

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2320**

1 In line 2 of the printed bill, after the semicolon delete the rest of the line  
2 and insert “creating new provisions; amending ORS 90.630, 137.225, 144.102,  
3 144.641, 163.476, 163.479, 181.800, 181.801, 181.803, 181.806, 181.807, 181.808,  
4 181.809, 181.810, 181.812, 181.817, 181.820, 181.821, 181.823, 181.835, 181.837,  
5 419A.262 and sections 7, 34 and 37, chapter 708, Oregon Laws 2013; repealing  
6 ORS 181.838, 181.839 and 181.840; and declaring an emergency.”.

7 Delete lines 4 through 18 and insert:  
8

9 **“SEX OFFENDER CLASSIFICATION**

10

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

12 “181.800. The [*Department of Corrections shall*] **State Board of Parole**  
13 **and Post-Prison Supervision shall, in consultation with community**  
14 **corrections agencies,** adopt by rule a sex offender risk assessment [*tool*]  
15 **methodology** for use in classifying sex offenders [*based on the statistical*  
16 *likelihood that an individual sex offender will commit another sex crime*].  
17 Application of the risk assessment [*tool*] **methodology** to a sex offender must  
18 result in placing the sex offender in one of the following levels:

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

21 “(2) A level two sex offender who presents a moderate risk of reoffending  
22 and requires a moderate range of notification.

1 “(3) A level three sex offender who presents the highest risk of reoffend-  
2 ing and requires the widest range of notification.

3 **“SECTION 2.** ORS 181.801 is amended to read:

4 “181.801. (1) When a person convicted of a crime described in ORS 163.355  
5 to 163.427 is sentenced to a term of imprisonment in a Department of Cor-  
6 rections institution for that crime, the [*department*] **State Board of Parole  
7 and Post-Prison Supervision** shall [*conduct a risk assessment of*] **assess** the  
8 person utilizing the risk assessment [*tool*] **methodology** described in ORS  
9 181.800. **The board shall apply the results of the assessment to place  
10 the person in one of the levels described in ORS 181.800** before the per-  
11 son is released from custody.

12 “(2) When a person convicted of a sex crime is sentenced to a term of  
13 incarceration in a jail, or is discharged, released or placed on probation by  
14 the court, the supervisory authority as defined in ORS 144.087 shall [*conduct  
15 a risk assessment of*] **assess** the person utilizing the risk assessment [*tool*]  
16 **methodology** described in ORS 181.800 **and apply the results of the as-  
17 sessment to place the person in one of the levels described in ORS  
18 181.800** no later than 60 days after the person is released from jail or dis-  
19 charged, released or placed on probation by the court.

20 “(3)(a) When a person is found guilty except for insanity of a sex crime,  
21 the [*State Board of Parole and Post-Prison Supervision*] **Psychiatric Secu-  
22 rity Review Board or the Oregon Health Authority** shall [*conduct a risk  
23 assessment of*] **assess** the person utilizing the risk assessment [*tool*] **meth-  
24 odology** described in ORS 181.800 **and apply the results of the assessment  
25 to place the person in one of the levels described in ORS 181.800  
26 [within] no later than 60 days** after the person is:

27 “(A) Placed on conditional release by the Psychiatric Security Review  
28 Board or the Oregon Health Authority;

29 “(B) Discharged from the jurisdiction of the Psychiatric Security Review  
30 Board or the Oregon Health Authority;

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

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

4 “(b) [*The Psychiatric Security Review Board or the Oregon Health Au-*  
5 *thority shall notify the State Board of Parole and Post-Prison Supervision*  
6 *when the Psychiatric Security Review Board or the authority conditionally*  
7 *releases or discharges a person described in paragraph (a) of this subsection.*]

8 **If the State Board of Parole and Post-Prison Supervision previously**  
9 **completed a risk assessment and assigned a classification level de-**  
10 **scribed in ORS 181.800 for a person described in paragraph (a) of this**  
11 **subsection, the Psychiatric Security Review Board or the Oregon**  
12 **Health Authority need not complete a reassessment for an initial**  
13 **classification.**

14 “(c) The court shall notify the [*State Board of Parole and Post-Prison*  
15 *Supervision*] **Psychiatric Security Review Board** when the court condi-  
16 tionally releases or discharges a person described in paragraph (a) of this  
17 subsection.

18 “(d) **The Psychiatric Security Review Board or the Oregon Health**  
19 **Authority shall notify the State Board of Parole and Post-Prison**  
20 **Supervision no later than seven days after the Psychiatric Security**  
21 **Review Board or the authority conditionally releases or discharges a**  
22 **person who has a prior sex crime conviction that obligates the person**  
23 **to report as a sex offender, unless the person has also been found**  
24 **guilty except for insanity of a sex crime that obligates the person to**  
25 **report as a sex offender.**

26 “(4) Within 60 days after the event triggering the obligation to make an  
27 initial report, the State Board of Parole and Post-Prison Supervision shall  
28 [*conduct a risk assessment of*] **assess** a person utilizing the risk assessment  
29 [*tool*] **methodology** described in ORS 181.800 **and apply the results of the**  
30 **assessment to place the person in one of the levels described in ORS**

1 **181.800** if the person:

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

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

4 “(B) For which the person would have to register as a sex offender in that  
5 court’s jurisdiction, or as required under federal law, regardless of whether  
6 the crime would constitute a sex crime in this state; or

7 “(b) Has been convicted of a sex crime and was sentenced to a term of  
8 imprisonment in a Department of Corrections institution for that sex crime,  
9 but was not subjected to a risk assessment utilizing the risk assessment  
10 [tool] **methodology** described in ORS 181.800 before release under subsection  
11 (1) of this section.

12 “(5) When [*the Department of Corrections,*] the State Board of Parole and  
13 Post-Prison Supervision, **the Psychiatric Security Review Board, the**  
14 **Oregon Health Authority** or a supervisory authority [*conducts a risk as-*  
15 *essment under this section*] **applies the results of a risk assessment to**  
16 **place a person in one of the levels described in ORS 181.800**, the agency  
17 shall notify the Department of State Police of the results of the risk assess-  
18 ment **within three business days after the agency’s classification**. Upon  
19 receipt, the Department of State Police shall enter the results of the risk  
20 assessment into the Law Enforcement Data System.

21 **“SECTION 3.** ORS 181.803 is amended to read:

22 “181.803. Notwithstanding any other provision of law:

23 “[*(1) A person required to report as a sex offender under ORS 181.806,*  
24 *181.807 or 181.808 is classified as a level three sex offender under ORS 181.800*  
25 *(3) unless:*]

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

29 “[*(b) After filing a petition under ORS 181.821 (2), the person is reclassified*  
30 *as a level two sex offender under ORS 181.800 (2) by the State Board of Parole*

1 *and Post-Prison Supervision or the Psychiatric Security Review Board.]*

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

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

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

9 “[3] (2) A person who has been convicted or found guilty except for in-  
10 sanity of one of the following offenses is not eligible for relief from the ob-  
11 ligation to report as a sex offender pursuant to a petition filed under ORS  
12 181.821 (1):

13 “(a) Rape in the first degree;

14 “(b) Sodomy in the first degree;

15 “(c) Unlawful sexual penetration in the first degree;

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

18 “(e) Burglary in the first degree when committed with the intent to com-  
19 mit any of the offenses listed in ORS 181.805 (5)(a) to (t).

20 “(3) **A person classified as a level three sex offender under section**  
21 **7 (2)(b), chapter 708, Oregon Laws 2013 is not eligible for relief from**  
22 **the obligation to report as a sex offender pursuant to a petition filed**  
23 **under ORS 181.821 (1).**

24 “**SECTION 4.** ORS 181.821 is amended to read:

25 “181.821. (1)(a) A person who is required to report as a sex offender under  
26 ORS 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is  
27 classified as a level one sex offender under ORS 181.800 (1) may petition the  
28 State Board of Parole and Post-Prison Supervision to relieve the person from  
29 the obligation to report as a sex offender under ORS 181.806, 181.807 or  
30 181.808.

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

7       “(c)(A) Except as otherwise provided in subparagraph (B) of this para-  
8 graph, a person described in paragraph (a) or (b) of this subsection may file  
9 the petition no sooner than five years after the date supervision for the sex  
10 crime is terminated or, if the person was not subject to supervision for the  
11 sex crime, five years after the date the person was discharged from the ju-  
12 risdiction of the court, Psychiatric Security Review Board or Oregon Health  
13 Authority.

14       “(B) A person who was reclassified under subsection (2) of this section  
15 from a level two sex offender under ORS 181.800 (2) to a level one sex  
16 offender under ORS 181.800 (1) may file the petition no sooner than five years  
17 after the date of reclassification.

18       “(d) Notwithstanding paragraph (c) of this subsection, if a person is re-  
19 quired to report because of a conviction or finding of guilty except for in-  
20 sanity from another United States court as that term is defined in ORS  
21 181.805, the person may not petition for relief from reporting as a sex  
22 offender in Oregon unless the laws of the jurisdiction where the person was  
23 convicted or found guilty except for insanity would permit a petition for re-  
24 lief from reporting as a sex offender.

25       “(2)(a) A person who is required to report as a sex offender under ORS  
26 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classi-  
27 fied as a level three sex offender under ORS 181.800 (3) may petition the  
28 State Board of Parole and Post-Prison Supervision to reclassify the person  
29 as a level two sex offender under ORS 181.800 (2).

30       “(b) A person who is required to report as a sex offender under ORS

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

5 “(c) A person who is required to report as a sex offender under ORS  
6 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classi-  
7 fied as a level two sex offender under ORS 181.800 (2) may petition the State  
8 Board of Parole and Post-Prison Supervision to reclassify the person as a  
9 level one sex offender under ORS 181.800 (1).

10 “(d) A person who is required to report as a sex offender under ORS  
11 181.806, 181.807 or 181.808 due to being found guilty except for insanity under  
12 ORS 161.295 for a sex crime, and is classified as a level two sex offender  
13 under ORS 181.800 (2), may petition the Psychiatric Security Review Board  
14 to reclassify the person as a level one sex offender under ORS 181.800 (1).

15 “(e) The petition described in this subsection may be filed no sooner than  
16 10 years after the date supervision for the sex crime is terminated or, if the  
17 person was not subject to supervision for the sex crime, 10 years after the  
18 date the person was discharged from the jurisdiction of the court, Psychiatric  
19 Security Review Board or Oregon Health Authority.

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

26 “(b) The appropriate board shall deny a petition filed under subsection  
27 (2)(c) or (d) of this section if the board has previously reclassified the person  
28 as a level two sex offender under ORS 181.800 (2) as the result of a petition  
29 filed under subsection (2)(a) or (b) of this section.

30 “(4)(a) Except as otherwise provided in subsection (3) of this section, if

1 a person files a petition under subsection (1) of this section, the State Board  
2 of Parole and Post-Prison Supervision or the Psychiatric Security Review  
3 Board shall hold a hearing. At the hearing, the board shall enter an order  
4 relieving the person of the obligation to report as a sex offender under ORS  
5 181.806, 181.807 or 181.808 if the board determines, by clear and convincing  
6 evidence, that the person:

7 “(A) Is statistically unlikely to reoffend; and

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

9 “(b)(A) Except as otherwise provided in subsection (3) of this section, if  
10 a person files a petition under subsection (2)(a) or (b) of this section, the  
11 State Board of Parole and Post-Prison Supervision or the Psychiatric Secu-  
12 rity Review Board shall hold a hearing. At the hearing, the board shall enter  
13 an order reclassifying the person as a level two sex offender under ORS  
14 181.800 (2) if, after completion of a new risk assessment utilizing the risk  
15 assessment [*tool*] **methodology** described in ORS 181.800, the person is clas-  
16 sified as presenting a low or moderate risk of reoffending and the board de-  
17 termines that a lower level of notification is sufficient to protect public  
18 safety.

19 “(B) Except as otherwise provided in subsection (3) of this section, if a  
20 person files a petition under subsection (2)(c) or (d) of this section, the State  
21 Board of Parole and Post-Prison Supervision or the Psychiatric Security  
22 Review Board shall hold a hearing. At the hearing, the board shall enter an  
23 order reclassifying the person as a level one sex offender under ORS 181.800  
24 (1) if, after completion of a new risk assessment utilizing the risk assessment  
25 [*tool*] **methodology** described in ORS 181.800, the person is classified as  
26 presenting a low risk of reoffending and the board determines that a lower  
27 level of notification is sufficient to protect public safety.

28 “(5) In making the determinations described in subsection (4) of this sec-  
29 tion, the State Board of Parole and Post-Prison Supervision or the Psychi-  
30 atric Security Review Board shall consider:



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

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

4 “(c) The age of the person at the time of the offense that requires re-  
5 porting;

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

8 “(e) The person’s performance on supervision for the offense that requires  
9 reporting;

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

13 “(g) The person’s stability in employment and housing;

14 “(h) The person’s community and personal support system;

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

17 “(j) Any other relevant factors.

18 “(6)(a) The Attorney General may represent the state at a hearing con-  
19 ducted under this section unless the district attorney of the county in which  
20 the person was convicted or, if the conviction for which the person is re-  
21 quired to report as a sex offender was entered in another United States  
22 court, the district attorney of the county in which the person resides, elects  
23 to represent the state.

24 “(b) If a district attorney elects to represent the state, the district attor-  
25 ney shall give timely written notice of the election to the Attorney General,  
26 the State Board of Parole and Post-Prison Supervision or the Psychiatric  
27 Security Review Board and the person who is the subject of the hearing.

28 “(c) If the district attorney declines to represent the state, the district  
29 attorney shall cooperate with the Attorney General in securing the material  
30 necessary to represent the state.

1 “(7)(a) When the State Board of Parole and Post-Prison Supervision or the  
2 Psychiatric Security Review Board enters an order under this section re-  
3 lieving a person of the obligation to report as a sex offender under ORS  
4 181.806, 181.807 or 181.808 or enters an order reclassifying a person as a level  
5 two sex offender under ORS 181.800 (2) or as a level one sex offender under  
6 ORS 181.800 (1), the board shall forward a copy of the order to the Depart-  
7 ment of State Police.

8 “(b) Upon receipt of an order relieving a person of the obligation to re-  
9 port, the department shall remove from the Law Enforcement Data System  
10 the sex offender information obtained from the sex offender registration form  
11 submitted under ORS 181.806, 181.807 or 181.808.

12 “(c) Upon receipt of an order reclassifying a person as a level two sex  
13 offender under ORS 181.800 (2) or as a level one sex offender under ORS  
14 181.800 (1), the department shall update the Law Enforcement Data System  
15 to reflect the reclassification.

16 “(8) The State Board of Parole and Post-Prison Supervision and the Psy-  
17 chiatric Security Review Board shall adopt rules to carry out the provisions  
18 of this section. The rules may include a filing fee in an amount determined  
19 by the appropriate board. All fees paid under this subsection shall be de-  
20 posited into the General Fund and credited to the account of the appropriate  
21 board.

22 “(9) As used in this section, ‘supervision’ means probation, parole, post-  
23 prison supervision or any other form of supervised or conditional release.

24

25 **“SEX OFFENDER REPORTING**

26

27 **“SECTION 5.** ORS 181.806 is amended to read:

28 “181.806. (1) The agency to which a person reports under subsection (3)  
29 of this section shall complete a sex offender registration form concerning the  
30 person when the person reports under subsection (3) of this section.

1       “(2) Subsection (3) of this section applies to a person who:  
2       “(a) Is discharged, paroled or released on any form of supervised or con-  
3       ditional release from a jail, prison or other correctional facility or detention  
4       facility in this state at which the person was confined as a result of:  
5       “(A) Conviction of a sex crime or a crime for which the person would  
6       have to register as a sex offender under federal law; or  
7       “(B) Having been found guilty except for insanity of a sex crime;  
8       “(b) Is paroled to this state under ORS 144.610 after being convicted in  
9       another United States court of a crime:  
10       “(A) That would constitute a sex crime if committed in this state; or  
11       “(B) For which the person would have to register as a sex offender in that  
12       court’s jurisdiction, or as required under federal law, regardless of whether  
13       the crime would constitute a sex crime in this state; or  
14       “(c) Is discharged by the court under ORS 161.329 after having been found  
15       guilty except for insanity of a sex crime.  
16       “(3)(a) A person described in subsection (2) of this section shall report,  
17       in person, to the Department of State Police, a city police department or a  
18       county sheriff’s office, in the county to which the person was discharged,  
19       paroled or released or in which the person was otherwise placed:  
20       “(A) Within 10 days following discharge, release on parole, post-prison  
21       supervision or other supervised or conditional release;  
22       “(B) Within 10 days of a change of residence;  
23       “(C) Once each year within 10 days of the person’s birth date, regardless  
24       of whether the person changed residence;  
25       “(D) Within 10 days of the first day the person works at, carries on a  
26       vocation at or attends an institution of higher education; and  
27       “(E) Within 10 days of a change in work, vocation or attendance status  
28       at an institution of higher education.  
29       “(b) If a person required to report under this subsection has complied with  
30       the initial reporting requirement under paragraph (a)(A) of this subsection,

1 the person shall subsequently report, in person, in the circumstances speci-  
2 fied in paragraph (a) of this subsection, as applicable, to the Department of  
3 State Police, a city police department or a county sheriff's office, in the  
4 county of the person's last reported residence.

5 **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, a**  
6 **person required to report under this subsection:**

7 **“(A) Who is a youth offender committed to the Oregon Youth Au-**  
8 **thority by order of the juvenile court or placed in the physical custody**  
9 **of the authority under ORS 137.124 or another provision of law may**  
10 **report to the authority.**

11 **“(B) Who is a youth offender or a young person, as defined in ORS**  
12 **419A.004, and who is under supervision to a juvenile department of a**  
13 **county may report to the juvenile department.**

14 **“[(c)] (d)** The obligation to report under this subsection terminates if the  
15 conviction or adjudication that gave rise to the obligation is reversed or  
16 vacated or if the registrant is pardoned.

17 **“(4)** As part of the registration and reporting requirements of this section:

18 **“(a)** The person required to report shall:

19 **“(A)** Provide the information necessary to complete the sex offender reg-  
20 istration form and sign the form as required; and

21 **“(B)** Submit to the requirements described in paragraph (b) of this sub-  
22 section.

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

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

28 **“(B)** May photograph the person or any identifying scars, marks or  
29 tattoos located on the person when the person reports under any of the cir-  
30 cumstances described in this section; and

1 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
2 cluded in the record file of the Department of State Police.

3 **“SECTION 6.** ORS 181.807 is amended to read:

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

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

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

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

13 “(c) To or in this state under ORS 144.610 after being convicted in another  
14 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  
17 court’s jurisdiction, regardless of whether the crime would constitute a sex  
18 crime in this state.

19 “(3) The court shall ensure that the person completes a form that docu-  
20 ments the person’s obligation to report under ORS 181.806 or this section.  
21 No later than three working days after the person completes the form re-  
22 quired by this subsection, the court shall ensure that the form is sent to the  
23 Department of State Police.

24 “(4)(a) A person described in subsection (2) of this section shall report,  
25 in person, to the Department of State Police, a city police department or a  
26 county sheriff’s office, in the county to which the person was discharged or  
27 released or in which the person was placed on probation:

28 “(A) Within 10 days following discharge, release or placement on pro-  
29 bation;

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

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

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

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

7 “(b) If a person required to report under this subsection has complied with  
8 the initial reporting requirement under paragraph (a)(A) of this subsection,  
9 the person shall subsequently report, in person, in the circumstances speci-  
10 fied in paragraph (a) of this subsection, as applicable, to the Department of  
11 State Police, a city police department or a county sheriff’s office, in the  
12 county of the person’s last reported residence.

13 **“(c) Notwithstanding paragraphs (a) and (b) of this subsection, a  
14 person required to report under this subsection:**

15 **“(A) Who is a youth offender committed to the Oregon Youth Au-  
16 thority by order of the juvenile court or placed in the physical custody  
17 of the authority under ORS 137.124 or another provision of law may  
18 report to the authority.**

19 **“(B) Who is a youth offender or a young person, as defined in ORS  
20 419A.004, and who is under supervision to a juvenile department of a  
21 county may report to the juvenile department.**

22 “[c] **(d)** The obligation to report under this subsection terminates if the  
23 conviction or adjudication that gave rise to the obligation is reversed or  
24 vacated or if the registrant is pardoned.

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

26 “(a) The person required to report shall:

27 “(A) Provide the information necessary to complete the sex offender reg-  
28 istration form and sign the form as required; and

29 “(B) Submit to the requirements described in paragraph (b) of this sub-  
30 section.

1 “(b) The Department of State Police, **Oregon Youth Authority, county**  
2 **juvenile department**, [*the*] city police department or [*the*] county sheriff’s  
3 office:

4 “(A) Shall photograph the person when the person initially reports under  
5 this section and each time the person reports annually under this section;

6 “(B) May photograph the person or any identifying scars, marks or  
7 tattoos located on the person when the person reports under any of the cir-  
8 cumstances described in this section; and

9 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
10 cluded in the record file of the Department of State Police.

11 **“SECTION 7.** ORS 181.808 is amended to read:

12 “181.808. (1)(a) When a person described in subsection (6) of this section  
13 moves into this state and is not otherwise required by ORS 181.806, 181.807  
14 or 181.809 to report, the person shall report, in person, to the Department  
15 of State Police [*in Marion County, Oregon*], **a city police department or a**  
16 **county sheriff’s office, in the county of the person’s residence:**

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

18 “(B) Within 10 days of a change of residence;

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

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

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

25 “(b) If a person required to report under this subsection has complied with  
26 the initial reporting requirement under paragraph (a)(A) of this subsection,  
27 the person shall subsequently report, in person, in the circumstances speci-  
28 fied in paragraph (a) of this subsection, as applicable, to the Department of  
29 State Police, a city police department or a county sheriff’s office, in the  
30 county of the person’s last reported residence.

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

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

10       “(B) A change in school enrollment or employment.

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

13       “(3)(a) When a person described in subsection (6) of this section resides  
14 in this state at the time of the conviction or adjudication giving rise to the  
15 obligation to report, continues to reside in this state following the conviction  
16 or adjudication and is not otherwise required by ORS 181.806, 181.807 or  
17 181.809 to report, the person shall report, in person, to the Department of  
18 State Police [*in Marion County, Oregon*], **a city police department or a  
19 county sheriff’s office, in the county of the person’s residence:**

20       “(A) Within 10 days following:

21       “(i) Discharge, release on parole or release on any form of supervised or  
22 conditional release, from a jail, prison or other correctional facility or de-  
23 tention facility; or

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

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  
28 of whether the person has changed residence;

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



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

3 “(b) If a person required to report under this subsection has complied with  
4 the applicable initial reporting requirement under paragraph (a)(A) of this  
5 subsection, the person shall subsequently report, in person, in the circum-  
6 stances specified in paragraph (a) of this subsection, as applicable, to the  
7 Department of State Police, a city police department or a county sheriff’s  
8 office, in the county of the person’s last reported residence.

9 “(4) When a person reports under this section, the agency to which the  
10 person reports shall complete a sex offender registration form concerning the  
11 person.

12 “(5) The obligation to report under this section terminates if the con-  
13 viction or adjudication that gave rise to the obligation is reversed or vacated  
14 or if the registrant is pardoned.

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

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

18 “(b) For which the person would have to register as a sex offender in that  
19 court’s jurisdiction, or as required under federal law, regardless of whether  
20 the crime would constitute a sex crime in this state.

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

22 “(a) The person required to report shall:

23 “(A) Provide the information necessary to complete the sex offender reg-  
24 istration form and sign the form as required; and

25 “(B) Submit to the requirements described in paragraph (b) of this sub-  
26 section.

27 “(b) The Department of State Police, the city police department or the  
28 **county** sheriff’s office:

29 “(A) Shall photograph the person when the person initially reports under  
30 this section, each time the person reports annually under subsection (1)(a)(C)

1 or (3)(a)(C) of this section and each time the person reports under subsection  
2 (2)(a)(B) of this section;

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

6 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
7 cluded in the record file of the Department of State Police.

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

9 “181.809. (1) Unless the juvenile court enters an order under ORS 181.823  
10 or 181.826 relieving a person of the obligation to report as a sex offender,  
11 subsections (2) to (4) of this section apply to a person:

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

16 **“(a) Who has been ordered under section 31 of this 2015 Act to re-**  
17 **port as a sex offender; or**

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

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

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

1 *probation or other form of supervised or conditional release;]*

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

7 **“(a) The person shall report no later than 10 days after the date of**  
8 **the termination of juvenile court jurisdiction over the person or, if the**  
9 **person is placed under the jurisdiction of the Psychiatric Security Re-**  
10 **view Board, no later than 10 days after the date the person is dis-**  
11 **charged from the jurisdiction of the board; or**

12 *“[(c)] (b) If the person is adjudicated for the act giving rise to the obli-*  
13 *gation to report in another United States court and the person is found to*  
14 *have committed an act that if committed by an adult in this state would*  
15 *constitute:*

16 *“(A) A Class A or Class B felony sex crime:*

17 *“(i) If the person is not a resident of this state at the time of the adju-*  
18 *dications, the person shall make the initial report to the Department of State*  
19 *Police in Marion County, Oregon, no later than 10 days after the date the*  
20 *person moves into this state; or*

21 *“(ii) If the person is a resident of this state at the time of the adjudi-*  
22 *cation, the person shall make the initial report to the Department of State*  
23 *Police in Marion County, Oregon, no later than 10 days after the date the*  
24 *person is discharged, released or placed on probation or any other form of*  
25 *supervised or conditional release by the other United States court or, if the*  
26 *person is confined in a correctional facility by the other United States court,*  
27 *no later than 10 days after the date the person is discharged or otherwise*  
28 *released from the facility.*

29 *“(B) A Class C felony sex crime:*

30 *“(i) If the person is not a resident of this state at the time of the adju-*

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

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

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

16 “(a) Within 10 days of a change of residence;

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

19 “(c) Within 10 days of the first day the person works at, carries on a vo-  
20 cation at or attends an institution of higher education; and

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

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

30 “(a) The first day of school attendance or the 14th day of employment in

1 this state; and

2 “(b) A change in school enrollment or employment.

3 “(5) The agency to which a person reports under this section shall com-  
4 plete a sex offender registration form concerning the person when the person  
5 reports under this section.

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

7 “(a) The person required to report shall:

8 “(A) Provide the information necessary to complete the sex offender reg-  
9 istration form and sign the form as required; and

10 “(B) Submit to the requirements described in paragraph (b) of this sub-  
11 section.

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

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

17 “(B) May photograph the person or any identifying scars, marks or  
18 tattoos located on the person when the person reports under any of the cir-  
19 cumstances described in this section; and

20 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
21 cluded in the record file of the Department of State Police.

22 “(7) The obligation to report under this section is terminated if the ad-  
23 judication that gave rise to the obligation is reversed or vacated.

24 “[*(8) The court shall ensure that a person described in subsection (1)(a) of*  
25 *this section completes a form that documents the person’s obligation to report*  
26 *under this section. No later than three working days after the person completes*  
27 *the form required by this subsection, the court shall ensure that the form is*  
28 *sent to the Department of State Police.*]

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

1       **“(a) Who is a youth offender committed to the Oregon Youth Au-**  
2 **thority by order of the juvenile court or placed in the physical custody**  
3 **of the authority under ORS 137.124 or another provision of law may**  
4 **report to the authority.**

5       **“(b) Who is a youth offender or a young person, as defined in ORS**  
6 **419A.004, and who is under supervision to a juvenile department of a**  
7 **county may report to the juvenile department.**

8       **“SECTION 9.** ORS 181.812 is amended to read:

9       “181.812. (1) A person who is required to report as a sex offender in ac-  
10 cordance with the applicable provisions of ORS 181.806, 181.807, 181.808 or  
11 181.809 and who has knowledge of the reporting requirement commits the  
12 crime of failure to report as a sex offender if the person:

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

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

16       “(c) Fails to report following a change of school enrollment or employ-  
17 ment status, including enrollment, employment or vocation status at an in-  
18 stitution of higher education;

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

21       “(e) Fails to make an annual report;

22       “(f) Fails to provide complete and accurate information;

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

24       “(h) Fails to submit to fingerprinting or to having a photograph taken  
25 of the person’s face, identifying scars, marks or tattoos.

26       “(2)(a) It is an affirmative defense to a charge of failure to report under  
27 subsection (1)(d) of this section by a person required to report under ORS  
28 181.806 (3)(a)(B), 181.807 (4)(a)(B) or 181.809 (3)(a) that the person reported,  
29 in person, within 10 days of a change of residence to the Department of State  
30 Police, **the Oregon Youth Authority, a county juvenile department, a**

1 city police department or a county sheriff's office, in the county of the  
2 person's new residence, if the person otherwise complied with all reporting  
3 requirements.

4 “(b) It is an affirmative defense to a charge of failure to report under  
5 subsection (1)(a) of this section by a person required to report under ORS  
6 [181.808 (1)(a) or] 181.809 [(2)(c)(A)(i)] **(2)(b)(A)(i)** that the person reported,  
7 in person, to the Department of State Police, **the Oregon Youth Authority,**  
8 **a county juvenile department,** a city police department or a county  
9 sheriff's office, in the county of the person's new residence, within 10 days  
10 of moving into this state.

11 “(c) It is an affirmative defense to a charge of failure to report under  
12 subsection (1)(a) of this section by a person required to report under ORS  
13 181.809 [(2)(c)(B)(i)] **(2)(b)(B)(i)** that the person reported, in person, to the  
14 Department of State Police, **the Oregon Youth Authority, a county ju-**  
15 **venile department,** a city police department or a county sheriff's office, in  
16 the county of the person's new residence, within six months of moving into  
17 this state.

18 “(d) It is an affirmative defense to a charge of failure to report under  
19 subsection (1) of this section by a person required to report under ORS  
20 [181.808 (3) or] 181.809 [(2)(c)(A)(ii)] **(2)(b)(A)(ii)** or (B)(ii) or (3) that the  
21 person reported, in person, to the Department of State Police, **the Oregon**  
22 **Youth Authority, a county juvenile department,** a city police department  
23 or a county sheriff's office, in the county of the person's residence, if the  
24 person otherwise complied with all reporting requirements.

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

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

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

30 “(B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for

1 which the person is required to report is a felony.

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

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

5 “181.810. (1) Agencies [*required to register*] **registering** offenders under  
6 ORS 181.806, 181.807, 181.808 and 181.809 shall use forms [*provided*] **and**  
7 **procedures adopted** by the Department of State Police **by administrative**  
8 **rule.** The department shall include places on the form to list all the names  
9 used by the offender and the address of the offender. No later than three  
10 working days after registration, the agency or official completing the form  
11 shall[:]

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

13 “[*b*) *Forward the registration information to the department by any means*  
14 *and, within 10 working days after registration, send the original copy of the*  
15 *registration form to the department.*] **forward the registration information**  
16 **to the department in the manner prescribed by the department.**

17 “(2) The department shall enter into the Law Enforcement Data System  
18 the sex offender information obtained from the sex offender registration  
19 forms. If a conviction or adjudication that gave rise to the registration ob-  
20 ligation is reversed or vacated or if the registrant is pardoned, the depart-  
21 ment shall remove from the Law Enforcement Data System the sex offender  
22 information obtained from the form.

23 “(3) The Law Enforcement Data System may send sex offender informa-  
24 tion to the National Crime Information Center as part of the national sex  
25 offender registry in accordance with appropriate state and federal proce-  
26 dures.

27 “(4) If the person is no longer under supervision, the department shall  
28 verify the residence address of a person determined to be a sexually violent  
29 dangerous offender as defined in ORS 137.765 every 90 days by mailing a  
30 verification form to the person at the person’s last reported residence ad-



1 dress. No later than 10 days after receiving the form, the person shall sign  
2 and return the form to the department.

3 “(5) The department shall assess a person who is required to report under  
4 ORS 181.806, 181.807, 181.808 or 181.809 and who is not under supervision a  
5 fee of \$70 each year. Moneys received by the department under this sub-  
6 section are continuously appropriated to the department for the purpose of  
7 carrying out the department’s duties under ORS 181.800 to 181.845.

8 **“SECTION 11.** ORS 181.817 is amended to read:

9 “181.817. (1) For those sex offenders classified as a level three sex offender  
10 under ORS 181.800 (3), or designated as a predatory sex offender [*under ORS*  
11 *181.838*] **prior to January 1, 2014**, the agency making the classification or  
12 designation shall provide the Department of State Police, by electronic or  
13 other means, at the termination of supervision, with the following informa-  
14 tion for the purpose of offender profiling:

15 “(a) Presentence investigations;

16 “(b) Violation reports;

17 “(c) Parole and probation orders;

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

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

20 “(f) Any other information that the agency determines is appropriate dis-  
21 closure of which is not otherwise prohibited by law.

22 “(2) The Oregon Youth Authority and county juvenile departments shall  
23 provide access to information in their files to the Oregon State Police for  
24 the purpose of offender profiling.

25 “(3)(a) Except as otherwise provided by law, the Oregon State Police may  
26 not disclose information received under subsection (1) or (2) of this section.

27 “(b) The Department of State Police may release information on the  
28 methodology of offenses and behavior profiles derived from information re-  
29 ceived under subsection (1) or (2) of this section to local law enforcement  
30 agencies.

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

2       “181.820. (1)(a) No sooner than 10 years after termination of supervision  
3 on probation, conditional release, parole or post-prison supervision, a person  
4 required to report under ORS 181.806, 181.807 or 181.808 may file a petition  
5 in circuit court for an order relieving the person of the duty to report. The  
6 person must pay the filing fee established under ORS 21.135. A petition may  
7 be filed under this section only if:

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

9       “(B) The sex crime was a misdemeanor or Class C felony or, if committed  
10 in another state, would have been a misdemeanor or Class C felony if com-  
11 mitted in this state.]; *and*]

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

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

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

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

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

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

25       “(b) The age and number of victims;

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

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

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

30       “(f) Whether the petitioner has successfully completed a court-approved

1 sex offender treatment program; and

2 “(g) Any other relevant factors.

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

9

10 **“OFFENDER INFORMATION AVAILABLE TO PUBLIC**

11

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

13 “181.835. (1)(a) A notifying agency or a supervising agency shall release,  
14 upon request, any information that may be necessary to protect the public  
15 concerning sex offenders who reside in a specific area or concerning a spe-  
16 cific sex offender.

17 “(b) A notifying agency or a supervising agency may release sex offender  
18 information to a law enforcement agency if the notifying agency or super-  
19 vising agency determines that the release of information is in the public in-  
20 terest.

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

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

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

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

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

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

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

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

9 “(E) Local or regional media sources.

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

16 “[3] (4) If the sex offender is classified as a level two sex offender under  
17 ORS 181.800 (2), the supervising agency or a notifying agency may release  
18 sex offender information to the persons or entities described in subsection  
19 (2)(b)(A) to (D) of this section.

20 “[4] (5) If the sex offender is classified as a level one sex offender under  
21 ORS 181.800 (1), the supervising agency or a notifying agency may release  
22 sex offender information to a person described in subsection (2)(b)(A) of this  
23 section.

24 “[5] (6) As used in this section:

25 “(a) ‘Notifying agency’ means the Department of State Police, a city po-  
26 lice department, a county sheriff’s office or a police department established  
27 by a university under ORS 352.383.

28 “(b) ‘Sex offender information’ means information that the Department  
29 of State Police determines by rule is appropriate for release to the public.

30 “(c) ‘Supervising agency’ means a governmental entity responsible for

1 supervising a person required to report as a sex offender under ORS 181.806  
2 or 181.807.

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

4 “181.837. (1)(a) Except as otherwise provided in [*ORS 181.839 or*] this  
5 section, when a sex offender is under the supervision of the Oregon Youth  
6 Authority or a county juvenile department for the first time as a result of  
7 committing an act that if committed by an adult would constitute a sex  
8 crime, the Department of State Police, city police department or county  
9 sheriff’s office shall release, upon request, only:

10 “(A) The sex offender’s name and year of birth;

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

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

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

16 “(b) Notwithstanding paragraph (a) of this section, the Oregon Youth  
17 Authority or a county juvenile department shall release, upon request, any  
18 information that may be necessary to protect the public concerning a sex  
19 offender under the supervision of the authority or department.

20 “(2) Except as otherwise limited by subsection (1)(a) of this section re-  
21 garding persons who are under supervision for the first time as sex offenders,  
22 the Department of State Police, a city police department or a county sheriff’s  
23 office shall release, upon request, any information that may be necessary to  
24 protect the public concerning sex offenders required to report under ORS  
25 181.809 who reside in a specific area or concerning a specific sex offender  
26 required to report under ORS 181.809. However, the entity releasing the in-  
27 formation may not release the identity of a victim of a sex crime.

28 “(3)(a) The Department of State Police may make the information de-  
29 scribed in subsections (1) and (2) of this section available to the public,  
30 without the need for a request, by electronic or other means. The Department

1 of State Police shall make information about a person who is under super-  
2 vision for the first time as a result of committing an act that if committed  
3 by an adult would constitute a sex crime accessible only by the use of the  
4 sex offender's name. For all other sex offenders required to report under ORS  
5 181.809, the Department of State Police may make the information accessible  
6 in any manner the department chooses.

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

10 “[c) *Notwithstanding subsections (1) and (2) of this section, the Department*  
11 *of State Police shall make the information described in paragraph (d) of this*  
12 *subsection available to the public on the website described in ORS 181.835*  
13 *(2)(a) if the information is about a person determined to be a predatory sex*  
14 *offender, as provided in ORS 181.838, who has also been determined, pursuant*  
15 *to rules of the agency making the predatory sex offender determination, to*  
16 *present the highest risk of reoffending and to require the widest range of no-*  
17 *tification.]*

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

20 “[A) *The person's name and address;]*

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

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

24 “[D) *Any conditions or restrictions upon the person's probation or condi-*  
25 *tional release;]*

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

27 “[F) *A description of the person's method of offense;]*

28 “[G) *A current photograph of the person;]*

29 “[H) *If the person is under supervision, the name or telephone number of*  
30 *the person's supervising officer; and]*

1        “[I]f the person is not under supervision, contact information for the  
2 Department of State Police.]

3  
4        **“TEMPORARY PROVISIONS RELATED TO HIGH-RISK OFFENDERS**

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

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

12        “(a) Violates a law or ordinance related to the tenant’s conduct as a  
13 tenant, including but not limited to a material noncompliance with ORS  
14 90.740;

15        “(b) Violates a rule or rental agreement provision related to the tenant’s  
16 conduct as a tenant and imposed as a condition of occupancy, including but  
17 not limited to a material noncompliance with a rental agreement regarding  
18 a program of recovery in drug and alcohol free housing;

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

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

26        “[*d*] (e) Fails to pay a:

27        “(A) Late charge pursuant to ORS 90.260;

28        “(B) Fee pursuant to ORS 90.302; or

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

30        “(2) A violation making a tenant subject to termination under subsection

1 (1) of this section includes a tenant's failure to maintain the space as re-  
2 quired by law, ordinance, rental agreement or rule, but does not include the  
3 physical condition of the dwelling or home. Termination of a rental agree-  
4 ment based upon the physical condition of a dwelling or home shall only be  
5 as provided in ORS 90.632.

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

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

17 “(5) Notwithstanding subsection (3) or (4) of this section, a tenant who  
18 is given a notice of termination under subsection (1)(c) of this section does  
19 not have a right to correct the violation. A notice given to a tenant under  
20 subsection (1)(c) of this section must state that the tenant does not have a  
21 right to avoid the termination.

22 “(6) This section does not limit a landlord's right to terminate a tenancy  
23 for nonpayment of rent under ORS 90.394 or for other cause under ORS  
24 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to  
25 105.168.

26 “(7) A tenancy terminates on the date designated in the notice and with-  
27 out regard to the expiration of the period for which, by the terms of the  
28 rental agreement, rents are to be paid. Unless otherwise agreed, rent is  
29 uniformly apportionable from day to day.

30 “(8) Notwithstanding any other provision of this section or ORS 90.394,



1 90.396 or 90.398, the landlord may terminate the rental agreement for space  
2 for a manufactured dwelling or floating home because of repeated late pay-  
3 ment of rent by giving the tenant not less than 30 days' notice in writing  
4 before the date designated in that notice for termination and may take pos-  
5 session as provided in ORS 105.105 to 105.168 if:

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

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

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

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

26 “(10) The landlord may give a copy of the notice required by subsection  
27 (8) of this section to any lienholder of the manufactured dwelling or floating  
28 home by first class mail with certificate of mailing or by any other method  
29 allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for  
30 any damages incurred by the tenant as a result of the landlord giving a copy

1 of the notice in good faith to a lienholder. A lienholder's rights and obli-  
2 gations regarding an abandoned manufactured dwelling or floating home  
3 shall be as provided under ORS 90.675.

4 **“SECTION 16.** ORS 144.641 is amended to read:

5 “144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

6 “(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

7 “(2) ‘Dwelling’ does not include a residential treatment facility or a  
8 halfway house.

9 “(3) ‘Halfway house’ means a publicly or privately operated profit or  
10 nonprofit residential facility that provides rehabilitative care and treatment  
11 for sex offenders.

12 “(4) ‘Locations where children are the primary occupants or users’ in-  
13 cludes, but is not limited to, public and private elementary and secondary  
14 schools and licensed child care centers.

15 “(5) ‘Sex offender’ means [a]:

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

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

18 “(c) [*Predatory sex offender as described in ORS 181.838*] **An unclassified**  
19 **adult sex offender designated as predatory prior to January 1, 2014, or**  
20 **a person whom the State Board of Parole and Post-Prison Supervision,**  
21 **the Psychiatric Security Review Board or the Oregon Health Authority**  
22 **has classified as a level three sex offender under section 7 (2)(b),**  
23 **chapter 708, Oregon Laws 2013.**

24 “(6) ‘Transitional housing’ means housing intended to be occupied by a  
25 sex offender for 45 days or less immediately after release from incarceration.

26 **“SECTION 17.** ORS 163.476 is amended to read:

27 “163.476. (1) A person commits the crime of unlawfully being in a location  
28 where children regularly congregate if the person:

29 “(a)(A) Has been designated a sexually violent dangerous offender under  
30 ORS 137.765;

1 “(B) Has been classified as a level three sex offender under ORS 181.800  
2 (3) [*or designated a predatory sex offender under ORS 181.838*], **is an un-**  
3 **classified adult sex offender designated as predatory prior to January**  
4 **1, 2014, or is a person whom the State Board of Parole and Post-Prison**  
5 **Supervision, the Psychiatric Security Review Board or the Oregon**  
6 **Health Authority has classified as a level three sex offender under**  
7 **section 7 (2)(b), chapter 708, Oregon Laws 2013,** and does not have written  
8 approval from the State Board of Parole and Post-Prison Supervision or the  
9 person’s supervisory authority or supervising officer to be in or upon the  
10 specific premises;

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

13 “(D) Has been given a similar designation or been sentenced under a  
14 similar law of another jurisdiction; and

15 “(b) Knowingly enters or remains in or upon premises where persons un-  
16 der 18 years of age regularly congregate.

17 “(2) As used in this section:

18 “(a) ‘Premises where persons under 18 years of age regularly congregate’  
19 means schools, child care centers, playgrounds, other places intended for use  
20 primarily by persons under 18 years of age and places where persons under  
21 18 years of age gather for regularly scheduled educational and recreational  
22 programs.

23 “(b) ‘Sex crime’ has the meaning given that term in ORS 181.805.

24 “(3) Unlawfully being in a location where children regularly congregate  
25 is a Class A misdemeanor.

26 “**SECTION 18.** ORS 163.479 is amended to read:

27 “163.479. (1) A person commits the crime of unlawful contact with a child  
28 if the person:

29 “(a)(A) Has been designated a sexually violent dangerous offender under  
30 ORS 137.765;

1 “(B) Has been classified as a level three sex offender under ORS 181.800  
2 (3);

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

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

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

11 “(E) Has been given a similar designation or been sentenced under a  
12 similar law of another jurisdiction; and

13 “(b) Knowingly contacts a child with the intent to commit a crime or for  
14 the purpose of arousing or satisfying the sexual desires of the person or an-  
15 other person.

16 “(2) As used in this section:

17 “(a) ‘Child’ means a person under 18 years of age.

18 “(b) ‘Contact’ means to communicate in any manner.

19 “(c) ‘Sex crime’ has the meaning given that term in ORS 181.805.

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

21

22 **“INTERAGENCY INFORMATION SHARING**

23

24 **“SECTION 19. (1) Notwithstanding ORS 179.505, the Psychiatric Se-**  
25 **curity Review Board and the Oregon Health Authority shall provide**  
26 **to the State Board of Parole and Post-Prison Supervision any records**  
27 **that would assist the State Board of Parole and Post-Prison Super-**  
28 **vision in:**

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

1       **“(b) Deciding whether to reclassify a person as a level one or a level**  
2 **two sex offender or relieve the person from the obligation to report**  
3 **as a sex offender, as described in ORS 181.821; or**

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

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

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

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

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

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

21       **“(2) The board may not release any records obtained pursuant to**  
22 **this section to any other agency or person unless authorized by law**  
23 **to do so.**

24       **“SECTION 21. Notwithstanding ORS 419A.257 or any other provision**  
25 **of law, the Oregon Youth Authority and the juvenile department may**  
26 **disclose and provide copies of reports and other materials relating to**  
27 **a child, ward, youth or youth offender’s history and prognosis to the**  
28 **State Board of Parole and Post-Prison Supervision in order for the**  
29 **board to determine whether to reclassify the person as a level one or**  
30 **a level two sex offender or relieve the person from the obligation to**

1 report as a sex offender, as described in ORS 181.821, or whether to  
2 classify a person who is an existing registrant into one of the three  
3 levels described in ORS 181.800, as required by section 7, chapter 708,  
4 Oregon Laws 2013.

5  
6 “AMENDMENTS OPERATIVE ON JANUARY 1, 2019

7  
8 “SECTION 22. ORS 90.630, as amended by section 15 of this 2015 Act, is  
9 amended to read:

10 “90.630. (1) Except as provided in subsection (4) of this section, the land-  
11 lord may terminate a rental agreement that is a month-to-month or fixed  
12 term tenancy for space for a manufactured dwelling or floating home by  
13 giving to the tenant not less than 30 days’ notice in writing before the date  
14 designated in the notice for termination if the tenant:

15 “(a) Violates a law or ordinance related to the tenant’s conduct as a  
16 tenant, including but not limited to a material noncompliance with ORS  
17 90.740;

18 “(b) Violates a rule or rental agreement provision related to the tenant’s  
19 conduct as a tenant and imposed as a condition of occupancy, including but  
20 not limited to a material noncompliance with a rental agreement regarding  
21 a program of recovery in drug and alcohol free housing;

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

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

28 “[*(e)*] **(d)** Fails to pay a:

29 “(A) Late charge pursuant to ORS 90.260;

30 “(B) Fee pursuant to ORS 90.302; or

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

2       “(2) A violation making a tenant subject to termination under subsection  
3 (1) of this section includes a tenant’s failure to maintain the space as re-  
4 quired by law, ordinance, rental agreement or rule, but does not include the  
5 physical condition of the dwelling or home. Termination of a rental agree-  
6 ment based upon the physical condition of a dwelling or home shall only be  
7 as provided in ORS 90.632.

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

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

19       “(5) Notwithstanding subsection (3) or (4) of this section, a tenant who  
20 is given a notice of termination under subsection (1)(c) of this section does  
21 not have a right to correct the violation. A notice given to a tenant under  
22 subsection (1)(c) of this section must state that the tenant does not have a  
23 right to avoid the termination.

24       “(6) This section does not limit a landlord’s right to terminate a tenancy  
25 for nonpayment of rent under ORS 90.394 or for other cause under ORS  
26 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to  
27 105.168.

28       “(7) A tenancy terminates on the date designated in the notice and with-  
29 out regard to the expiration of the period for which, by the terms of the  
30 rental agreement, rents are to be paid. Unless otherwise agreed, rent is

1 uniformly apportionable from day to day.

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

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

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

21 “(c) The 30-day notice of termination states facts sufficient to notify the  
22 tenant of the cause for termination of the tenancy and is given to the tenant  
23 concurrent with or after the third or a subsequent nonpayment of rent ter-  
24 mination notice.

25 “(9) Notwithstanding subsection (4) of this section, a tenant who receives  
26 a 30-day notice of termination pursuant to subsection (8) of this section does  
27 not have a right to correct the cause for the notice.

28 “(10) The landlord may give a copy of the notice required by subsection  
29 (8) of this section to any lienholder of the manufactured dwelling or floating  
30 home by first class mail with certificate of mailing or by any other method



1 allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for  
2 any damages incurred by the tenant as a result of the landlord giving a copy  
3 of the notice in good faith to a lienholder. A lienholder's rights and obli-  
4 gations regarding an abandoned manufactured dwelling or floating home  
5 shall be as provided under ORS 90.675.

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

8 "144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

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

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

12 "(3) 'Halfway house' means a publicly or privately operated profit or  
13 nonprofit residential facility that provides rehabilitative care and treatment  
14 for sex offenders.

15 "(4) 'Locations where children are the primary occupants or users' in-  
16 cludes, but is not limited to, public and private elementary and secondary  
17 schools and licensed child care centers.

18 "(5) 'Sex offender' means:

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

20 "(b) A level three sex offender under ORS 181.800 (3)[; or]

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

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

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

30 "163.476. (1) A person commits the crime of unlawfully being in a location

1 where children regularly congregate if the person:

2 “(a)(A) Has been designated a sexually violent dangerous offender under  
3 ORS 137.765;

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

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

14 “(D) Has been given a similar designation or been sentenced under a  
15 similar law of another jurisdiction; and

16 “(b) Knowingly enters or remains in or upon premises where persons un-  
17 der 18 years of age regularly congregate.

18 “(2) As used in this section:

19 “(a) ‘Premises where persons under 18 years of age regularly congregate’  
20 means schools, child care centers, playgrounds, other places intended for use  
21 primarily by persons under 18 years of age and places where persons under  
22 18 years of age gather for regularly scheduled educational and recreational  
23 programs.

24 “(b) ‘Sex crime’ has the meaning given that term in ORS 181.805.

25 “(3) Unlawfully being in a location where children regularly congregate  
26 is a Class A misdemeanor.

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

29 “163.479. (1) A person commits the crime of unlawful contact with a child  
30 if the person:

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

3 “(B) Has been classified as a level three sex offender under ORS 181.800  
4 (3);

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

10 “[*(D)*] (C) Has been sentenced as a dangerous offender under ORS 161.725  
11 upon conviction of a sex crime; or

12 “[*(E)*] (D) Has been given a similar designation or been sentenced under  
13 a similar law of another jurisdiction; and

14 “(b) Knowingly contacts a child with the intent to commit a crime or for  
15 the purpose of arousing or satisfying the sexual desires of the person or an-  
16 other person.

17 “(2) As used in this section:

18 “(a) ‘Child’ means a person under 18 years of age.

19 “(b) ‘Contact’ means to communicate in any manner.

20 “(c) ‘Sex crime’ has the meaning given that term in ORS 181.805.

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

22 **“SECTION 26. The amendments to ORS 90.630, 144.641, 163.476 and**  
23 **163.479 by sections 22 to 25 of this 2015 Act become operative January**  
24 **1, 2019.**

25

26 **“2013 SESSION LAW AMENDMENTS**

27

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

30 **“Sec. 7. (1) As used in this section and sections 19 to 21 of this 2015**

1 **Act:**

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

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

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

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

16 “(A) The person was previously designated a predatory sex offender and  
17 the designation was made after the person was afforded notice and an op-  
18 portunity to be heard as to all factual questions at a meaningful time and  
19 in a meaningful manner; or

20 “(B) The person is a sexually violent dangerous offender under ORS  
21 137.765.

22 “(c) **The Psychiatric Security Review Board may complete the risk**  
23 **assessment of an existing registrant who is under the jurisdiction of**  
24 **the Psychiatric Security Review Board or the Oregon Health Author-**  
25 **ity, regardless of whether the person has been found guilty except for**  
26 **insanity of a sex crime or was previously convicted of a sex crime, if**  
27 **the State Board of Parole and Post-Prison Supervision and the Psy-**  
28 **chiatric Security Review Board mutually agree that the Psychiatric**  
29 **Security Review Board has adequate resources to perform the assess-**  
30 **ment and that the performance of the assessment by the Psychiatric**

1 **Security Review Board would assist in classifying the existing regis-**  
2 **trant in a more timely manner.**

3 “(3) As soon as practicable following the classification of an existing  
4 registrant under this section, the **classifying** board shall notify the person  
5 of the classification by certified mail.

6 “[*(4) If, for any reason, the board does not classify an existing registrant*  
7 *under subsection (2) of this section, the person is, by operation of law, classi-*  
8 *fied as a level three sex offender under section 1 (3) of this 2013 Act on Jan-*  
9 *uary 1, 2017.*]

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

13 “[*(A) sixty*] **60** days after the board provides the notice described in sub-  
14 section (3) of this section[; or]

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

17 “(b) Upon receipt of a petition described in this subsection, the **classifi-**  
18 **ing** board shall afford the person an opportunity to be heard as to all factual  
19 questions related to the classification.

20 “(c) After providing the person with notice and an opportunity to be  
21 heard in accordance with this subsection, the board shall classify the person  
22 in accordance with the classifications described in [*section 1 of this 2013*  
23 *Act*] **ORS 181.800**, based on all of the information available to the **classifi-**  
24 **ing** board.

25 “[*(6)*] **(5)** The [*board*] **boards** shall adopt rules to carry out the provisions  
26 of this section.

27 “[*(7)*] **(6)** An existing registrant may not petition for reclassification or  
28 relief from the obligation to report as a sex offender as provided in [*section*  
29 *5 of this 2013 Act*] **ORS 181.821** until either all existing registrants have been  
30 classified in one of the levels described in [*section 1 of this 2013 Act*] **ORS**

1 **181.800** or December 1, [2016] **2018**, whichever occurs first.

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

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

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

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

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

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

16

17 “**JUVENILE REGISTRATION HEARINGS**

18

19 “**SECTION 30.** Section 31 of this 2015 Act is added to and made a  
20 part of ORS 181.800 to 181.845.

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

27 “(b) The hearing described in paragraph (a) of this subsection must  
28 be held during the six-month period before:

29 “(A) The termination of juvenile court jurisdiction over the person;

30 or

1       **“(B) The person is discharged from the jurisdiction of the Psychi-**  
2 **atric Security Review Board, if the person was placed under the ju-**  
3 **risdiction of the board.**

4       **“(2) The district attorney shall notify the victim prior to the hear-**  
5 **ing of the right to appear and the right to be heard under ORS**  
6 **419C.273.**

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

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

11       **“(b) The person filing the petition has the burden of proving by**  
12 **clear and convincing evidence that the person is rehabilitated and does**  
13 **not pose a threat to the safety of the public. If the court finds that the**  
14 **person has not met the burden of proof, the court shall enter an order**  
15 **requiring the person to report as a sex offender under ORS 181.809.**

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

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

21       **“(B) Input from or recommendations by or on behalf of the victim**  
22 **or the parents of the victim; and**

23       **“(C) Whether the person has participated in and satisfactorily**  
24 **completed a sex offender treatment program or any other treatment**  
25 **program.**

26       **“(4) In a hearing under this section, the juvenile court may receive**  
27 **testimony, reports and other evidence without regard to whether the**  
28 **evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585,**  
29 **if the evidence is relevant evidence related to the determination and**  
30 **findings required under this section. As used in this subsection, ‘rele-**

1 **vant evidence' has the meaning given that term in ORS 40.150.**

2 **“(5) The court shall consider all available polygraph examination**  
3 **preparation materials and examination reports, including but not**  
4 **limited to the person’s full sexual history disclosure polygraph exam-**  
5 **ination preparation materials and corresponding full sexual history**  
6 **disclosure polygraph examination report, prior to determining the is-**  
7 **sue of reporting as a sex offender under this section. Unless produced**  
8 **as a result of the court’s own motion, all polygraph examination re-**  
9 **ports and preparation materials shall be released and disclosed to the**  
10 **court, district attorney, person’s attorney and juvenile department no**  
11 **less than 15 days prior to any hearing held under this section.**

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

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

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

26

27

## **“EXPUNGEMENT**

28

29 **“SECTION 32. ORS 137.225 is amended to read:**

30 **“137.225. (1)(a) At any time after the lapse of three years from the date**



1 of pronouncement of judgment, any defendant who has fully complied with  
2 and performed the sentence of the court and whose conviction is described  
3 in subsection (5) of this section by motion may apply to the court where the  
4 conviction was entered for entry of an order setting aside the conviction; or

5 “(b) At any time after the lapse of one year from the date of any arrest,  
6 if no accusatory instrument was filed, or at any time after an acquittal or  
7 a dismissal of the charge, the arrested person may apply to the court that  
8 would have jurisdiction over the crime for which the person was arrested,  
9 for entry of an order setting aside the record of the arrest. For the purpose  
10 of computing the one-year period, time during which the arrested person has  
11 secreted himself or herself within or without this state is not included.

12 “(2)(a) A copy of the motion and a full set of the defendant’s fingerprints  
13 shall be served upon the office of the prosecuting attorney who prosecuted  
14 the crime or violation, or who had authority to prosecute the charge if there  
15 was no accusatory instrument filed, and opportunity shall be given to contest  
16 the motion. The fingerprint card with the notation ‘motion for setting aside  
17 conviction,’ or ‘motion for setting aside arrest record’ as the case may be,  
18 shall be forwarded to the Department of State Police. Information resulting  
19 from the fingerprint search along with the fingerprint card shall be returned  
20 to the prosecuting attorney.

21 “(b) When a prosecuting attorney is served with a copy of a motion to set  
22 aside a conviction under this section, the prosecuting attorney shall provide  
23 a copy of the motion and notice of the hearing date to the victim, if any, of  
24 the crime by mailing a copy of the motion and notice to the victim’s last-  
25 known address.

26 “(c) When a person makes a motion under subsection (1)(a) of this section,  
27 the person must pay a fee of \$80 to the Department of State Police. The  
28 person shall attach a certified check payable to the Department of State  
29 Police in the amount of \$80 to the fingerprint card that is served upon the  
30 prosecuting attorney. The office of the prosecuting attorney shall forward

1 the check with the fingerprint card to the Department of State Police.

2 “(d) In addition to the fee established under paragraph (c) of this sub-  
3 section, when a person makes a motion under subsection (1)(a) of this section  
4 the person must pay the filing fee established under ORS 21.135.

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

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

29 “(5) The provisions of subsection (1)(a) of this section apply to a con-  
30 viction of:

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

4 “(b) A Class C felony, except for criminal mistreatment in the first degree  
5 under ORS 163.205 when it would constitute child abuse as defined in ORS  
6 419B.005 or any sex crime.

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

9 “(d) A crime punishable as either a felony or a misdemeanor, in the dis-  
10 cretion of the court, except for:

11 “(A) Any sex crime; or

12 “(B) The following crimes when they would constitute child abuse as de-  
13 fined in ORS 419B.005:

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

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

16 “(e) A misdemeanor, including a violation of a municipal ordinance, for  
17 which a jail sentence may be imposed, except for endangering the welfare  
18 of a minor under ORS 163.575 (1)(a) when it would constitute child abuse as  
19 defined in ORS 419B.005 or any sex crime.

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

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

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

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

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

27 “(B) A crime punishable as either a felony or a misdemeanor, in the dis-  
28 cretion of the court, except for any sex crime or for the following crimes  
29 when they would constitute child abuse as defined in ORS 419B.005:

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

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

2       “(C) A misdemeanor, except for endangering the welfare of a minor under  
3 ORS 163.575 (1)(a) when it would constitute child abuse as defined in ORS  
4 419B.005 or any sex crime.

5       “(D) A violation.

6       “(6) Notwithstanding subsection (5) of this section, the provisions of sub-  
7 section (1) of this section do not apply to:

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

9       “(b) A person convicted, within the 10-year period immediately preceding  
10 the filing of the motion pursuant to subsection (1) of this section, of any  
11 other offense, excluding motor vehicle violations, whether or not the other  
12 conviction is for conduct associated with the same criminal episode that  
13 caused the arrest or conviction that is sought to be set aside. Notwith-  
14 standing subsection (1) of this section, a conviction that has been set aside  
15 under this section shall be considered for the purpose of determining whether  
16 this paragraph is applicable.

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

20       “(7) Notwithstanding subsection (5) of this section, the provisions of sub-  
21 section (1)(a) of this section do not apply to:

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

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

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

28       “(8) Notwithstanding subsection (5) of this section, the provisions of sub-  
29 section (1)(a) of this section apply to a conviction for:

30       “(a) A Class B felony described in subsection (5)(a) of this section only

1 if:

2 “(A) Twenty years or more have elapsed from the date of the conviction  
3 sought to be set aside or of the release of the person from imprisonment for  
4 the conviction sought to be set aside, whichever is later; and

5 “(B) The person has not been convicted of or arrested for any other of-  
6 fense, excluding motor vehicle violations, after the date the person was  
7 convicted of the offense sought to be set aside. Notwithstanding subsection  
8 (1) of this section, a conviction or arrest that has been set aside under this  
9 section shall be considered for the purpose of determining whether this sub-  
10 paragraph is applicable.

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

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

14 “(B) The person has not been convicted of, found guilty except for insan-  
15 ity of or found to be within the jurisdiction of the juvenile court based on,  
16 a crime that a court is prohibited from setting aside under this section.

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

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

19 “(B) The person is:

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

21 **or**

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

26 “(C) The victim’s lack of consent was due solely to incapacity to consent  
27 by reason of being less than a specified age;

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

29 “(E) The person has not been convicted of, found guilty except for insan-  
30 ity of or found to be within the jurisdiction of the juvenile court based on

1 a crime that a court is prohibited from setting aside under this section; and

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

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

5 “(a) A person arrested within the three-year period immediately preceding  
6 the filing of the motion for any offense, excluding motor vehicle violations,  
7 and excluding arrests for conduct associated with the same criminal episode  
8 that caused the arrest that is sought to be set aside. An arrest that has been  
9 set aside under this section may not be considered for the purpose of deter-  
10 mining whether this paragraph is applicable.

11 “(b) An arrest for driving while under the influence of intoxicants if the  
12 charge is dismissed as a result of the person’s successful completion of a  
13 diversion agreement described in ORS 813.200.

14 “(10) The provisions of subsection (1) of this section apply to convictions  
15 and arrests that occurred before, as well as those that occurred after, Sep-  
16 tember 9, 1971. There is no time limit for making an application.

17 “(11) For purposes of any civil action in which truth is an element of a  
18 claim for relief or affirmative defense, the provisions of subsection (3) of this  
19 section providing that the conviction, arrest or other proceeding be deemed  
20 not to have occurred do not apply and a party may apply to the court for  
21 an order requiring disclosure of the official records in the case as may be  
22 necessary in the interest of justice.

23 “(12) Upon motion of any prosecutor or defendant in a case involving re-  
24 cords sealed under this section, supported by affidavit showing good cause,  
25 the court with jurisdiction may order the reopening and disclosure of any  
26 records sealed under this section for the limited purpose of assisting the in-  
27 vestigation of the movant. However, such an order has no other effect on the  
28 orders setting aside the conviction or the arrest record.

29 “(13) Unless the court makes written findings by clear and convincing  
30 evidence that granting the motion would not be in the best interests of jus-

1 tice, the court shall grant the motion and enter an order as provided in  
2 subsection (3) of this section if the defendant has been convicted of one of  
3 the following crimes and is otherwise eligible for relief under this section:

4 “(a) Abandonment of a child, ORS 163.535.

5 “(b) Attempted assault in the second degree, ORS 163.175.

6 “(c) Assault in the third degree, ORS 163.165.

7 “(d) Coercion, ORS 163.275.

8 “(e) Criminal mistreatment in the first degree, ORS 163.205.

9 “(f) Attempted escape in the first degree, ORS 162.165.

10 “(g) Incest, ORS 163.525, if the victim was at least 18 years of age.

11 “(h) Intimidation in the first degree, ORS 166.165.

12 “(i) Attempted kidnapping in the second degree, ORS 163.225.

13 “(j) Attempted robbery in the second degree, ORS 164.405.

14 “(k) Robbery in the third degree, ORS 164.395.

15 “(L) Supplying contraband, ORS 162.185.

16 “(m) Unlawful use of a weapon, ORS 166.220.

17 “(14) As used in this section, ‘sex crime’ has the meaning given that term  
18 in ORS 181.805.

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

20 “419A.262. (1) An expunction proceeding shall be commenced in the  
21 county where the subject person resided at the time of the most recent ter-  
22 mination.

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

27 “(a) At least five years have elapsed since the date of the person’s most  
28 recent termination;

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

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

3 “(d) The person is not within the jurisdiction of any juvenile court on the  
4 basis of a petition alleging an act or behavior as defined in ORS 419B.100  
5 (1)(a) to (c) and (f) or 419C.005; and

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

8 “(3)(a) Notwithstanding subsection (2) of this section, upon application  
9 of a person who is the subject of a record kept by a juvenile court or juvenile  
10 department, upon application of the juvenile department, or upon its own  
11 motion, the juvenile court, after a hearing when the matter is contested un-  
12 der subsection (13) of this section, shall order expunction if it finds that:

13 “(A) The application requests expunction of only that part of the person’s  
14 record that involves a charge, allegation or adjudication based on conduct  
15 that if done by an adult would constitute the crime of prostitution under  
16 ORS 167.007; and

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

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

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

25 “(5) When a person who is the subject of a record kept by a juvenile court  
26 or juvenile department reaches 18 years of age, the juvenile court, after a  
27 hearing when the matter is contested, shall order expunction if:

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

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



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

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

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

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

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

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

26       “(B) Has been relieved of the obligation to report as a sex offender pur-  
27 suant to a court order entered under ORS 181.832 or 181.833; and

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

1 ject of the motion.

2 “(b) A sex crime that is a Class C felony may apply for an order of  
3 expunction under this section. The court shall order expunction of the re-  
4 cords in the case if, after a hearing when the matter is contested, the court  
5 finds that:

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

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

8 “(C) The person is:

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

10 **or**

11 “(ii) **At least two years and 180 days older, but less than three years**  
12 **and 180 days older, than the victim and the expunction is in the in-**  
13 **terests of justice and of benefit to the person and the community;**

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

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

17 “(F) Each finding described in this paragraph involved the same victim;

18 and

19 “(G) The person has not been convicted of, found guilty except for in-  
20 sanity of or found to be within the jurisdiction of the juvenile court based  
21 on a crime listed in ORS 419A.260 (1)(d)(J) or an offense the court is pro-  
22 hibited from setting aside under ORS 137.225, other than the adjudication  
23 that is the subject of the motion.

24 “(10) When an expunction proceeding is commenced by application of the  
25 person whose records are to be expunged, the person shall set forth as part  
26 of the application the names of the juvenile courts, juvenile departments,  
27 institutions and law enforcement and other agencies that the person has  
28 reason to believe possess an expungible record of the person. The juvenile  
29 department shall provide the names and addresses of the juvenile courts,  
30 juvenile departments, institutions and law enforcement and other agencies

1 that a reasonable search of department files indicates have expungible re-  
2 cords.

3 “(11) When an expunction proceeding is commenced by application of the  
4 juvenile department or upon the court’s own motion, the application or mo-  
5 tion shall set forth the names and addresses of the juvenile courts, juvenile  
6 departments, institutions and law enforcement and other agencies that a  
7 reasonable search of department files indicates have expungible records and  
8 those provided by the subject person.

9 “(12)(a) Notice and a copy of an application for expunction under sub-  
10 sections (2) to (8) of this section shall be given to:

11 “(A) The district attorney of the county in which the expunction pro-  
12 ceeding is commenced and the district attorney of each county in which the  
13 record sought to be expunged is kept; and

14 “(B) The person who is the subject of the record if the person has not  
15 initiated the expunction proceeding.

16 “(b) A district attorney who receives notice under this subsection shall  
17 notify the victim of the acts that resulted in the disposition that is the sub-  
18 ject of the application for expunction and shall mail a copy of the applica-  
19 tion for expunction to the victim’s last known address.

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

24 “(b) Except as provided in subsection (14)(c) of this section, if no ob-  
25 jection is filed the court may decide the issue of expunction either without  
26 a hearing or after full hearing under subsections (14) to (17) of this section.

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

29 “(a) The court may not enter an expunction judgment without a hearing  
30 if a timely objection to expunction has been filed under subsection (13) of

1 this section;

2 “(b) The court may not deny an expunction without a hearing if the pro-  
3 ceeding is based on an application of the subject; and

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

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

6 “(B) The application requests expunction of only that part of the person’s  
7 record that involves a charge, allegation or adjudication based on conduct  
8 that if done by an adult would constitute the crime of prostitution under  
9 ORS 167.007; and

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

11 “(15)(a) Notice of a hearing on a pending expunction shall be served on  
12 the subject and any district attorney filing a timely objection under sub-  
13 section (13) of this section.

14 “(b) When a district attorney receives notice of a hearing for expunction  
15 of a record concerning a youth or youth offender proceeding under ORS  
16 chapter 419C, if the victim of the acts that resulted in the disposition that  
17 is the subject of the application for expunction requests, the district attorney  
18 shall mail notice of the hearing to the victim’s last-known address.

19 “(16) The court shall conduct a hearing on a pending expunction in accord  
20 with the provisions of ORS 419B.195, 419B.198, 419B.201, 419B.205, 419B.208,  
21 419B.310, 419B.812 to 419B.839 and 419B.908. Rules of evidence shall be as in  
22 a hearing to establish juvenile court jurisdiction and as defined in ORS  
23 419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party  
24 contesting expunction.

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

27 “(18) The juvenile court or juvenile department shall send a copy of an  
28 expunction judgment to each agency subject to the judgment. Upon receipt  
29 of a copy of the judgment, the agency shall comply and, within 21 days of  
30 the date of receipt, return the copy to the juvenile court or juvenile depart-

1 ment with an indorsement indicating compliance.

2 “(19) When all agencies subject to an expunction judgment have indicated  
3 their compliance or in any event no later than six weeks following the date  
4 the judgment was delivered as required by subsection (18) of this section, the  
5 juvenile court shall provide the person who is the subject of the record with  
6 a copy of the expunction judgment, a list of complying and noncomplying  
7 agencies, and a written notice of rights and effects of expunction. The juve-  
8 nile court and juvenile department then shall expunge forthwith all records  
9 which they possess and which are subject to the judgment, except the ori-  
10 ginal expunction judgment and the list of complying and noncomplying  
11 agencies which must be preserved under seal.

12 “(20) In addition to those agencies identified in ORS 419A.260 (1)(d), the  
13 juvenile, circuit, municipal and justice courts, and the district and city at-  
14 torneys of this state, are bound by an expunction judgment of any juvenile  
15 court of appropriate jurisdiction in this state issuing an expunction judg-  
16 ment.

17 “(21) Upon entry of an expunction judgment, the contact that is the sub-  
18 ject of the expunged record shall not be disclosed by any agency. An agency  
19 that is subject to an expunction judgment shall respond to any inquiry about  
20 the contact by indicating that no record or reference concerning the contact  
21 exists.

22 “(22) A person who is the subject of a record that has been expunged  
23 under this section may assert that the record never existed and that the  
24 contact, which was the subject of the record, never occurred without incur-  
25 ring a penalty for perjury or false swearing under the laws of this state.

26 “(23) Juvenile courts, by court rule or by order related to a particular  
27 matter, may direct that records concerning a subject person be destroyed.  
28 No records shall be destroyed until at least three years have elapsed after  
29 the date of the subject’s most recent termination. In the event the record has  
30 been expunged, the expunction judgment and list of complying and noncom-

1 plying agencies may not be destroyed, but shall be preserved under seal. The  
2 destruction of records under this subsection does not constitute expunction.

3 “(24) An expunction judgment and list of complying and noncomplying  
4 agencies shall be released from confidentiality only on order of the court  
5 originating the expunction judgment, based on a finding that review of a  
6 particular case furthers compliance with the expunction provisions of this  
7 chapter.

8 “(25) A subject has a right of action against any person who intentionally  
9 violates the confidentiality provisions of this section. In the proceeding, pu-  
10 nitive damages up to an amount of \$1,000 may be sought in addition to any  
11 actual damages. The prevailing party shall be entitled to costs and reason-  
12 able attorney fees.

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

15 “(27) A person who intentionally releases all or part of an expunged re-  
16 cord commits a Class C misdemeanor.

17

18 **“MISCELLANEOUS PROVISIONS**

19

20 **“SECTION 34.** ORS 144.102 is amended to read:

21 “144.102. (1) The State Board of Parole and Post-Prison Supervision or  
22 local supervisory authority responsible for correctional services for a person  
23 shall specify in writing the conditions of post-prison supervision imposed  
24 under ORS 144.096. A copy of the conditions must be given to the person  
25 upon release from prison or jail.

26 “(2) The board or the supervisory authority shall determine, and may at  
27 any time modify, the conditions of post-prison supervision, which may in-  
28 clude, among other conditions, that the person shall:

29 “(a) Comply with the conditions of post-prison supervision as specified by  
30 the board or supervisory authority.

1       “(b) Be under the supervision of the Department of Corrections and its  
2 representatives or other supervisory authority and abide by their direction  
3 and counsel.

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

6       “(d) Report to the parole officer as directed by the board, the department  
7 or the supervisory authority.

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

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

10       “(g) Understand that the board or supervisory authority may, at its dis-  
11 cretion, punish violations of post-prison supervision.

12       “(h) Attend a victim impact treatment session in a county that has a  
13 victim impact program. If the board or supervisory authority requires at-  
14 tendance under this paragraph, the board or supervisory authority may re-  
15 quire the person, as an additional condition of post-prison supervision, to pay  
16 a reasonable fee to the victim impact program to offset the cost of the  
17 person’s participation. The board or supervisory authority may not order a  
18 person to pay a fee in excess of \$5 under this paragraph.

19       “(3) If the person is required to report as a sex offender under ORS  
20 181.806, the board or supervisory authority shall include as a condition of  
21 post-prison supervision that the person report, **as appropriate**, with the  
22 Department of State Police, **the Oregon Youth Authority, a county ju-**  
23 **venile department**, a city police department, a county sheriff’s office or the  
24 supervising agency:

25       “(a) When supervision begins;

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

27       “(c) Once each year within 10 days of the person’s date of birth;

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

30       “(e) Within 10 days of a change in work, vocation or attendance status

1 at an institution of higher education.

2 “(4)(a) The board or supervisory authority may establish special condi-  
3 tions that the board or supervisory authority considers necessary because  
4 of the individual circumstances of the person on post-prison supervision.

5 “(b) If the person is on post-prison supervision following conviction of a  
6 sex crime, as defined in ORS 181.805, the board or supervisory authority shall  
7 include all of the following as special conditions of the person’s post-prison  
8 supervision:

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

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

14 “(C) A prohibition against being present more than one time, without the  
15 prior written approval of the board, supervisory authority or supervising of-  
16 ficer, at a place where persons under 18 years of age regularly congregate.

17 “(D) In addition to the prohibition under subparagraph (C) of this para-  
18 graph, a prohibition against being present, without the prior written ap-  
19 proval of the board, supervisory authority or supervising officer, at, or on  
20 property adjacent to, a school, child care center, playground or other place  
21 intended for use primarily by persons under 18 years of age.

22 “(E) A prohibition against working or volunteering at a school, child care  
23 center, park, playground or other place where persons under 18 years of age  
24 regularly congregate.

25 “(F) Entry into and completion of or successful discharge from a sex  
26 offender treatment program approved by the board, supervisory authority or  
27 supervising officer. The program may include polygraph and plethysmograph  
28 testing. The person is responsible for paying for the treatment program.

29 “(G) A prohibition against direct or indirect contact with the victim, un-  
30 less approved by the victim, the person’s treatment provider and the board,



1 supervisory authority or supervising officer.

2 “(H) Unless otherwise indicated for the treatment required under subpar-  
3 agraph (F) of this paragraph, a prohibition against viewing, listening to,  
4 owning or possessing sexually stimulating visual or auditory materials that  
5 are relevant to the person’s deviant behavior.

6 “(I) Agreement to consent to a search of the person or the vehicle or  
7 residence of the person upon the request of a representative of the board or  
8 supervisory authority if the representative has reasonable grounds to believe  
9 that evidence of a violation of a condition of post-prison supervision will be  
10 found.

11 “(J) Participation in random polygraph examinations to obtain informa-  
12 tion for risk management and treatment. The person is responsible for paying  
13 the expenses of the examinations. The results of a polygraph examination  
14 under this subparagraph may not be used in evidence in a hearing to prove  
15 a violation of post-prison supervision.

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

19 “(L) A prohibition against using a post-office box unless approved by the  
20 board, supervisory authority or supervising officer.

21 “(M) A prohibition against residing in a dwelling in which another sex  
22 offender who is on probation, parole or post-prison supervision resides unless  
23 approved by the board, supervisory authority or supervising officer, or in  
24 which more than one other sex offender who is on probation, parole or  
25 post-prison supervision resides unless approved by the board or the director  
26 of the supervisory authority, or a designee of the board or director. As soon  
27 as practicable, the supervising officer of a person subject to the requirements  
28 of this subparagraph shall review the person’s living arrangement with the  
29 person’s sex offender treatment provider to ensure that the arrangement  
30 supports the goals of offender rehabilitation and community safety.

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

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

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

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

18       “(iv) The person resides in a halfway house.

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

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

29       “(5)(a) The board or supervisory authority may require the person to pay,  
30 as a condition of post-prison supervision, compensatory fines, restitution or

1 attorney fees:

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

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

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

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

9 “(B) Has not fully paid the restitution by the time the person has com-  
10 pleted the period of post-prison supervision imposed for the offense for which  
11 the restitution was ordered.

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

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

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

26 “(c) For purposes of paragraph (b) of this subsection:

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

29 “(i) An Oregon driver license, regardless of its validity;

30 “(ii) Records maintained by the Department of Revenue;

1       “(iii) Records maintained by the Department of State Police;  
2       “(iv) Records maintained by the Department of Human Services;  
3       “(v) Records maintained by the Department of Corrections; and  
4       “(vi) Records maintained by the Oregon Health Authority.

5       “(B) If the person did not have an identifiable address at the time of the  
6 offense, or the address cannot be determined, the person is considered to  
7 have resided in the county where the offense occurred.

8       “(C) If the person is serving multiple sentences, the county of residence  
9 is determined according to the date of the last arrest resulting in a con-  
10 viction.

11       “(D) In determining the person’s county of residence, the board may not  
12 consider offenses committed by the person while the person was incarcerated  
13 in a Department of Corrections facility.

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

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

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

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

29       “(D) As another condition of post-prison supervision, the person is re-  
30 quired to participate in a treatment program that is not available in the

1 county of residence;

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

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

4 “(8) As used in this section:

5 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and  
6 ‘works’ have the meanings given those terms in ORS 181.805.

7 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

8 “(B) ‘Dwelling’ does not mean a residential treatment facility or a half-  
9 way house.

10 “(c) ‘Halfway house’ means a residential facility that provides  
11 rehabilitative care and treatment for sex offenders.

12 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

13 **“SECTION 35.** ORS 181.823 is amended to read:

14 “181.823. (1) A person required to report as a sex offender under ORS  
15 181.809 (1)(a), **or required to report as a sex offender under the laws of**  
16 **another state as a result of an adjudication in an Oregon juvenile**  
17 **court,** may file a petition for an order relieving the person of the [*duty*]  
18 **obligation** to report. The person must pay the filing fee established under  
19 ORS 21.135. If the person resides:

20 “(a) In this state and is required to report under ORS 181.809 (2) or (3),  
21 the petition must be filed in the juvenile court in which the person was ad-  
22 judicated for the act that requires reporting.

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

26 **“(c) In another state and is required to report under the laws of the**  
27 **other state, the petition must be filed in the juvenile court in which**  
28 **the person was adjudicated for the act that requires reporting.**

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

30 “(a) A Class A or Class B felony sex crime if committed by an adult, the

1 petition may be filed no sooner than two years after the termination of ju-  
2 venile court jurisdiction over the person or, if the person is placed under the  
3 jurisdiction of the Psychiatric Security Review Board, no sooner than two  
4 years after the person is discharged from the jurisdiction of the board.

5 “(b) A Class C felony sex crime if committed by an adult, the petition  
6 may be filed no sooner than 30 days before the termination of juvenile court  
7 jurisdiction over the person or, if the person is placed under the jurisdiction  
8 of the Psychiatric Security Review Board, no sooner than 30 days before the  
9 person is discharged from the jurisdiction of the board.

10 “(3)(a) The juvenile court in which a petition under this section is filed  
11 may transfer the matter to the juvenile court of the county that last super-  
12 vised the person if the court determines that the convenience of the parties,  
13 the victim and witnesses require the transfer.

14 “(b) The juvenile court has exclusive original jurisdiction in any pro-  
15 ceeding under this section.

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

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

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

25 “(b) The nature of the act that subjected the person to the [*duty*] **obli-**  
26 **gation** of reporting as a sex offender;

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

29 “(d) Whether the act was premeditated;

30 “(e) Whether the person took advantage of a position of authority or trust

1 in committing the act;

2 “(f) The age of any victim at the time of the act, the age difference be-

3 tween any victim and the person and the number of victims;

4 “(g) The vulnerability of the victim;

5 “(h) Other acts committed by the person that would be crimes if commit-

6 ted by an adult and criminal activities engaged in by the person before and

7 after the adjudication;

8 “(i) Statements, documents and recommendations by or on behalf of the

9 victim or the parents of the victim;

10 “(j) The person’s willingness to accept personal responsibility for the act

11 and personal accountability for the consequences of the act;

12 “(k) The person’s ability and efforts to pay the victim’s expenses for

13 counseling and other trauma-related expenses or other efforts to mitigate the

14 effects of the act;

15 “(L) Whether the person has participated in and satisfactorily completed

16 a sex offender treatment program or any other intervention, and if so the

17 juvenile court may also consider:

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

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

20 “(C) The person’s compliance with court, board or supervision require-

21 ments regarding treatment; and

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

23 “(m) The person’s academic and employment history;

24 “(n) The person’s use of drugs or alcohol before and after the adjudi-

25 cation;

26 “(o) The person’s history of public or private indecency;

27 “(p) The person’s compliance with and success in completing the terms

28 of supervision;

29 “(q) The results of psychological examinations of the person;

30 “(r) The protection afforded the public by the continued existence of the

1 records; and

2 “(s) Any other relevant factors.

3 “(5) In a hearing under this section, the juvenile court may receive tes-  
4 timony, reports and other evidence without regard to whether the evidence  
5 is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence  
6 is relevant to the determination and findings required under this section.  
7 As used in this subsection, ‘relevant evidence’ has the meaning given that  
8 term in ORS 40.150.

9 “(6) When a petition is filed under this section, the state has the right  
10 to have a psychosexual evaluation of the person conducted. The state shall  
11 file notice with the juvenile court of its intention to have the person evalu-  
12 ated. If the person objects to the evaluator chosen by the state, the juvenile  
13 court for good cause shown may direct the state to select a different evalu-  
14 ator.

15 “(7) As soon as practicable after a petition has been filed under this sec-  
16 tion, the district attorney or juvenile department shall make a reasonable  
17 effort to notify the victim of the crime that the person has filed a petition  
18 seeking relief under this section and, if the victim has requested, to inform  
19 the victim of the date, time and place of a hearing on the petition in advance  
20 of the hearing.

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

22 “(A) While the person is under the jurisdiction of the juvenile court or  
23 the Psychiatric Security Review Board or less than three years after the date  
24 the jurisdiction is terminated, the court shall hold a hearing no sooner than  
25 60 days and no later than 120 days after the date of filing.

26 “(B) Three years or more after the date the juvenile court or board ju-  
27 risdiction is terminated, the court shall hold a hearing no sooner than 90  
28 days and no later than 150 days after the date of filing.

29 “(b) Notwithstanding paragraph (a) of this subsection, upon a showing of  
30 good cause, the court may extend the period of time in which a hearing on



1 the petition must be held.

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

5 “(b) Notwithstanding paragraph (a) of this subsection, the court may not  
6 grant a petition filed under this section before the date the juvenile court  
7 or board jurisdiction over the person is terminated.

8 “(10) When a juvenile court enters an order relieving a person of the re-  
9 quirement to report under ORS 181.809, the person shall send a certified copy  
10 of the juvenile court order to the Department of State Police.

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

17 “(12) When a petition is filed under subsection (2)(b) of this section before  
18 the termination of juvenile court or board jurisdiction, if the person, or the  
19 parent or guardian of the person if the person is less than 18 years of age,  
20 requests counsel and is without sufficient financial means to employ suitable  
21 counsel to represent the person, for purposes of the petition described in this  
22 section, the court shall appoint suitable counsel to represent the person.  
23 Appointment of counsel under this subsection is subject to ORS 419C.200,  
24 419C.203, 419C.206 and 419C.209.

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

26 **“SECTION 37. The unit captions used in this 2015 Act are provided**  
27 **only for the convenience of the reader and do not become part of the**  
28 **statutory law of this state or express any legislative intent in the**  
29 **enactment of this 2015 Act.**

30 **“SECTION 38. This 2015 Act being necessary for the immediate**

1 **preservation of the public peace, health and safety, an emergency is**  
2 **declared to exist, and this 2015 Act takes effect on its passage.”.**

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