

B-Engrossed
House Bill 2360

Ordered by the Senate June 5
Including House Amendments dated April 25 and Senate Amendments
dated June 5

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Attorney General Ellen Rosenblum)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Modifies reporting obligation for sex offenders by requiring report within 10 days following change of residence. Removes requirement that sex offender have acquired new residence before obligation to report is triggered.

Sunsets January 1, 2022.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offender reporting; creating new provisions; amending ORS 163A.040; and declaring
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 163A.040, as amended by section 4a, chapter 95, Oregon Laws 2016, is
6 amended to read:

7 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
8 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
9 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

13 (c) Fails to report following a change of school enrollment or employment status, including en-
14 rollment, employment or vocation status at an institution of higher education;

15 (d) [*Moves to a new residence and fails to report the move and the person's new address*] **Fails**
16 **to report following a change of residence;**

17 (e) Fails to make an annual report;

18 (f) Fails to provide complete and accurate information;

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

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

23 (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
24 tifying scars, marks or tattoos.

25 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025
2 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department
3 of State Police, a city police department or a county sheriff's office, in the county of the person's
4 new residence, if the person otherwise complied with all reporting requirements.

5 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
6 section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in
7 person, to the Department of State Police in Marion County, Oregon, within 10 days of moving into
8 this state.

9 (c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
10 section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in
11 person, to the Department of State Police in Marion County, Oregon, within six months of moving
12 into this state.

13 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
14 tion by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person re-
15 ported, in person, to the Department of State Police in Marion County, Oregon, if the person
16 otherwise complied with all reporting requirements.

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

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

25 (g) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
26 tion by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the
27 Oregon Youth Authority or a county juvenile department if the person establishes that the authority
28 or department registered the person under ORS 163A.025 (8).

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

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

32 (A) Subsection (1)(a) of this section; or

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

35 (4) A person who fails to sign and return an address verification form as required by ORS
36 163A.035 (4) commits a violation.

37 **SECTION 2.** ORS 163A.040, as amended by section 4a, chapter 95, Oregon Laws 2016, and sec-
38 tion 1 of this 2017 Act, is amended to read:

39 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
40 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
41 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

45 (c) Fails to report following a change of school enrollment or employment status, including en-

1 rollment, employment or vocation status at an institution of higher education;

2 (d) *[Fails to report following a change of residence]* **Moves to a new residence and fails to**
3 **report the move and the person's new address;**

4 (e) Fails to make an annual report;

5 (f) Fails to provide complete and accurate information;

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

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

10 (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
11 tifying scars, marks or tattoos.

12 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
13 section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025
14 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department
15 of State Police, a city police department or a county sheriff's office, in the county of the person's
16 new residence, if the person otherwise complied with all reporting requirements.

17 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
18 section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in
19 person, to the Department of State Police in Marion County, Oregon, within 10 days of moving into
20 this state.

21 (c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
22 section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in
23 person, to the Department of State Police in Marion County, Oregon, within six months of moving
24 into this state.

25 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
26 tion by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person re-
27 ported, in person, to the Department of State Police in Marion County, Oregon, if the person
28 otherwise complied with all reporting requirements.

29 (e) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
30 tion by a person required to report under ORS 163A.025 (3) that the person reported, in person, to
31 the Department of State Police, a city police department or a county sheriff's office, in the county
32 of the person's residence, if the person otherwise complied with all reporting requirements.

33 (f) It is an affirmative defense to a charge of failure to report under subsection (1) of this section
34 by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth
35 Authority if the person establishes that the authority registered the person under ORS 163A.010
36 (3)(c).

37 (g) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
38 tion by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the
39 Oregon Youth Authority or a county juvenile department if the person establishes that the authority
40 or department registered the person under ORS 163A.025 (8).

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

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

44 (A) Subsection (1)(a) of this section; or

45 (B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is required

1 to report is a felony.

2 (4) A person who fails to sign and return an address verification form as required by ORS
3 163A.035 (4) commits a violation.

4 **SECTION 3. The amendments to ORS 163A.040 by section 2 of this 2017 Act become op-**
5 **erative on January 1, 2022.**

6 **SECTION 4. (1) The amendments to ORS 163A.040 by section 1 of this 2017 Act apply to**
7 **conduct occurring on or after the effective date of this 2017 Act.**

8 **(2) The amendments to ORS 163A.040 by section 2 of this 2017 Act apply to conduct oc-**
9 **curing on or after January 1, 2022.**

10 **SECTION 5. This 2017 Act being necessary for the immediate preservation of the public**
11 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**
12 **on its passage.**

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