

**PROPOSED AMENDMENTS TO
HOUSE BILL 2549**

1 On page 1 of the printed bill, line 2, after “144.641,” insert “147.500”.

2 On page 3, after line 17, insert:

3 “(3) A person who has been convicted or found guilty except for insanity
4 of one of the following offenses is not eligible for relief from the obligation
5 to report as a sex offender pursuant to a petition filed under section 5 (1)
6 of this 2013 Act:

7 “(a) Rape in the first degree;

8 “(b) Sodomy in the first degree;

9 “(c) Unlawful sexual penetration in the first degree;

10 “(d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or
11 when the victim is under 18 years of age; or

12 “(e) Burglary in the first degree when committed with the intent to com-
13 mit any of the offenses listed in ORS 181.594 (5)(a) to (r) or (u).”.

14 In line 27, delete “five” and insert “10”.

15 In line 28, delete “five” and insert “10”.

16 On page 4, delete lines 6 through 13 and insert:

17 “(c) The board shall deny a petition filed under this section if the person
18 has been convicted or found guilty except for insanity of more than one sex
19 crime unless:

20 “(A) The convictions or findings resulted from the same act or trans-
21 action; or

22 “(B) The convictions or findings resulted from a single court proceeding,

1 involved no victim or only one victim and were for:

2 “(i) Public indecency;

3 “(ii) Encouraging child sexual abuse in the second or third degree;

4 “(iii) Rape in the third degree;

5 “(iv) Sodomy in the third degree; or

6 “(v) Sexual abuse in the second or third degree and the victim’s lack of
7 consent was due solely to incapacity to consent by reason of being under 18
8 years of age at the time of the offense.”.

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

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

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

18 “(b) Except as otherwise provided in subsection (3) of this section, if a
19 person files a petition under subsection (2) of this section the State Board
20 of Parole and Post-Prison Supervision or the Psychiatric Security Review
21 Board shall hold a hearing. At the hearing, the board shall enter an order
22 reclassifying the person as a level two sex offender under section 1 (2) of this
23 2013 Act if, after completion of a new risk assessment utilizing the risk as-
24 sessment tool described in section 1 of this 2013 Act, the person is classified
25 as presenting a low or moderate risk of reoffending and the board determines
26 that a lower level of notification is sufficient to protect public safety.”.

27 On page 13, after line 43, insert:

28 “**SECTION 15a.** ORS 147.500 is amended to read:

29 “147.500. As used in ORS 147.500 to 147.550:

30 “(1) ‘Authorized prosecuting attorney’ means a prosecuting attorney who,

1 at the request of a victim, has agreed to assert and enforce a right granted
2 to the victim by section 42 or 43, Article I of the Oregon Constitution.

3 “(2) ‘Claim’ means the allegation and proposed remedy described in ORS
4 147.515 (1).

5 “(3) ‘Crime’ includes an act committed by a person who is under 18 years
6 of age that, if committed by an adult, would constitute a misdemeanor or
7 felony.

8 “(4) ‘Criminal proceeding’ means an action at law in which a person is
9 alleged, or has been adjudicated, to have committed a crime for which there
10 is a victim and that is conducted in the trial court before or after sentencing
11 or disposition.

12 “(5) ‘Critical stage of the proceeding’ means:

13 “(a) Release hearings or hearings to modify the conditions of release, ex-
14 cept hearings concerning release decisions at arraignment;

15 “(b) Preliminary hearings;

16 “(c) Hearings related to the rescheduling of trial;

17 “(d) Hearings on motions or petitions:

18 “(A) Conducted pursuant to ORS 40.210 or 135.139;

19 “(B) To amend, dismiss or set aside a charge, conviction, order or judg-
20 ment; or

21 “(C) To suppress or exclude evidence;

22 “(e) Entry of guilty or no contest pleas;

23 “(f) Trial;

24 “(g) Restitution hearings;

25 “(h) Sentencing;

26 “(i) Probation violation or revocation hearings if the crime of conviction
27 is a felony or person Class A misdemeanor and the victim has requested
28 notice of the hearing from the prosecuting attorney or the supervisory au-
29 thority as defined in ORS 144.087;

30 “(j) Hearings for relief from the requirement to report as a sex offender

1 **or for the reclassification of a sex offender;**

2 “(k) Hearings related to a deferred sentencing agreement;

3 “(L) Hearings designated as a critical stage of the proceeding in ORS
4 419C.273; and

5 “(m) Any other stage of a criminal proceeding the court determines is a
6 critical stage of the proceeding for purposes of section 42, Article I of the
7 Oregon Constitution.

8 “(6) ‘Defendant’ includes a person under 18 years of age alleged to be
9 within the jurisdiction of the juvenile court under ORS chapter 419C.

10 “(7) ‘Plea hearing’ means a hearing in which a defendant enters a plea
11 of guilty or no contest.

12 “(8) ‘Plea of guilty or no contest’ includes:

13 “(a) An admission by a person under 18 years of age that the person is
14 within the jurisdiction of the juvenile court; and

15 “(b) If a juvenile court petition has been filed, entering into a formal ac-
16 countability agreement under ORS 419C.230 or entering an authorized di-
17 version program under ORS 419C.225.

18 “(9) ‘Prosecuting attorney’ means a district attorney as defined in ORS
19 131.005. In a criminal proceeding conducted in the juvenile court, ‘prosecut-
20 ing attorney’ includes the juvenile department.

21 “(10) ‘Reasonable efforts to inform the victim’ includes, but is not limited
22 to, providing information orally, in writing, electronically or by mail to the
23 victim’s last known address.

24 “(11) ‘Sentencing hearing’ includes the dispositional phase of a juvenile
25 delinquency proceeding under ORS chapter 419C.

26 “(12) ‘Trial court’ includes the juvenile court.

27 “(13) ‘Victim’ means any person determined by the prosecuting attorney
28 or the court to have suffered direct financial, psychological or physical harm
29 as a result of the crime alleged in the criminal proceeding and, in the case
30 of a victim who is a minor, the legal guardian of the minor.

1 “(14) ‘Violent felony’ means a felony in which there was actual or
2 threatened serious physical injury to a victim or a felony sexual offense.”.

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