

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3253**

1 On page 1 of the printed A-engrossed bill, line 3, delete “and 181.597” and
2 insert “, 181.597, 181.609 and 181.826”.

3 On page 6, after line 25, insert:

4 **“SECTION 5.** ORS 181.609 is amended to read:

5 “181.609. (1) Unless the juvenile court enters an order under ORS 181.823
6 or 181.826 relieving a person of the obligation to report as a sex offender,
7 subsections (2) to (4) of this section apply to a person:

8 “(a) Who has been found to be within the jurisdiction of the juvenile
9 court under ORS 419C.005, or found by the juvenile court to be responsible
10 except for insanity under ORS 419C.411, for having committed an act **while**
11 **the person was at least 15 years of age** that if committed by an adult
12 would constitute a felony sex crime; [*or*]

13 **“(b) Who has been found to be within the jurisdiction of the juvenile**
14 **court under ORS 419C.005, or found by the juvenile court to be re-**
15 **sponsible except for insanity under ORS 419C.411, for having commit-**
16 **ted an act while the person was at least 14 years of age that if**
17 **committed by an adult would constitute a first degree felony sex crime**
18 **based upon the use of forcible compulsion by the person or based upon**
19 **the person’s rendering the victim mentally incapacitated or physically**
20 **helpless, as those terms are defined in ORS 163.305;**

21 “[*b*] (c) Who has been found in a juvenile adjudication in another
22 United States court to have committed an act while the person was **at least**

1 **15 years of age and** under 18 years of age that would constitute a felony
2 sex crime if committed in this state by an adult[.]; **or**

3 **“(d) Who has been found in a juvenile adjudication in another**
4 **United States court to have committed an act while the person was**
5 **at least 14 years of age that if committed by an adult would constitute**
6 **a first degree felony sex crime in this state based upon the use of**
7 **forcible compulsion by the person or based upon the person’s render-**
8 **ing the victim mentally incapacitated or physically helpless, as those**
9 **terms are defined in ORS 163.305.**

10 **“(2) A person described in subsection (1) of this section who resides in**
11 **this state shall make an initial report, in person, to the Department of State**
12 **Police, a city police department or a county sheriff’s office as follows:**

13 **“(a) If, as a result of the juvenile adjudication for a felony sex crime, the**
14 **person is discharged, released or placed on probation or any other form of**
15 **supervised or conditional release by the juvenile court, the person shall make**
16 **the initial report in the county in which the person is discharged, released**
17 **or placed on probation or other form of supervised or conditional release,**
18 **no later than 10 days after the date the person is discharged, released or**
19 **placed on probation or other form of supervised or conditional release;**

20 **“(b) If, as a result of the juvenile adjudication for a felony sex crime, the**
21 **person is confined in a correctional facility by the juvenile court, the person**
22 **shall make the initial report in the county in which the person is discharged**
23 **or otherwise released from the facility, no later than 10 days after the date**
24 **the person is discharged or otherwise released from the facility; or**

25 **“(c) If the person is adjudicated for the act giving rise to the obligation**
26 **to report in another United States court and the person is found to have**
27 **committed an act that if committed by an adult in this state would consti-**
28 **tute:**

29 **“(A) A Class A or Class B felony sex crime:**

30 **“(i) If the person is not a resident of this state at the time of the adju-**

1 dication, the person shall make the initial report to the Department of State
2 Police in Marion County, Oregon, no later than 10 days after the date the
3 person moves into this state; or

4 “(ii) If the person is a resident of this state at the time of the adjudi-
5 cation, the person shall make the initial report to the Department of State
6 Police in Marion County, Oregon, no later than 10 days after the date the
7 person is discharged, released or placed on probation or any other form of
8 supervised or conditional release by the other United States court or, if the
9 person is confined in a correctional facility by the other United States court,
10 no later than 10 days after the date the person is discharged or otherwise
11 released from the facility.

12 “(B) A Class C felony sex crime:

13 “(i) If the person is not a resident of this state at the time of the adju-
14 dication, the person shall make the initial report to the Department of State
15 Police in Marion County, Oregon, no later than six months after the date
16 the person moves into this state; or

17 “(ii) If the person is a resident of this state at the time of the adjudi-
18 cation, the person shall make the initial report to the Department of State
19 Police in Marion County, Oregon, no later than 10 days after the date the
20 person is discharged, released or placed on probation or any other form of
21 supervised or conditional release by the other United States court or, if the
22 person is confined in a correctional facility by the other United States court,
23 no later than 10 days after the date the person is discharged or otherwise
24 released from the facility.

25 “(3) After making the initial report described in subsection (2) of this
26 section, the person shall report, in person, to the Department of State Police,
27 a city police department or a county sheriff’s office, in the county of the
28 person’s last reported residence:

29 “(a) Within 10 days of a change of residence;

30 “(b) Once each year within 10 days of the person’s birth date, regardless

1 of whether the person changed residence;

2 “(c) Within 10 days of the first day the person works at, carries on a vo-
3 cation at or attends an institution of higher education; and

4 “(d) Within 10 days of a change in work, vocation or attendance status
5 at an institution of higher education.

6 “(4) When a person described in subsection (1) of this section attends
7 school or works in this state, resides in another state and is not otherwise
8 required to report as a sex offender under this section or ORS 181.595,
9 181.596 or 181.597, the person shall report, in person, to the Department of
10 State Police, a city police department or a county sheriff’s office, in the
11 county in which the person attends school or works, no later than 10 days
12 after:

13 “(a) The first day of school attendance or the 14th day of employment in
14 this state; and

15 “(b) A change in school enrollment or employment.

16 “(5) The agency to which a person reports under this section shall com-
17 plete a sex offender registration form concerning the person when the person
18 reports under this section.

19 “(6) As part of the registration and reporting requirements of this section:

20 “(a) The person required to report shall:

21 “(A) Provide the information necessary to complete the sex offender reg-
22 istration form and sign the form as required; and

23 “(B) Submit to the requirements described in paragraph (b) of this sub-
24 section.

25 “(b) The Department of State Police, the city police department or the
26 county sheriff’s office:

27 “(A) Shall photograph the person when the person initially reports under
28 this section and each time the person reports annually under this section;

29 “(B) May photograph the person or any identifying scars, marks or
30 tattoos located on the person when the person reports under any of the cir-

1 cumstances described in this section; and

2 “(C) Shall fingerprint the person if the person’s fingerprints are not in-
3 cluded in the record file of the Department of State Police.

4 “(7) The obligation to report under this section is terminated if the ad-
5 judication that gave rise to the obligation is reversed or vacated.

6 “(8) The court shall ensure that a person described in subsection (1)(a)
7 of this section completes a form that documents the person’s obligation to
8 report under this section. No later than three working days after the person
9 completes the form required by this subsection, the court shall ensure that
10 the form is sent to the Department of State Police.

11 **“SECTION 6.** ORS 181.826 is amended to read:

12 “181.826. (1) Except as provided in subsection (7) of this section, a person
13 required to report under ORS 181.609 [(1)(b)] **(1)(c) or (1)(d)** may file a pe-
14 tition in the juvenile court for an order relieving the person of the duty to
15 report. The person must pay the filing fee established under ORS 21.135. If
16 the person resides:

17 “(a) In this state and is required to report under ORS 181.609 (2) or (3),
18 the petition must be filed in the juvenile court of the county in which the
19 person resides.

20 “(b) In another state and is required to report under ORS 181.609 (4), the
21 petition must be filed in the juvenile court of the county in which the person
22 attends school or works.

23 “(2) If the act giving rise to the obligation to report would constitute:

24 “(a) A Class A or Class B felony sex crime if committed in this state by
25 an adult, the petition may be filed no sooner than two years after the ter-
26 mination of the other United States court’s jurisdiction over the person.

27 “(b) A Class C felony sex crime if committed in this state by an adult, the
28 petition may be filed no sooner than 30 days before the termination of the
29 other United States court’s jurisdiction over the person.

30 “(3) The person filing the petition must submit with the petition all re-

1 leases and waivers necessary to allow the district attorney for the county in
2 which the petition is filed to obtain the following documents from the ju-
3 risdiction in which the person was adjudicated for the act for which report-
4 ing is required:

5 “(a) The juvenile court petition;

6 “(b) The dispositional report to the court;

7 “(c) The order of adjudication or jurisdiction;

8 “(d) Any other relevant court documents;

9 “(e) The police report relating to the act for which reporting is required;

10 “(f) The order terminating jurisdiction for the act for which reporting is
11 required; and

12 “(g) The evaluation and treatment records or reports of the person that
13 are related to the act for which reporting is required.

14 “(4) A person filing a petition under this section has the burden of prov-
15 ing by clear and convincing evidence that the person is rehabilitated and
16 does not pose a threat to the safety of the public.

17 “(5) Unless the court finds good cause for a continuance, the court shall
18 hold a hearing on the petition no sooner than 90 days and no later than 150
19 days after the date the petition is filed.

20 “(6) If a person who files a petition under this section is required to re-
21 port as a sex offender for having committed an act that if committed in this
22 state could have subjected the person to prosecution as an adult under ORS
23 137.707, the court may not grant the petition notwithstanding the fact that
24 the person has met the burden of proof established in subsection (4) of this
25 section unless the court determines that to do so is in the interest of public
26 safety.

27 “(7) This section does not apply to a person who is required to register
28 as a sex offender for life in the jurisdiction in which the offense occurred.

29 “(8) In a hearing under this section, the court may receive testimony, re-
30 ports and other evidence without regard to whether the evidence is admissi-

1 ble under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant
2 to the determination and findings required under this section. As used in this
3 subsection, ‘relevant evidence’ has the meaning given that term in ORS
4 40.150.

5 “(9) If the court is satisfied by clear and convincing evidence that the
6 person is rehabilitated and that the person does not pose a threat to the
7 safety of the public, the court shall enter an order relieving the person of
8 the duty to report. When the court enters an order under this subsection, the
9 person shall send a certified copy of the court order to the Department of
10 State Police.

11 **“SECTION 7. The amendments to ORS 181.609 and 181.826 by**
12 **sections 5 and 6 of this 2013 Act apply to juvenile adjudications oc-**
13 **curring before, on or after the effective date of this 2013 Act.**

14 **“SECTION 8. No later than January 1, 2016, the Department of**
15 **State Police shall remove from the Law Enforcement Data System the**
16 **sex offender information obtained from sex offender registration forms**
17 **submitted under ORS 181.595, 181.596, 181.597 or 181.609 for any person**
18 **who has reported as a sex offender solely as the result of a juvenile**
19 **adjudication for an act committed while the person was under 15 years**
20 **of age, or 14 years of age if ORS 181.609 (1)(b) or (d) applies.”.**

21 In line 26, delete “5” and insert “9”.

22 In line 29, delete “6” and insert “10”.

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