

**HB 2360 A STAFF MEASURE SUMMARY**

**Carrier:** Rep. Barker

**House Committee On Judiciary**

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**Action Date:** 04/14/17

**Action:** Do pass with amendments. (Printed A-Eng.)

**Vote:** 10-0-1-0

**Yeas:** 10 - Barker, Gorsek, Greenlick, Lininger, Olson, Post, Sanchez, Stark, Vial, Williamson

**Exc:** 1 - Sprenger

**Fiscal:** Has minimal fiscal impact

**Revenue:** No revenue impact

**Prepared By:** Josh Nasbe, Counsel

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**WHAT THE MEASURE DOES:**

Modifies crime of failure to report as sex offender. When sex offender fails to report after change of residence, eliminates obligation of state to prove that sex offender has acquired a new residence. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Law enforcement concern with ability to prosecute offenders for failing to register as a sex offender
- Impact on homeless sex offenders

**EFFECT OF AMENDMENT:**

Adds emergency clause.

**BACKGROUND:**

House Bill 2360-A returns the law to its pre-2009 status, by requiring a person who must report as a sex offender to do so within 10 days "following a change of residence." The current statutory obligation was adopted in response to a 2008 case decided by the Oregon Court of Appeals. See *State v. Hiner*, 269 Or. App. 447 (2015). The purpose of the 2009 amendment was to "ensure that the state would be able to establish venue for the crime in at least one county." *Id.* at 451. That is, in situations where a defendant moves from one county to another county, venue is appropriate in either county. One consequence of current law, however, is that the State must prove that "the defendant has both left his former residence and acquired a new residence." *Id.* at 452. House Bill 2360-A removes the obligation of the State to prove that the defendant has acquired a new residence.