



MARION COUNTY SHERIFF'S OFFICE

JASON MYERS, SHERIFF

February 28, 2013

Representative Jeff Barker, Chair
House Judiciary Committee
Oregon State Capitol
Salem, Oregon 97301

MEASURE: HB 2549
EXHIBIT: 4
2013 SESSION H JUDICIARY
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SUBMITTED BY: Jeff Wood

RE: House Bill 2549

Dear Chair Barker and Committee Members:

For the record, my name is Jeff Wood and I serve as the Parole & Probation Division Commander with the Marion County Sheriff's Office. I am here on behalf of the Marion County Sheriff's Office, the Oregon Association of Community Corrections Directors (OACCD), and the Sex Offender Supervision Network (SOSN). For your information, Community Corrections is responsible for the supervision of convicted adult felons whom the courts and parole board have placed in the community under a limited, structured state of freedom. Our overall goal is to protect the community and prevent future victimization by helping offenders become law-abiding, contributing community members through a high degree of accountability and the implementation of sound research guided, data-driven policy decisions. It is our belief that HB 2549 acts in furtherance to these goals

As many of you know, registration and subsequent notification practices of sex offenders was first enacted in 1989 and later modified in 1991 (creating lifetime registration) and 1993 (creating community notification). Through the ensuing years, a significant amount of complex legislation has grown a relatively simple concept into a bit of a Pandora's Box, thus creating a need to evaluate our current laws and practices. Sexual violence is a serious social and criminal problem, and understandably, states have continued to wrestle with how to best address the public's concerns about sex offenders in our communities. As the committee is likely aware, there are currently over 19,000 registered sex offenders within the state of Oregon, with 150 new offenders added to the registry each month.

In order to understand what HB2549 is trying to address, it is important to understand where we have been. Since the implementation of House Bill 2759 (1993 Legislative Session), there has been a subset of approximately 2,000 sex offenders who have been designated as "Predatory," which qualifies them for community notification. Although there are approximately 20 sex crimes (with varying degrees) referenced in the Oregon Revised Statutes (ORS), only four crime convictions (Rape, Sodomy, Sex Abuse, and Unlawful Sexual Penetration) can trigger community notification. Over the years, and as outlined within current statute and practice, there have been two versions of a risk assessment utilized to designate "Predatory" status, which later were determined to be impossible to validate. In 2003, a validated sex offender risk assessment came to fruition, but the scoring threshold used to determine "Predatory" status captured a significant amount of statutory offenders. Although this scoring issue was addressed as an indirect result of the VLY v. Board of Parole ruling in 2005, the current "once Predatory, always Predatory" policy have left this type of offender continuously designated throughout supervision, and possibly for a lifetime.

In 2011, a group of criminal justice professionals and practitioners began meeting at the Legislative Council's request to evaluate our current laws and practices and ascertain whether system improvements can be made. This group included representation from Legislative Counsel, community corrections, the Oregon State Sheriffs

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"To whom much is entrusted, much is expected."

Association, Oregon Department of Corrections, Oregon Board of Parole, Oregon Criminal Defense Lawyers Association, and the Oregon State Police Sex Offender Registry to name a few. Goals were formulated over the ensuing months, and several recommendations were made to the Joint Judiciary Committee in November 2011. Before you is HB2549, which is the culmination of our thoughtful evaluation of national trends, emerging research, research guided best practices.

HB2549 reorganizes our current bifurcated and often confusing sex offender registration and notification laws, and merges them into one congruent system. By authorizing the Department of Corrections to designate a risk tool applicable to sex offenders and directing the State Board of Parole and Post-Prison to conduct hearings and classify or reclassify sex offenders, HB2549 creates a three "level" system which integrates the utilization of risk assessment, evaluation, and crime of conviction to ascertain the most appropriate level designation. HB 2549 also places all sex crimes and sex offenders on a level field, and designates dissemination of information based on each classification level. Conversely, it also allows for a "reset" by ending our current practice of placing lower risk statutory offenders in the same classification as those who truly are the highest risk to reoffend. Finally, HB2549 allows for relief from registration for certain sex offenders who pose the least likelihood to reoffend.

While this bill is not an absolute perfect solution to sex offender registration and notification in Oregon, I would submit it is most certainly an improvement in current practice, and is based on solid public policy. It is my understanding the Oregon State Police is making some recommended language amendments, which OACCD and SOSN would support. In review of the bill, and after comparing the applicable relief criteria from our surrounding states, we would also be supportive of changing the registration relief minimum threshold to 10 years, up from the current 5-year minimum as currently written within the bill.

I appreciate the committee's consideration of House Bill 2549, and I will remain available for any questions.

Sincerely,



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