

## SENATE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2360

By COMMITTEE ON JUDICIARY

June 5

1 On page 2 of the printed A-engrossed bill, delete lines 36 and 37 and insert:

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

4 “163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-  
5 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the  
6 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

10 “(c) Fails to report following a change of school enrollment or employment status, including  
11 enrollment, employment or vocation status at an institution of higher education;

12 “(d) [*Fails to report following a change of residence*] **Moves to a new residence and fails to**  
13 **report the move and the person’s new address;**

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

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

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

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

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

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

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

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

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

1 section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person  
2 reported, in person, to the Department of State Police in Marion County, Oregon, if the person  
3 otherwise complied with all reporting requirements.

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

8 “(f) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-  
9 tion by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon  
10 Youth Authority if the person establishes that the authority registered the person under ORS  
11 163A.010 (3)(c).

12 “(g) It is an affirmative defense to a charge of failure to report under subsection (1) of this  
13 section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the  
14 Oregon Youth Authority or a county juvenile department if the person establishes that the authority  
15 or department registered the person under ORS 163A.025 (8).

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

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

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

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

22 “(4) A person who fails to sign and return an address verification form as required by ORS  
23 163A.035 (4) commits a violation.

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

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

28 “**(2) The amendments to ORS 163A.040 by section 2 of this 2017 Act apply to conduct oc-  
29 ccurring on or after January 1, 2022.**”.

30 In line 38, delete “3” and insert “5”.

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