equivalent (FTE) positions	0.00	0.00	1.67	1.67

<sup>(1)</sup> Includes adjustments through December 2012

\* Excludes Capital Construction expenditures

**Summary of Revenue Changes**

The Capital Construction Subcommittee appropriated General Fund to support the provisions of the bill.

**Summary of Capital Construction Subcommittee Action**

House Bill 2549-B creates a three-tier system for ranking sex offenders based on their risk as established by a designated risk assessment tool. It requires all offenders in the current system to be reclassified. It creates requirements for notification of the public. It requires all classifications of existing registrants to be completed by December 1, 2016.

Currently, the Department of Corrections, the Oregon Board of Parole and Post-Prison Supervision (BPPPS), and community corrections law enforcement agencies conduct a sex offender risk assessment tool called a “Static 99” that would meet the requirements of the measure. BPPPS reports there are close to 20,000 registered sex offenders currently in Oregon and approximately 16,000 have a current Static 99. BPPPS assumes that at least 4,000 Static 99 assessments will need to be conducted on current offenders that have not already received the assessments. BPPPS anticipates the need for two permanent Administrative Specialist 2 positions (1.67 FTE) to handle the additional 4,000 assessments.

The Subcommittee approved the appropriation of \$254,655 General Fund and the establishment of two positions (1.67 FTE) for the Board of Parole and Post-Prison Supervision to carry out the provisions of the bill.

**DETAIL OF JOINT COMMITTEE ON WAYS AND MEANS ACTION**

**HB 2549-B**

**Board of Parole and Post-Prison Supervision  
Art Ayre - 503-378-3108**

DESCRIPTION	GENERAL FUND	LOTTERY FUNDS	OTHER FUNDS		FEDERAL FUNDS		TOTAL ALL FUNDS	POS	FTE
			LIMITED	NONLIMITED	LIMITED	NONLIMITED			
<b>SCR 013: Parole Board</b>									
Personal Services	\$ 230,549	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 230,549	2	1.67
Services and Supplies	\$ 24,106	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 24,106		
Total	\$ 254,655	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 254,655	2	1.67
SUBCOMMITTEE RECOMMENDATION	\$ 254,655	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 254,655	2	1.67

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2549**

1 On page 1 of the printed A-engrossed bill, line 2, after “90.630,” insert  
2 “144.085, 144.103.”

3 In line 5, after the semicolon insert “appropriating money;”.

4 In line 20, delete “sex crime” and insert “crime described in ORS 163.355  
5 to 163.427”.

6 In line 21, after “institution” insert “for that crime”.

7 On page 2, delete lines 6 through 21 and insert:

8 “(3)(a) When a person is found guilty except for insanity of a sex crime,  
9 the State Board of Parole and Post-Prison Supervision shall conduct a risk  
10 assessment of the person utilizing the risk assessment tool described in sec-  
11 tion 1 of this 2013 Act within 60 days after the person is:

12 “(A) Placed on conditional release by the Psychiatric Security Review  
13 Board or the Oregon Health Authority;

14 “(B) Discharged from the jurisdiction of the Psychiatric Security Review  
15 Board or the Oregon Health Authority;

16 “(C) Placed on conditional release by the court pursuant to ORS 161.327;  
17 or

18 “(D) Discharged by the court pursuant to ORS 161.329.

19 “(b) The Psychiatric Security Review Board or the Oregon Health Au-  
20 thority shall notify the State Board of Parole and Post-Prison Supervision  
21 when the Psychiatric Security Review Board or the authority conditionally  
22 releases or discharges a person described in paragraph (a) of this subsection.

1 “(c) The court shall notify the State Board of Parole and Post-Prison  
2 Supervision when the court conditionally releases or discharges a person  
3 described in paragraph (a) of this subsection.

4 “(4) Within 60 days after the event triggering the obligation to make an  
5 initial report, the State Board of Parole and Post-Prison Supervision shall  
6 conduct a risk assessment of a person utilizing the risk assessment tool de-  
7 scribed in section 1 of this 2013 Act if the person:”.

8 In line 23, delete “or”.

9 In line 25, delete the period and insert “; or

10 “(c) Has been convicted of a sex crime and was sentenced to a term of  
11 imprisonment in a Department of Corrections institution for that sex crime,  
12 but was not subjected to a risk assessment utilizing the risk assessment tool  
13 described in section 1 of this 2013 Act before release under subsection (1) of  
14 this section.”.

15 In line 27, delete the comma and insert “or” and delete “or the Psychiatric  
16 Security Review Board”.

17 In line 34, after “section” insert “and section 2 of this 2013 Act”.

18 On page 6, line 26, after the period insert “All fees paid under this sub-  
19 section shall be deposited into the General Fund and credited to the account  
20 of the appropriate board.”.

21 On page 7, line 35, delete “or the Psychiatric Security Review Board, as  
22 appropriate,”.

23 On page 8, after line 17, insert:

24 “(7) An existing registrant may not petition for reclassification or relief  
25 from the obligation to report as a sex offender as provided in section 5 of  
26 this 2013 Act until either all existing registrants have been classified in one  
27 of the levels described in section 1 of this 2013 Act or December 1, 2016,  
28 whichever occurs first.”.

29 On page 24, after line 42, insert:

30

1                   **“ACTIVE PAROLE AND POST-PRISON SUPERVISION**

2  
3           **“SECTION 30.** ORS 144.085 is amended to read:

4           “144.085. (1) All prisoners sentenced to prison for more than 12 months  
5 shall serve active periods of parole or post-prison supervision as follows:

6           “(a) Six months of active parole or post-prison supervision for crimes in  
7 crime categories one to three;

8           “(b) Twelve months of active parole or post-prison supervision for crimes  
9 in crime categories four to 10;

10           “(c) Prisoners sentenced as dangerous offenders under ORS 161.725 and  
11 161.735, for aggravated murder under ORS 163.105 or for murder under ORS  
12 163.115 shall serve at least three years of active parole or post-prison super-  
13 vision;

14           “(d) Prisoners sentenced for violating or attempting to violate ORS  
15 163.365, 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall  
16 serve a term of **active** parole that extends for the entire term of the  
17 offender’s sentence or a term of **active** post-prison supervision as provided  
18 in ORS 144.103; and

19           “(e) Prisoners sentenced for robbery in the first degree under ORS 164.415  
20 or for arson in the first degree under ORS 164.325 shall serve three years of  
21 active parole or post-prison supervision.

22           “(2) Except as authorized in subsections (3) and (4) of this section, when  
23 an offender has served the active period of parole or post-prison supervision  
24 established under subsection (1)(a) or (b) of this section, the supervisory au-  
25 thority shall place the offender on inactive supervision status.

26           “(3) No sooner than 30 days prior to the expiration of an offender’s active  
27 parole or post-prison supervision period as provided in subsection (1) of this  
28 section, the supervisory authority may send to the State Board of Parole and  
29 Post-Prison Supervision a report requesting the board to extend the active  
30 supervision period or to return the offender to active supervision status, not

1 to exceed the supervision term imposed by the sentencing court under the  
2 rules of the Oregon Criminal Justice Commission and applicable laws, if the  
3 offender has not substantially fulfilled the supervision conditions or has  
4 failed to complete payment of restitution. The report shall include:

5 “(a) An evaluation of the offender’s compliance with supervision condi-  
6 tions;

7 “(b) The status of the offender’s court-ordered monetary obligations, in-  
8 cluding fines and restitution, if any;

9 “(c) The offender’s employment status;

10 “(d) The offender’s address;

11 “(e) Treatment program outcome;

12 “(f) Any new criminal activity; and

13 “(g) A recommendation that the board extend the supervision period or  
14 return the offender to active supervision status.

15 “(4) After reviewing the report submitted under subsection (3) of this  
16 section, the board may extend the active supervision period or return the  
17 offender to active supervision status, not to exceed the supervision term im-  
18 posed by the sentencing court under the rules of the Oregon Criminal Justice  
19 Commission and applicable laws, if it finds the offender has not substantially  
20 fulfilled the supervision conditions or has failed to complete payment of  
21 restitution.

22 “(5) During the pendency of any violation proceedings, the running of the  
23 supervision period and the sentence is stayed, and the board has jurisdiction  
24 over the offender until the proceedings are resolved.

25 “(6) The board shall send written notification to the supervised offender  
26 of the expiration of the sentence.

27 **“SECTION 31.** ORS 144.103 is amended to read:

28 “144.103. (1) Except as otherwise provided in ORS 137.765 and subsection  
29 (2) of this section, any person sentenced to a term of imprisonment for vio-  
30 lating or attempting to violate ORS 163.365, 163.375, 163.395, 163.405, 163.408,



1 163.411, 163.425 or 163.427 shall serve a term of **active** post-prison supervision  
2 that continues until the term of the post-prison supervision, when added to  
3 the term of imprisonment served, equals the maximum statutory indetermi-  
4 nate sentence for the violation.

5 “(2)(a) A person sentenced to a term of imprisonment for violating one  
6 of the offenses listed in paragraph (b) of this subsection shall serve a term  
7 of post-prison supervision that continues for the rest of the person’s life if  
8 the person was at least 18 years of age at the time the person committed the  
9 crime.

10 “(b) The offenses to which paragraph (a) of this subsection applies are:

11 “(A) ORS 163.375 (1)(b);

12 “(B) ORS 163.405 (1)(b);

13 “(C) ORS 163.411 (1)(b); and

14 “(D) ORS 163.235 when the offense is committed in furtherance of the  
15 commission or attempted commission of rape in the first degree, sodomy in  
16 the first degree or unlawful sexual penetration in the first degree if the  
17 victim is under 12 years of age.

18 “(c) When a person is sentenced to a term of post-prison supervision de-  
19 scribed in paragraph (a) of this subsection, the person must be actively  
20 supervised for at least the first 10 years of the post-prison supervision and  
21 actively tracked for the remainder of the term. Active tracking may be done  
22 by means of an electronic device attached to the person.

23 “(3) A person sentenced to a term of imprisonment for violating ORS  
24 163.185 (1)(b) shall serve a term of post-prison supervision that continues  
25 until the term of the post-prison supervision, when added to the term of  
26 imprisonment served, equals the maximum statutory indeterminate sentence  
27 for the violation.

28 “(4) Any costs incurred as a result of this section shall be paid by in-  
29 creased post-prison supervision fees under ORS 423.570.

30 **SECTION 32. The amendments to ORS 144.085 and 144.103 by**

1 **sections 30 and 31 of this 2013 Act apply to sentences imposed before,**  
2 **on and after the effective date of this 2013 Act.”.**

3 On page 25, line 1, delete “30” and insert “33”.

4 In line 4, delete “31” and insert “34”.

5 In line 6, delete “32” and insert “35”.

6 In line 9, delete “35” and insert “38”.

7 In line 13, delete “33” and insert “36” and delete “32” and insert “35”.

8 In line 14, delete “32” and insert “35”.

9 In line 17, delete “35” and insert “38”.

10 Delete lines 21 and 22 and insert:

11 **“SECTION 37. The amendments to section 35 of this 2013 Act by**  
12 **section 36 of this 2013 Act become operative on January 1, 2017.”.**

13 In line 23, delete “35” and insert “38”.

14 After line 33, insert:

15 **“SECTION 39. Notwithstanding any other provision of law, the**  
16 **General Fund appropriation made to the State Board of Parole and**  
17 **Post-Prison Supervision by section 1, chapter 502, Oregon Laws 2013**  
18 **(Enrolled House Bill 5035), for the biennium beginning July 1, 2013, as**  
19 **modified by legislative or Emergency Board action, is increased by**  
20 **\$254,655 for the purpose of implementing the provisions of sections 1**  
21 **to 7 of this 2013 Act.”.**

22 In line 34, delete “36” and insert “40”.

23