

House Bill 3191

Sponsored by Representative GREENLICK

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**.

Relieves from sex offender reporting requirements person found guilty except for insanity of sex crime whom court discharges from custody after making finding that person either is no longer affected by mental disease or defect or, in certain circumstances, does not present substantial danger to others.

Applies to persons discharged from custody on or after effective date of Act. Creates petition process for persons discharged from custody before effective date of Act.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offender reporting requirements for persons found guilty except for insanity of a sex
3 crime who are discharged by the court; creating new provisions; amending ORS 181.595; and
4 declaring an emergency.

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

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

7 181.595. (1) The agency to which a person reports under subsection (3) of this section shall
8 complete a sex offender registration form concerning the person when the person reports under
9 subsection (3) of this section.

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

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

14 (A) Conviction of a sex crime; or

15 (B) Having been found guilty except for insanity of a sex crime[;].

16 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
17 court of a crime that would constitute a sex crime if committed in this state[; or].

18 [*(c) Is discharged by the court under ORS 161.329 after having been found guilty except for in-*
19 *sanity of a sex crime.*]

20 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
21 ment of State Police, a city police department or a county sheriff's office, in the county to which the
22 person was discharged, paroled or released or in which the person was otherwise placed:

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

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

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

28 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an

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 institution of higher education; and

2 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
3 education.

4 (b) If a person required to report under this subsection has complied with the initial reporting
5 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
6 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
7 partment of State Police, a city police department or a county sheriff's office, in the county of the
8 person's last reported residence.

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

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

12 (a) The person required to report shall:

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

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

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

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

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

21 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
22 of the Department of State Police.

23 **SECTION 2. (1) The amendments to ORS 181.595 by section 1 of this 2013 Act apply to**
24 **persons discharged by the court under ORS 161.329 on or after the effective date of this 2013**
25 **Act.**

26 **(2)(a) A person discharged by the court under ORS 161.329 before the effective date of**
27 **this 2013 Act may file a petition in circuit court for an order relieving the person of the duty**
28 **to report. The petition must be filed in the circuit court of the county in which the person**
29 **was found guilty except for insanity of the sex crime.**

30 **(b) The court shall hold a hearing on a petition filed under paragraph (a) of this sub-**
31 **section. In determining whether to grant relief, the court shall consider any criminal and**
32 **relevant noncriminal behavior of the petitioner occurring before or after the finding of guilty**
33 **except for insanity for which the person was discharged.**

34 **(c) If the court is satisfied by clear and convincing evidence that the petitioner does not**
35 **pose a threat to the safety of the public, the court shall enter an order relieving the**
36 **petitioner of the duty to report.**

37 **(d) If the court enters an order under paragraph (c) of this subsection, the petitioner**
38 **shall send a certified copy of the order to the Department of State Police. Upon receipt of**
39 **the order, the department shall remove from the Law Enforcement Data System the sex**
40 **offender information obtained from the sex offender registration form submitted under ORS**
41 **181.595, 181.596 or 181.597.**

42 **SECTION 3. This 2013 Act being necessary for the immediate preservation of the public**
43 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
44 **on its passage.**