

# A-Engrossed House Bill 2320

Ordered by the House April 27  
Including House Amendments dated April 27

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

## 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.

*[Decreases penalty for crime of cheating to maximum of one year's imprisonment, \$6,250 fine, or both.]*

**Directs State Board of Parole and Post-Prison Supervision to adopt sex offender risk assessment methodology to classify sex offenders into risk levels. Directs board to classify persons convicted of certain sex crimes and sentenced to imprisonment.**

**Directs Psychiatric Security Review Board or Oregon Health Authority to classify persons found guilty except for insanity of sex crimes.**

**Authorizes certain juveniles to report as sex offender to Oregon Youth Authority or county juvenile department.**

**Requires certain sex offenders moving into state or convicted in another jurisdiction to report to Department of State Police or law enforcement agency in county of residence instead of Department of State Police in Marion County.**

**Prohibits Internet release of information concerning sex offender under jurisdiction of Psychiatric Security Review Board or Oregon Health Authority.**

**Repeals provisions relating to juvenile predatory sex offenders. Extends tenancy termination provisions and crimes related to unlawful contact with children to unclassified former predatory sex offenders and certain level three sex offenders.**

**Requires sharing of certain information among Psychiatric Security Review Board, Oregon Health Authority and State Board of Parole and Post-Prison Supervision for purposes of sex offender classification. Authorizes Oregon Youth Authority and juvenile department to disclose information to State Board of Parole and Post-Prison Supervision for purposes of sex offender classification.**

**Extends time in which State Board of Parole and Post-Prison Supervision, or Psychiatric Security Review Board in certain circumstances, must classify existing registrants to December 1, 2018.**

**Requires juvenile court to hold hearing at end of jurisdiction over juvenile to determine whether juvenile must report as sex offender. Specifies procedures for holding hearings and standard of proof.**

**Extends permissible age difference between victim and person convicted of certain sex crime to three years and 180 days for purpose of order setting aside conviction. Requires certain court findings for orders in which age difference is between two years and 180 days and three years and 180 days.**

**Authorizes person living outside state to file petition for order relieving person of obligation to report as sex offender as result of adjudication in Oregon juvenile court.**

## A BILL FOR AN ACT

Relating to crime; creating new provisions; amending ORS 90.630, 137.225, 144.102, 144.641, 163.476, 163.479, 181.800, 181.801, 181.803, 181.806, 181.807, 181.808, 181.809, 181.810, 181.812, 181.817, 181.820, 181.821, 181.823, 181.835, 181.837 and 419A.262 and sections 7, 34 and 37, chapter 708, Oregon Laws 2013; repealing ORS 181.838, 181.839 and 181.840; and declaring an emergency.

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

## SEX OFFENDER CLASSIFICATION

**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       **SECTION 1.** ORS 181.800 is amended to read:

2       181.800. The *[Department of Corrections shall]* **State Board of Parole and Post-Prison Super-**  
3 **vision shall, in consultation with community corrections agencies,** adopt by rule a sex offender  
4 risk assessment *[tool]* **methodology** for use in classifying sex offenders *[based on the statistical like-*  
5 *lihood that an individual sex offender will commit another sex crime]*. Application of the risk assess-  
6 ment *[tool]* **methodology** to a sex offender must result in placing the sex offender in one of the  
7 following levels:

8       (1) A level one sex offender who presents the lowest risk of reoffending and requires a limited  
9 range of notification.

10       (2) A level two sex offender who presents a moderate risk of reoffending and requires a moder-  
11 ate range of notification.

12       (3) A level three sex offender who presents the highest risk of reoffending and requires the  
13 widest range of notification.

14       **SECTION 2.** ORS 181.801 is amended to read:

15       181.801. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sentenced  
16 to a term of imprisonment in a Department of Corrections institution for that crime, the  
17 *[department]* **State Board of Parole and Post-Prison Supervision** shall *[conduct a risk assessment*  
18 *of]* **assess** the person utilizing the risk assessment *[tool]* **methodology** described in ORS 181.800.  
19 **The board shall apply the results of the assessment to place the person in one of the levels**  
20 **described in ORS 181.800** before the person is released from custody.

21       (2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or  
22 is discharged, released or placed on probation by the court, the supervisory authority as defined in  
23 ORS 144.087 shall *[conduct a risk assessment of]* **assess** the person utilizing the risk assessment  
24 *[tool]* **methodology** described in ORS 181.800 **and apply the results of the assessment to place**  
25 **the person in one of the levels described in ORS 181.800** no later than 60 days after the person  
26 is released from jail or discharged, released or placed on probation by the court.

27       (3)(a) When a person is found guilty except for insanity of a sex crime, the *[State Board of Parole*  
28 *and Post-Prison Supervision]* **Psychiatric Security Review Board or the Oregon Health Author-**  
29 **ity** shall *[conduct a risk assessment of]* **assess** the person utilizing the risk assessment *[tool]* **meth-**  
30 **odology** described in ORS 181.800 **and apply the results of the assessment to place the person**  
31 **in one of the levels described in ORS 181.800** *[within]* **no later than** 60 days after the person is:

32       (A) Placed on conditional release by the Psychiatric Security Review Board or the Oregon  
33 Health Authority;

34       (B) Discharged from the jurisdiction of the Psychiatric Security Review Board or the Oregon  
35 Health Authority;

36       (C) Placed on conditional release by the court pursuant to ORS 161.327; or

37       (D) Discharged by the court pursuant to ORS 161.329.

38       (b) *[The Psychiatric Security Review Board or the Oregon Health Authority shall notify the State*  
39 *Board of Parole and Post-Prison Supervision when the Psychiatric Security Review Board or the au-*  
40 *thority conditionally releases or discharges a person described in paragraph (a) of this subsection.]* **If**  
41 **the State Board of Parole and Post-Prison Supervision previously completed a risk assess-**  
42 **ment and assigned a classification level described in ORS 181.800 for a person described in**  
43 **paragraph (a) of this subsection, the Psychiatric Security Review Board or the Oregon Health**  
44 **Authority need not complete a reassessment for an initial classification.**

45       (c) The court shall notify the *[State Board of Parole and Post-Prison Supervision]* **Psychiatric**

1 **Security Review Board** when the court conditionally releases or discharges a person described in  
2 paragraph (a) of this subsection.

3 **(d) The Psychiatric Security Review Board or the Oregon Health Authority shall notify**  
4 **the State Board of Parole and Post-Prison Supervision no later than seven days after the**  
5 **Psychiatric Security Review Board or the authority conditionally releases or discharges a**  
6 **person who has a prior sex crime conviction that obligates the person to report as a sex**  
7 **offender, unless the person has also been found guilty except for insanity of a sex crime that**  
8 **obligates the person to report as a sex offender.**

9 (4) Within 60 days after the event triggering the obligation to make an initial report, the State  
10 Board of Parole and Post-Prison Supervision shall [*conduct a risk assessment of*] **assess** a person  
11 utilizing the risk assessment [*tool*] **methodology** described in ORS 181.800 **and apply the results**  
12 **of the assessment to place the person in one of the levels described in ORS 181.800** if the  
13 person:

14 (a) Has been convicted in another United States court of a crime:

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

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

19 (b) Has been convicted of a sex crime and was sentenced to a term of imprisonment in a De-  
20 partment of Corrections institution for that sex crime, but was not subjected to a risk assessment  
21 utilizing the risk assessment [*tool*] **methodology** described in ORS 181.800 before release under  
22 subsection (1) of this section.

23 (5) When [*the Department of Corrections,*] the State Board of Parole and Post-Prison  
24 Supervision, **the Psychiatric Security Review Board, the Oregon Health Authority** or a super-  
25 visory authority [*conducts a risk assessment under this section*] **applies the results of a risk as-**  
26 **essment to place a person in one of the levels described in ORS 181.800,** the agency shall  
27 notify the Department of State Police of the results of the risk assessment **within three business**  
28 **days after the agency's classification.** Upon receipt, the Department of State Police shall enter  
29 the results of the risk assessment into the Law Enforcement Data System.

30 **SECTION 3.** ORS 181.803 is amended to read:

31 181.803. Notwithstanding any other provision of law:

32 [(1) A person required to report as a sex offender under ORS 181.806, 181.807 or 181.808 is clas-  
33 sified as a level three sex offender under ORS 181.800 (3) unless:]

34 [(a) Following a risk assessment conducted under ORS 181.801, the person is classified as a level  
35 two sex offender under ORS 181.800 (2) or as a level one sex offender under ORS 181.800 (1); or]

36 [(b) After filing a petition under ORS 181.821 (2), the person is reclassified as a level two sex  
37 offender under ORS 181.800 (2) by the State Board of Parole and Post-Prison Supervision or the  
38 Psychiatric Security Review Board.]

39 [(2)] (1) A person who is a sexually violent dangerous offender under ORS 137.765:

40 (a) Must be classified as a level three sex offender under ORS 181.800 (3); and

41 (b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as  
42 a level two sex offender under ORS 181.800 (2), pursuant to a petition filed under ORS 181.821.

43 [(3)] (2) A person who has been convicted or found guilty except for insanity of one of the fol-  
44 lowing offenses is not eligible for relief from the obligation to report as a sex offender pursuant to  
45 a petition filed under ORS 181.821 (1):

1 (a) Rape in the first degree;

2 (b) Sodomy in the first degree;

3 (c) Unlawful sexual penetration in the first degree;

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

6 (e) Burglary in the first degree when committed with the intent to commit any of the offenses  
7 listed in ORS 181.805 (5)(a) to (t).

8 **(3) A person classified as a level three sex offender under section 7 (2)(b), chapter 708,**  
9 **Oregon Laws 2013 is not eligible for relief from the obligation to report as a sex offender**  
10 **pursuant to a petition filed under ORS 181.821 (1).**

11 **SECTION 4.** ORS 181.821 is amended to read:

12 181.821. (1)(a) A person who is required to report as a sex offender under ORS 181.806, 181.807  
13 or 181.808 due to a conviction for a sex crime and is classified as a level one sex offender under  
14 ORS 181.800 (1) may petition the State Board of Parole and Post-Prison Supervision to relieve the  
15 person from the obligation to report as a sex offender under ORS 181.806, 181.807 or 181.808.

16 (b) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808  
17 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified  
18 as a level one sex offender under ORS 181.800 (1), may petition the Psychiatric Security Review  
19 Board to relieve the person from the obligation to report as a sex offender under ORS 181.806,  
20 181.807 or 181.808.

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

26 (B) A person who was reclassified under subsection (2) of this section from a level two sex  
27 offender under ORS 181.800 (2) to a level one sex offender under ORS 181.800 (1) may file the peti-  
28 tion no sooner than five years after the date of reclassification.

29 (d) Notwithstanding paragraph (c) of this subsection, if a person is required to report because  
30 of a conviction or finding of guilty except for insanity from another United States court as that term  
31 is defined in ORS 181.805, the person may not petition for relief from reporting as a sex offender in  
32 Oregon unless the laws of the jurisdiction where the person was convicted or found guilty except  
33 for insanity would permit a petition for relief from reporting as a sex offender.

34 (2)(a) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808  
35 due to a conviction for a sex crime and is classified as a level three sex offender under ORS 181.800  
36 (3) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as  
37 a level two sex offender under ORS 181.800 (2).

38 (b) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808  
39 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified  
40 as a level three sex offender under ORS 181.800 (3), may petition the Psychiatric Security Review  
41 Board to reclassify the person as a level two sex offender under ORS 181.800 (2).

42 (c) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808  
43 due to a conviction for a sex crime and is classified as a level two sex offender under ORS 181.800  
44 (2) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as  
45 a level one sex offender under ORS 181.800 (1).

1 (d) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808  
2 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified  
3 as a level two sex offender under ORS 181.800 (2), may petition the Psychiatric Security Review  
4 Board to reclassify the person as a level one sex offender under ORS 181.800 (1).

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

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

14 (b) The appropriate board shall deny a petition filed under subsection (2)(c) or (d) of this section  
15 if the board has previously reclassified the person as a level two sex offender under ORS 181.800 (2)  
16 as the result 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 a person files a petition  
18 under subsection (1) of this section, the State Board of Parole and Post-Prison Supervision or the  
19 Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an  
20 order relieving the person of the obligation to report as a sex offender under ORS 181.806, 181.807  
21 or 181.808 if the board determines, by clear and convincing evidence, that the person:

22 (A) Is statistically unlikely to reoffend; and

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

24 (b)(A) Except as otherwise provided in subsection (3) of this section, if a person files a petition  
25 under subsection (2)(a) or (b) of this section, the State Board of Parole and Post-Prison Supervision  
26 or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter  
27 an order reclassifying the person as a level two sex offender under ORS 181.800 (2) if, after com-  
28 pletion of a new risk assessment utilizing the risk assessment *[tool]* **methodology** described in ORS  
29 181.800, the person is classified as presenting a low or moderate risk of reoffending and the board  
30 determines that a lower level of notification is sufficient to protect public safety.

31 (B) Except as otherwise provided in subsection (3) of this section, if a person files a petition  
32 under subsection (2)(c) or (d) of this section, the State Board of Parole and Post-Prison Supervision  
33 or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter  
34 an order reclassifying the person as a level one sex offender under ORS 181.800 (1) if, after com-  
35 pletion of a new risk assessment utilizing the risk assessment *[tool]* **methodology** described in ORS  
36 181.800, the person is classified as presenting a low risk of reoffending and the board determines  
37 that a lower level of notification is sufficient to protect public safety.

38 (5) In making the determinations described in subsection (4) of this section, the State Board of  
39 Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall consider:

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

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

42 (c) The age of the person at the time of the offense that requires reporting;

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

45 (e) The person's performance on supervision for the offense that requires reporting;

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

3 (g) The person's stability in employment and housing;

4 (h) The person's community and personal support system;

5 (i) Other criminal and relevant noncriminal behavior of the person both before and after the  
6 offense that requires reporting; and

7 (j) Any other relevant factors.

8 (6)(a) The Attorney General may represent the state at a hearing conducted under this section  
9 unless the district attorney of the county in which the person was convicted or, if the conviction for  
10 which the person is required to report as a sex offender was entered in another United States court,  
11 the district attorney of the county in which the person resides, elects to represent the state.

12 (b) If a district attorney elects to represent the state, the district attorney shall give timely  
13 written notice of the election to the Attorney General, the State Board of Parole and Post-Prison  
14 Supervision or the Psychiatric Security Review Board and the person who is the subject of the  
15 hearing.

16 (c) If the district attorney declines to represent the state, the district attorney shall cooperate  
17 with the Attorney General in securing the material necessary to represent the state.

18 (7)(a) When the State Board of Parole and Post-Prison Supervision or the Psychiatric Security  
19 Review Board enters an order under this section relieving a person of the obligation to report as  
20 a sex offender under ORS 181.806, 181.807 or 181.808 or enters an order reclassifying a person as a  
21 level two sex offender under ORS 181.800 (2) or as a level one sex offender under ORS 181.800 (1),  
22 the board shall forward a copy of the order to the Department of State Police.

23 (b) Upon receipt of an order relieving a person of the obligation to report, the department shall  
24 remove from the Law Enforcement Data System the sex offender information obtained from the sex  
25 offender registration form submitted under ORS 181.806, 181.807 or 181.808.

26 (c) Upon receipt of an order reclassifying a person as a level two sex offender under ORS  
27 181.800 (2) or as a level one sex offender under ORS 181.800 (1), the department shall update the  
28 Law Enforcement Data System to reflect the reclassification.

29 (8) The State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review  
30 Board shall adopt rules to carry out the provisions of this section. The rules may include a filing  
31 fee in an amount determined by the appropriate board. All fees paid under this subsection shall be  
32 deposited into the General Fund and credited to the account of the appropriate board.

33 (9) As used in this section, "supervision" means probation, parole, post-prison supervision or any  
34 other form of supervised or conditional release.

35  
36 **SEX OFFENDER REPORTING**

37  
38 **SECTION 5.** ORS 181.806 is amended to read:

39 181.806. (1) The agency to which a person reports under subsection (3) of this section shall  
40 complete a sex offender registration form concerning the person when the person reports under  
41 subsection (3) of this section.

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

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

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

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

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

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

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

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

12 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-  
13 ment of State Police, a city police department or a county sheriff's office, in the county to which the  
14 person was discharged, paroled or released or in which the person was otherwise placed:

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

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

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

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

24 (b) If a person required to report under this subsection has complied with the initial reporting  
25 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-  
26 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-  
27 partment of State Police, a city police department or a county sheriff's office, in the county of the  
28 person's last reported residence.

29 **(c) Notwithstanding paragraphs (a) and (b) of this subsection, a person required to report**  
30 **under this subsection:**

31 **(A) Who is a youth offender committed to the Oregon Youth Authority by order of the**  
32 **juvenile court or placed in the physical custody of the authority under ORS 137.124 or an-**  
33 **other provision of law may report to the authority.**

34 **(B) Who is a youth offender or a young person, as defined in ORS 419A.004, and who is**  
35 **under supervision to a juvenile department of a county may report to the juvenile depart-**  
36 **ment.**

37 [(c)] **(d)** The obligation to report under this subsection terminates if the conviction or adjudi-  
38 cation that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

40 (a) The person required to report shall:

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

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

44 (b) The Department of State Police, **Oregon Youth Authority, county juvenile department,**  
45 [the] city police department or [the] county sheriff's office:

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

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

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

7 **SECTION 6.** ORS 181.807 is amended to read:

8 181.807. (1) The agency to which a person reports under subsection (4) of this section shall  
9 complete a sex offender registration form concerning the person when the person reports under  
10 subsection (4) of this section.

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

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

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

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

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

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

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

26 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-  
27 ment of State Police, a city police department or a county sheriff's office, in the county to which the  
28 person was discharged or released or in which the person was placed on probation:

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

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

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

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

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

37 (b) If a person required to report under this subsection has complied with the initial reporting  
38 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-  
39 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-  
40 partment of State Police, a city police department or a county sheriff's office, in the county of the  
41 person's last reported residence.

42 (c) **Notwithstanding paragraphs (a) and (b) of this subsection, a person required to report**  
43 **under this subsection:**

44 (A) **Who is a youth offender committed to the Oregon Youth Authority by order of the**  
45 **juvenile court or placed in the physical custody of the authority under ORS 137.124 or an-**



1 **other provision of law may report to the authority.**

2 **(B) Who is a youth offender or a young person, as defined in ORS 419A.004, and who is**  
3 **under supervision to a juvenile department of a county may report to the juvenile depart-**  
4 **ment.**

5 [(c)] **(d)** The obligation to report under this subsection terminates if the conviction or adjudi-  
6 cation that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

8 (a) The person required to report shall:

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

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

12 (b) The Department of State Police, **Oregon Youth Authority, county juvenile department,**  
13 *[the]* city police department or *[the]* county sheriff's office:

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

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

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

20 **SECTION 7.** ORS 181.808 is amended to read:

21 181.808. (1)(a) When a person described in subsection (6) of this section moves into this state  
22 and is not otherwise required by ORS 181.806, 181.807 or 181.809 to report, the person shall report,  
23 in person, to the Department of State Police *[in Marion County, Oregon]*, **a city police department**  
24 **or a county sheriff's office, in the county of the person's residence:**

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

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

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

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

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

33 (b) If a person required to report under this subsection has complied with the initial reporting  
34 requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in per-  
35 son, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-  
36 partment of State Police, a city police department or a county sheriff's office, in the county of the  
37 person's last reported residence.

38 (2)(a) When a person described in ORS 181.806 (2) or 181.807 (2) or subsection (6) of this section  
39 attends school or works in this state, resides in another state and is not otherwise required by ORS  
40 181.806, 181.807 or 181.809 to report, the person shall report, in person, to the Department of State  
41 Police, a city police department or a county sheriff's office, in the county in which the school or  
42 place of work is located, no later than 10 days after:

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

44 (B) A change in school enrollment or employment.

45 (b) As used in this subsection, "attends school" means enrollment in any type of school on a

1 full-time or part-time basis.

2 (3)(a) When a person described in subsection (6) of this section resides in this state at the time  
3 of the conviction or adjudication giving rise to the obligation to report, continues to reside in this  
4 state following the conviction or adjudication and is not otherwise required by ORS 181.806, 181.807  
5 or 181.809 to report, the person shall report, in person, to the Department of State Police [*in Marion*  
6 *County, Oregon*], **a city police department or a county sheriff's office, in the county of the**  
7 **person's residence:**

8 (A) Within 10 days following:

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

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

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

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

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

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

19 (b) If a person required to report under this subsection has complied with the applicable initial  
20 reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently re-  
21 port, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to  
22 the Department of State Police, a city police department or a county sheriff's office, in the county  
23 of the person's last reported residence.

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

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

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

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

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

34 (7) 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, each time  
41 the person reports annually under subsection (1)(a)(C) or (3)(a)(C) of this section and each time the  
42 person reports under subsection (2)(a)(B) of this section;

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

45 (C) Shall fingerprint the person if the person's fingerprints are not included in the record file

1 of the Department of State Police.

2 **SECTION 8.** ORS 181.809 is amended to read:

3 181.809. (1) Unless the juvenile court enters an order under ORS 181.823 or 181.826 relieving a  
4 person of the obligation to report as a sex offender, subsections (2) to (4) of this section apply to a  
5 person:

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

9 **(a) Who has been ordered under section 31 of this 2015 Act to report as a sex offender;**  
10 **or**

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

14 (2) A person described in subsection (1) of this section who resides in this state shall make an  
15 initial report, in person, to the Department of State Police, a city police department or a county  
16 sheriff's office as follows:

17 *[(a) If, as a result of the juvenile adjudication for a felony sex crime, the person is discharged,*  
18 *released or placed on probation or any other form of supervised or conditional release by the juvenile*  
19 *court, the person shall make the initial report in the county in which the person is discharged, released*  
20 *or placed on probation or other form of supervised or conditional release, no later than 10 days after*  
21 *the date the person is discharged, released or placed on probation or other form of supervised or con-*  
22 *ditional release;]*

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

27 **(a) The person shall report no later than 10 days after the date of the termination of**  
28 **juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction**  
29 **of the Psychiatric Security Review Board, no later than 10 days after the date the person is**  
30 **discharged from the jurisdiction of the board; or**

31 *[(c)]* (b) If the person is adjudicated for the act giving rise to the obligation to report in another  
32 United States court and the person is found to have committed an act that if committed by an adult  
33 in this state would constitute:

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

35 (i) If the person is not a resident of this state at the time of the adjudication, the person shall  
36 make the initial report to the Department of State Police in Marion County, Oregon, no later than  
37 10 days after the date the person moves into this state; or

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

44 (B) A Class C felony sex crime:

45 (i) If the person is not a resident of this state at the time of the adjudication, the person shall

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

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

9 (3) After making the initial report described in subsection (2) of this section, the person shall  
10 report, in person, to the Department of State Police, a city police department or a county sheriff's  
11 office, in the county of the person's last reported residence:

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

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

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

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

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

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

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

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

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

29 (a) The person required to report shall:

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

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

33 (b) The Department of State Police, **Oregon Youth Authority, county juvenile department,**  
34 *[the]* city police department or *[the]* county sheriff's office:

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

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

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

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

43 *[(8) The court shall ensure that a person described in subsection (1)(a) of this section completes a*  
44 *form that documents the person's obligation to report under this section. No later than three working*  
45 *days after the person completes the form required by this subsection, the court shall ensure that the*

1 *form is sent to the Department of State Police.]*

2 **(8) Notwithstanding subsections (2) and (3) of this section, a person required to report**  
3 **under this section:**

4 **(a) Who is a youth offender committed to the Oregon Youth Authority by order of the**  
5 **juvenile court or placed in the physical custody of the authority under ORS 137.124 or an-**  
6 **other provision of law may report to the authority.**

7 **(b) Who is a youth offender or a young person, as defined in ORS 419A.004, and who is**  
8 **under supervision to a juvenile department of a county may report to the juvenile depart-**  
9 **ment.**

10 **SECTION 9.** ORS 181.812 is amended to read:

11 181.812. (1) A person who is required to report as a sex offender in accordance with the appli-  
12 cable provisions of ORS 181.806, 181.807, 181.808 or 181.809 and who has knowledge of the reporting  
13 requirement commits the crime of failure to report as a sex offender if the person:

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

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

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

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

20 (e) Fails to make an annual report;

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

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

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

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

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

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

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

1 requirements.

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

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

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

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

8 (4) A person who fails to sign and return an address verification form as required by ORS  
9 181.810 (4) commits a violation.

10 **SECTION 10.** ORS 181.810 is amended to read:

11 181.810. (1) Agencies [*required to register*] **registering** offenders under ORS 181.806, 181.807,  
12 181.808 and 181.809 shall use forms [*provided*] **and procedures adopted** by the Department of State  
13 Police **by administrative rule**. The department shall include places on the form to list all the names  
14 used by the offender and the address of the offender. No later than three working days after regis-  
15 tration, the agency or official completing the form shall[:]

16 [*(a) Send the original copy of the registration form to the department; or*]

17 [*(b) Forward the registration information to the department by any means and, within 10 working*  
18 *days after registration, send the original copy of the registration form to the department.*] **forward the**  
19 **registration information to the department in the manner prescribed by the department.**

20 (2) The department shall enter into the Law Enforcement Data System the sex offender infor-  
21 mation obtained from the sex offender registration forms. If a conviction or adjudication that gave  
22 rise to the registration obligation is reversed or vacated or if the registrant is pardoned, the de-  
23 partment shall remove from the Law Enforcement Data System the sex offender information ob-  
24 tained from the form.

25 (3) The Law Enforcement Data System may send sex offender information to the National Crime  
26 Information Center as part of the national sex offender registry in accordance with appropriate state  
27 and federal procedures.

28 (4) If the person is no longer under supervision, the department shall verify the residence ad-  
29 dress of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765  
30 every 90 days by mailing a verification form to the person at the person's last reported residence  
31 address. No later than 10 days after receiving the form, the person shall sign and return the form  
32 to the department.

33 (5) The department shall assess a person who is required to report under ORS 181.806, 181.807,  
34 181.808 or 181.809 and who is not under supervision a fee of \$70 each year. Moneys received by the  
35 department under this subsection are continuously appropriated to the department for the purpose  
36 of carrying out the department's duties under ORS 181.800 to 181.845.

37 **SECTION 11.** ORS 181.817 is amended to read:

38 181.817. (1) For those sex offenders classified as a level three sex offender under ORS 181.800  
39 (3), or designated as a predatory sex offender [*under ORS 181.838*] **prior to January 1, 2014**, the  
40 agency making the classification or designation shall provide the Department of State Police, by  
41 electronic or other means, at the termination of supervision, with the following information for the  
42 purpose of offender profiling:

43 (a) Presentence investigations;

44 (b) Violation reports;

45 (c) Parole and probation orders;

1 (d) Conditions of parole and probation and other corrections records;

2 (e) Sex offender risk [*assessment tools*] **assessments**; and

3 (f) Any other information that the agency determines is appropriate disclosure of which is not  
4 otherwise prohibited by law.

5 (2) The Oregon Youth Authority and county juvenile departments shall provide access to infor-  
6 mation in their files to the Oregon State Police for the purpose of offender profiling.

7 (3)(a) Except as otherwise provided by law, the Oregon State Police may not disclose informa-  
8 tion received under subsection (1) or (2) of this section.

9 (b) The Department of State Police may release information on the methodology of offenses and  
10 behavior profiles derived from information received under subsection (1) or (2) of this section to lo-  
11 cal law enforcement agencies.

12 **SECTION 12.** ORS 181.820 is amended to read:

13 181.820. (1)(a) No sooner than 10 years after termination of supervision on probation, conditional  
14 release, parole or post-prison supervision, a person required to report under ORS 181.806, 181.807  
15 or 181.808 may file a petition in circuit court for an order relieving the person of the duty to report.  
16 The person must pay the filing fee established under ORS 21.135. A petition may be filed under this  
17 section only if:

18 (A) The person has only one conviction for a sex crime; **and**

19 (B) The sex crime was a misdemeanor or Class C felony or, if committed in another state, would  
20 have been a misdemeanor or Class C felony if committed in this state. [*and*]

21 [*(C) The person has not been determined to be a predatory sex offender as described in ORS*  
22 *181.838.*]

23 (b)(A) Except as otherwise provided in this paragraph, the petition must be filed in the circuit  
24 court of the county in which the person was convicted of the sex crime.

25 (B) If the person was convicted of the sex crime in another state, the petition must be filed in  
26 the circuit court of the county in which the person resides.

27 (c) The district attorney of the county in which the petition is filed shall be named and served  
28 as the respondent in the petition.

29 (2) The court shall hold a hearing on the petition. In determining whether to grant the relief  
30 requested, the court shall consider:

31 (a) The nature of the offense that required reporting;

32 (b) The age and number of victims;

33 (c) The degree of violence involved in the offense;

34 (d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the  
35 conviction that required reporting;

36 (e) The period of time during which the petitioner has not reoffended;

37 (f) Whether the petitioner has successfully completed a court-approved sex offender treatment  
38 program; and

39 (g) Any other relevant factors.

40 (3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated  
41 and that the petitioner does not pose a threat to the safety of the public, the court shall enter an  
42 order relieving the petitioner of the duty to report. When the court enters an order under this  
43 subsection, the petitioner shall send a certified copy of the court order to the Department of State  
44 Police.

45

**OFFENDER INFORMATION AVAILABLE TO PUBLIC**

**SECTION 13.** ORS 181.835 is amended to read:

181.835. (1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

**(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 181.800 (3) if the person is under the supervision of the Psychiatric Security Review Board or the Oregon Health Authority.**

[3] (4) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

[4] (5) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

[5] (6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.383.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 181.806 or 181.807.

**SECTION 14.** ORS 181.837 is amended to read:

181.837. (1)(a) Except as otherwise provided in [ORS 181.839 or] this section, when a sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department for the first time as a result of committing an act that if committed by an adult would constitute a sex crime, the Department of State Police, city police department or county sheriff's office shall release, upon



1 request, only:

2 (A) The sex offender's name and year of birth;

3 (B) The name and zip code of the city where the sex offender resides;

4 (C) The name and telephone number of a contact person at the agency that is supervising the  
5 sex offender; and

6 (D) The name of institutions of higher education that the sex offender attends or at which the  
7 sex offender works or carries on a vocation.

8 (b) Notwithstanding paragraph (a) of this section, the Oregon Youth Authority or a county ju-  
9 venile department shall release, upon request, any information that may be necessary to protect the  
10 public concerning a sex offender under the supervision of the authority or department.

11 (2) Except as otherwise limited by subsection (1)(a) of this section regarding persons who are  
12 under supervision for the first time as sex offenders, the Department of State Police, a city police  
13 department or a county sheriff's office shall release, upon request, any information that may be  
14 necessary to protect the public concerning sex offenders required to report under ORS 181.809 who  
15 reside in a specific area or concerning a specific sex offender required to report under ORS 181.809.  
16 However, the entity releasing the information may not release the identity of a victim of a sex  
17 crime.

18 (3)(a) The Department of State Police may make the information described in subsections (1) and  
19 (2) of this section available to the public, without the need for a request, by electronic or other  
20 means. The Department of State Police shall make information about a person who is under super-  
21 vision for the first time as a result of committing an act that if committed by an adult would con-  
22 stitute a sex crime accessible only by the use of the sex offender's name. For all other sex offenders  
23 required to report under ORS 181.809, the Department of State Police may make the information  
24 accessible in any manner the department chooses.

25 (b) Notwithstanding paragraph (a) of this subsection, the Department of State Police may not  
26 use the Internet to make information available to the public. [*except as required by paragraph (c)*  
27 *of this subsection.*]

28 [*(c) Notwithstanding subsections (1) and (2) of this section, the Department of State Police shall*  
29 *make the information described in paragraph (d) of this subsection available to the public on the*  
30 *website described in ORS 181.835 (2)(a) if the information is about a person determined to be a*  
31 *predatory sex offender, as provided in ORS 181.838, who has also been determined, pursuant to rules*  
32 *of the agency making the predatory sex offender determination, to present the highest risk of reoffend-*  
33 *ing and to require the widest range of notification.*]

34 [*(d) The information required to be made available under paragraph (c) of this subsection is:*]

35 [(A) *The person's name and address;*]

36 [(B) *A physical description of the person including, but not limited to, the person's age, height,*  
37 *weight and eye and hair color;*]

38 [(C) *The type of vehicle that the person is known to drive;*]

39 [(D) *Any conditions or restrictions upon the person's probation or conditional release;*]

40 [(E) *A description of the person's primary and secondary targets;*]

41 [(F) *A description of the person's method of offense;*]

42 [(G) *A current photograph of the person;*]

43 [(H) *If the person is under supervision, the name or telephone number of the person's supervising*  
44 *officer; and]*

45 [(I) *If the person is not under supervision, contact information for the Department of State*

1 *Police.]*

2  
3 **TEMPORARY PROVISIONS RELATED TO HIGH-RISK OFFENDERS**

4  
5 **SECTION 15.** ORS 90.630 is amended to read:

6 90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a  
7 rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured  
8 dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the  
9 date designated in the notice for termination if the tenant:

10 (a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not  
11 limited to a material noncompliance with ORS 90.740;

12 (b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and  
13 imposed as a condition of occupancy, including but not limited to a material noncompliance with a  
14 rental agreement regarding a program of recovery in drug and alcohol free housing;

15 (c) Is classified as a level three sex offender under ORS 181.800 (3) [*or is determined to be a*  
16 *predatory sex offender under ORS 181.838*]; [*or*]

17 **(d) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014,**  
18 **or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric**  
19 **Security Review Board or the Oregon Health Authority has classified as a level three sex**  
20 **offender under section 7 (2)(b), chapter 708, Oregon Laws 2013; or**

21 [*d*] (e) Fails to pay a:

22 (A) Late charge pursuant to ORS 90.260;

23 (B) Fee pursuant to ORS 90.302; or

24 (C) Utility or service charge pursuant to ORS 90.534 or 90.536.

25 (2) A violation making a tenant subject to termination under subsection (1) of this section in-  
26 cludes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or  
27 rule, but does not include the physical condition of the dwelling or home. Termination of a rental  
28 agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS  
29 90.632.

30 (3) The notice required by subsection (1) of this section shall state facts sufficient to notify the  
31 tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination  
32 by correcting the violation as provided in subsection (4) of this section.

33 (4) The tenant may avoid termination of the tenancy by correcting the violation within the  
34 30-day period specified in subsection (1) of this section. However, if substantially the same act or  
35 omission that constituted a prior violation of which notice was given recurs within six months after  
36 the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice  
37 specifying the violation and the date of termination of the tenancy.

38 (5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of ter-  
39 mination under subsection (1)(c) of this section does not have a right to correct the violation. A  
40 notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not  
41 have a right to avoid the termination.

42 (6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent  
43 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying  
44 with ORS 105.105 to 105.168.

45 (7) A tenancy terminates on the date designated in the notice and without regard to the expi-

1 ration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless  
2 otherwise agreed, rent is uniformly apportionable from day to day.

3 (8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the  
4 landlord may terminate the rental agreement for space for a manufactured dwelling or floating home  
5 because of repeated late payment of rent by giving the tenant not less than 30 days' notice in  
6 writing before the date designated in that notice for termination and may take possession as pro-  
7 vided in ORS 105.105 to 105.168 if:

8 (a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as  
9 described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b)  
10 in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment  
11 of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of non-  
12 payment;

13 (b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right  
14 to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within  
15 a 12-month period. The warning must be contained in at least two nonpayment of rent termination  
16 notices that precede the third notice within a 12-month period or in separate written notices that  
17 are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termi-  
18 nation notices; and

19 (c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for  
20 termination of the tenancy and is given to the tenant concurrent with or after the third or a sub-  
21 sequent nonpayment of rent termination notice.

22 (9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of ter-  
23 mination pursuant to subsection (8) of this section does not have a right to correct the cause for the  
24 notice.

25 (10) The landlord may give a copy of the notice required by subsection (8) of this section to any  
26 lienholder of the manufactured dwelling or floating home by first class mail with certificate of  
27 mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a  
28 tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice  
29 in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manu-  
30 factured dwelling or floating home shall be as provided under ORS 90.675.

31 **SECTION 16.** ORS 144.641 is amended to read:

32 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

33 (1) "Dwelling" has the meaning given that term in ORS 469B.100.

34 (2) "Dwelling" does not include a residential treatment facility or a halfway house.

35 (3) "Halfway house" means a publicly or privately operated profit or nonprofit residential facil-  
36 ity that provides rehabilitative care and treatment for sex offenders.

37 (4) "Locations where children are the primary occupants or users" includes, but is not limited  
38 to, public and private elementary and secondary schools and licensed child care centers.

39 (5) "Sex offender" means [a]:

40 (a) A sexually violent dangerous offender as defined in ORS 137.765;

41 (b) A level three sex offender under ORS 181.800 (3); or

42 (c) [*Predatory sex offender as described in ORS 181.838*] **An unclassified adult sex offender**  
43 **designated as predatory prior to January 1, 2014, or a person whom the State Board of Parole**  
44 **and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health**  
45 **Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708,**

1 **Oregon Laws 2013.**

2 (6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days  
3 or less immediately after release from incarceration.

4 **SECTION 17.** ORS 163.476 is amended to read:

5 163.476. (1) A person commits the crime of unlawfully being in a location where children regu-  
6 larly congregate if the person:

7 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

8 (B) Has been classified as a level three sex offender under ORS 181.800 (3) [*or designated a*  
9 *predatory sex offender under ORS 181.838*], **is an unclassified adult sex offender designated as**  
10 **predatory prior to January 1, 2014, or is a person whom the State Board of Parole and**  
11 **Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health Au-**  
12 **thority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon**  
13 **Laws 2013,** and does not have written approval from the State Board of Parole and Post-Prison  
14 Supervision or the person's supervisory authority or supervising officer to be in or upon the specific  
15 premises;

16 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex  
17 crime; or

18 (D) Has been given a similar designation or been sentenced under a similar law of another ju-  
19 risdiction; and

20 (b) Knowingly enters or remains in or upon premises where persons under 18 years of age reg-  
21 ularly congregate.

22 (2) As used in this section:

23 (a) "Premises where persons under 18 years of age regularly congregate" means schools, child  
24 care centers, playgrounds, other places intended for use primarily by persons under 18 years of age  
25 and places where persons under 18 years of age gather for regularly scheduled educational and  
26 recreational programs.

27 (b) "Sex crime" has the meaning given that term in ORS 181.805.

28 (3) Unlawfully being in a location where children regularly congregate is a Class A  
29 misdemeanor.

30 **SECTION 18.** ORS 163.479 is amended to read:

31 163.479. (1) A person commits the crime of unlawful contact with a child if the person:

32 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

33 (B) Has been classified as a level three sex offender under ORS 181.800 (3);

34 [*(C) Has been designated a predatory sex offender under ORS 181.838;*]

35 **(C) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014,**  
36 **or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric**  
37 **Security Review Board or the Oregon Health Authority has classified as a level three sex**  
38 **offender under section 7 (2)(b), chapter 708, Oregon Laws 2013;**

39 (D) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex  
40 crime; or

41 (E) Has been given a similar designation or been sentenced under a similar law of another ju-  
42 risdiction; and

43 (b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing  
44 or satisfying the sexual desires of the person or another person.

45 (2) As used in this section:

- 1 (a) "Child" means a person under 18 years of age.
- 2 (b) "Contact" means to communicate in any manner.
- 3 (c) "Sex crime" has the meaning given that term in ORS 181.805.
- 4 (3) Unlawful contact with a child is a Class C felony.

5  
6 **INTERAGENCY INFORMATION SHARING**  
7

8 **SECTION 19.** (1) Notwithstanding ORS 179.505, the Psychiatric Security Review Board  
9 and the Oregon Health Authority shall provide to the State Board of Parole and Post-Prison  
10 Supervision any records that would assist the State Board of Parole and Post-Prison Super-  
11 vision in:

12 (a) Performing an initial classification of a person into one of the three levels described  
13 in ORS 181.800, as required by ORS 181.801;

14 (b) Deciding whether to reclassify a person as a level one or a level two sex offender or  
15 relieve the person from the obligation to report as a sex offender, as described in ORS  
16 181.821; or

17 (c) Conducting a risk assessment of a person who is an existing registrant to classify the  
18 person into one of the three levels described in ORS 181.800, as required by section 7, chapter  
19 708, Oregon Laws 2013.

20 (2) The State Board of Parole and Post-Prison Supervision may not release any records  
21 obtained pursuant to this section to any other agency or person unless authorized by law to  
22 do so.

23 **SECTION 20.** (1) Notwithstanding ORS 179.505, the Oregon Health Authority shall provide  
24 to the Psychiatric Security Review Board any records that would assist the board in:

25 (a) Performing an initial classification of a person into one of the three levels described  
26 in ORS 181.800, as required by ORS 181.801;

27 (b) Deciding whether to reclassify a person as a level one or a level two sex offender or  
28 relieve the person from the obligation to report as a sex offender, as described in ORS  
29 181.821; or

30 (c) Conducting a risk assessment of a person who is an existing registrant to classify the  
31 person into one of the three levels described in ORS 181.800, as required by section 7, chapter  
32 708, Oregon Laws 2013.

33 (2) The board may not release any records obtained pursuant to this section to any other  
34 agency or person unless authorized by law to do so.

35 **SECTION 21.** Notwithstanding ORS 419A.257 or any other provision of law, the Oregon  
36 Youth Authority and the juvenile department may disclose and provide copies of reports and  
37 other materials relating to a child, ward, youth or youth offender's history and prognosis to  
38 the State Board of Parole and Post-Prison Supervision in order for the board to determine  
39 whether to reclassify the person as a level one or a level two sex offender or relieve the  
40 person from the obligation to report as a sex offender, as described in ORS 181.821, or  
41 whether to classify a person who is an existing registrant into one of the three levels de-  
42 scribed in ORS 181.800, as required by section 7, chapter 708, Oregon Laws 2013.

43  
44 **AMENDMENTS OPERATIVE ON JANUARY 1, 2019**  
45

1       **SECTION 22.** ORS 90.630, as amended by section 15 of this 2015 Act, is amended to read:

2       90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a  
3 rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured  
4 dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the  
5 date designated in the notice for termination if the tenant:

6       (a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not  
7 limited to a material noncompliance with ORS 90.740;

8       (b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and  
9 imposed as a condition of occupancy, including but not limited to a material noncompliance with a  
10 rental agreement regarding a program of recovery in drug and alcohol free housing;

11       (c) Is classified as a level three sex offender under ORS 181.800 (3); **or**

12       *[(d) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014, or a*  
13 *person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review*  
14 *Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b),*  
15 *chapter 708, Oregon Laws 2013; or]*

16       [(e)] (d) Fails to pay a:

17       (A) Late charge pursuant to ORS 90.260;

18       (B) Fee pursuant to ORS 90.302; or

19       (C) Utility or service charge pursuant to ORS 90.534 or 90.536.

20       (2) A violation making a tenant subject to termination under subsection (1) of this section in-  
21 cludes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or  
22 rule, but does not include the physical condition of the dwelling or home. Termination of a rental  
23 agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS  
24 90.632.

25       (3) The notice required by subsection (1) of this section shall state facts sufficient to notify the  
26 tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination  
27 by correcting the violation as provided in subsection (4) of this section.

28       (4) The tenant may avoid termination of the tenancy by correcting the violation within the  
29 30-day period specified in subsection (1) of this section. However, if substantially the same act or  
30 omission that constituted a prior violation of which notice was given recurs within six months after  
31 the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice  
32 specifying the violation and the date of termination of the tenancy.

33       (5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of ter-  
34 mination under subsection (1)(c) of this section does not have a right to correct the violation. A  
35 notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not  
36 have a right to avoid the termination.

37       (6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent  
38 under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying  
39 with ORS 105.105 to 105.168.

40       (7) A tenancy terminates on the date designated in the notice and without regard to the expi-  
41 ration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless  
42 otherwise agreed, rent is uniformly apportionable from day to day.

43       (8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the  
44 landlord may terminate the rental agreement for space for a manufactured dwelling or floating home  
45 because of repeated late payment of rent by giving the tenant not less than 30 days' notice in

1 writing before the date designated in that notice for termination and may take possession as pro-  
2 vided in ORS 105.105 to 105.168 if:

3 (a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as  
4 described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b)  
5 in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment  
6 of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of non-  
7 payment;

8 (b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right  
9 to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within  
10 a 12-month period. The warning must be contained in at least two nonpayment of rent termination  
11 notices that precede the third notice within a 12-month period or in separate written notices that  
12 are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termi-  
13 nation notices; and

14 (c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for  
15 termination of the tenancy and is given to the tenant concurrent with or after the third or a sub-  
16 sequent nonpayment of rent termination notice.

17 (9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of ter-  
18 mination pursuant to subsection (8) of this section does not have a right to correct the cause for the  
19 notice.

20 (10) The landlord may give a copy of the notice required by subsection (8) of this section to any  
21 lienholder of the manufactured dwelling or floating home by first class mail with certificate of  
22 mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a  
23 tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice  
24 in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manu-  
25 factured dwelling or floating home shall be as provided under ORS 90.675.

26 **SECTION 23.** ORS 144.641, as amended by section 16 of this 2015 Act, is amended to read:

27 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

28 (1) "Dwelling" has the meaning given that term in ORS 469B.100.

29 (2) "Dwelling" does not include a residential treatment facility or a halfway house.

30 (3) "Halfway house" means a publicly or privately operated profit or nonprofit residential facil-  
31 ity that provides rehabilitative care and treatment for sex offenders.

32 (4) "Locations where children are the primary occupants or users" includes, but is not limited  
33 to, public and private elementary and secondary schools and licensed child care centers.

34 (5) "Sex offender" means:

35 (a) A sexually violent dangerous offender as defined in ORS 137.765; **or**

36 (b) A level three sex offender under ORS 181.800 (3); *or*

37 *[(c) An unclassified adult sex offender designated as predatory prior to January 1, 2014, or a*  
38 *person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review*  
39 *Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b),*  
40 *chapter 708, Oregon Laws 2013].*

41 (6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days  
42 or less immediately after release from incarceration.

43 **SECTION 24.** ORS 163.476, as amended by section 17 of this 2015 Act, is amended to read:

44 163.476. (1) A person commits the crime of unlawfully being in a location where children regu-  
45 larly congregate if the person:

1 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

2 (B) Has been classified as a level three sex offender under ORS 181.800 (3), [*is an unclassified*  
3 *adult sex offender designated as predatory prior to January 1, 2014, or a person whom the State Board*  
4 *of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health*  
5 *Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws*  
6 *2013,*] and does not have written approval from the State Board of Parole and Post-Prison Super-  
7 vision or the person’s supervisory authority or supervising officer to be in or upon the specific  
8 premises;

9 (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex  
10 crime; or

11 (D) Has been given a similar designation or been sentenced under a similar law of another ju-  
12 risdiction; and

13 (b) Knowingly enters or remains in or upon premises where persons under 18 years of age reg-  
14 ularly congregate.

15 (2) As used in this section:

16 (a) “Premises where persons under 18 years of age regularly congregate” means schools, child  
17 care centers, playgrounds, other places intended for use primarily by persons under 18 years of age  
18 and places where persons under 18 years of age gather for regularly scheduled educational and  
19 recreational programs.

20 (b) “Sex crime” has the meaning given that term in ORS 181.805.

21 (3) Unlawfully being in a location where children regularly congregate is a Class A  
22 misdemeanor.

23 **SECTION 25.** ORS 163.479, as amended by section 18 of this 2015 Act, is amended to read:

24 163.479. (1) A person commits the crime of unlawful contact with a child if the person:

25 (a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

26 (B) Has been classified as a level three sex offender under ORS 181.800 (3);

27 [*(C) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014, or a*  
28 *person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review*  
29 *Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b),*  
30 *chapter 708, Oregon Laws 2013;*]

31 [(D)] (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a  
32 sex crime; or

33 [(E)] (D) Has been given a similar designation or been sentenced under a similar law of another  
34 jurisdiction; and

35 (b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing  
36 or satisfying the sexual desires of the person or another person.

37 (2) As used in this section:

38 (a) “Child” means a person under 18 years of age.

39 (b) “Contact” means to communicate in any manner.

40 (c) “Sex crime” has the meaning given that term in ORS 181.805.

41 (3) Unlawful contact with a child is a Class C felony.

42 **SECTION 26.** The amendments to ORS 90.630, 144.641, 163.476 and 163.479 by sections 22  
43 to 25 of this 2015 Act become operative January 1, 2019.



1 **SECTION 27.** Section 7, chapter 708, Oregon Laws 2013, is amended to read:

2 **Sec. 7.** (1) As used in this section **and sections 19 to 21 of this 2015 Act:**

3 (a) “Event triggering the obligation to make an initial report” has the meaning given that term  
4 in [section 3 of this 2013 Act] **ORS 181.802.**

5 (b) “Existing registrant” means a person for whom the event triggering the obligation to make  
6 an initial report under ORS [181.595] **181.806** (3)(a)(A), [181.596] **181.807** (4)(a)(A) or [181.597] **181.808**  
7 (1)(a)(A), (2)(a)(A) or (3)(a)(A) occurs before January 1, 2014.

8 (2)(a) No later than December 1, [2016] **2018**, the State Board of Parole and Post-Prison Super-  
9 vision shall classify existing registrants in one of the levels described in [section 1 of this 2013 Act]  
10 **ORS 181.800.** No later than February 1, [2017] **2019**, the Department of State Police shall enter the  
11 results of the classifications described in this section into the Law Enforcement Data System.

12 (b) The board shall classify an existing registrant as a level three sex offender under [section 1  
13 (3) of this 2013 Act] **ORS 181.800 (3)**, if:

14 (A) The person was previously designated a predatory sex offender and the designation was  
15 made after the person was afforded notice and an opportunity to be heard as to all factual questions  
16 at a meaningful time and in a meaningful manner; or

17 (B) The person is a sexually violent dangerous offender under ORS 137.765.

18 (c) **The Psychiatric Security Review Board may complete the risk assessment of an ex-**  
19 **isting registrant who is under the jurisdiction of the Psychiatric Security Review Board or**  
20 **the Oregon Health Authority, regardless of whether the person has been found guilty except**  
21 **for insanity of a sex crime or was previously convicted of a sex crime, if the State Board of**  
22 **Parole and Post-Prison Supervision and the Psychiatric Security Review Board mutually**  
23 **agree that the Psychiatric Security Review Board has adequate resources to perform the**  
24 **assessment and that the performance of the assessment by the Psychiatric Security Review**  
25 **Board would assist in classifying the existing registrant in a more timely manner.**

26 (3) As soon as practicable following the classification of an existing registrant under this sec-  
27 tion, the **classifying** board shall notify the person of the classification by certified mail.

28 [(4) If, for any reason, the board does not classify an existing registrant under subsection (2) of this  
29 section, the person is, by operation of law, classified as a level three sex offender under section 1 (3)  
30 of this 2013 Act on January 1, 2017.]

31 [(5)(a)] **(4)(a)** An existing registrant who seeks review of a classification made under this section  
32 may petition the **classifying** board for review. The petition may be filed no later than[:]

33 [(A) sixty] **60** days after the board provides the notice described in subsection (3) of this  
34 section[; or]

35 [(B) Sixty days after the person receives actual notice of the classification, if the person is classified  
36 under subsection (4) of this section].

37 (b) Upon receipt of a petition described in this subsection, the **classifying** board shall afford the  
38 person an opportunity to be heard as to all factual questions related to the classification.

39 (c) After providing the person with notice and an opportunity to be heard in accordance with  
40 this subsection, the board shall classify the person in accordance with the classifications described  
41 in [section 1 of this 2013 Act] **ORS 181.800**, based on all of the information available to the **classi-**  
42 **fyng** board.

43 [(6)] **(5)** The [board] **boards** shall adopt rules to carry out the provisions of this section.

44 [(7)] **(6)** An existing registrant may not petition for reclassification or relief from the obligation  
45 to report as a sex offender as provided in [section 5 of this 2013 Act] **ORS 181.821** until either all

1 existing registrants have been classified in one of the levels described in [section 1 of this 2013  
2 Act] **ORS 181.800** or December 1, [2016] **2018**, whichever occurs first.

3 **(7) Notwithstanding ORS 181.837 or any other provision of law, the Department of State**  
4 **Police may until December 1, 2018, continue to use the Internet to make information avail-**  
5 **able to the public concerning any adult sex offender designated as predatory as authorized**  
6 **by the law in effect on December 31, 2013.**

7 **SECTION 28.** Section 34, chapter 708, Oregon Laws 2013, is amended to read:

8 **Sec. 34.** (1) ORS 181.587 and 181.588 are repealed on January 1, 2014.

9 (2) ORS 181.820 is repealed on January 1, [2017] **2019**.

10 **SECTION 29.** Section 37, chapter 708, Oregon Laws 2013, is amended to read:

11 **Sec. 37.** The amendments to section 35 [of this 2013 Act], **chapter 708, Oregon Laws 2013**, by  
12 section 36 [of this 2013 Act], **chapter 708, Oregon Laws 2013**, become operative on January 1,  
13 [2017] **2019**.

14  
15 **JUVENILE REGISTRATION HEARINGS**

16  
17 **SECTION 30.** Section 31 of this 2015 Act is added to and made a part of ORS 181.800 to  
18 **181.845.**

19 **SECTION 31.** (1)(a) The juvenile court shall hold a hearing on the issue of reporting as  
20 a sex offender by a person who has been found to be within the jurisdiction of the juvenile  
21 court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity  
22 under ORS 419C.411, for having committed an act that if committed by an adult would con-  
23 stitute a felony sex crime.

24 **(b) The hearing described in paragraph (a) of this subsection must be held during the**  
25 **six-month period before:**

26 **(A) The termination of juvenile court jurisdiction over the person; or**

27 **(B) The person is discharged from the jurisdiction of the Psychiatric Security Review**  
28 **Board, if the person was placed under the jurisdiction of the board.**

29 **(2) The district attorney shall notify the victim prior to the hearing of the right to appear**  
30 **and the right to be heard under ORS 419C.273.**

31 **(3) At the hearing described in subsection (1) of this section:**

32 **(a) The district attorney, the victim, the person and the juvenile court counselor or a**  
33 **representative of the Oregon Youth Authority shall have an opportunity to be heard.**

34 **(b) The person filing the petition has the burden of proving by clear and convincing evi-**  
35 **dence that the person is rehabilitated and does not pose a threat to the safety of the public.**  
36 **If the court finds that the person has not met the burden of proof, the court shall enter an**  
37 **order requiring the person to report as a sex offender under ORS 181.809.**

38 **(c) In determining whether the person has met the burden of proof, the juvenile court**  
39 **may consider but need not be limited to considering:**

40 **(A) The nature of the offense giving rise to the obligation to report as a sex offender;**

41 **(B) Input from or recommendations by or on behalf of the victim or the parents of the**  
42 **victim; and**

43 **(C) Whether the person has participated in and satisfactorily completed a sex offender**  
44 **treatment program or any other treatment program.**

45 **(4) In a hearing under this section, the juvenile court may receive testimony, reports and**

1 other evidence without regard to whether the evidence is admissible under ORS 40.010 to  
 2 40.210 and 40.310 to 40.585, if the evidence is relevant evidence related to the determination  
 3 and findings required under this section. As used in this subsection, “relevant evidence” has  
 4 the meaning given that term in ORS 40.150.

5 (5) The court shall consider all available polygraph examination preparation materials  
 6 and examination reports, including but not limited to the person’s full sexual history disclo-  
 7 sure polygraph examination preparation materials and corresponding full sexual history dis-  
 8 closure polygraph examination report, prior to determining the issue of reporting as a sex  
 9 offender under this section. Unless produced as a result of the court’s own motion, all  
 10 polygraph examination reports and preparation materials shall be released and disclosed to  
 11 the court, district attorney, person’s attorney and juvenile department no less than 15 days  
 12 prior to any hearing held under this section.

13 (6) When the juvenile court enters an order described in subsection (3)(b) of this section,  
 14 the court shall ensure that the person completes a form that documents the person’s obli-  
 15 gation to report under ORS 181.809. No later than three working days after the person  
 16 completes the form required by this subsection, the court shall ensure that the form is sent  
 17 to the Department of State Police.

18 (7) A person who is the subject of a hearing described in subsection (1) of this section  
 19 has the right to be represented by suitable legal counsel possessing skills and experience  
 20 commensurate with the nature and complexity of the case, to consult with counsel prior to  
 21 the hearing, if financially eligible, to have suitable counsel appointed at state expense.

22 (8) Notwithstanding ORS 419C.005 (4)(e), the juvenile court retains jurisdiction over a  
 23 person for purposes of this section.

## 24 EXPUNGEMENT

25  
 26  
 27 **SECTION 32.** ORS 137.225 is amended to read:

28 137.225. (1)(a) At any time after the lapse of three years from the date of pronouncement of  
 29 judgment, any defendant who has fully complied with and performed the sentence of the court and  
 30 whose conviction is described in subsection (5) of this section by motion may apply to the court  
 31 where the conviction was entered for entry of an order setting aside the conviction; or

32 (b) At any time after the lapse of one year from the date of any arrest, if no accusatory in-  
 33 strument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested per-  
 34 son may apply to the court that would have jurisdiction over the crime for which the person was  
 35 arrested, for entry of an order setting aside the record of the arrest. For the purpose of computing  
 36 the one-year period, time during which the arrested person has secreted himself or herself within  
 37 or without this state is not included.

38 (2)(a) A copy of the motion and a full set of the defendant’s fingerprints shall be served upon  
 39 the office of the prosecuting attorney who prosecuted the crime or violation, or who had authority  
 40 to prosecute the charge if there was no accusatory instrument filed, and opportunity shall be given  
 41 to contest the motion. The fingerprint card with the notation “motion for setting aside conviction,”  
 42 or “motion for setting aside arrest record” as the case may be, shall be forwarded to the Department  
 43 of State Police. Information resulting from the fingerprint search along with the fingerprint card  
 44 shall be returned to the prosecuting attorney.

45 (b) When a prosecuting attorney is served with a copy of a motion to set aside a conviction

1 under this section, the prosecuting attorney shall provide a copy of the motion and notice of the  
2 hearing date to the victim, if any, of the crime by mailing a copy of the motion and notice to the  
3 victim's last-known address.

4 (c) When a person makes a motion under subsection (1)(a) of this section, the person must pay  
5 a fee of \$80 to the Department of State Police. The person shall attach a certified check payable to  
6 the Department of State Police in the amount of \$80 to the fingerprint card that is served upon the  
7 prosecuting attorney. The office of the prosecuting attorney shall forward the check with the fin-  
8 gerprint card to the Department of State Police.

9 (d) In addition to the fee established under paragraph (c) of this subsection, when a person  
10 makes a motion under subsection (1)(a) of this section the person must pay the filing fee established  
11 under ORS 21.135.

12 (3) Upon hearing the motion, the court may require the filing of such affidavits and may require  
13 the taking of such proofs as the court deems proper. The court shall allow the victim to make a  
14 statement at the hearing. Except as otherwise provided in subsection (13) of this section, if the court  
15 determines that the circumstances and behavior of the applicant from the date of conviction, or from  
16 the date of arrest as the case may be, to the date of the hearing on the motion warrant setting aside  
17 the conviction, or the arrest record as the case may be, the court shall enter an appropriate order  
18 that shall state the original arrest charge and the conviction charge, if any and if different from the  
19 original, date of charge, submitting agency and disposition. The order shall further state that posi-  
20 tive identification has been established by the Department of State Police and further identified as  
21 to Department of State Police number or submitting agency number. Upon the entry of the order,  
22 the applicant for purposes of the law shall be deemed not to have been previously convicted, or ar-  
23 rested as the case may be, and the court shall issue an order sealing the record of conviction and  
24 other official records in the case, including the records of arrest whether or not the arrest resulted  
25 in a further criminal proceeding.

26 (4) The clerk of the court shall forward a certified copy of the order to such agencies as directed  
27 by the court. A certified copy must be sent to the Department of Corrections when the person has  
28 been in the custody of the Department of Corrections. Upon entry of the order, the conviction, ar-  
29 rest or other proceeding shall be deemed not to have occurred, and the applicant may answer ac-  
30 cordingly any questions relating to its occurrence.

31 (5) The provisions of subsection (1)(a) of this section apply to a conviction of:

32 (a) A Class B felony, except for a violation of ORS 166.429 or any crime classified as a person  
33 felony as that term is defined in the rules of the Oregon Criminal Justice Commission.

34 (b) A Class C felony, except for criminal mistreatment in the first degree under ORS 163.205  
35 when it would constitute child abuse as defined in ORS 419B.005 or any sex crime.

36 (c) The crime of possession of the narcotic drug marijuana when that crime was punishable as  
37 a felony only.

38 (d) A crime punishable as either a felony or a misdemeanor, in the discretion of the court, ex-  
39 cept for:

40 (A) Any sex crime; or

41 (B) The following crimes when they would constitute child abuse as defined in ORS 419B.005:

42 (i) Criminal mistreatment in the first degree under ORS 163.205; and

43 (ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

44 (e) A misdemeanor, including a violation of a municipal ordinance, for which a jail sentence may  
45 be imposed, except for endangering the welfare of a minor under ORS 163.575 (1)(a) when it would

1 constitute child abuse as defined in ORS 419B.005 or any sex crime.

2 (f) A violation, whether under state law or local ordinance.

3 (g) An offense committed before January 1, 1972, that if committed after that date would be:

4 (A) A Class C felony, except for any sex crime or for the following crimes when they would  
5 constitute child abuse as defined in ORS 419B.005:

6 (i) Criminal mistreatment in the first degree under ORS 163.205; and

7 (ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

8 (B) A crime punishable as either a felony or a misdemeanor, in the discretion of the court, ex-  
9 cept for any sex crime or for the following crimes when they would constitute child abuse as defined  
10 in ORS 419B.005:

11 (i) Criminal mistreatment in the first degree under ORS 163.205; and

12 (ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

13 (C) A misdemeanor, except for endangering the welfare of a minor under ORS 163.575 (1)(a)  
14 when it would constitute child abuse as defined in ORS 419B.005 or any sex crime.

15 (D) A violation.

16 (6) Notwithstanding subsection (5) of this section, the provisions of subsection (1) of this section  
17 do not apply to:

18 (a) A conviction for a state or municipal traffic offense.

19 (b) A person convicted, within the 10-year period immediately preceding the filing of the motion  
20 pursuant to subsection (1) of this section, of any other offense, excluding motor vehicle violations,  
21 whether or not the other conviction is for conduct associated with the same criminal episode that  
22 caused the arrest or conviction that is sought to be set aside. Notwithstanding subsection (1) of this  
23 section, a conviction that has been set aside under this section shall be considered for the purpose  
24 of determining whether this paragraph is applicable.

25 (c) A person who at the time the motion authorized by subsection (1) of this section is pending  
26 before the court is under charge of commission of any crime.

27 (7) Notwithstanding subsection (5) of this section, the provisions of subsection (1)(a) of this sec-  
28 tion do not apply to:

29 (a) Criminal mistreatment in the second degree under ORS 163.200 if the victim at the time of  
30 the crime was 65 years of age or older.

31 (b) Criminal mistreatment in the first degree under ORS 163.205 if the victim at the time of the  
32 crime was 65 years of age or older.

33 (c) Criminally negligent homicide under ORS 163.145, when that offense was punishable as a  
34 Class C felony.

35 (8) Notwithstanding subsection (5) of this section, the provisions of subsection (1)(a) of this sec-  
36 tion apply to a conviction for:

37 (a) A Class B felony described in subsection (5)(a) of this section only if:

38 (A) Twenty years or more have elapsed from the date of the conviction sought to be set aside  
39 or of the release of the person from imprisonment for the conviction sought to be set aside, which-  
40 ever is later; and

41 (B) The person has not been convicted of or arrested for any other offense, excluding motor  
42 vehicle violations, after the date the person was convicted of the offense sought to be set aside.  
43 Notwithstanding subsection (1) of this section, a conviction or arrest that has been set aside under  
44 this section shall be considered for the purpose of determining whether this subparagraph is appli-  
45 cable.

1 (b) A sex crime listed in ORS 181.830 (1)(a) if:

2 (A) The person has been relieved of the obligation to report as a sex offender pursuant to a  
3 court order entered under ORS 181.832 or 181.833; and

4 (B) The person has not been convicted of, found guilty except for insanity of or found to be  
5 within the jurisdiction of the juvenile court based on, a crime that a court is prohibited from setting  
6 aside under this section.

7 (c) A sex crime constituting a Class C felony, if:

8 (A) The person was under 16 years of age at the time of the offense;

9 (B) The person is:

10 (i) Less than *[three years]* **two years and 180 days** older than the victim; **or**

11 **(ii) At least two years and 180 days older, but less than three years and 180 days older,**  
12 **than the victim and the court finds that setting aside the conviction is in the interests of**  
13 **justice and of benefit to the person and the community;**

14 (C) The victim's lack of consent was due solely to incapacity to consent by reason of being less  
15 than a specified age;

16 (D) The victim was at least 12 years of age at the time of the offense;

17 (E) The person has not been convicted of, found guilty except for insanity of or found to be  
18 within the jurisdiction of the juvenile court based on a crime that a court is prohibited from setting  
19 aside under this section; and

20 (F) Each conviction or finding described in this paragraph involved the same victim.

21 (9) The provisions of subsection (1)(b) of this section do not apply to:

22 (a) A person arrested within the three-year period immediately preceding the filing of the motion  
23 for any offense, excluding motor vehicle violations, and excluding arrests for conduct associated  
24 with the same criminal episode that caused the arrest that is sought to be set aside. An arrest that  
25 has been set aside under this section may not be considered for the purpose of determining whether  
26 this paragraph is applicable.

27 (b) An arrest for driving while under the influence of intoxicants if the charge is dismissed as  
28 a result of the person's successful completion of a diversion agreement described in ORS 813.200.

29 (10) The provisions of subsection (1) of this section apply to convictions and arrests that oc-  
30 curred before, as well as those that occurred after, September 9, 1971. There is no time limit for  
31 making an application.

32 (11) For purposes of any civil action in which truth is an element of a claim for relief or affir-  
33 mative defense, the provisions of subsection (3) of this section providing that the conviction, arrest  
34 or other proceeding be deemed not to have occurred do not apply and a party may apply to the  
35 court for an order requiring disclosure of the official records in the case as may be necessary in the  
36 interest of justice.

37 (12) Upon motion of any prosecutor or defendant in a case involving records sealed under this  
38 section, supported by affidavit showing good cause, the court with jurisdiction may order the reo-  
39 pening and disclosure of any records sealed under this section for the limited purpose of assisting  
40 the investigation of the movant. However, such an order has no other effect on the orders setting  
41 aside the conviction or the arrest record.

42 (13) Unless the court makes written findings by clear and convincing evidence that granting the  
43 motion would not be in the best interests of justice, the court shall grant the motion and enter an  
44 order as provided in subsection (3) of this section if the defendant has been convicted of one of the  
45 following crimes and is otherwise eligible for relief under this section:

- 1 (a) Abandonment of a child, ORS 163.535.
- 2 (b) Attempted assault in the second degree, ORS 163.175.
- 3 (c) Assault in the third degree, ORS 163.165.
- 4 (d) Coercion, ORS 163.275.
- 5 (e) Criminal mistreatment in the first degree, ORS 163.205.
- 6 (f) Attempted escape in the first degree, ORS 162.165.
- 7 (g) Incest, ORS 163.525, if the victim was at least 18 years of age.
- 8 (h) Intimidation in the first degree, ORS 166.165.
- 9 (i) Attempted kidnapping in the second degree, ORS 163.225.
- 10 (j) Attempted robbery in the second degree, ORS 164.405.
- 11 (k) Robbery in the third degree, ORS 164.395.
- 12 (L) Supplying contraband, ORS 162.185.
- 13 (m) Unlawful use of a weapon, ORS 166.220.
- 14 (14) As used in this section, "sex crime" has the meaning given that term in ORS 181.805.

15 **SECTION 33.** ORS 419A.262 is amended to read:

16 419A.262. (1) An expunction proceeding shall be commenced in the county where the subject  
17 person resided at the time of the most recent termination.

18 (2) Upon application of either a person who is the subject of a record or a juvenile department,  
19 or upon its own motion, the juvenile court shall order expunction if, after a hearing when the matter  
20 is contested, it finds that:

21 (a) At least five years have elapsed since the date of the person's most recent termination;

22 (b) Since the date of the most recent termination, the person has not been convicted of a felony  
23 or a Class A misdemeanor;

24 (c) No proceedings seeking a criminal conviction or an adjudication in a juvenile court are  
25 pending against the person;

26 (d) The person is not within the jurisdiction of any juvenile court on the basis of a petition al-  
27 leging an act or behavior as defined in ORS 419B.100 (1)(a) to (c) and (f) or 419C.005; and

28 (e) The juvenile department is not aware of any pending investigation of the conduct of the  
29 person by any law enforcement agency.

30 (3)(a) Notwithstanding subsection (2) of this section, upon application of a person who is the  
31 subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile  
32 department, or upon its own motion, the juvenile court, after a hearing when the matter is contested  
33 under subsection (13) of this section, shall order expunction if it finds that:

34 (A) The application requests expunction of only that part of the person's record that involves  
35 a charge, allegation or adjudication based on conduct that if done by an adult would constitute the  
36 crime of prostitution under ORS 167.007; and

37 (B) The person was under 18 years of age at the time of the conduct.

38 (b) Except as provided in subsections (13) and (14) of this section, there is no waiting period  
39 required before the juvenile court orders expunction under this subsection.

40 (4) In the case of an application by the juvenile department or of the court acting upon its own  
41 motion, expunction shall not be ordered if actual notice of expunction has not been given to the  
42 person in accordance with subsection (12) of this section unless the person has reached 21 years of  
43 age.

44 (5) When a person who is the subject of a record kept by a juvenile court or juvenile department  
45 reaches 18 years of age, the juvenile court, after a hearing when the matter is contested, shall order

1 expunction if:

2 (a) The person never has been found to be within the jurisdiction of the court; or

3 (b) The conditions of subsection (2) or (3) of this section have been met.

4 (6) Expunction shall not be ordered under this section if actual notice of expunction has not  
5 been given to the person in accordance with subsection (12) of this section unless the person has  
6 reached 21 years of age.

7 (7) Subsections (5) and (6) of this section apply only to cases resulting in termination after  
8 September 13, 1975.

9 (8) Notwithstanding subsections (2), (3) and (5) to (7) of this section, upon application of a person  
10 who is the subject of a record kept by a juvenile court or juvenile department, upon application of  
11 the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter  
12 is contested, may order expunction of all or any part of the person's record if it finds that to do so  
13 would be in the best interests of the person and the public. In the case of an application by the ju-  
14 venile department or of the court acting upon its own motion, expunction shall not be ordered if  
15 actual notice of expunction has not been given to the person in accordance with subsection (12) of  
16 this section unless the person has reached 21 years of age.

17 (9) Notwithstanding ORS 419A.260 (1)(d)(J)(x), (xiii), **(xix)** or (xviii), a person who has been found  
18 to be within the jurisdiction of the juvenile court based on an act that if committed by an adult  
19 would constitute:

20 (a) Rape in the third degree under ORS 163.355, sodomy in the third degree under ORS 163.385  
21 or sexual abuse in the third degree under ORS 163.415, or an attempt to commit those crimes, may  
22 apply for an order of expunction under this section. The court shall order expunction of the records  
23 in the case if, after a hearing when the matter is contested, the court finds that the person:

24 (A) Meets the requirements of subsection (2) of this section;

25 (B) Has been relieved of the obligation to report as a sex offender pursuant to a court order  
26 entered under ORS 181.832 or 181.833; and

27 (C) Has not been convicted of, found guilty except for insanity of or found to be within the ju-  
28 risdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J), other than the  
29 adjudication that is the subject of the motion.

30 (b) A sex crime that is a Class C felony may apply for an order of expunction under this section.  
31 The court shall order expunction of the records in the case if, after a hearing when the matter is  
32 contested, the court finds that:

33 (A) The person meets the requirements of subsection (2) of this section;

34 (B) The person was under 16 years of age at the time of the offense;

35 (C) The person is:

36 (i) Less than *[three years]* **two years and 180 days** older than the victim; **or**

37 **(ii) At least two years and 180 days older, but less than three years and 180 days older,**  
38 **than the victim and the expunction is in the interests of justice and of benefit to the person**  
39 **and the community;**

40 (D) The victim's lack of consent was due solely to incapacity to consent by reason of being less  
41 than a specified age;

42 (E) The victim was at least 12 years of age at the time of the offense;

43 (F) Each finding described in this paragraph involved the same victim; and

44 (G) The person has not been convicted of, found guilty except for insanity of or found to be  
45 within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J) or an



1 offense the court is prohibited from setting aside under ORS 137.225, other than the adjudication  
2 that is the subject of the motion.

3 (10) When an expunction proceeding is commenced by application of the person whose records  
4 are to be expunged, the person shall set forth as part of the application the names of the juvenile  
5 courts, juvenile departments, institutions and law enforcement and other agencies that the person  
6 has reason to believe possess an expungible record of the person. The juvenile department shall  
7 provide the names and addresses of the juvenile courts, juvenile departments, institutions and law  
8 enforcement and other agencies that a reasonable search of department files indicates have  
9 expungible records.

10 (11) When an expunction proceeding is commenced by application of the juvenile department or  
11 upon the court's own motion, the application or motion shall set forth the names and addresses of  
12 the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that  
13 a reasonable search of department files indicates have expungible records and those provided by the  
14 subject person.

15 (12)(a) Notice and a copy of an application for expunction under subsections (2) to (8) of this  
16 section shall be given to:

17 (A) The district attorney of the county in which the expunction proceeding is commenced and  
18 the district attorney of each county in which the record sought to be expunged is kept; and

19 (B) The person who is the subject of the record if the person has not initiated the expunction  
20 proceeding.

21 (b) A district attorney who receives notice under this subsection shall notify the victim of the  
22 acts that resulted in the disposition that is the subject of the application for expunction and shall  
23 mail a copy of the application for expunction to the victim's last known address.

24 (13)(a) Within 30 days of receiving the notice of application for expunction under subsection (12)  
25 of this section, a district attorney shall give written notice of any objection and the grounds therefor  
26 to the person whose records are to be expunged and to the juvenile court.

27 (b) Except as provided in subsection (14)(c) of this section, if no objection is filed the court may  
28 decide the issue of expunction either without a hearing or after full hearing under subsections (14)  
29 to (17) of this section.

30 (14) When an expunction is pending under subsections (2) to (8) of this section, the court may  
31 proceed with or without a hearing, except that:

32 (a) The court may not enter an expunction judgment without a hearing if a timely objection to  
33 expunction has been filed under subsection (13) of this section;

34 (b) The court may not deny an expunction without a hearing if the proceeding is based on an  
35 application of the subject; and

36 (c) The court shall proceed without a hearing if:

37 (A) No objection is filed under subsection (13) of this section;

38 (B) The application requests expunction of only that part of the person's record that involves  
39 a charge, allegation or adjudication based on conduct that if done by an adult would constitute the  
40 crime of prostitution under ORS 167.007; and

41 (C) The person was under 18 years of age at the time of the conduct.

42 (15)(a) Notice of a hearing on a pending expunction shall be served on the subject and any dis-  
43 trict attorney filing a timely objection under subsection (13) of this section.

44 (b) When a district attorney receives notice of a hearing for expunction of a record concerning  
45 a youth or youth offender proceeding under ORS chapter 419C, if the victim of the acts that resulted

1 in the disposition that is the subject of the application for expunction requests, the district attorney  
2 shall mail notice of the hearing to the victim's last-known address.

3 (16) The court shall conduct a hearing on a pending expunction in accord with the provisions  
4 of ORS 419B.195, 419B.198, 419B.201, 419B.205, 419B.208, 419B.310, 419B.812 to 419B.839 and  
5 419B.908. Rules of evidence shall be as in a hearing to establish juvenile court jurisdiction and as  
6 defined in ORS 419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party contesting  
7 expunction.

8 (17) At the conclusion of a hearing on a pending expunction, the court shall issue judgment  
9 granting or denying expunction.

10 (18) The juvenile court or juvenile department shall send a copy of an expunction judgment to  
11 each agency subject to the judgment. Upon receipt of a copy of the judgment, the agency shall  
12 comply and, within 21 days of the date of receipt, return the copy to the juvenile court or juvenile  
13 department with an indorsement indicating compliance.

14 (19) When all agencies subject to an expunction judgment have indicated their compliance or in  
15 any event no later than six weeks following the date the judgment was delivered as required by  
16 subsection (18) of this section, the juvenile court shall provide the person who is the subject of the  
17 record with a copy of the expunction judgment, a list of complying and noncomplying agencies, and  
18 a written notice of rights and effects of expunction. The juvenile court and juvenile department then  
19 shall expunge forthwith all records which they possess and which are subject to the judgment, ex-  
20 cept the original expunction judgment and the list of complying and noncomplying agencies which  
21 must be preserved under seal.

22 (20) In addition to those agencies identified in ORS 419A.260 (1)(d), the juvenile, circuit, munic-  
23 ipal and justice courts, and the district and city attorneys of this state, are bound by an expunction  
24 judgment of any juvenile court of appropriate jurisdiction in this state issuing an expunction judg-  
25 ment.

26 (21) Upon entry of an expunction judgment, the contact that is the subject of the expunged re-  
27 cord shall not be disclosed by any agency. An agency that is subject to an expunction judgment shall  
28 respond to any inquiry about the contact by indicating that no record or reference concerning the  
29 contact exists.

30 (22) A person who is the subject of a record that has been expunged under this section may  
31 assert that the record never existed and that the contact, which was the subject of the record, never  
32 occurred without incurring a penalty for perjury or false swearing under the laws of this state.

33 (23) Juvenile courts, by court rule or by order related to a particular matter, may direct that  
34 records concerning a subject person be destroyed. No records shall be destroyed until at least three  
35 years have elapsed after the date of the subject's most recent termination. In the event the record  
36 has been expunged, the expunction judgment and list of complying and noncomplying agencies may  
37 not be destroyed, but shall be preserved under seal. The destruction of records under this sub-  
38 section does not constitute expunction.

39 (24) An expunction judgment and list of complying and noncomplying agencies shall be released  
40 from confidentiality only on order of the court originating the expunction judgment, based on a  
41 finding that review of a particular case furthers compliance with the expunction provisions of this  
42 chapter.

43 (25) A subject has a right of action against any person who intentionally violates the  
44 confidentiality provisions of this section. In the proceeding, punitive damages up to an amount of  
45 \$1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to

1 costs and reasonable attorney fees.

2 (26) Intentional violation of the confidentiality provisions of this section by a public employee  
3 is cause for dismissal.

4 (27) A person who intentionally releases all or part of an expunged record commits a Class C  
5 misdemeanor.

6  
7 **MISCELLANEOUS PROVISIONS**

8  
9 **SECTION 34.** ORS 144.102 is amended to read:

10 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority  
11 responsible for correctional services for a person shall specify in writing the conditions of post-  
12 prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the person  
13 upon release from prison or jail.

14 (2) The board or the supervisory authority shall determine, and may at any time modify, the  
15 conditions of post-prison supervision, which may include, among other conditions, that the person  
16 shall:

17 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-  
18 sory authority.

19 (b) Be under the supervision of the Department of Corrections and its representatives or other  
20 supervisory authority and abide by their direction and counsel.

21 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

22 (d) Report to the parole officer as directed by the board, the department or the supervisory au-  
23 thority.

24 (e) Not own, possess or be in control of any weapon.

25 (f) Respect and obey all municipal, county, state and federal laws.

26 (g) Understand that the board or supervisory authority may, at its discretion, punish violations  
27 of post-prison supervision.

28 (h) Attend a victim impact treatment session in a county that has a victim impact program. If  
29 the board or supervisory authority requires attendance under this paragraph, the board or supervi-  
30 sory authority may require the person, as an additional condition of post-prison supervision, to pay  
31 a reasonable fee to the victim impact program to offset the cost of the person's participation. The  
32 board or supervisory authority may not order a person to pay a fee in excess of \$5 under this par-  
33 agraph.

34 (3) If the person is required to report as a sex offender under ORS 181.806, the board or super-  
35 visory authority shall include as a condition of post-prison supervision that the person report, **as**  
36 **appropriate**, with the Department of State Police, **the Oregon Youth Authority, a county juve-**  
37 **nile department**, a city police department, a county sheriff's office or the supervising agency:

38 (a) When supervision begins;

39 (b) Within 10 days of a change in residence;

40 (c) Once each year within 10 days of the person's date of birth;

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

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

45 (4)(a) The board or supervisory authority may establish special conditions that the board or su-

1 supervisory authority considers necessary because of the individual circumstances of the person on  
2 post-prison supervision.

3 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in  
4 ORS 181.805, the board or supervisory authority shall include all of the following as special condi-  
5 tions of the person's post-prison supervision:

6 (A) Agreement to comply with a curfew set by the board, the supervisory authority or the  
7 supervising officer.

8 (B) A prohibition against contacting a person under 18 years of age without the prior written  
9 approval of the board, supervisory authority or supervising officer.

10 (C) A prohibition against being present more than one time, without the prior written approval  
11 of the board, supervisory authority or supervising officer, at a place where persons under 18 years  
12 of age regularly congregate.

13 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition  
14 against being present, without the prior written approval of the board, supervisory authority or  
15 supervising officer, at, or on property adjacent to, a school, child care center, playground or other  
16 place intended for use primarily by persons under 18 years of age.

17 (E) A prohibition against working or volunteering at a school, child care center, park, play-  
18 ground or other place where persons under 18 years of age regularly congregate.

19 (F) Entry into and completion of or successful discharge from a sex offender treatment program  
20 approved by the board, supervisory authority or supervising officer. The program may include  
21 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-  
22 gram.

23 (G) A prohibition against direct or indirect contact with the victim, unless approved by the  
24 victim, the person's treatment provider and the board, supervisory authority or supervising officer.

25 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-  
26 graph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual  
27 or auditory materials that are relevant to the person's deviant behavior.

28 (I) Agreement to consent to a search of the person or the vehicle or residence of the person  
29 upon the request of a representative of the board or supervisory authority if the representative has  
30 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision  
31 will be found.

32 (J) Participation in random polygraph examinations to obtain information for risk management  
33 and treatment. The person is responsible for paying the expenses of the examinations. The results  
34 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to  
35 prove a violation of post-prison supervision.

36 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless  
37 approved by the board, supervisory authority or supervising officer.

38 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-  
39 thority or supervising officer.

40 (M) A prohibition against residing in a dwelling in which another sex offender who is on pro-  
41 bation, parole or post-prison supervision resides unless approved by the board, supervisory authority  
42 or supervising officer, or in which more than one other sex offender who is on probation, parole or  
43 post-prison supervision resides unless approved by the board or the director of the supervisory au-  
44 thority, or a designee of the board or director. As soon as practicable, the supervising officer of a  
45 person subject to the requirements of this subparagraph shall review the person's living arrange-

1 ment with the person's sex offender treatment provider to ensure that the arrangement supports the  
2 goals of offender rehabilitation and community safety.

3 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined  
4 in ORS 181.805, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18  
5 years of age, the board or supervisory authority, if requested by the victim, shall include as a special  
6 condition of the person's post-prison supervision that the person not reside within three miles of the  
7 victim unless:

8 (i) The victim resides in a county having a population of less than 130,000 and the person is  
9 required to reside in that county under subsection (7) of this section;

10 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the  
11 evidence that no mental intimidation or pressure was brought to bear during the commission of the  
12 crime;

13 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the  
14 evidence that imposition of the condition will deprive the person of a residence that would be  
15 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison  
16 supervision; or

17 (iv) The person resides in a halfway house.

18 (B) A victim may request imposition of the special condition of post-prison supervision described  
19 in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's  
20 request may be included in the judgment document.

21 (C) If the board or supervisory authority imposes the special condition of post-prison supervision  
22 described in this paragraph and if at any time during the period of post-prison supervision the victim  
23 moves to within three miles of the person's residence, the board or supervisory authority may not  
24 require the person to change the person's residence in order to comply with the special condition  
25 of post-prison supervision.

26 (5)(a) The board or supervisory authority may require the person to pay, as a condition of  
27 post-prison supervision, compensatory fines, restitution or attorney fees:

28 (A) As determined, imposed or required by the sentencing court; or

29 (B) When previously required as a condition of any type of supervision that is later revoked.

30 (b) The board may require a person to pay restitution as a condition of post-prison supervision  
31 imposed for an offense other than the offense for which the restitution was ordered if the person:

32 (A) Was ordered to pay restitution as a result of another conviction; and

33 (B) Has not fully paid the restitution by the time the person has completed the period of post-  
34 prison supervision imposed for the offense for which the restitution was ordered.

35 (6) A person's failure to apply for or accept employment at a workplace where there is a labor  
36 dispute in progress does not constitute a violation of the conditions of post-prison supervision.

37 (7)(a) When a person is released from imprisonment on post-prison supervision, the board shall  
38 order as a condition of post-prison supervision that the person reside for the first six months after  
39 release in the county that last supervised the person, if the person was on active supervision as an  
40 adult for a felony at the time of the offense that resulted in the imprisonment.

41 (b) If the person was not on active supervision as an adult for a felony at the time of the offense  
42 that resulted in the imprisonment, the board shall order as a condition of post-prison supervision  
43 that the person reside for the first six months after release in the county where the person resided  
44 at the time of the offense that resulted in the imprisonment.

45 (c) For purposes of paragraph (b) of this subsection:

1 (A) The board shall determine the county where the person resided at the time of the offense  
2 by examining records such as:

- 3 (i) An Oregon driver license, regardless of its validity;
- 4 (ii) Records maintained by the Department of Revenue;
- 5 (iii) Records maintained by the Department of State Police;
- 6 (iv) Records maintained by the Department of Human Services;
- 7 (v) Records maintained by the Department of Corrections; and
- 8 (vi) Records maintained by the Oregon Health Authority.

9 (B) If the person did not have an identifiable address at the time of the offense, or the address  
10 cannot be determined, the person is considered to have resided in the county where the offense oc-  
11 curred.

12 (C) If the person is serving multiple sentences, the county of residence is determined according  
13 to the date of the last arrest resulting in a conviction.

14 (D) In determining the person's county of residence, the board may not consider offenses com-  
15 mitted by the person while the person was incarcerated in a Department of Corrections facility.

16 (d) Upon motion of the board, the supervisory authority, the person, a victim or a district at-  
17 torney, the board may waive the residency condition under paragraph (b) of this subsection only  
18 after making a finding that one of the following conditions has been met:

19 (A) The person provides proof of employment with no set ending date in a county other than the  
20 county of residence determined under paragraph (c) of this section;

21 (B) The person is found to pose a significant danger to a victim of the person's crime residing  
22 in the county of residence, or a victim or victim's family residing in the county of residence is found  
23 to pose a significant danger to the person;

24 (C) The person has a spouse or biological or adoptive family residing in a county other than the  
25 county of residence who will be materially significant in aiding in the rehabilitation of the person  
26 and in the success of the post-prison supervision;

27 (D) As another condition of post-prison supervision, the person is required to participate in a  
28 treatment program that is not available in the county of residence;

29 (E) The person requests release to another state; or

30 (F) The board finds other good cause for the waiver.

31 (8) As used in this section:

32 (a) "Attends," "carries on a vocation," "institution of higher education" and "works" have the  
33 meanings given those terms in ORS 181.805.

34 (b)(A) "Dwelling" has the meaning given that term in ORS 469B.100.

35 (B) "Dwelling" does not mean a residential treatment facility or a halfway house.

36 (c) "Halfway house" means a residential facility that provides rehabilitative care and treatment  
37 for sex offenders.

38 (d) "Labor dispute" has the meaning given that term in ORS 662.010.

39 **SECTION 35.** ORS 181.823 is amended to read:

40 181.823. (1) A person required to report as a sex offender under ORS 181.809 (1)(a), **or required**  
41 **to report as a sex offender under the laws of another state as a result of an adjudication in**  
42 **an Oregon juvenile court**, may file a petition for an order relieving the person of the [duty] **obli-**  
43 **gation** to report. The person must pay the filing fee established under ORS 21.135. If the person  
44 resides:

45 (a) In this state and is required to report under ORS 181.809 (2) or (3), the petition must be filed

1 in the juvenile court in which the person was adjudicated for the act that requires reporting.

2 (b) In another state and is required to report under ORS 181.809 (4), the petition must be filed  
3 in the juvenile court in the county in which the person attends school or works.

4 (c) **In another state and is required to report under the laws of the other state, the pe-**  
5 **tion must be filed in the juvenile court in which the person was adjudicated for the act that**  
6 **requires reporting.**

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

8 (a) A Class A or Class B felony sex crime if committed by an adult, the petition may be filed  
9 no sooner than two years after the termination of juvenile court jurisdiction over the person or, if  
10 the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than  
11 two years after the person is discharged from the jurisdiction of the board.

12 (b) A Class C felony sex crime if committed by an adult, the petition may be filed no sooner than  
13 30 days before the termination of juvenile court jurisdiction over the person or, if the person is  
14 placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than 30 days be-  
15 fore the person is discharged from the jurisdiction of the board.

16 (3)(a) The juvenile court in which a petition under this section is filed may transfer the matter  
17 to the juvenile court of the county that last supervised the person if the court determines that the  
18 convenience of the parties, the victim and witnesses require the transfer.

19 (b) The juvenile court has exclusive original jurisdiction in any proceeding under this section.

20 (c) The person, the district attorney and the juvenile department are parties to a hearing on a  
21 petition filed under this section.

22 (4) The person filing the petition has the burden of proving by clear and convincing evidence  
23 that the person is rehabilitated and does not pose a threat to the safety of the public. In determining  
24 whether the person has met the burden of proof, the juvenile court may consider but need not be  
25 limited to considering:

26 (a) The extent and impact of any physical or emotional injury to the victim;

27 (b) The nature of the act that subjected the person to the [*duty*] **obligation** of reporting as a sex  
28 offender;

29 (c) Whether the person used or threatened to use force in committing the act;

30 (d) Whether the act was premeditated;

31 (e) Whether the person took advantage of a position of authority or trust in committing the act;

32 (f) The age of any victim at the time of the act, the age difference between any victim and the  
33 person and the number of victims;

34 (g) The vulnerability of the victim;

35 (h) Other acts committed by the person that would be crimes if committed by an adult and  
36 criminal activities engaged in by the person before and after the adjudication;

37 (i) Statements, documents and recommendations by or on behalf of the victim or the parents of  
38 the victim;

39 (j) The person's willingness to accept personal responsibility for the act and personal account-  
40 ability for the consequences of the act;

41 (k) The person's ability and efforts to pay the victim's expenses for counseling and other  
42 trauma-related expenses or other efforts to mitigate the effects of the act;

43 (L) Whether the person has participated in and satisfactorily completed a sex offender treatment  
44 program or any other intervention, and if so the juvenile court may also consider:

45 (A) The availability, duration and extent of the treatment activities;

1 (B) Reports and recommendations from the providers of the treatment;

2 (C) The person's compliance with court, board or supervision requirements regarding treatment;

3 and

4 (D) The quality and thoroughness of the treatment program;

5 (m) The person's academic and employment history;

6 (n) The person's use of drugs or alcohol before and after the adjudication;

7 (o) The person's history of public or private indecency;

8 (p) The person's compliance with and success in completing the terms of supervision;

9 (q) The results of psychological examinations of the person;

10 (r) The protection afforded the public by the continued existence of the records; and

11 (s) Any other relevant factors.

12 (5) In a hearing under this section, the juvenile court may receive testimony, reports and other  
13 evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and  
14 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this  
15 section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS  
16 40.150.

17 (6) When a petition is filed under this section, the state has the right to have a psychosexual  
18 evaluation of the person conducted. The state shall file notice with the juvenile court of its intention  
19 to have the person evaluated. If the person objects to the evaluator chosen by the state, the juvenile  
20 court for good cause shown may direct the state to select a different evaluator.

21 (7) As soon as practicable after a petition has been filed under this section, the district attorney  
22 or juvenile department shall make a reasonable effort to notify the victim of the crime that the  
23 person has filed a petition seeking relief under this section and, if the victim has requested, to in-  
24 form the victim of the date, time and place of a hearing on the petition in advance of the hearing.

25 (8)(a) When a petition filed under this section is filed:

26 (A) While the person is under the jurisdiction of the juvenile court or the Psychiatric Security  
27 Review Board or less than three years after the date the jurisdiction is terminated, the court shall  
28 hold a hearing no sooner than 60 days and no later than 120 days after the date of filing.

29 (B) Three years or more after the date the juvenile court or board jurisdiction is terminated, the  
30 court shall hold a hearing no sooner than 90 days and no later than 150 days after the date of filing.

31 (b) Notwithstanding paragraph (a) of this subsection, upon a showing of good cause, the court  
32 may extend the period of time in which a hearing on the petition must be held.

33 (9)(a) When the person proves by clear and convincing evidence that the person is rehabilitated  
34 and does not pose a threat to the safety of the public, the court shall grant the petition.

35 (b) Notwithstanding paragraph (a) of this subsection, the court may not grant a petition filed  
36 under this section before the date the juvenile court or board jurisdiction over the person is termi-  
37 nated.

38 (10) When a juvenile court enters an order relieving a person of the requirement to report under  
39 ORS 181.809, the person shall send a certified copy of the juvenile court order to the Department  
40 of State Police.

41 (11) If a person commits an act that could be charged as a sex crime listed in ORS 137.707 and  
42 the person is 15, 16 or 17 years of age at the time the act is committed, the state and the person  
43 may stipulate that the person may not petition for relief under this section as part of an agreement  
44 that the person be subject to the jurisdiction of the juvenile court rather than being prosecuted as  
45 an adult under ORS 137.707.



1 (12) When a petition is filed under subsection (2)(b) of this section before the termination of ju-  
2 venile court or board jurisdiction, if the person, or the parent or guardian of the person if the person  
3 is less than 18 years of age, requests counsel and is without sufficient financial means to employ  
4 suitable counsel to represent the person, for purposes of the petition described in this section, the  
5 court shall appoint suitable counsel to represent the person. Appointment of counsel under this  
6 subsection is subject to ORS 419C.200, 419C.203, 419C.206 and 419C.209.

7 **SECTION 36. ORS 181.838, 181.839 and 181.840 are repealed.**

8 **SECTION 37. The unit captions used in this 2015 Act are provided only for the conven-  
9 ience of the reader and do not become part of the statutory law of this state or express any  
10 legislative intent in the enactment of this 2015 Act.**

11 **SECTION 38. This 2015 Act being necessary for the immediate preservation of the public  
12 peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect  
13 on its passage.**

14