

# House Bill 2564

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Grants State Board of Parole and Post-Prison Supervision rulemaking authority for purposes of determining whether predatory sex offender may lawfully enter or remain on premises where persons under 18 years of age regularly congregate.

## A BILL FOR AN ACT

1  
2 Relating to sex offenders; amending ORS 163.476, 181.586 and 181.588.

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

4 **SECTION 1.** ORS 163.476 is amended to read:

5 163.476. (1) A person commits the crime of unlawfully being in a location where children regu-  
6 larly congregate if the person:

7 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

8 (B) Has been designated a predatory sex offender under ORS 181.585 and does not have written  
9 approval from the State Board of Parole and Post-Prison Supervision or the person's supervisory  
10 authority or supervising officer to be in or upon the specific premises;

11 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex  
12 crime; or

13 (D) Has been given a similar designation or been sentenced under a similar law of another ju-  
14 risdiction; and

15 (b) Knowingly enters or remains in or upon premises where persons under 18 years of age reg-  
16 ularly congregate.

17 (2) As used in this section:

18 (a) "Premises where persons under 18 years of age regularly congregate" means schools, child  
19 care centers, playgrounds, other places intended for use primarily by persons under 18 years of age  
20 and places where persons under 18 years of age gather for regularly scheduled educational and  
21 recreational programs.

22 (b) "Sex crime" has the meaning given that term in ORS 181.594.

23 (3) Unlawfully being in a location where children regularly congregate is a Class A  
24 misdemeanor.

25 **(4) The State Board of Parole and Post-Prison Supervision shall adopt rules to carry out**  
26 **the provisions of subsection (1)(a)(B) of this section. The rules must:**

27 **(a) Establish a process by which predatory sex offenders who are not under supervision**  
28 **may petition the board for written approval to be in or upon specific premises where persons**  
29 **under 18 years of age regularly congregate; and**

30 **(b) Require that the board, in determining whether to grant a petition, consider any**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **recommendation made by a supervising agency under ORS 181.586 or a law enforcement**  
2 **agency under ORS 181.588.**

3 **SECTION 2.** ORS 181.586 is amended to read:

4 181.586. (1)(a) If the State Board of Parole and Post-Prison Supervision for a person on parole  
5 or post-prison supervision or the Department of Corrections or a community corrections agency for  
6 a person on probation makes a determination that the person under its supervision is a predatory  
7 sex offender, the agency supervising the person shall notify:

8 (A) Anyone whom the agency determines is appropriate that the person is a predatory sex  
9 offender; and

10 (B) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined  
11 in ORS 443.400, that the person is a predatory sex offender if the agency knows that the person is  
12 seeking admission to the facility.

13 (b) When a predatory sex offender has been subsequently convicted of another crime and is on  
14 supervision for that crime, the agency supervising the person, regardless of the nature of the crime  
15 for which the person is being supervised:

16 (A) May notify anyone whom the agency determines is appropriate that the person is a  
17 predatory sex offender; and

18 (B) Shall notify a long term care facility, as defined in ORS 442.015, or a residential care facility,  
19 as defined in ORS 443.400, that the person is a predatory sex offender if the agency knows that the  
20 person is seeking admission to the facility.

21 (2) In making a determination under subsection (1) of this section, the agency shall consider  
22 notifying:

23 (a) The person's family;

24 (b) The person's sponsor;

25 (c) Residential neighbors and churches, community parks, schools, convenience stores, busi-  
26 nesses and other places that children or other potential victims may frequent; and

27 (d) Any prior victim of the offender.

28 (3) When an agency determines that notification is necessary, the agency may use any method  
29 of communication that the agency determines is appropriate. The notification:

30 (a) May include, but is not limited to, distribution of the following information:

31 (A) The person's name and address;

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

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

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

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

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

39 (G) A current photograph of the person; and

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

41 (b) Shall include, if the notification is required under subsection (1)(a)(B) or (b)(B) of this section,  
42 the information described in paragraph (a)(D), (F) and (H) of this subsection.

43 (4) Not later than 10 days after making its determination that a person is a predatory sex  
44 offender, the agency supervising the person shall:

45 (a) Notify the Department of State Police of the person's status as a predatory sex offender;

1 (b) Enter into the Law Enforcement Data System the fact that the person is a predatory sex  
2 offender; and

3 (c) Send to the Department of State Police, by electronic or other means, all of the information  
4 listed in subsection (3) of this section that is available.

5 (5) When the Department of State Police receives information regarding a person under sub-  
6 section (4) of this section, the Department of State Police, upon request, may make the information  
7 available to the public.

8 (6) Upon termination of its supervision of a person determined to be a predatory sex offender,  
9 the agency supervising the person shall:

10 (a) Notify the Department of State Police:

11 (A) Of the person's status as a predatory sex offender;

12 (B) Whether the agency made a notification regarding the person under this section; *[and]*

13 (C) Of the person's level of supervision immediately prior to termination of supervision; and

14 **(D) Whether the agency recommends that the State Board of Parole and Post-Prison**  
15 **Supervision prohibit the person, under ORS 163.476, from entering or remaining in or upon**  
16 **premises where persons under 18 years of age regularly congregate; and**

17 (b) Send to the Department of State Police, by electronic or other means, the documents relied  
18 upon in determining that the person is a predatory sex offender and in establishing the person's  
19 level of supervision.

20 (7) The agency supervising a person determined to be a predatory sex offender shall verify the  
21 residence address of the person every 90 days.

22 **SECTION 3.** ORS 181.588 is amended to read:

23 181.588. (1) Notwithstanding any other provision of law, when a person who has been under  
24 supervision by the Department of Corrections or a community corrections agency is no longer under  
25 supervision, the Department of State Police, the chief of police of a city police department or a  
26 county sheriff may notify the public that the person is a predatory sex offender if:

27 (a) While the person was under supervision, the person was determined to be a predatory sex  
28 offender as provided in ORS 181.585 and notification under ORS 181.586 was made to someone other  
29 than the person's family; and

30 (b) The person's last primary supervising authority has notified the Department of State Police  
31 that the person was under a high level of supervision at the termination of the person's most recent  
32 period of supervision.

33 (2) The Department of State Police, the chief of police of a city police department or a county  
34 sheriff may notify the public that a person is a predatory sex offender if:

35 (a) The Department of State Police, the chief of police or the county sheriff determines that the  
36 person is a predatory sex offender as provided in ORS 181.585; and

37 (b) The person was not under supervision in this state or for some other reason was not subject  
38 to a determination under ORS 181.586.

39 (3) When the circumstances authorizing notification to the public of a person's status as a  
40 predatory sex offender under subsection (1) or (2) of this section exist, the Department of State Po-  
41 lice, chief of police or county sheriff shall notify a long term care facility, as defined in ORS 442.015,  
42 or a residential care facility, as defined in ORS 443.400, that the person is a predatory sex offender  
43 if the department, chief of police or county sheriff knows that the person is seeking admission to the  
44 facility.

45 (4) Notification under subsection (1), (2) or (3) of this section may include distribution of any

1 information listed in ORS 181.586 (3)(a). Notification under subsection (3) of this section shall in-  
2 clude distribution of the information listed in ORS 181.586 (3)(b).

3 **(5) When the Department of State Police, a chief of police or a county sheriff determines**  
4 **that a person is a predatory sex offender under subsection (2) of this section, the depart-**  
5 **ment, chief of police or county sheriff shall also determine whether to recommend that the**  
6 **State Board of Parole and Post-Prison Supervision prohibit the person, under ORS 163.476,**  
7 **from entering or remaining in or upon premises where persons under 18 years of age regu-**  
8 **larly congregate.**

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