

Requested by HOUSE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
HOUSE BILL 4074**

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*
5 *163A.130 or 163A.135 relieving a person of the obligation to report as a sex*
6 *offender, subsections (2) to (4) of this section apply to a person] **A person**
7 **found to be within the jurisdiction of the juvenile court under ORS**
8 **419C.005, or found by the juvenile court to be responsible except for**
9 **insanity under ORS 419C.411, for having committed an act that, if**
10 **committed by an adult, would constitute a felony sex crime shall re-**
11 **port as a sex offender as described in subsections (2) to (4) of this**
12 **section, unless the juvenile court enters an order under ORS 163A.130**
13 **or 163A.135 relieving the person of the obligation to report, if:***

14 “(a) [*Who*] **The person** has been ordered under ORS 163A.030 to report
15 as a sex offender; [*or*]

16 **“(b) The person was adjudicated, and the jurisdiction of the juvenile**
17 **court or the Psychiatric Security Review Board over the person ended,**
18 **prior to August 12, 2015;**

19 **“(c) The person was adjudicated prior to August 12, 2015, and the**
20 **jurisdiction of the juvenile court or the Psychiatric Security Review**
21 **Board over the person ended after August 12, 2015, and before the ef-**

1 **fective date of this 2016 Act; or**

2 “[~~(b)~~] (d) [*Who*] **The person** has been found in a juvenile adjudication in
3 another United States court to have committed an act while the person was
4 under 18 years of age that would constitute a felony sex crime if committed
5 in this state by an adult.

6 “(2) A person described in subsection (1)(a) or (d) of this section, **or a**
7 **person described in subsection (1)(c) of this section who did not make**
8 **an initial report prior to the effective date of this 2016 Act**, who resides
9 in this state shall make an initial report, in person, to the Department of
10 State Police, a city police department or a county sheriff’s office as follows:

11 “(a) The person shall report no later than 10 days after the date of the
12 [*termination of juvenile court jurisdiction over the person or, if the person is*
13 *placed under the jurisdiction of the Psychiatric Security Review Board, no*
14 *later than 10 days after the date the person is discharged from the jurisdiction*
15 *of the board; or]* **court order requiring the person to report under ORS**
16 **163A.030;**

17 “(b) If the person is adjudicated for the act giving rise to the obligation
18 to report in another United States court and the person is found to have
19 committed an act that if committed by an adult in this state would consti-
20 tute:

21 “(A) A Class A or Class B felony sex crime:

22 “(i) If the person is not a resident of this state at the time of the adju-
23 dication, the person shall make the initial report to the Department of State
24 Police in Marion County, Oregon, no later than 10 days after the date the
25 person moves into this state; or

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

1 person is confined in a correctional facility by the other United States court,
2 no later than 10 days after the date the person is discharged or otherwise
3 released from the facility.

4 “(B) A Class C felony sex crime:

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

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

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

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

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

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

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

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

5 “(4) When a person described in subsection (1) of this section attends
6 school or works in this state, resides in another state and is not otherwise
7 required to report as a sex offender under this section or ORS 163A.010,
8 163A.015 or 163A.020, the person shall report, in person, to the Department
9 of State Police, a city police department or a county sheriff’s office, in the
10 county in which the person attends school or works, no later than 10 days
11 after:

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

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

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

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

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

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

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

24 “(b) The Department of State Police, Oregon Youth Authority, county
25 juvenile department, city police department or county sheriff’s 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 “(7) The obligation to report under this section is terminated if the ad-
4 judication that gave rise to the obligation is reversed or vacated.

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

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

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

15 “(c) **In the event that a person reports to the authority or the de-**
16 **partment under this subsection, the authority or the department shall**
17 **register the person.**

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

19 “163A.030. (1)(a) **Except as provided in subsection (6) of this section,**
20 the juvenile court shall hold a hearing on the issue of reporting as a sex
21 offender by a person who has been found to be within the jurisdiction of the
22 juvenile court under ORS 419C.005, or found by the juvenile court to be re-
23 sponsible except for insanity under ORS 419C.411, for having committed an
24 act that if committed by an adult would constitute a felony sex crime **if:**

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

26 “(B) **The person was adjudicated before August 12, 2015, and was**
27 **still under the jurisdiction of the juvenile court or the Psychiatric**
28 **Security Review Board on the effective date of this 2016 Act.**

29 “(b) **Unless the court continues the hearing described in this section**
30 **for good cause,** the hearing [*described in paragraph (a) of this subsection*]

1 must be held [*during the six-month period before*]:

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

4 “(B) [*The person is discharged from the jurisdiction of*] **During the six-**
5 **month period after the court receives the notice described in sub-**
6 **section (2) of this section from** the Psychiatric Security Review Board, if
7 the person was placed under the jurisdiction of the board.

8 “(c) The court shall notify the person of the person’s right to a hearing
9 under this section upon finding the person within the jurisdiction of the ju-
10 venile court under ORS 419C.005.

11 “[*d*] **(2)(a)** The county or state agency responsible for supervising the
12 person shall notify the person **and the juvenile court** when the agency de-
13 termines that termination of jurisdiction [*will*] **is likely to** occur within six
14 months.

15 “[*e*] *A petition requesting a hearing may be filed under this section by the*
16 *person within six months of the termination date if the date has been set by*
17 *the court, or within six months of the projected termination date provided to*
18 *the person by the supervising agency.*]

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

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

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

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

28 “(c) **Notify the parties and the juvenile department or the Psychi-**
29 **atric Security Review Board, if the department or board is supervising**
30 **or has jurisdiction over the person, of the hearing at least 60 days**

1 before the hearing date.

2 “(4)(a) A person who is the subject of a hearing under this section
3 has the right to be represented by a suitable attorney possessing skills
4 and experience commensurate with the nature and complexity of the
5 case, to consult with the attorney prior to the hearing and, if finan-
6 cially eligible, to have a suitable attorney appointed at state expense.

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

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

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

13 “(C) Appoint or reappoint an attorney at any time in response to a
14 request by the person who is the subject of a hearing under this sec-
15 tion.

16 “[2)] (5)(a) The district attorney shall notify the victim prior to the
17 hearing of the right to appear and the right to be heard under ORS 419C.273.

18 “(b) If the person is under the jurisdiction of the Psychiatric Secu-
19 rity Review Board, the board shall notify the following of the hearing:

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

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

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

25 “(6)(a) A person may waive the right to the hearing described in
26 this section after consultation with the person’s attorney. If the court
27 finds that the person has knowingly waived the right to a hearing, the
28 court shall enter an order requiring the person to report as a sex
29 offender under ORS 163A.025.

30 “(b) If a person fails to appear at a hearing described in this section,

1 **the court may enter an order requiring the person to report as a sex**
2 **offender under ORS 163A.025.**

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

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

7 “(b) The person who is the subject of the hearing has the burden of
8 proving by clear and convincing evidence that the person is rehabilitated and
9 does not pose a threat to the safety of the public. If the court finds that the
10 person has not met the burden of proof, the court shall enter an order re-
11 quiring the person to report as a sex offender under ORS 163A.025.

12 “[4] (8) In determining whether the person has met the burden of proof,
13 the juvenile court may consider but need not be limited to considering:

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

16 “(b) The nature of the act that subjected the person to the duty of re-
17 porting as a sex offender;

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

20 “(d) Whether the act was premeditated;

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

23 “(f) The age of any victim at the time of the act, the age difference be-
24 tween any victim and the person and the number of victims;

25 “(g) The vulnerability of the victim;

26 “(h) Other acts committed by the person that would be crimes if commit-
27 ted by an adult and criminal activities engaged in by the person before and
28 after the adjudication;

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

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

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

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

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

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

11 “(C) The person’s compliance with court, board or supervision require-
12 ments regarding treatment; and

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

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

15 “(n) The person’s use of drugs or alcohol before and after the adjudi-
16 cation;

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

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

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

21 “(r) The protection afforded the public by [*the continued existence of the*]
22 records **of sex offender registration**; and

23 “(s) Any other relevant factors.

24 “[5] (9) In a hearing under this section, the juvenile court may receive
25 testimony, reports and other evidence, without regard to whether the evi-
26 dence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the
27 evidence is relevant evidence related to the determination and findings re-
28 quired under this section. As used in this subsection, ‘relevant evidence’ has
29 the meaning given that term in ORS 40.150.

30 “[6)(a)] (10)(a) In a hearing under this section, [*the juvenile court shall*

1 *review*] **the Oregon Youth Authority or the juvenile department, if ei-**
2 **ther agency is supervising the person, or the Psychiatric Security Re-**
3 **view Board, if the board has jurisdiction over the person, shall file**
4 **with the juvenile court the following records and materials in the**
5 **possession of the agency or board at least 45 days prior to the hearing**
6 **unless good cause is shown:**

7 “(A) Evaluations and treatment records concerning the person conducted
8 by a clinician or program operating under the standards of practice for the
9 evaluation and treatment of juvenile sex offenders adopted by the Sex
10 Offender Treatment Board under ORS 675.400, and recommendations con-
11 tained therein regarding the need for the person to register in order to pro-
12 tect the public from future sex crimes; *[and]*

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

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

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

23 “[~~(7)~~] **(11)** When the juvenile court enters an order described in subsection
24 *[(3)(b)]* **(7)(b)** of this section, the court shall ensure that the person completes
25 a form that documents the person’s obligation to report under ORS 163A.025.
26 No later than three business days after the person completes the form re-
27 quired by this subsection, the court shall ensure that the form is sent to the
28 Department of State Police.

29 “[~~(8)(a)~~] *A person who is the subject of a hearing under this section has the*
30 *right to be represented by suitable legal counsel possessing skills and experi-*

1 *ence commensurate with the nature and complexity of the case, to consult with*
2 *counsel prior to the hearing and, if financially eligible, to have suitable*
3 *counsel appointed at state expense.]*

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

6 *“(A) Continue the appointment of the attorney appointed under ORS*
7 *419C.200 at the time of disposition;]*

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

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

12 *“(9) (12) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile*
13 *court retains jurisdiction over a person for purposes of this section.*

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

18 **“SECTION 3. (1) A person found to be within the jurisdiction of the**
19 **juvenile court under ORS 419C.005, or found by the juvenile court to**
20 **be responsible except for insanity under ORS 419C.411, for having**
21 **committed an act that, if committed by an adult, would constitute a**
22 **felony sex crime, who was adjudicated before August 12, 2015, and was**
23 **still under the jurisdiction of the juvenile court on August 12, 2015, and**
24 **who ceased to be under the jurisdiction of the juvenile court before the**
25 **effective date of this 2016 Act, is entitled to a hearing on the issue of**
26 **reporting as a sex offender as described in this section.**

27 **“(2)(a) A county or state agency that was responsible for supervising**
28 **or that had jurisdiction over a person described in subsection (1)**
29 **of this section while the person was under juvenile court or Psychiatric**
30 **Security Review Board jurisdiction shall, within 90 days of the ef-**

1 **fective date of this 2016 Act:**

2 **“(A) Send written notice of the right to a hearing to the last-known**
3 **address of the person and to the person’s most recent attorney of re-**
4 **cord, if available. The notice shall inform the person that, in order to**
5 **have a hearing, the person must file a written request for the hearing**
6 **with the juvenile court. The notice must also inform the person that**
7 **the person shall report as required under ORS 163A.025 beginning 120**
8 **days after the effective date of this 2016 Act.**

9 **“(B) Send written notice to the juvenile court identifying the per-**
10 **son.**

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

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

18 **“(a) Appoint an attorney for the person in accordance with ORS**
19 **163A.030 (4);**

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

22 **“(c) Notify the parties and the juvenile department or the Psychi-**
23 **atric Security Review Board, if the department or board supervised or**
24 **had jurisdiction over the person, of the hearing date.**

25 **“(4)(a) The district attorney shall notify the victim prior to a hear-**
26 **ing under this section of the right to appear and the right to be heard**
27 **under ORS 419C.273.**

28 **“(b) If the person was under the jurisdiction of the Psychiatric Se-**
29 **curity Review Board, the board shall notify the following of the hear-**
30 **ing:**

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

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

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

6 **“(5) A person may waive the right to the hearing described in this**
7 **section after consultation with the person’s attorney. If the court finds**
8 **that the person has knowingly waived the right to a hearing, the court**
9 **shall enter an order requiring the person to report as a sex offender**
10 **as required under ORS 163A.025 and shall send a certified copy of the**
11 **order to the Department of State Police.**

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

13 **“(a) The district attorney, the victim, the person and the juvenile**
14 **department or a representative of the Oregon Youth Authority shall**
15 **have an opportunity to be heard.**

16 **“(b) The person who is the subject of the hearing has the burden**
17 **of proving by clear and convincing evidence that the person is reha-**
18 **ilitated and does not pose a threat to the safety of the public. If the**
19 **court finds that the person has not met the burden of proof, the court**
20 **shall enter an order requiring the person to report as a sex offender**
21 **as required under ORS 163A.025.**

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

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

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

29 **“(c) Whether the person used or threatened to use force in com-**
30 **mitting the act;**

- 1 “(d) Whether the act was premeditated;
- 2 “(e) Whether the person took advantage of a position of authority
3 or trust in committing the act;
- 4 “(f) The age of any victim at the time of the act, the age difference
5 between any victim and the person, and the number of victims;
- 6 “(g) The vulnerability of the victim;
- 7 “(h) Other acts committed by the person that would be crimes if
8 committed by an adult and criminal activities engaged in by the per-
9 son before and after the adjudication;
- 10 “(i) Statements, documents and recommendations by or on behalf
11 of the victim or the parents of the victim;
- 12 “(j) The person’s willingness to accept personal responsibility for
13 the act and personal accountability for the consequences of the act;
- 14 “(k) The person’s ability and efforts to pay the victim’s expenses for
15 counseling and other trauma-related expenses or other efforts to mit-
16 igate the effects of the act;
- 17 “(L) Whether the person has participated in and satisfactorily
18 completed a sex offender treatment program or any other intervention
19 and, if so, the juvenile court may also consider:
- 20 “(A) The availability, duration and extent of the treatment activ-
21 ities;
- 22 “(B) Reports and recommendations from the providers of the
23 treatment;
- 24 “(C) The person’s compliance with court, board or supervision re-
25 quirements regarding treatment; and
- 26 “(D) The quality and thoroughness of the treatment program;
- 27 “(m) The person’s academic and employment history;
- 28 “(n) The person’s use of drugs or alcohol before and after the ad-
29 judication;
- 30 “(o) The person’s history of public or private indecency;

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

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

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

6 **“(s) Any other relevant factors.**

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

12 **“(9)(a) In a hearing under this section, the Oregon Youth Authority**
13 **or the juvenile department, if either agency supervised the person, or**
14 **the Psychiatric Security Review Board, if the board had jurisdiction**
15 **over the person, shall file with the juvenile court the following records**
16 **and materials in the possession of the agency or board at least 45 days**
17 **prior to the hearing unless good cause is shown:**

18 **“(A) Evaluations and treatment records concerning the person**
19 **conducted or maintained by a clinician or program operating under**
20 **the standards of practice for the evaluation and treatment of juvenile**
21 **sex offenders adopted by the Sex Offender Treatment Board under ORS**
22 **675.400, and recommendations contained in the evaluations and treat-**
23 **ment records regarding the need for the person to register in order to**
24 **protect the public from future sex crimes;**

25 **“(B) All examination preparation material and examination records**
26 **from polygraph examinations conducted by or for the treatment pro-**
27 **vider, juvenile department or Oregon Youth Authority; and**

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

29 **“(b) Any records and materials filed with the court under this sub-**
30 **section shall be made available to the parties in accordance with ORS**

1 **419A.255 no less than 30 days prior to any hearing held under this**
2 **section unless good cause is shown.**

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

9 **“(11) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile**
10 **court retains jurisdiction over a person for purposes of this section.**

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

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

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

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

24 **“163A.010. (1) The agency to which a person reports under subsection (3)**
25 **of this section shall complete a sex offender registration form concerning the**
26 **person when the person reports under subsection (3) of this section.**

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

28 **“(a) Is discharged, paroled or released on any form of supervised or con-**
29 **ditional release from a jail, prison or other correctional facility or detention**
30 **facility in this state at which the person was confined as a result of:**

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

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

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

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

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

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

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

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

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 “(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the
2 period of supervision or custody authorized by law, the Oregon Youth Au-
3 thority may [*register*] **authorize** a youth offender committed to its super-
4 vision and custody by order of the juvenile court or a person placed in its
5 physical custody under ORS 137.124 or any other provision of law **to report**
6 **to the authority regardless of the youth offender’s or the person’s last**
7 **reported residence.**

8 “(d) **In the event that a person reports to the authority under this**
9 **subsection, the authority shall register the person.**

10 “[(d)] (e) The obligation to report under this subsection terminates if the
11 conviction or adjudication that gave rise to the obligation is reversed or
12 vacated or if the registrant is pardoned.

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

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

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

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

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

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

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

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

28 On page 10, delete lines 1 through 15.

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

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

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

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

3 On page 18, after line 21, insert:

4 “(16) Subject to subsection (11) of this section, the office of public defense
5 services shall be permitted access to juvenile court records for the purposes
6 of performing the office’s duties as set forth in ORS 151.219 to audit or in-
7 vestigate attorney appointment or representation of a party in a juvenile
8 court proceeding in order to ensure adequate representation of parties in
9 juvenile court proceedings consistent with the child welfare state plan re-
10 lated to Title IV-E of the Social Security Act.

11 “(17) Subject to subsection (11) of this section, the Oregon State Bar shall
12 be permitted access to juvenile court records maintained in the record of the
13 case for the purpose of performing the bar’s duties as set forth in ORS 9.005
14 to 9.757 to investigate attorney representation of a party in a juvenile court
15 proceeding and in order to ensure adequate representation of parties in ju-
16 venile court proceedings consistent with the child welfare state plan related
17 to Title IV-E of the Social Security Act.”.

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

19 In line 28, delete “or guardian”.

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

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

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

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

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

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

28 On page 20, line 2, delete “(1)”.

29 Delete lines 3 and 4.

30