

A-Engrossed
House Bill 3253

Ordered by the House April 10
Including House Amendments dated April 10

Sponsored by Representatives OLSON, CONGER

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.

Requires sex offender who is released into Oregon, who is placed on probation in Oregon or who moves into Oregon, to register as sex offender if jurisdiction of conviction requires registration, regardless of whether conviction would be sex crime in this state.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offender registration; creating new provisions; amending ORS 181.594, 181.595,
3 181.596 and 181.597; and declaring an emergency.

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

5 **SECTION 1.** ORS 181.594 is amended to read:

6 181.594. As used in this section and ORS 181.595, 181.596, 181.597, 181.603, 181.609, 181.826,
7 181.830 and 181.833:

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

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

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

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

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

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

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

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

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 (5) "Sex crime" means:
2 (a) Rape in any degree;
3 (b) Sodomy in any degree;
4 (c) Unlawful sexual penetration in any degree;
5 (d) Sexual abuse in any degree;
6 (e) Incest with a child victim;
7 (f) Using a child in a display of sexually explicit conduct;
8 (g) Encouraging child sexual abuse in any degree;
9 (h) Transporting child pornography into the state;
10 (i) Paying for viewing a child's sexually explicit conduct;
11 (j) Compelling prostitution;
12 (k) Promoting prostitution;
13 (L) Kidnapping in the first degree if the victim was under 18 years of age;
14 (m) Contributing to the sexual delinquency of a minor;
15 (n) Sexual misconduct if the offender is at least 18 years of age;
16 (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
17 (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent
18 or by a person found to be within the jurisdiction of the juvenile court;
19 (q) Online sexual corruption of a child in any degree if the offender reasonably believed the
20 child to be more than five years younger than the offender;
21 (r) Sexual assault of an animal;
22 (s) Any attempt to commit any of the crimes set forth in paragraphs (a) to (r) of this subsection;
23 (t) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a)
24 to (r) or (u) of this subsection; or
25 (u) Public indecency or private indecency, if the person has a prior conviction for a crime listed
26 in this subsection.
27 (6) "Sex offender" means a person who:
28 (a) Has been convicted of a sex crime;
29 (b) Has been found guilty except for insanity of a sex crime;
30 (c) *[Is paroled to this state under ORS 144.610 after being convicted in another United States court*
31 *of a crime that would constitute a sex crime if committed]* **Has been convicted in another United**
32 **States court of a crime for which the person would have to register as a sex offender in that**
33 **court's jurisdiction, or as required under federal law, regardless of whether the crime would**
34 **constitute a sex crime** in this state; or
35 (d) Is described in ORS 181.609 (1).
36 (7) "Works" or "carries on a vocation" means full-time or part-time employment for more than
37 14 days within one calendar year whether financially compensated, volunteered or for the purpose
38 of governmental or educational benefit.
39 **SECTION 2.** ORS 181.595 is amended to read:
40 181.595. (1) The agency to which a person reports under subsection (3) of this section shall
41 complete a sex offender registration form concerning the person when the person reports under
42 subsection (3) of this section.
43 (2) Subsection (3) of this section applies to a person who:
44 (a) Is discharged, paroled or released on any form of supervised or conditional release from a
45 jail, prison or other correctional facility or detention facility in this state at which the person was

1 confined as a result of:

2 (A) Conviction of a sex crime **or a crime for which the person would have to register as a**
3 **sex offender under federal law**; or

4 (B) Having been found guilty except for insanity of a sex crime;

5 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
6 court of a crime [*that would constitute a sex crime if committed*] **for which the person would have**
7 **to register as a sex offender in that court's jurisdiction, or as required under federal law,**
8 **regardless of whether the crime would constitute a sex crime** in this state; or

9 (c) Is discharged by the court under ORS 161.329 after having been found guilty except for in-
10 sanity of a sex crime.

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

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

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

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

19 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
20 institution of higher education; and

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

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

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

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

31 (a) The person required to report shall:

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

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

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

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

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

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

42 **SECTION 3.** ORS 181.596 is amended to read:

43 181.596. (1) The agency to which a person reports under subsection (4) of this section shall
44 complete a sex offender registration form concerning the person when the person reports under
45 subsection (4) of this section.

1 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on
2 probation:

3 (a) By the court after being convicted in this state of a sex crime; *[or]*

4 **(b) By a federal court after being convicted of a crime for which the person would have**
5 **to register as a sex offender under federal law, regardless of whether the crime would con-**
6 **stitute a sex crime in this state; or**

7 *[(b)]* (c) To or in this state under ORS 144.610 after being convicted in another United States
8 court of a crime **for which the person would have to register as a sex offender in that court's**
9 **jurisdiction, regardless of whether the crime** *[that]* would constitute a sex crime *[if committed]*
10 in this state.

11 (3) The court shall ensure that the person completes a form that documents the person's obli-
12 gation to report under ORS 181.595 or this section. No later than three working days after the
13 person completes the form required by this subsection, the court shall ensure that the form is sent
14 to the Department of State Police.

15 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
16 ment of State Police, a city police department or a county sheriff's office, in the county to which the
17 person was discharged or released or in which the person was placed on probation:

18 (A) Within 10 days following discharge, release or placement on probation;

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

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

22 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
23 institution of higher education; and

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

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

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

33 (5) As part of the registration and reporting requirements of this section:

34 (a) The person required to report shall:

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

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

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

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

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

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

45 **SECTION 4.** ORS 181.597 is amended to read:

1 181.597. (1)(a) When a person described in subsection (6) of this section moves into this state
2 and is not otherwise required by ORS 181.595, 181.596 or 181.609 to report, the person shall report,
3 in person, to the Department of State Police in Marion County, Oregon:

4 (A) No later than 10 days after moving into this state;

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

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

8 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
9 institution of higher education; and

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

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

17 (2)(a) When a person described in ORS 181.595 (2) or 181.596 (2) or subsection (6) of this section
18 attends school or works in this state, resides in another state and is not otherwise required by ORS
19 181.595, 181.596 or 181.609 to report, the person shall report, in person, to the Department of State
20 Police, a city police department or a county sheriff's office, in the county in which the school or
21 place of work is located, no later than 10 days after:

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

23 (B) A change in school enrollment or employment.

24 (b) As used in this subsection, "attends school" means enrollment in any type of school on a
25 full-time or part-time basis.

26 (3)(a) When a person described in subsection (6) of this section resides in this state at the time
27 of the conviction or adjudication giving rise to the obligation to report, continues to reside in this
28 state following the conviction or adjudication and is not otherwise required by ORS 181.595, 181.596
29 or 181.609 to report, the person shall report, in person, to the Department of State Police in Marion
30 County, Oregon:

31 (A) Within 10 days following:

32 (i) Discharge, release on parole or release on any form of supervised or conditional release, from
33 a jail, prison or other correctional facility or detention facility; or

34 (ii) Discharge, release or placement on probation, by another United States court;

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

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

38 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
39 institution of higher education; and

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

42 (b) If a person required to report under this subsection has complied with the applicable initial
43 reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently re-
44 port, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to
45 the Department of State Police, a city police department or a county sheriff's office, in the county

1 of the person's last reported residence.

2 (4) When a person reports under this section, the agency to which the person reports shall
3 complete a sex offender registration form concerning the person.

4 (5) The obligation to report under this section terminates if the conviction or adjudication that
5 gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

6 (6) Subsections (1) to (5) of this section apply to:

7 (a) A person convicted in another United States court of a crime [*if the elements of the crime*
8 *would constitute a sex crime*] **for which the person would have to register as a sex offender in**
9 **that court's jurisdiction, or as required under federal law, regardless of whether the crime**
10 **would constitute a sex crime in this state;** and

11 (b) A person required to register in another state for having committed a sex offense in that
12 state regardless of whether the crime would constitute a sex crime in this state.

13 (7) As part of the registration and reporting requirements of this section:

14 (a) The person required to report shall:

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

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

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

19 (A) Shall photograph the person when the person initially reports under this section, each time
20 the person reports annually under subsection (1)(a)(C) or (3)(a)(C) of this section and each time the
21 person reports under subsection (2)(a)(B) of this section;

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

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

26 **SECTION 5. The amendments to ORS 181.594, 181.595, 181.596 and 181.597 by sections 1**
27 **to 4 of this 2013 Act apply to persons convicted of an offense or adjudicated for an act oc-**
28 **curring on or after the effective date of this 2013 Act.**

29 **SECTION 6. This 2013 Act being necessary for the immediate preservation of the public**
30 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
31 **on its passage.**

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