

STAFF MEASURE SUMMARY**House Committee On Judiciary****Fiscal:** Fiscal impact issued**Revenue:** Revenue impact issued**Action Date:** 04/20/15**Action:** Without Recommendation, With Amendments, Be Printed Engrossed And Be Referred To Ways And Means.**Meeting Dates:** 04/16, 04/20**Vote:**

Yeas: 9 - Barker, Barton, Greenlick, Krieger, Lininger, Olson, Post, Sprenger, Williamson

Prepared By: Eric Deitrick, Counsel**WHAT THE MEASURE DOES:**

Modifies provision relating to expungement of certain Class C felony sex offense by extending the permissible age difference between offender and the victim from three years to three years and 180 days.

Modifies various provisions of Oregon's sex offender law, particularly issues that arose from House Bill 2549 of the 2013 legislative session, such as what risk assessment to use, who should conduct the risk assessment, and by what date should the risk assessment be completed. Authorizes the Psychiatric Security Review Board (PSRB) and Oregon Health Authority (OHA) to conduct risk assessments. Authorizes information sharing between the Parole Board, PSRB, and OHA. Eliminates "risk assessment tools" and authorizes "risk assessment methodologies." Eliminates the juvenile predatory sex offender designation. Eliminates the automatic tier 3 designation for offender convicted before July 1, 2013. Authorizes the Oregon State Police to continue to post previously designated predatory sex offenders on its website until all reclassifications are complete. Exempts from the website posting requirement offenders who are in the physical custody of PSRB or OHA. Removes references to juvenile predatory sex offenders. Requires any agency that classifies an offender based on risk assessment methodology to notify the Oregon State Police within three business days. Allows the Oregon Youth Authority to register offenders that are in their custody. Moves sunset from December 1, 2016 until December 1, 2018.

Eliminates automatic reporting requirement for juveniles who are adjudicated for felony sex offenses. Establishes a procedure whereby, within 30 days of the juvenile being released from supervision or custody, the court must hold a hearing to determine if the juvenile must register going forward. Establishes that the juvenile will have the right to counsel at the hearing. Establishes that juveniles have the burden of proving by clear and convincing evidence that they are rehabilitated and do not pose a threat to public safety. Establishes that the court consider any relevant materials, including available polygraph materials, that were conducted as a part of the juvenile's treatment.

Permits those required to register, based on a juvenile sex offense adjudication, to seek registration relief in Oregon when they are residents of another state. Declares emergency, effective upon passage.

ISSUES DISCUSSED:

- Difficulties implementing House Bill 2549 (2013)
- Five state agencies affected by House Bill 2549 – the Department of Corrections, the Parole Board, the Oregon Youth Authority, the Oregon Health Authority, and the Psychiatric Security Review Board – that worked together to craft a workable plan going forward
- Juvenile sex offender registration laws from other states
- Difficulties for youth obtaining relief in old cases when records are no longer available
- Examples of conduct for which a youth becomes a mandatory sex offender
- Approaches different district attorneys take toward non-Measure 11 juvenile sex offenses

EFFECT OF COMMITTEE AMENDMENT:

Replaces measure.

BACKGROUND:

In 2013, the Oregon legislature enacted House Bill 2549, which created a tier system for sex offender registration. The bill authorized a timeline whereby sex offenders in Oregon would be classified as levels 1, 2, or 3. It authorized the Department of Corrections to assess every offender in the state. Each level carried different obligations/penalties. There have been issues with implementing the statutory mandate. Different state agencies have worked together to craft a plan going forward.

On February 26, 2015, the House Judiciary Committee had a public hearing on House Bill 2902, which relates to juvenile sex offender classifications. This bill incorporates the policy issues discussed at that hearing.