

**PROPOSED AMENDMENTS TO
HOUSE BILL 2549**

1 On page 2 of the printed bill, delete line 24.

2 On page 3, line 11, after “Supervision” insert “or the Psychiatric Security
3 Review Board”.

4 Delete lines 21 through 45 and insert:

5 **“SECTION 5.** (1)(a) A person required to report as a sex offender under
6 ORS 181.595, 181.596 or 181.597 due to a conviction for a sex crime who is
7 classified as a level one sex offender under section 1 (1) of this 2013 Act or
8 as a level two sex offender under section 1 (2) of this 2013 Act may petition
9 the State Board of Parole and Post-Prison Supervision to relieve the person
10 from the obligation to report as a sex offender under ORS 181.595, 181.596
11 or 181.597.

12 “(b) A person required to report as a sex offender under ORS 181.595,
13 181.596 or 181.597 due to being found guilty except for insanity under ORS
14 161.295 for a sex crime who is classified as a level one sex offender under
15 section 1 (1) of this 2013 Act or as a level two sex offender under section 1
16 (2) of this 2013 Act may petition the Psychiatric Security Review Board to
17 relieve the person from the obligation to report as a sex offender under ORS
18 181.595, 181.596 or 181.597.

19 “(c) If the person filing the petition under this subsection is classified as
20 a:

21 “(A) Level one sex offender under section 1 (1) of this 2013 Act, the peti-
22 tion may be filed no sooner than five years after the date supervision for the

1 sex crime is terminated or, if the person was not subject to supervision for
2 the sex crime, five years after the date the person was discharged from the
3 jurisdiction of the court, Psychiatric Security Review Board or Oregon
4 Health Authority.

5 “(B) Level two sex offender under section 1 (2) of this 2013 Act, the peti-
6 tion may be filed no sooner than 10 years after the date supervision for the
7 sex crime is terminated or, if the person was not subject to supervision for
8 the sex crime, 10 years after the date the person was discharged from the
9 jurisdiction of the court, Psychiatric Security Review Board or Oregon
10 Health Authority.

11 “(d) Notwithstanding paragraph (c) of this subsection, if a person is re-
12 quired to report because of a conviction or finding of guilty except for in-
13 sanity from another United States court as that term is defined in ORS
14 181.594, the person may not petition for relief from reporting as a sex
15 offender in Oregon unless the laws of the jurisdiction where the person was
16 convicted or found guilty except for insanity would permit a petition for re-
17 lief from reporting as a sex offender.

18 “(2)(a) A person who is required to report as a sex offender under ORS
19 181.595, 181.596 or 181.597 due to a conviction for a sex crime and is classi-
20 fied as a level three sex offender under section 1 (3) of this 2013 Act may
21 petition the State Board of Parole and Post-Prison Supervision to reclassify
22 the person as a level two sex offender under section 1 (2) of this 2013 Act.

23 “(b) A person who is required to report as a sex offender under ORS
24 181.595, 181.596 or 181.597 due to being found guilty except for insanity under
25 ORS 161.295 for a sex crime, and is classified as a level three sex offender
26 under section 1 (3) of this 2013 Act, may petition the Psychiatric Security
27 Review Board to reclassify the person as a level two sex offender under
28 section 1 (2) of this 2013 Act.

29 “(c) The petition described in this subsection may be filed no sooner than
30 10 years after the date supervision for the sex crime is terminated or, if the

1 person was not subject to supervision for the sex crime, 10 years after the
2 date the person was discharged from the jurisdiction of the court, Psychiatric
3 Security Review Board or Oregon Health Authority.

4 “(3)(a) The State Board of Parole and Post-Prison Supervision or the
5 Psychiatric Security Review Board shall deny a petition filed under this
6 section if at any time after the person is convicted or found guilty except for
7 insanity of a sex crime, the person is convicted of or found guilty except for
8 insanity of a person felony or a person class A misdemeanor, as those terms
9 are defined in the rules of the Oregon Criminal Justice Commission.”.

10 On page 4, delete lines 1 and 2.

11 Delete lines 6 through 13 and insert:

12 “(4)(a) Except as otherwise provided in subsection (3) of this section, if
13 a person files a petition under subsection (1) of this section the State Board
14 of Parole and Post-Prison Supervision or the Psychiatric Security Review
15 Board shall hold a hearing. At the hearing, the board shall enter an order
16 relieving the person of the obligation to report as a sex offender under ORS
17 181.595, 181.596 or 181.597 if the board determines, by clear and convincing
18 evidence, that the person:

19 “(A) Is statistically unlikely to reoffend; and

20 “(B) Does not pose a threat to the safety of the public.

21 “(b) Except as otherwise provided in subsection (3) of this section, if a
22 person files a petition under subsection (2) of this section the State Board
23 of Parole and Post-Prison Supervision or the Psychiatric Security Review
24 Board shall enter an order reclassifying the person as a level two sex
25 offender under section 1 (2) of this 2013 Act if the board determines that a
26 lower level of notification is sufficient to protect public safety.”.

27 In line 15, after “Supervision” insert “or the Psychiatric Security Review
28 Board”.

29 Delete lines 16 through 24 and insert:

30 “(a) The nature of and degree of violence involved in the offense that

- 1 requires reporting;
- 2 “(b) The age and number of victims of the offense that requires reporting;
- 3 “(c) The age of the person at the time of the offense that requires re-
- 4 porting;
- 5 “(d) The length of time since the offense that requires reporting and the
- 6 time period during which the person has not reoffended;
- 7 “(e) The person’s performance on supervision for the offense that requires
- 8 reporting;
- 9 “(f) Whether the person has participated in or successfully completed a
- 10 court-approved sex offender treatment program or any other rehabilitative
- 11 programs;
- 12 “(g) The person’s stability in employment and housing;
- 13 “(h) The person’s community and personal support system;
- 14 “(i) Other criminal and relevant noncriminal behavior of the person both
- 15 before and after the offense that requires reporting; and
- 16 “(j) Any other relevant factors.”.

17 In line 32, after “Supervision” insert “or the Psychiatric Security Review

18 Board”.

19 In line 35, after “Supervision” insert “or the Psychiatric Security Review

20 Board”.

21 On page 5, line 1, after “Supervision” insert “and the Psychiatric Security

22 Review Board”.

23 On page 6, line 12, after “vision” insert “or the Psychiatric Security Re-

24 view Board, as appropriate,”.

25 In line 13, delete “January” and insert “February”.

26 In line 22, after “classification” insert “by certified mail”.

27 In line 25, delete “December 1, 2016” and insert “January 1, 2017”.

28 In line 28, delete “Forty-five” and insert “Sixty”.

29 In line 30, delete “Forty-five” and insert “Sixty”.

30 On page 22, line 40, after the comma insert “the Psychiatric Security

1 Review Board,”.

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