

**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 2, delete lines 1 through 9 and insert:

3 “(3)(a) When a person is found guilty except for insanity of a sex crime,  
4 the Psychiatric Security Review Board shall conduct, or cause to be con-  
5 ducted, a risk assessment of the person utilizing the risk assessment tool  
6 described in section 1 of this 2013 Act:

7 “(A) Before the person is placed on conditional release by the board or  
8 the Oregon Health Authority or is discharged from the jurisdiction of the  
9 board or the authority, if the person is confined in a correctional facility by  
10 the court under ORS 161.327 after being found guilty except for insanity.

11 “(B) No later than 60 days after the person is placed on conditional re-  
12 lease by the court under ORS 161.327 or discharged by the court under ORS  
13 161.329.

14 “(b) The court shall notify the board when the court discharges a person  
15 under ORS 161.329.”.

16 Delete line 24.

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

19 After line 17, insert:

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

1 of this 2013 Act:

2 “(a) Rape in the first degree;

3 “(b) Sodomy in the first degree;

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

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

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

9 Delete lines 21 through 45 and insert:

10 **“SECTION 5.** (1)(a) A person who is required to report as a sex offender  
11 under ORS 181.595, 181.596 or 181.597 due to a conviction for a sex crime and  
12 is classified as a level one sex offender under section 1 (1) of this 2013 Act  
13 may petition the State Board of Parole and Post-Prison Supervision to re-  
14 lieve the person from the obligation to report as a sex offender under ORS  
15 181.595, 181.596 or 181.597.

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

22 “(c)(A) Except as otherwise provided in subparagraph (B) of this para-  
23 graph, a person described in paragraph (a) or (b) of this subsection may file  
24 the petition no sooner than five years after the date supervision for the sex  
25 crime is terminated or, if the person was not subject to supervision for the  
26 sex crime, five years after the date the person was discharged from the ju-  
27 risdiction of the court, Psychiatric Security Review Board or Oregon Health  
28 Authority.

29 “(B) A person who was reclassified under subsection (2) of this section  
30 from a level two sex offender under section 1 (2) of this 2013 Act to a level

1 one sex offender under section 1 (1) of this 2013 Act may file the petition  
2 no sooner than five years after the date of reclassification.

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

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

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

21 “(c) A person who is required to report as a sex offender under ORS  
22 181.595, 181.596 or 181.597 due to a conviction for a sex crime and is classi-  
23 fied as a level two sex offender under section 1 (2) of this 2013 Act may pe-  
24 tition the State Board of Parole and Post-Prison Supervision to reclassify the  
25 person as a level one sex offender under section 1 (1) of this 2013 Act.

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

1 section 1 (1) of this 2013 Act.

2 “(e) The petition described in this subsection may be filed no sooner than  
3 10 years after the date supervision for the sex crime is terminated or, if the  
4 person was not subject to supervision for the sex crime, 10 years after the  
5 date the person was discharged from the jurisdiction of the court, Psychiatric  
6 Security Review Board or Oregon Health Authority.

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

13 “(b) The appropriate board shall deny a petition filed under subsection  
14 (2)(c) or (d) of this section if the board has previously reclassified the person  
15 as a level two sex offender under section 1 (2) of this 2013 Act as the result  
16 of a petition filed under subsection (2)(a) or (b) of this section.

17 “(4)(a) Except as otherwise provided in subsection (3) of this section, if  
18 a person files a petition under subsection (1) of this section, the State Board  
19 of Parole and Post-Prison Supervision or the Psychiatric Security Review  
20 Board shall hold a hearing. At the hearing, the board shall enter an order  
21 relieving the person of the obligation to report as a sex offender under ORS  
22 181.595, 181.596 or 181.597 if the board determines, by clear and convincing  
23 evidence, that the person:

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

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

26 “(b)(A) Except as otherwise provided in subsection (3) of this section, if  
27 a person files a petition under subsection (2)(a) or (b) of this section, the  
28 State Board of Parole and Post-Prison Supervision or the Psychiatric Secu-  
29 rity Review Board shall hold a hearing. At the hearing, the board shall enter  
30 an order reclassifying the person as a level two sex offender under section

1 1 (2) of this 2013 Act if, after completion of a new risk assessment utilizing  
2 the risk assessment tool described in section 1 of this 2013 Act, the person  
3 is classified as presenting a low or moderate risk of reoffending and the  
4 board determines that a lower level of notification is sufficient to protect  
5 public safety.

6 “(B) Except as otherwise provided in subsection (3) of this section, if a  
7 person files a petition under subsection (2)(c) or (d) of this section, the State  
8 Board of Parole and Post-Prison Supervision or the Psychiatric Security  
9 Review Board shall hold a hearing. At the hearing, the board shall enter an  
10 order reclassifying the person as a level one sex offender under section 1 (1)  
11 of this 2013 Act if, after completion of a new risk assessment utilizing the  
12 risk assessment tool described in section 1 of this 2013 Act, the person is  
13 classified as presenting a low risk of reoffending and the board determines  
14 that a lower level of notification is sufficient to protect public safety.

15 “(5) In making the determinations described in subsection (4) of this sec-  
16 tion, the State Board of Parole and Post-Prison Supervision or the Psychi-  
17 atric Security Review Board shall consider:

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

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

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

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

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

27 “(f) Whether the person has participated in or successfully completed a  
28 court-approved sex offender treatment program or any other rehabilitative  
29 programs;

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

1 “(h) The person’s community and personal support system;  
2 “(i) Other criminal and relevant noncriminal behavior of the person both  
3 before and after the offense that requires reporting; and  
4 “(j) Any other relevant factors.”.

5 On page 4, delete lines 1 through 24.

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

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

10 In line 38, after “Act” insert “or as a level one sex offender under section  
11 1 (1) of this 2013 Act”.

12 In line 44, after “Act” insert “or as a level one sex offender under section  
13 1 (1) of this 2013 Act”.

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

16 In line 3, after “the” insert “appropriate”.

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

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

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

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

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

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

24 On page 13, after line 43, insert:

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

26 “147.500. As used in ORS 147.500 to 147.550:

27 “(1) ‘Authorized prosecuting attorney’ means a prosecuting attorney who,  
28 at the request of a victim, has agreed to assert and enforce a right granted  
29 to the victim by section 42 or 43, Article I of the Oregon Constitution.

30 “(2) ‘Claim’ means the allegation and proposed remedy described in ORS

1 147.515 (1).

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

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

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

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

12 “(b) Preliminary hearings;

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

14 “(d) Hearings on motions or petitions:

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

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

18 “(C) To suppress or exclude evidence;

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

20 “(f) Trial;

21 “(g) Restitution hearings;

22 “(h) Sentencing;

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

27 “(j) Hearings for relief from the requirement to report as a sex offender  
28 **or for the reclassification of a sex offender;**

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

30 “(L) Hearings designated as a critical stage of the proceeding in ORS

1 419C.273; and

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

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

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

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

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

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

15 “(9) ‘Prosecuting attorney’ means a district attorney as defined in ORS  
16 131.005. In a criminal proceeding conducted in the juvenile court, ‘prosecut-  
17 ing attorney’ includes the juvenile department.

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

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

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

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

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

30 On page 22, line 37, after “144.641,” insert “147.500,”.



1 In line 40, after the comma insert “the Psychiatric Security Review  
2 Board,”.

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