

House Bill 3253

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 **as introduced**.

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; amending ORS 181.594, 181.595, 181.596 and 181.597; and de-
3 claring 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.

28 (5) "Sex crime" means:

- 29 (a) Rape in any degree;
30 (b) Sodomy in any degree;

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (a) The person required to report shall:

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

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

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

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

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

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

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

40 181.596. (1) The agency to which a person reports under subsection (4) of this section shall
41 complete a sex offender registration form concerning the person when the person reports under
42 subsection (4) of this section.

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

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

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

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

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

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

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

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 (5) 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 4.** ORS 181.597 is amended to read:

43 181.597. (1)(a) When a person described in subsection (6) of this section moves into this state
 44 and is not otherwise required by ORS 181.595, 181.596 or 181.609 to report, the person shall report,
 45 in person, to the Department of State Police in Marion County, Oregon:

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

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

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

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

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

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

14 (2)(a) When a person described in ORS 181.595 (2) or 181.596 (2) or subsection (6) of this section
15 attends school or works in this state, resides in another state and is not otherwise required by ORS
16 181.595, 181.596 or 181.609 to report, the person shall report, in person, to the Department of State
17 Police, a city police department or a county sheriff's office, in the county in which the school or
18 place of work is located, no later than 10 days after:

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

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

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

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

28 (A) Within 10 days following:

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

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

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

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

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

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

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

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

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

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

4 (a) A person convicted in another United States court of a crime [*if the elements of the crime*
5 *would constitute a sex crime*] **for which the person would have to register as a sex offender in**
6 **that court's jurisdiction, regardless of whether the crime would constitute a sex crime in**
7 **this state;** and

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

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

11 (a) The person required to report shall:

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

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

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

16 (A) Shall photograph the person when the person initially reports under this section, each time
17 the person reports annually under subsection (1)(a)(C) or (3)(a)(C) of this section and each time the
18 person reports under subsection (2)(a)(B) of 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 5. This 2013 Act being necessary for the immediate preservation of the public**
24 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**
25 **on its passage.**