

HOUSE AMENDMENTS TO HOUSE BILL 4074

By COMMITTEE ON JUDICIARY

February 11

- 1 On page 1 of the printed bill, line 2, after “ORS” insert “163A.010,”.
- 2 Delete lines 5 through 24 and delete pages 2 through 9 and insert:
- 3 “**SECTION 1.** ORS 163A.025 is amended to read:
- 4 “163A.025. (1) [*Unless the juvenile court enters an order under ORS 163A.130 or 163A.135 relieving a person of the obligation to report as a sex offender, subsections (2) to (4) of this section apply to*
- 5 *a person*] **A person found to be within the jurisdiction of the juvenile court under ORS**
- 6 **419C.005, or found by the juvenile court to be responsible except for insanity under ORS**
- 7 **419C.411, for having committed an act that, if committed by an adult, would constitute a**
- 8 **felony sex crime shall report as a sex offender as described in subsections (2) to (4) of this**
- 9 **section, unless the juvenile court enters an order under ORS 163A.130 or 163A.135 relieving**
- 10 **the person of the obligation to report, if:**
- 11
- 12 “(a) [*Who*] **The person** has been ordered under ORS 163A.030 to report as a sex offender; [*or*]
- 13 “(b) **The person was adjudicated, and the jurisdiction of the juvenile court or the Psy-**
- 14 **chiatric Security Review Board over the person ended, prior to August 12, 2015;**
- 15 “(c) **The person was adjudicated prior to August 12, 2015, and the jurisdiction of the ju-**
- 16 **venile court or the Psychiatric Security Review Board over the person ended after August**
- 17 **12, 2015, and before the effective date of this 2016 Act; or**
- 18 “[*b*] (d) [*Who*] **The person** has been found in a juvenile adjudication in another United States
- 19 court to have committed an act while the person was under 18 years of age that would constitute
- 20 a felony sex crime if committed in this state by an adult.
- 21 “(2) A person described in subsection (1)(a) or (d) of this section, or a person described in
- 22 **subsection (1)(c) of this section who did not make an initial report prior to the effective date**
- 23 **of this 2016 Act, who resides in this state shall make an initial report, in person, to the Department**
- 24 **of State Police, a city police department or a county sheriff’s office as follows:**
- 25 “(a) The person shall report no later than 10 days after the date of the [*termination of juvenile*
- 26 *court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric*
- 27 *Security Review Board, no later than 10 days after the date the person is discharged from the juris-*
- 28 *isdiction of the board; or]* **court order requiring the person to report under ORS 163A.030;**
- 29 “(b) If the person is adjudicated for the act giving rise to the obligation to report in another
- 30 United States court and the person is found to have committed an act that if committed by an adult
- 31 in this state would constitute:
- 32 “(A) A Class A or Class B felony sex crime:
- 33 “(i) If the person is not a resident of this state at the time of the adjudication, the person shall
- 34 make the initial report to the Department of State Police in Marion County, Oregon, no later than
- 35 10 days after the date the person moves into this state; or

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

7 “(B) A Class C felony sex crime:

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

11 “(ii) If the person is a resident of this state at the time of the adjudication, the person shall
12 make the initial report to the Department of State Police in Marion County, Oregon, no later than
13 10 days after the date the person is discharged, released or placed on probation or any other form
14 of supervised or conditional release by the other United States court or, if the person is confined
15 in a correctional facility by the other United States court, no later than 10 days after the date the
16 person is discharged or otherwise released from the facility[.]; or

17 **“(c) For persons described in subsection (1)(c) of this section who did not make an initial
18 report prior to the effective date of this 2016 Act, the person shall report no later than 120
19 days after the effective date of this 2016 Act.**

20 “(3) After making the initial report described in subsection (2) of this section[,] or, for a person
21 described in subsection (1)(c) of this section who made an initial report prior to the effective
22 date of this 2016 Act or a person described in subsection (1)(b) of this section, beginning after
23 the effective date of this 2016 Act, the person shall report, in person, to the Department of State
24 Police, a city police department or a county sheriff’s office, in the county of the person’s last re-
25 ported residence:

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

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

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

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

33 “(4) When a person described in subsection (1) of this section attends school or works in this
34 state, resides in another state and is not otherwise required to report as a sex offender under this
35 section or ORS 163A.010, 163A.015 or 163A.020, the person shall report, in person, to the Depart-
36 ment of State Police, a city police department or a county sheriff’s office, in the county in which the
37 person attends school or works, no later than 10 days after:

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

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

40 “(5) The agency to which a person reports under this section shall complete a sex offender
41 registration form concerning the person when the person reports under this section.

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

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

44 “(A) Provide the information necessary to complete the sex offender registration form and sign
45 the form as required; and

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

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

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

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

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

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

12 “(8) Notwithstanding subsections (2) and (3) of this section:

13 “(a) The Oregon Youth Authority may *register* **authorize** a youth offender committed to its
14 custody and supervision by order of the juvenile court, or a person placed in its physical custody
15 under ORS 137.124 or any other provision of law, **to report to the authority regardless of the**
16 **youth offender’s or the person’s last reported residence.**

17 “(b) A county juvenile department may *register* **authorize** a youth offender or young person,
18 as those terms are defined in ORS 419A.004, **to report to the department, regardless of the**
19 **county of the youth offender’s or the young person’s last reported residence.**

20 “(c) **In the event that a person reports to the authority or the department under this**
21 **subsection, the authority or the department shall register the person.**

22 “**SECTION 2.** ORS 163A.030 is amended to read:

23 “163A.030. (1)(a) **Except as provided in subsection (6) of this section,** the juvenile court shall
24 hold a hearing on the issue of reporting as a sex offender by a person who has been found to be
25 within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to
26 be responsible except for insanity under ORS 419C.411, for having committed an act that if com-
27 mitted by an adult would constitute a felony sex crime **if:**

28 “(A) **The person was adjudicated on or after August 12, 2015; or**

29 “(B) **The person was adjudicated before August 12, 2015, and was still under the juris-**
30 **isdiction of the juvenile court or the Psychiatric Security Review Board on the effective date**
31 **of this 2016 Act.**

32 “(b) **Unless the court continues the hearing described in this section for good cause,** the
33 hearing [*described in paragraph (a) of this subsection*] must be held [*during the six-month period be-*
34 *fore*]:

35 “(A) **During the six-month period before** the termination of juvenile court jurisdiction over
36 the person; or

37 “(B) [*The person is discharged from the jurisdiction of*] **During the six-month period after the**
38 **court receives the notice described in subsection (2) of this section from** the Psychiatric Se-
39 **curity Review Board, if the person was placed under the jurisdiction of the board.**

40 “(c) The court shall notify the person of the person’s right to a hearing under this section upon
41 finding the person within the jurisdiction of the juvenile court under ORS 419C.005.

42 “[*d*)] (2)(a) The county or state agency responsible for supervising the person shall notify the
43 person **and the juvenile court** when the agency determines that termination of jurisdiction [*will*]
44 **is likely to** occur within six months.

45 “[*e*] A petition requesting a hearing may be filed under this section by the person within six

1 months of the termination date if the date has been set by the court, or within six months of the
2 projected termination date provided to the person by the supervising agency.]

3 **“(b) If the Psychiatric Security Review Board discharges a person prior to the end of the**
4 **board’s jurisdiction over the person, the board shall notify the juvenile court within three**
5 **business days after the discharge date.**

6 **“(3) Upon receipt of the notice described in subsection (2) of this section, the court shall:**

7 **“(a) Appoint an attorney for the person as described in subsection (4) of this section;**

8 **“(b) Set an initial hearing date; and**

9 **“(c) Notify the parties and the juvenile department or the Psychiatric Security Review**
10 **Board, if the department or board is supervising or has jurisdiction over the person, of the**
11 **hearing at least 60 days before the hearing date.**

12 **“(4)(a) A person who is the subject of a hearing under this section has the right to be**
13 **represented by a suitable attorney possessing skills and experience commensurate with the**
14 **nature and complexity of the case, to consult with the attorney prior to the hearing and, if**
15 **financially eligible, to have a suitable attorney appointed at state expense.**

16 **“(b) In order to comply with the right to counsel under paragraph (a) of this subsection,**
17 **the court may:**

18 **“(A) Continue the appointment of the attorney appointed under ORS 419C.200 at the time**
19 **of disposition;**

20 **“(B) Set a date prior to the hearing under this section in order to reappoint the attorney**
21 **appointed under ORS 419C.200; or**

22 **“(C) Appoint or reappoint an attorney at any time in response to a request by the person**
23 **who is the subject of a hearing under this section.**

24 **“[(2)] (5)(a) The district attorney shall notify the victim prior to the hearing of the right to ap-**
25 **pear and the right to be heard under ORS 419C.273.**

26 **“(b) If the person is under the jurisdiction of the Psychiatric Security Review Board, the**
27 **board shall notify the following of the hearing:**

28 **“(A) The mental health agency providing services to the person, if any;**

29 **“(B) The person’s board defense attorney; and**

30 **“(C) The assistant attorney general representing the state at board hearings.**

31 **“(6)(a) A person may waive the right to the hearing described in this section after con-**
32 **sultation with the person’s attorney. If the court finds that the person has knowingly waived**
33 **the right to a hearing, the court shall enter an order requiring the person to report as a sex**
34 **offender under ORS 163A.025.**

35 **“(b) If a person fails to appear at a hearing described in this section, the court may enter**
36 **an order requiring the person to report as a sex offender under ORS 163A.025.**

37 **“[(3)] (7) At the hearing described in subsection (1) of this section:**

38 **“(a) The district attorney, the victim, the person and the juvenile [court counselor] department**
39 **or a representative of the Oregon Youth Authority shall have an opportunity to be heard.**

40 **“(b) The person who is the subject of the hearing has the burden of proving by clear and con-**
41 **vincing evidence that the person is rehabilitated and does not pose a threat to the safety of the**
42 **public. If the court finds that the person has not met the burden of proof, the court shall enter an**
43 **order requiring the person to report as a sex offender under ORS 163A.025.**

44 **“[(4)] (8) In determining whether the person has met the burden of proof, the juvenile court may**
45 **consider but need not be limited to considering:**

1 “(a) The extent and impact of any physical or emotional injury to the victim;
2 “(b) The nature of the act that subjected the person to the duty of reporting as a sex offender;
3 “(c) Whether the person used or threatened to use force in committing the act;
4 “(d) Whether the act was premeditated;
5 “(e) Whether the person took advantage of a position of authority or trust in committing the
6 act;
7 “(f) The age of any victim at the time of the act, the age difference between any victim and the
8 person and the number of victims;
9 “(g) The vulnerability of the victim;
10 “(h) Other acts committed by the person that would be crimes if committed by an adult and
11 criminal activities engaged in by the person before and after the adjudication;
12 “(i) Statements, documents and recommendations by or on behalf of the victim or the parents
13 of the victim;
14 “(j) The person’s willingness to accept personal responsibility for the act and personal account-
15 ability for the consequences of the act;
16 “(k) The person’s ability and efforts to pay the victim’s expenses for counseling and other
17 trauma-related expenses or other efforts to mitigate the effects of the act;
18 “(L) Whether the person has participated in and satisfactorily completed a sex offender treat-
19 ment program or any other intervention, and if so the juvenile court may also consider:
20 “(A) The availability, duration and extent of the treatment activities;
21 “(B) Reports and recommendations from the providers of the treatment;
22 “(C) The person’s compliance with court, board or supervision requirements regarding treat-
23 ment; and
24 “(D) The quality and thoroughness of the treatment program;
25 “(m) The person’s academic and employment history;
26 “(n) The person’s use of drugs or alcohol before and after the adjudication;
27 “(o) The person’s history of public or private indecency;
28 “(p) The person’s compliance with and success in completing the terms 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*] records **of sex offender**
31 **registration**; and
32 “(s) Any other relevant factors.
33 “[5] (9) In a hearing under this section, the juvenile court may receive testimony, reports and
34 other evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210
35 and 40.310 to 40.585, if the evidence is relevant evidence related to the determination and findings
36 required under this section. As used in this subsection, ‘relevant evidence’ has the meaning given
37 that term in ORS 40.150.
38 “[(6)(a)] (10)(a) In a hearing under this section, [*the juvenile court shall review*] **the Oregon**
39 **Youth Authority or the juvenile department, if either agency is supervising the person, or**
40 **the Psychiatric Security Review Board, if the board has jurisdiction over the person, shall**
41 **file with the juvenile court the following records and materials in the possession of the**
42 **agency or board at least 45 days prior to the hearing unless good cause is shown:**
43 “(A) Evaluations and treatment records concerning the person conducted by a clinician or pro-
44 gram operating under the standards of practice for the evaluation and treatment of juvenile sex
45 offenders adopted by the Sex Offender Treatment Board under ORS 675.400, and recommendations

1 contained therein regarding the need for the person to register in order to protect the public from
2 future sex crimes; *[and]*

3 “(B) All examination preparation material and examination records from polygraph examinations
4 conducted by or for the treatment provider, juvenile department or Oregon Youth Authority[.]; **and**

5 **“(C) The Psychiatric Security Review Board exhibit file.**

6 “(b) Any records and materials *[to be reviewed by]* **filed with** the court under this subsection
7 shall be *[released and disclosed to the court, district attorney, person’s attorney and to the Oregon*
8 *Youth Authority or juvenile department that is responsible for the supervision of the person,]* **made**
9 **available to the parties, in accordance with ORS 419A.255**, no less than *[15]* **30** days prior to any
10 hearing held under this section **unless good cause is shown.**

11 “[*(7)*] **(11)** When the juvenile court enters an order described in subsection *[(3)(b)]* **(7)(b)** of this
12 section, the court shall ensure that the person completes a form that documents the person’s obli-
13 gation to report under ORS 163A.025. No later than three business days after the person completes
14 the form required by this subsection, the court shall ensure that the form is sent to the Department
15 of State Police.

16 “[*(8)(a)*] *A person who is the subject of a hearing under this section has the right to be represented*
17 *by suitable legal counsel possessing skills and experience commensurate with the nature and complexity*
18 *of the case, to consult with counsel prior to the hearing and, if financially eligible, to have suitable*
19 *counsel appointed at state expense.*]

20 “[*(b)*] *In order to comply with the right to counsel under paragraph (a) of this subsection, the court*
21 *may:*]

22 “[*(A)*] *Continue the appointment of the attorney appointed under ORS 419C.200 at the time of dis-*
23 *position;*]

24 “[*(B)*] *Set a date prior to the hearing under this section in order to reappoint the attorney appointed*
25 *under ORS 419C.200; or]*

26 “[*(C)*] *Appoint or reappoint an attorney at any time in response to a request by the person who is*
27 *the subject of a hearing under this section.*]

28 “[*(9)*] **(12)** Notwithstanding ORS 419C.005 (4)(c), **(d) and** (e), the juvenile court retains jurisdic-
29 tion over a person for purposes of this section.

30 **“(13) As used in this section, ‘parties’ means the person, the state as represented by the**
31 **district attorney or the juvenile department, and the Oregon Youth Authority or other child**
32 **care agency, if the person is temporarily committed to the authority or agency.**

33 **“SECTION 3. (1) A person found to be within the jurisdiction of the juvenile court under**
34 **ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS**
35 **419C.411, for having committed an act that, if committed by an adult, would constitute a**
36 **felony sex crime, who was adjudicated before August 12, 2015, and was still under the juris-**
37 **isdiction of the juvenile court on August 12, 2015, and who ceased to be under the jurisdic-**
38 **tion of the juvenile court before the effective date of this 2016 Act, is entitled to a hearing on the**
39 **issue of reporting as a sex offender as described in this section.**

40 **“(2)(a) A county or state agency that was responsible for supervising or that had juris-**
41 **isdiction over a person described in subsection (1) of this section while the person was under**
42 **juvenile court or Psychiatric Security Review Board jurisdiction shall, within 90 days of the**
43 **effective date of this 2016 Act:**

44 **“(A) Send written notice of the right to a hearing to the last-known address of the person**
45 **and to the person’s most recent attorney of record, if available. The notice shall inform the**

1 person that, in order to have a hearing, the person must file a written request for the
2 hearing with the juvenile court. The notice must also inform the person that the person shall
3 report as required under ORS 163A.025 beginning 120 days after the effective date of this 2016
4 Act.

5 “(B) Send written notice to the juvenile court identifying the person.

6 “(b) Upon receiving the notice described in paragraph (a) of this subsection, the court
7 shall appoint an attorney for the person for the limited purpose of assisting the person to
8 decide whether to file, and to file, a request for a hearing under this section.

9 “(3) Upon receiving a written request from a person for a hearing under this section, and
10 after confirming the person’s eligibility for the hearing, the court shall:

11 “(a) Appoint an attorney for the person in accordance with ORS 163A.030 (4);

12 “(b) Set an initial hearing date within six months after receiving the request; and

13 “(c) Notify the parties and the juvenile department or the Psychiatric Security Review
14 Board, if the department or board supervised or had jurisdiction over the person, of the
15 hearing date.

16 “(4)(a) The district attorney shall notify the victim prior to a hearing under this section
17 of the right to appear and the right to be heard under ORS 419C.273.

18 “(b) If the person was under the jurisdiction of the Psychiatric Security Review Board,
19 the board shall notify the following of the hearing:

20 “(A) The mental health agency providing services to the person, if any;

21 “(B) The person’s board defense attorney; and

22 “(C) The assistant attorney general representing the state at board hearings.

23 “(5) A person may waive the right to the hearing described in this section after consul-
24 tation with the person’s attorney. If the court finds that the person has knowingly waived
25 the right to a hearing, the court shall enter an order requiring the person to report as a sex
26 offender as required under ORS 163A.025 and shall send a certified copy of the order to the
27 Department of State Police.

28 “(6) At the hearing described in subsection (1) of this section:

29 “(a) The district attorney, the victim, the person and the juvenile department or a rep-
30 resentative of the Oregon Youth Authority shall have an opportunity to be heard.

31 “(b) The person who is the subject of the hearing has the burden of proving by clear and
32 convincing evidence that the person is rehabilitated and does not pose a threat to the safety
33 of the public. If the court finds that the person has not met the burden of proof, the court
34 shall enter an order requiring the person to report as a sex offender as required under ORS
35 163A.025.

36 “(7) In determining whether the person has met the burden of proof, the juvenile court
37 may consider but need not be limited to considering:

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

39 “(b) The nature of the act that subjected the person to the duty of reporting as a sex
40 offender;

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

42 “(d) Whether the act was premeditated;

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

45 “(f) The age of any victim at the time of the act, the age difference between any victim

1 and the person, and the number of victims;

2 “(g) The vulnerability of the victim;

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

5 “(i) Statements, documents and recommendations by or on behalf of the victim or the
6 parents of the victim;

7 “(j) The person’s willingness to accept personal responsibility for the act and personal
8 accountability for the consequences of the act;

9 “(k) The person’s ability and efforts to pay the victim’s expenses for counseling and other
10 trauma-related expenses or other efforts to mitigate the effects of the act;

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

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

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

15 “(C) The person’s compliance with court, board or supervision requirements regarding
16 treatment; and

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

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

19 “(n) The person’s use of drugs or alcohol before and after the adjudication;

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

21 “(p) The person’s compliance with and success in completing the terms of supervision;

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

23 “(r) The protection afforded the public by records of sex offender registration; and

24 “(s) Any other relevant factors.

25 “(8) In a hearing under this section, the juvenile court may receive testimony, reports
26 and other evidence, without regard to whether the evidence is admissible under ORS 40.010
27 to 40.210 and 40.310 to 40.585, if the evidence is relevant evidence, as defined in ORS 40.150,
28 related to the determination and findings required under this section.

29 “(9)(a) In a hearing under this section, the Oregon Youth Authority or the juvenile de-
30 partment, if either agency supervised the person, or the Psychiatric Security Review Board,
31 if the board had jurisdiction over the person, shall file with the juvenile court the following
32 records and materials in the possession of the agency or board at least 45 days prior to the
33 hearing unless good cause is shown:

34 “(A) Evaluations and treatment records concerning the person conducted or maintained
35 by a clinician or program operating under the standards of practice for the evaluation and
36 treatment of juvenile sex offenders adopted by the Sex Offender Treatment Board under ORS
37 675.400, and recommendations contained in the evaluations and treatment records regarding
38 the need for the person to register in order to protect the public from future sex crimes;

39 “(B) All examination preparation material and examination records from polygraph ex-
40 aminations conducted by or for the treatment provider, juvenile department or Oregon
41 Youth Authority; and

42 “(C) The Psychiatric Security Review Board exhibit file.

43 “(b) Any records and materials filed with the court under this subsection shall be made
44 available to the parties in accordance with ORS 419A.255 no less than 30 days prior to any
45 hearing held under this section unless good cause is shown.

1 **“(10) When the juvenile court enters an order described in subsection (5) or (6)(b) of this**
2 **section, the court shall ensure that the person completes a form that documents the**
3 **person’s obligation to report under ORS 163A.025. No later than three business days after the**
4 **person completes the form required by this subsection, the court shall ensure that the form**
5 **is sent to the Department of State Police.**

6 **“(11) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile court retains juris-**
7 **isdiction over a person for purposes of this section.**

8 **“(12) If the court finds that the person has met the burden of proof as described in sub-**
9 **section (6)(b) of this section, the court shall enter an order that the person is not required**
10 **to report as a sex offender and shall send a certified copy of the order to the Department**
11 **of State Police.**

12 **“(13) If the court has not received a written request for a hearing prior to July 1, 2018,**
13 **the person may not request a hearing under this section.**

14 **“(14) As used in this section, ‘parties’ means the person, the state as represented by the**
15 **district attorney or the juvenile department, and the Oregon Youth Authority or other child**
16 **care agency, if the person was committed to the authority or agency.**

17 **“SECTION 4.** ORS 163A.010 is amended to read:

18 **“163A.010. (1) The agency to which a person reports under subsection (3) of this section shall**
19 **complete a sex offender registration form concerning the person when the person reports under**
20 **subsection (3) of this section.**

21 **“(2) Subsection (3) of this section applies to a person who:**

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

25 **“(A) Conviction of a sex crime or a crime for which the person would have to register as a sex**
26 **offender under federal law; or**

27 **“(B) Having been found guilty except for insanity of a sex crime;**

28 **“(b) Is paroled to this state under ORS 144.610 after being convicted in another United States**
29 **court of a crime:**

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

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

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

36 **“(3)(a) A person described in subsection (2) of this section shall report, in person, to the De-**
37 **partment of State Police, a city police department or a county sheriff’s office, in the county to which**
38 **the person was discharged, paroled or released or in which the person was otherwise placed:**

39 **“(A) Within 10 days following discharge, release on parole, post-prison supervision or other**
40 **supervised or conditional release;**

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

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

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

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

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

8 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision
9 or custody authorized by law, the Oregon Youth Authority may [*register*] **authorize** a youth offender
10 committed to its supervision and custody by order of the juvenile court or a person placed in its
11 physical custody under ORS 137.124 or any other provision of law **to report to the authority re-
12 gardless of the youth offender’s or the person’s last reported residence.**

13 “**(d) In the event that a person reports to the authority under this subsection, the au-
14 thority shall register the person.**

15 “[*d*] (e) The obligation to report under this subsection terminates if the conviction or adjudi-
16 cation that gave rise to the obligation is reversed or 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 registration form and sign
20 the form as required; and

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

22 “(b) The Department of State Police, Oregon Youth Authority, city police department or county
23 sheriff’s office:

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

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

28 “(C) Shall fingerprint the person if the person’s fingerprints are not included in the record file
29 of the Department of State Police.”.

30 On page 10, delete lines 1 through 15.

31 In line 17, delete “or” and insert a comma.

32 In line 18, delete “(1)(b)” and insert “(b) or (c)”.

33 On page 12, line 30, delete “(1)(c)” and insert “(1)(d)”.

34 On page 17, lines 27 and 28, delete the boldfaced material.

35 On page 18, after line 21, insert:

36 “(16) Subject to subsection (11) of this section, the office of public defense services shall be
37 permitted access to juvenile court records for the purposes of performing the office’s duties as set
38 forth in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a
39 juvenile court proceeding in order to ensure adequate representation of parties in juvenile court
40 proceedings consistent with the child welfare state plan related to Title IV-E of the Social Security
41 Act.

42 “(17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access
43 to juvenile court records maintained in the record of the case for the purpose of performing the
44 bar’s duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in
45 a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile

1 court proceedings consistent with the child welfare state plan related to Title IV-E of the Social
2 Security Act.”.

3 In line 22, delete “(16)(a)” and insert “(18)(a)”.

4 In line 28, delete “or guardian”.

5 Delete line 32 and insert “parental rights and may obtain a copy of the judgment terminating
6 the parent’s parental rights.”.

7 In line 33, delete “(17)” and insert “(19)”.

8 On page 19, line 5, after “parties” insert “and attorneys of record”.

9 In line 9, after “parties” insert “and attorneys of record”.

10 In line 14, after “party” insert “or attorney of record”.

11 In line 15, after “party” insert “or attorney of record” and after “party’s” insert “or attorney
12 of record’s”.

13 On page 20, line 2, delete “(1)”.

14 Delete lines 3 and 4.

15
