

House Bill 2353

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 **as introduced**.

Requires sex offender without fixed residence to notify sheriff within three business days of ceasing to have fixed residence and thereafter report weekly to sheriff.

Creates affirmative defense to crime of failure to report as a sex offender if sex offender without fixed residence complies with notice and weekly reporting requirement.

A BILL FOR AN ACT

1
2 Relating to sex offenders without fixed residences; creating new provisions; and amending ORS
3 181.812.

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

5 **SECTION 1. Section 2 of this 2015 Act is added to and made a part of ORS 181.800 to**
6 **181.845.**

7 **SECTION 2. (1)(a) A person required to report as a sex offender under ORS 181.806,**
8 **181.807, 181.808 or 181.809 who does not have a fixed residence shall provide written and**
9 **signed notice of the lack of a fixed residence to the sheriff of the county in which the person**
10 **last reported within three business days after ceasing to have a fixed residence. The notice**
11 **shall include, as applicable, all information contained in the registration forms provided by**
12 **the Department of State Police under ORS 181.810.**

13 **(b) The county sheriff may photograph the person or any identifying scars, marks or**
14 **tattoos located on the person, and shall fingerprint the person if the person's fingerprints**
15 **are not included in the record file of the Department of State Police. If the person intends**
16 **to reside in another county, the sheriff shall forward the notice to the sheriff of the county**
17 **in which the person intends to reside.**

18 **(2) A person described in subsection (1)(a) of this section shall, in addition:**

19 **(a) Report every seven days, in person, to the sheriff of the county in which the person**
20 **resides. The weekly report shall be on a day specified by the county sheriff's office and shall**
21 **occur during normal business hours; and**

22 **(b) Keep an accurate accounting of where the person resides during the previous week**
23 **and provide the accounting to the sheriff upon request at the weekly report described in**
24 **paragraph (a) of this subsection.**

25 **(3) If a person required to report as a sex offender under ORS 181.806, 181.807 or 181.808**
26 **does not have a fixed residence:**

27 **(a) That fact may be considered as a factor in performing the risk assessment described**
28 **in ORS 181.801; and**

29 **(b) The Department of State Police shall, only for the purposes of releasing sex offender**
30 **information as described in ORS 181.835, consider the person to be a level three sex offender**

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 **under ORS 181.800 (3).**

2 **SECTION 3.** ORS 181.812 is amended to read:

3 181.812. (1) A person who is required to report as a sex offender in accordance with the appli-
 4 cable provisions of ORS 181.806, 181.807, 181.808 or 181.809 and who has knowledge of the reporting
 5 requirement commits the crime of failure to report as a sex offender if the person:

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

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

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

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

12 (e) Fails to make an annual report;

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

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

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

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

22 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
 23 section by a person required to report under ORS 181.808 (1)(a) or 181.809 (2)(c)(A)(i) that the person
 24 reported, in person, to the Department of State Police, a city police department or a county sheriff's
 25 office, in the county of the person's new residence, within 10 days of moving into this state.

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

30 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
 31 tion by a person required to report under ORS 181.808 (3) or 181.809 (2)(c)(A)(ii) or (B)(ii) or (3) that
 32 the person reported, in person, to the Department of State Police, a city police department or a
 33 county sheriff's office, in the county of the person's residence, if the person otherwise complied with
 34 all reporting requirements.

35 **(e) It is an affirmative defense to a charge of failure to report under subsection (1)(d)**
 36 **of this section by a person required to report under ORS 181.806 (3)(a)(B), 181.807 (4)(a)(B),**
 37 **181.808 (1)(a)(B) or (3)(a)(B) or 181.809 (3)(a) that the person complied with all requirements**
 38 **described in section 2 of this 2015 Act.**

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

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

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

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

45 (4) A person who fails to sign and return an address verification form as required by ORS

1 181.810 (4) commits a violation.

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