

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 4074**

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

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

6 In line 24, delete “in Marion County, Oregon,” and insert “, a city police  
7 department or a county sheriff’s office, in the county of the person’s resi-  
8 dence,”.

9 In line 31, delete “in Marion County, Oregon,” and insert “, a city police  
10 department or a county sheriff’s office, in the county of the person’s resi-  
11 dence,”.

12 In line 34, delete “in Marion County, Oregon,” and insert “, a city police  
13 department or a county sheriff’s office, in the county of the person’s resi-  
14 dence,”.

15 On page 11, after line 5, insert:

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

17 “163A.040. (1) A person who is required to report as a sex offender in  
18 accordance with the applicable provisions of ORS 163A.010, 163A.015,  
19 163A.020 or 163A.025 and who has knowledge of the reporting requirement  
20 commits the crime of failure to report as a sex offender if the person:

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

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

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

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

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

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

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

11 “(h) Fails or refuses to participate in a sex offender risk assessment as  
12 directed by the State Board of Parole and Post-Prison Supervision, Psychi-  
13 atric Security Review Board, Oregon Health Authority or supervisory au-  
14 thority; or

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

17 “(2)(a) It is an affirmative defense to a charge of failure to report under  
18 subsection (1)(d) of this section by a person required to report under ORS  
19 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person re-  
20 ported, in person, within 10 days of a change of residence to the Department  
21 of State Police, a city police department or a county sheriff’s office, in the  
22 county of the person’s new residence, if the person otherwise complied with  
23 all reporting requirements.

24 “(b) It is an affirmative defense to a charge of failure to report under  
25 subsection (1)(a) of this section by a person required to report under ORS  
26 163A.025 (2)(b)(A)(i) that the person reported, in person, to the Department  
27 of State Police[, *a city police department or a county sheriff’s office, in the*  
28 *county of the person’s new residence*] **in Marion County, Oregon**, within 10  
29 days of moving into this state.

30 “(c) It is an affirmative defense to a charge of failure to report under

1 subsection (1)(a) of this section by a person required to report under ORS  
2 163A.025 (2)(b)(B)(i) that the person reported, in person, to the Department  
3 of State Police[, *a city police department or a county sheriff's office, in the*  
4 *county of the person's new residence*] **in Marion County, Oregon**, within six  
5 months of moving into this state.

6 “(d) It is an affirmative defense to a charge of failure to report under  
7 subsection (1) of this section by a person required to report under ORS  
8 163A.025 (2)(b)(A)(ii) or (B)(ii) [*or (3)*] that the person reported, in person, to  
9 the Department of State Police[, *a city police department or a county sheriff's*  
10 *office, in the county of the person's residence*] **in Marion County, Oregon**,  
11 if the person otherwise complied with all reporting requirements.

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

18 “[*e*] (f) 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 163A.010 (3) that the person reported to the Oregon Youth Authority if the  
21 person establishes that the authority registered the person under ORS  
22 163A.010 (3)(c).

23 “[*f*] (g) It is an affirmative defense to a charge of failure to report under  
24 subsection (1) of this section by a person required to report under ORS  
25 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority  
26 or a county juvenile department if the person establishes that the authority  
27 or department registered the person under ORS 163A.025 (8).

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

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

1 violates:

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

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

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

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