

**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 of the offense

1 giving rise to the obligation to report.

2 “(B) Level one sex offender under section 1 (1) of this 2013 Act who was  
3 under 18 years of age at the time of the offense giving rise to the obligation  
4 to report, the petition may be filed when the supervision for the sex crime  
5 is terminated or, if the person was not subject to supervision for the sex  
6 crime, when the person was discharged from the jurisdiction of the court,  
7 Psychiatric Security Review Board or Oregon Health Authority.

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

14 “(d) Notwithstanding any other provision of this subsection:

15 “(A) The obligation of a person classified as a level one sex offender un-  
16 der section 1 (1) of this 2013 Act to report as a sex offender under ORS  
17 181.595, 181.596 or 181.597 shall end 10 years after the date of the offense  
18 giving rise to the obligation to report, provided that during the time period  
19 since the date of the offense, the person has not been convicted or found  
20 guilty except for insanity of a sex crime or convicted of or found guilty ex-  
21 cept for insanity of a person felony or a person class A misdemeanor, as  
22 those terms are defined in the rules of the Oregon Criminal Justice Com-  
23 mission.

24 “(B) A person required to report as a sex offender under ORS 181.595,  
25 181.596 or 181.597 may not file a petition under this subsection if the offense  
26 giving rise to the obligation to report was a conviction or finding of guilty  
27 except for insanity for:

28 “(i) Rape in the first degree;

29 “(ii) Sodomy in the first degree;

30 “(iii) Unlawful sexual penetration in the first degree; or

1       “(iv) Kidnapping in the first degree as described in ORS 163.235 (1)(e).

2       “(e) Notwithstanding paragraph (c) of this subsection, if a person is re-  
3       quired to report because of a conviction or finding of guilty except for in-  
4       sanity from another United States court as that term is defined in ORS  
5       181.594, the person may not petition for relief from reporting as a sex  
6       offender in Oregon unless the laws of the jurisdiction where the person was  
7       convicted or found guilty except for insanity would permit a petition for re-  
8       lief from reporting as a sex offender.

9       “(2)(a) A person who is required to report as a sex offender under ORS  
10       181.595, 181.596 or 181.597 due to a conviction for a sex crime and is classi-  
11       fied as a level three sex offender under section 1 (3) of this 2013 Act may  
12       petition the State Board of Parole and Post-Prison Supervision to reclassify  
13       the person as a level two sex offender under section 1 (2) of this 2013 Act.

14       “(b) A person who is required to report as a sex offender under ORS  
15       181.595, 181.596 or 181.597 due to being found guilty except for insanity under  
16       ORS 161.295 for a sex crime, and is classified as a level three sex offender  
17       under section 1 (3) of this 2013 Act, may petition the Psychiatric Security  
18       Review Board to reclassify the person as a level two sex offender under  
19       section 1 (2) of this 2013 Act.

20       “(c) The petition described in this subsection may be filed no sooner than  
21       10 years after the date supervision for the sex crime is terminated or, if the  
22       person was not subject to supervision for the sex crime, 10 years after the  
23       date the person was discharged from the jurisdiction of the court, Psychiatric  
24       Security Review Board or Oregon Health Authority.

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

1 On page 4, delete lines 1 and 2.

2 Delete lines 6 through 13 and insert:

3 “(4)(a) Except as otherwise provided in subsection (3) of this section, if  
4 a person files a petition under subsection (1) of this section the State Board  
5 of Parole and Post-Prison Supervision or the Psychiatric Security Review  
6 Board shall hold a hearing. At the hearing, the board shall enter an order  
7 relieving the person of the obligation to report as a sex offender under ORS  
8 181.595, 181.596 or 181.597 if the board determines, by clear and convincing  
9 evidence, that the person:

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

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

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

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

20 Delete lines 16 through 24 and insert:

21 “(a) The nature of and degree of violence involved in the offense that  
22 requires reporting;

23 “(b) The age and number of victims of the offense that requires reporting;

24 “(c) The age of the person at the time of the offense that requires re-  
25 porting;

26 “(d) The length of time since the offense that requires reporting and the  
27 time period during which the person has not reoffended;

28 “(e) The person’s performance on supervision for the offense that requires  
29 reporting;

30 “(f) Whether the person has participated in or successfully completed a

1 court-approved sex offender treatment program or any other rehabilitative  
2 programs;

3 “(g) The person’s stability in employment and housing;

4 “(h) The person’s community and personal support system;

5 “(i) Other criminal and relevant noncriminal behavior of the person both  
6 before and after the offense that requires reporting; and

7 “(j) Any other relevant factors.”.

8 In line 32, after “Supervision” insert “or the Psychiatric Security Review  
9 Board”.

10 In line 35, after “Supervision” insert “or the Psychiatric Security Review  
11 Board”.

12 On page 5, line 1, after “Supervision” insert “and the Psychiatric Security  
13 Review Board”.

14 On page 6, line 12, after “vision” insert “or the Psychiatric Security Re-  
15 view Board, as appropriate,”.

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

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

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

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

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

21 On page 22, line 40, after the comma insert “the Psychiatric Security  
22 Review Board,”.

23

---