

HB 2360 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary

Action Date: 05/30/17

Action: Do pass with amendments to the A-Eng bill. (Printed B-Eng.)

Vote: 5-0-0-0

Yeas: 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher

Fiscal: Has minimal fiscal impact

Revenue: No revenue impact

Prepared By: Josh Nasbe, Counsel

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. Sunsets change on January 1, 2022. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Ability to prosecute offenders for failing to report
- Homeless sex offenders

EFFECT OF AMENDMENT:

Sunsets change on January 1, 2022.

BACKGROUND:

House Bill 2360-B 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-B removes the obligation of the State to prove that the defendant has acquired a new residence and sunsets this change on January 1, 2022.