

SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 4074

By COMMITTEE ON JUDICIARY

February 24

1 On page 1 of the printed A-engrossed bill, line 2, after “163A.030,” insert “163A.040.”

2 On page 2, line 21, delete “in Marion County, Oregon,” and insert “, a city police department
3 or a county sheriff’s office, in the county of the person’s residence.”.

4 In line 24, delete “in Marion County, Oregon,” and insert “, a city police department or a county
5 sheriff’s office, in the county of the person’s residence.”.

6 In line 31, delete “in Marion County, Oregon,” and insert “, a city police department or a county
7 sheriff’s office, in the county of the person’s residence.”.

8 In line 34, delete “in Marion County, Oregon,” and insert “, a city police department or a county
9 sheriff’s office, in the county of the person’s residence.”.

10 On page 6, delete lines 30 and 31 and insert “to the parties in accordance with ORS
11 419A.255.”.

12 On page 9, line 20, after “419A.255” delete the rest of the line and delete line 21 and insert a
13 period.

14 On page 11, after line 5, insert:

15 “**SECTION 4a.** ORS 163A.040 is amended to read:

16 “163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
17 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
18 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

22 “(c) Fails to report following a change of school enrollment or employment status, including
23 enrollment, employment or vocation status at an institution of higher education;

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

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

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

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

28 “(h) Fails or refuses to participate in a sex offender risk assessment as directed by the State
29 Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health
30 Authority or supervisory authority; or

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

33 “(2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
34 section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025
35 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department

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

3 “(b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
4 section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in
5 person, to the Department of State Police[, *a city police department or a county sheriff's office, in the*
6 *county of the person's new residence*] **in Marion County, Oregon**, within 10 days of moving into this
7 state.

8 “(c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
9 section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in
10 person, to the Department of State Police[, *a city police department or a county sheriff's office, in the*
11 *county of the person's new residence*] **in Marion County, Oregon**, within six months of moving into
12 this state.

13 “(d) It is an affirmative defense to a charge of failure to report under subsection (1) of this
14 section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) [*or (3)*] that the
15 person reported, in person, to the Department of State Police[, *a city police department or a county*
16 *sheriff's office, in the county of the person's residence*] **in Marion County, Oregon**, if the person
17 otherwise complied with all reporting requirements.

18 “(e) **It is an affirmative defense to a charge of failure to report under subsection (1) of**
19 **this section by a person required to report under ORS 163A.025 (3) that the person reported,**
20 **in person, to the Department of State Police, a city police department or a county sheriff's**
21 **office, in the county of the person's residence, if the person otherwise complied with all re-**
22 **porting requirements.**

23 “[*e*] (f) It is an affirmative defense to a charge of failure to report under subsection (1) of this
24 section by a person required to report under ORS 163A.010 (3) that the person reported to the
25 Oregon Youth Authority if the person establishes that the authority registered the person under
26 ORS 163A.010 (3)(c).

27 “[*f*] (g) It is an affirmative defense to a charge of failure to report under subsection (1) of this
28 section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the
29 Oregon Youth Authority or a county juvenile department if the person establishes that the authority
30 or department registered the person under ORS 163A.025 (8).

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

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

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

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

37 “(4) A person who fails to sign and return an address verification form as required by ORS
38 163A.035 (4) commits a violation.”.

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