



Oregon Voices  
990 Judson SE  
Salem, OR 97302

April 3, 2015

TO: House Judiciary Committee  
Representative Jeff Barker, Chair  
Representative Andy Olson, Vice-Chair  
Representative Jennifer Williamson, Vice-Chair  
Representative Brent Barton  
Representative Mitch Greenlick

Representative Wayne Krieger  
Representative Ann Lininger  
Representative Bill Post  
Representative Sherrie Sprenger

RE: Hearing on April 6 regarding HB 2547

Chair Barker, Vice-Chairs Olson and Williamson, members of the committee:

My name is Ken Nolley; I am a retired Willamette University professor and I am writing today on behalf of Oregon Voices. I recognize and appreciate the way that HB 2547 seems intended to broaden the reach of existing legislation dealing with residential elder care. The inclusion of a newly defined category should help to insure that the residential care in all settings is responsible and appropriately monitored. I also appreciate the fact that in addressing issues arising from the admission into care of persons who have previously been convicted of sex crimes, the bill pays appropriate attention to the different risk levels established by HB 2549 from 2013. I hope that as we move forward, all bills will take appropriate cognizance of the widely different kinds of risk that different former offenders might pose.

In this area, however, I still have some concerns. It seems to me that these arise more out of current statutory language than the newly drafted language. Throughout the bill, even making distinctions about levels, the current language continues to speak of "sex offenders." When the new sex offender management system is fully phased in, there will be a path off the registry for persons who qualify on the basis of their record and risk level. If notification is needed (and I recognize that federal requirements may be involved), this bill should only be concerned with persons on the sex offender registry, and the language should reflect that distinction.

Persons whose offenses may have been many years past and who have earned their way off the registry should not continue to be subject to notification requirements that arise from a classificatory system from which they have been dismissed. This is not merely an issue of fundamental justice for those individuals; it is also, I believe, as an important issue of social planning.

We all know that the overly broad label of "sex offender" has generated indiscriminate fear in the public at large. In Oregon, it is that indiscriminate fear more than anything else that drives the large number of homeless sex offenders. It does not strain credulity to believe that in the future the same pressures will arise in care facilities as arise today in neighborhoods when groups gather to demand "not in my back yard."

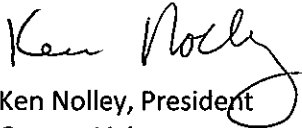
At present more than one percent of all the males of any age are on the registry and the number continues to grow. Large numbers of these people have poor or non-existent support networks. Taken together they represent what may become a mounting social problem—former offenders who require

care but who face the same difficulties in finding a care facility that they face now in finding housing. None of our communities benefits in any way from having numbers of homeless people on the registry. Likewise, none of our communities will be safer or better if in the future we find ourselves without care facilities for this population. Insuring that notification requirements no longer apply to persons who are no longer on the registry will help. Continuing to make sure that legislation pays appropriate attention to widely varying levels of risk will also help to make society more discriminating in dealing with former offenders.

In summary, I am writing in support of what appear to be the aims of this bill—to expand upon provisions to insure that those who are aging among us have reliable and humane care available to them as they reach an age when they cannot care for themselves any longer. But I hope that this committee will look beyond the fix of this bill and to begin to plan for a society when HB 2549 from 2013 is fully implemented—a society which, we hope, will stop thinking about all acts currently labeled as sex offenses as equally and unthinkably horrific.

Doing further revision of the language of this statute can help move Oregon toward the goal that was set by those who drafted, supported and voted for HB 2549. It may help to move Oregon to a place where widely different acts which took place under widely different circumstances can be seen and judged in appropriately measured ways. And it may also help to prevent a future social problem of large numbers homeless elders who need care.

Sincerely,

A handwritten signature in black ink that reads "Ken Nolley". The signature is written in a cursive style with a large, looping flourish at the end of the name.

Ken Nolley, President  
Oregon Voices