

Senate Bill 1508

Sponsored by Senator MONNES ANDERSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies sex offender registration requirements to allow sex offender to register with city police department only if offender last resided or intends to reside in city or, if offender lives out of state, only if offender attends school or works in city.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offenders; creating new provisions; amending ORS 181.806, 181.807, 181.808, 181.809
3 and 181.812; and declaring an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 181.806 is amended to read:

6 181.806. (1) The agency to which a person reports under subsection (3) of this section shall
7 complete a sex offender registration form concerning the person when the person reports under
8 subsection (3) of this section.

9 (2) Subsection (3) of this section applies to a person who:

10 (a) Is discharged, paroled or released on any form of supervised or conditional release from a
11 jail, prison or other correctional facility or detention facility in this state at which the person was
12 confined as a result of:

13 (A) Conviction of a sex crime or a crime for which the person would have to register as a sex
14 offender under federal law; or

15 (B) Having been found guilty except for insanity of a sex crime;

16 (b) Is paroled to this state under ORS 144.610 after being convicted in another United States
17 court of a crime:

18 (A) That would constitute a sex crime if committed in this state; or

19 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
20 or as required under federal law, regardless of whether the crime would constitute a sex crime in
21 this state; or

22 (c) Is discharged by the court under ORS 161.329 after having been found guilty except for in-
23 sanity of a sex crime.

24 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
25 ment of State Police, [*a city*] **the police department of the city in which the person intends to**
26 **reside** or a county sheriff's office, in the county to which the person was discharged, paroled or
27 released or in which the person was otherwise placed:

28 (A) Within 10 days following discharge, release on parole, post-prison supervision or other
29 supervised or conditional release;

30 (B) Within 10 days of a change of residence;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
 2 changed residence;

3 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 4 institution of higher education; and

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

7 (b) If a person required to report under this subsection has complied with the initial reporting
 8 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
 9 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
 10 partment of State Police, [a city] **the police department of the city of the person's last reported**
 11 **residence** or a county sheriff's office, in the county of the person's last reported residence.

12 (c) The obligation to report under this subsection terminates if the conviction or adjudication
 13 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

14 (4) As part of the registration and reporting requirements of this section:

15 (a) The person required to report shall:

16 (A) Provide the information necessary to complete the sex offender registration form and sign
 17 the form as required; and

18 (B) Submit to the requirements described in paragraph (b) of this subsection.

19 (b) The Department of State Police, the city police department or the county sheriff's office:

20 (A) Shall photograph the person when the person initially reports under this section and each
 21 time the person reports annually under this section;

22 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
 23 when the person reports under any of the circumstances described in this section; and

24 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
 25 of the Department of State Police.

26 **SECTION 2.** ORS 181.807 is amended to read:

27 181.807. (1) The agency to which a person reports under subsection (4) of this section shall
 28 complete a sex offender registration form concerning the person when the person reports under
 29 subsection (4) of this section.

30 (2) Subsection (4) of this section applies to a person who is discharged, released or placed on
 31 probation:

32 (a) By the court after being convicted in this state of a sex crime;

33 (b) By a federal court after being convicted of a crime for which the person would have to
 34 register as a sex offender under federal law, regardless of whether the crime would constitute a sex
 35 crime in this state; or

36 (c) To or in this state under ORS 144.610 after being convicted in another United States court
 37 of a crime:

38 (A) That would constitute a sex crime if committed in this state; or

39 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
 40 regardless of whether the crime would constitute a sex crime in this state.

41 (3) The court shall ensure that the person completes a form that documents the person's obli-
 42 gation to report under ORS 181.806 or this section. No later than three working days after the
 43 person completes the form required by this subsection, the court shall ensure that the form is sent
 44 to the Department of State Police.

45 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-

1 ment of State Police, [*a city*] **the police department of the city in which the person intends to**
 2 **reside** or a county sheriff's office, in the county to which the person was discharged or released or
 3 in which the person was placed on probation:

4 (A) Within 10 days following discharge, release or placement on probation;

5 (B) Within 10 days of a change of residence;

6 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
 7 changed residence;

8 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 9 institution of higher education; and

10 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
 11 education.

12 (b) If a person required to report under this subsection has complied with the initial reporting
 13 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
 14 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-
 15 partment of State Police, [*a city*] **the police department of the city of the person's last reported**
 16 **residence** or a county sheriff's office, in the county of the person's last reported residence.

17 (c) The obligation to report under this subsection terminates if the conviction or adjudication
 18 that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

19 (5) 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 registration form and sign
 22 the form as required; and

23 (B) Submit to the requirements described in paragraph (b) of this subsection.

24 (b) The Department of State Police, the city police department or the county sheriff's office:

25 (A) Shall photograph the person when the person initially reports under this section and each
 26 time the person reports annually under this section;

27 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
 28 when the person reports under any of the circumstances described in this section; and

29 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
 30 of the Department of State Police.

31 **SECTION 3.** ORS 181.808 is amended to read:

32 181.808. (1)(a) When a person described in subsection (6) of this section moves into this state
 33 and is not otherwise required by ORS 181.806, 181.807 or 181.809 to report, the person shall report,
 34 in person, to the Department of State Police in Marion County, Oregon:

35 (A) No later than 10 days after moving into this state;

36 (B) Within 10 days of a change of residence;

37 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
 38 changed residence;

39 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 40 institution of higher education; and

41 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
 42 education.

43 (b) If a person required to report under this subsection has complied with the initial reporting
 44 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-
 45 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-

1 partment of State Police, [a city] **the police department of the city of the person's last reported**
 2 **residence** or a county sheriff's office, in the county of the person's last reported residence.

3 (2)(a) When a person described in ORS 181.806 (2) or 181.807 (2) or subsection (6) of this section
 4 attends school or works in this state, resides in another state and is not otherwise required by ORS
 5 181.806, 181.807 or 181.809 to report, the person shall report, in person, to the Department of State
 6 Police, [a city] **the police department of the city in which the school or place of work is located**
 7 or a county sheriff's office, in the county in which the school or place of work is located, no later
 8 than 10 days after:

- 9 (A) The first day of school attendance or the 14th day of employment in this state; and
- 10 (B) A change in school enrollment or employment.

11 (b) As used in this subsection, "attends school" means enrollment in any type of school on a
 12 full-time or part-time basis.

13 (3)(a) When a person described in subsection (6) of this section resides in this state at the time
 14 of the conviction or adjudication giving rise to the obligation to report, continues to reside in this
 15 state following the conviction or adjudication and is not otherwise required by ORS 181.806, 181.807
 16 or 181.809 to report, the person shall report, in person, to the Department of State Police in Marion
 17 County, Oregon:

18 (A) Within 10 days following:

19 (i) Discharge, release on parole or release on any form of supervised or conditional release, from
 20 a jail, prison or other correctional facility or detention facility; or

21 (ii) Discharge, release or placement on probation, by another United States court;

22 (B) Within 10 days of a change of residence;

23 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
 24 has changed residence;

25 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 26 institution of higher education; and

27 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
 28 education.

29 (b) If a person required to report under this subsection has complied with the applicable initial
 30 reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently re-
 31 port, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to
 32 the Department of State Police, [a city] **the police department of the city of the person's last re-**
 33 **ported residence** or a county sheriff's office, in the county of the person's last reported residence.

34 (4) When a person reports under this section, the agency to which the person reports shall
 35 complete a sex offender registration form concerning the person.

36 (5) The obligation to report under this section terminates if the conviction or adjudication that
 37 gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

38 (6) Subsections (1) to (5) of this section apply to a person convicted in another United States
 39 court of a crime:

40 (a) That would constitute a sex crime if committed in this state; or

41 (b) For which the person would have to register as a sex offender in that court's jurisdiction,
 42 or as required under federal law, regardless of whether the crime would constitute a sex crime in
 43 this state.

44 (7) As part of the registration and reporting requirements of this section:

45 (a) The person required to report shall:

1 (A) Provide the information necessary to complete the sex offender registration form and sign
 2 the form as required; and

3 (B) Submit to the requirements described in paragraph (b) of this subsection.

4 (b) The Department of State Police, the city police department or the sheriff's office:

5 (A) Shall photograph the person when the person initially reports under this section, each time
 6 the person reports annually under subsection (1)(a)(C) or (3)(a)(C) of this section and each time the
 7 person reports under subsection (2)(a)(B) of this section;

8 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
 9 when the person reports under any of the circumstances described in this section; and

10 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
 11 of the Department of State Police.

12 **SECTION 4.** ORS 181.809 is amended to read:

13 181.809. (1) Unless the juvenile court enters an order under ORS 181.823 or 181.826 relieving a
 14 person of the obligation to report as a sex offender, subsections (2) to (4) of this section apply to a
 15 person:

16 (a) Who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005,
 17 or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having
 18 committed an act that if committed by an adult would constitute a felony sex crime; or

19 (b) Who has been found in a juvenile adjudication in another United States court to have com-
 20 mitted an act while the person was under 18 years of age that would constitute a felony sex crime
 21 if committed in this state by an adult.

22 (2) A person described in subsection (1) of this section who resides in this state shall make an
 23 initial report, in person, to the Department of State Police, [*a city*] **the police department of the**
 24 **city in which the person intends to reside** or a county sheriff's office as follows:

25 (a) If, as a result of the juvenile adjudication for a felony sex crime, the person is discharged,
 26 released or placed on probation or any other form of supervised or conditional release by the juve-
 27 nile court, the person shall make the initial report in the county in which the person is discharged,
 28 released or placed on probation or other form of supervised or conditional release, no later than 10
 29 days after the date the person is discharged, released or placed on probation or other form of
 30 supervised or conditional release;

31 (b) If, as a result of the juvenile adjudication for a felony sex crime, the person is confined in
 32 a correctional facility by the juvenile court, the person shall make the initial report in the county
 33 in which the person is discharged or otherwise released from the facility, no later than 10 days after
 34 the date the person is discharged or otherwise released from the facility; or

35 (c) If the person is adjudicated for the act giving rise to the obligation to report in another
 36 United States court and the person is found to have committed an act that if committed by an adult
 37 in this state would constitute:

38 (A) A Class A or Class B felony sex crime:

39 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
 40 make the initial report to the Department of State Police in Marion County, Oregon, no later than
 41 10 days after the date the person moves into this state; or

42 (ii) If the person is a resident of this state at the time of the adjudication, the person shall make
 43 the initial report to the Department of State Police in Marion County, Oregon, no later than 10 days
 44 after the date the person is discharged, released or placed on probation or any other form of
 45 supervised or conditional release by the other United States court or, if the person is confined in

1 a correctional facility by the other United States court, no later than 10 days after the date the
2 person is discharged or otherwise released from the facility.

3 (B) A Class C felony sex crime:

4 (i) If the person is not a resident of this state at the time of the adjudication, the person shall
5 make the initial report to the Department of State Police in Marion County, Oregon, no later than
6 six months after the date the person moves into this state; or

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

13 (3) After making the initial report described in subsection (2) of this section, the person shall
14 report, in person, to the Department of State Police, [*a city*] **the police department of the city of**
15 **the person's last reported residence** or a county sheriff's office, in the county of the person's last
16 reported residence:

17 (a) Within 10 days of a change of residence;

18 (b) Once each year within 10 days of the person's birth date, regardless of whether the person
19 changed residence;

20 (c) Within 10 days of the first day the person works at, carries on a vocation at or attends an
21 institution of higher education; and

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

24 (4) When a person described in subsection (1) of this section attends school or works in this
25 state, resides in another state and is not otherwise required to report as a sex offender under this
26 section or ORS 181.806, 181.807 or 181.808, the person shall report, in person, to the Department of
27 State Police, [*a city*] **the police department of the city in which the person attends school or**
28 **works** or a county sheriff's office, in the county in which the person attends school or works, no
29 later than 10 days after:

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

31 (b) A change in school enrollment or employment.

32 (5) The agency to which a person reports under this section shall complete a sex offender reg-
33 istration form concerning the person when the person reports under this section.

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

35 (a) The person required to report shall:

36 (A) Provide the information necessary to complete the sex offender registration form and sign
37 the form as required; and

38 (B) Submit to the requirements described in paragraph (b) of this subsection.

39 (b) The Department of State Police, the city police department or the county sheriff's office:

40 (A) Shall photograph the person when the person initially reports under this section and each
41 time the person reports annually under this section;

42 (B) May photograph the person or any identifying scars, marks or tattoos located on the person
43 when the person reports under any of the circumstances described in this section; and

44 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file
45 of the Department of State Police.

1 (7) The obligation to report under this section is terminated if the adjudication that gave rise
2 to the obligation is reversed or vacated.

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

7 **SECTION 5.** ORS 181.812 is amended to read:

8 181.812. (1) A person who is required to report as a sex offender in accordance with the appli-
9 cable provisions of ORS 181.806, 181.807, 181.808 or 181.809 and who has knowledge of the reporting
10 requirement commits the crime of failure to report as a sex offender if the person:

11 (a) Fails to make the initial report to an agency;

12 (b) Fails to report when the person works at, carries on a vocation at or attends an institution
13 of higher education;

14 (c) Fails to report following a change of school enrollment or employment status, including en-
15 rollment, employment or vocation status at an institution of higher education;

16 (d) Moves to a new residence and fails to report the move and the person's new address;

17 (e) Fails to make an annual report;

18 (f) Fails to provide complete and accurate information;

19 (g) Fails to sign the sex offender registration form as required; or

20 (h) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
21 tifying scars, marks or tattoos.

22 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
23 section by a person required to report under ORS 181.806 (3)(a)(B), 181.807 (4)(a)(B) or 181.809 (3)(a)
24 that the person reported, in person, within 10 days of a change of residence to the Department of
25 State Police, [*a city*] **the police department of the city of the person's new residence** or a county
26 sheriff's office, in the county of the person's new residence, if the person otherwise complied with
27 all reporting requirements.

28 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
29 section by a person required to report under ORS 181.808 (1)(a) or 181.809 (2)(c)(A)(i) that the person
30 reported, in person, to the Department of State Police, [*a city*] **the police department of the city**
31 **of the person's new residence** or a county sheriff's office, in the county of the person's new resi-
32 dence, within 10 days of moving into this state.

33 (c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
34 section by a person required to report under ORS 181.809 (2)(c)(B)(i) that the person reported, in
35 person, to the Department of State Police, [*a city*] **the police department of the city of the person's**
36 **new residence** or a county sheriff's office, in the county of the person's new residence, within six
37 months of moving into this state.

38 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
39 tion by a person required to report under ORS 181.808 (3) or 181.809 (2)(c)(A)(ii) or (B)(ii) or (3) that
40 the person reported, in person, to the Department of State Police, [*a city*] **the police department of**
41 **the city of the person's residence** or a county sheriff's office, in the county of the person's resi-
42 dence, if the person otherwise complied with all reporting requirements.

43 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, failure to report as a sex
44 offender is a Class A misdemeanor.

45 (b) Failure to report as a sex offender is a Class C felony if the person violates:

1 (A) Subsection (1)(a) of this section; or

2 (B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is required
3 to report is a felony.

4 (4) A person who fails to sign and return an address verification form as required by ORS
5 181.810 (4) commits a violation.

6 **SECTION 6. The amendments to ORS 181.806, 181.807, 181.808, 181.809 and 181.812 by**
7 **sections 1 to 5 of this 2014 Act apply to reports made on or after the effective date of this**
8 **2014 Act.**

9 **SECTION 7. This 2014 Act being necessary for the immediate preservation of the public**
10 **peace, health and safety, an emergency is declared to exist, and this 2014 Act takes effect**
11 **on its passage.**

12
