

Senate Bill 24

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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 **as introduced**.

Extends period of time by which supervisory authority, Psychiatric Security Review Board, Oregon Health Authority and State Board of Parole and Post-Prison Supervision are required to perform risk assessments on persons convicted of sex crimes. Provides that risk assessment time period for person convicted in another United States court begins when Department of State Police notifies State Board of Parole and Post-Prison Supervision of person's obligation to report in this state.

A BILL FOR AN ACT

1
2 Relating to sex offender risk assessment time periods; amending ORS 163A.105 and 163A.110.

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

4 **SECTION 1.** ORS 163A.105 is amended to read:

5 163A.105. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sen-
6 tenced to a term of imprisonment in a Department of Corrections institution for that crime, the
7 State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assess-
8 ment methodology described in ORS 163A.100. The board shall apply the results of the assessment
9 to place the person in one of the levels described in ORS 163A.100 before the person is released from
10 custody.

11 (2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or
12 is discharged, released or placed on probation by the court, the supervisory authority as defined in
13 ORS 144.087 shall assess the person utilizing the risk assessment methodology described in ORS
14 163A.100 and apply the results of the assessment to place the person in one of the levels described
15 in ORS 163A.100 no later than [60] **120** days after the person is released from jail or discharged,
16 released or placed on probation by the court.

17 (3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security
18 Review Board or the Oregon Health Authority shall assess the person utilizing the risk assessment
19 methodology described in ORS 163A.100 and apply the results of the assessment to place the person
20 in one of the levels described in ORS 163A.100 no later than [60] **120** days after the person is:

21 (A) Placed on conditional release by the Psychiatric Security Review Board or the Oregon
22 Health Authority;

23 (B) Discharged from the jurisdiction of the Psychiatric Security Review Board or the Oregon
24 Health Authority;

25 (C) Placed on conditional release by the court pursuant to ORS 161.327; or

26 (D) Discharged by the court pursuant to ORS 161.329.

27 (b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-
28 sessment and assigned a classification level described in ORS 163A.100 for a person described in

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 paragraph (a) of this subsection, the Psychiatric Security Review Board or the Oregon Health Au-
2 thority need not complete a reassessment for an initial classification.

3 (c) The court shall notify the Psychiatric Security Review Board when the court conditionally
4 releases or discharges a person described in paragraph (a) of this subsection.

5 (d) The Psychiatric Security Review Board or the Oregon Health Authority shall notify the State
6 Board of Parole and Post-Prison Supervision no later than seven days after the Psychiatric Security
7 Review Board or the authority conditionally releases or discharges a person who has a prior sex
8 crime conviction that obligates the person to report as a sex offender, unless the person has also
9 been found guilty except for insanity of a sex crime that obligates the person to report as a sex
10 offender.

11 (4)(a) Within [60] **120** days after [*the event triggering the obligation to make an initial report*]
12 **receiving notice of a person's obligation to report in this state from the Department of State**
13 **Police**, the State Board of Parole and Post-Prison Supervision shall assess [a] **the** person utilizing
14 the risk assessment methodology described in ORS 163A.100 and apply the results of the assessment
15 to place the person in one of the levels described in ORS 163A.100 if the person[:]

16 [(a)] has been convicted in another United States court of a crime:

17 (A) That would constitute a sex crime if committed in this state; or

18 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
19 or as required under federal law, regardless of whether the crime would constitute a sex crime in
20 this state[: or].

21 (b) **If a person** has been convicted of a sex crime and was sentenced to a term of imprisonment
22 in a Department of Corrections institution for that sex crime, but was not subjected to a risk as-
23 sessment utilizing the risk assessment methodology described in ORS 163A.100 before release under
24 subsection (1) of this section, **within 120 days after the person's release the State Board of**
25 **Parole and Post-Prison Supervision shall assess the person utilizing the risk assessment**
26 **methodology described in ORS 163A.100 and apply the results of the assessment to place the**
27 **person in one of the levels described in ORS 163A.100.**

28 (5) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
29 Board, the Oregon Health Authority or a supervisory authority applies the results of a risk assess-
30 ment to place a person in one of the levels described in ORS 163A.100, the agency shall notify the
31 Department of State Police of the results of the risk assessment within three business days after the
32 agency's classification. Upon receipt, the Department of State Police shall enter the results of the
33 risk assessment into the Law Enforcement Data System.

34 **SECTION 2.** ORS 163A.110 is amended to read:

35 163A.110. (1) ORS 163A.105 applies to persons for whom the event triggering the obligation to
36 make an initial report under ORS 163A.010 (3)(a)(A), 163A.015 (4)(a)(A) or 163A.020 (1)(a)(A), (2)(a)(A)
37 or (3)(a)(A) occurs on or after January 1, 2014.

38 (2) As used in this section [*and ORS 163A.105*], "event triggering the obligation to make an in-
39 itial report" means:

40 (a) If the initial report is described in ORS 163A.010 (3)(a)(A):

41 (A) Discharge, parole or release on any form of supervised or conditional release from a jail,
42 prison or other correctional facility in this state;

43 (B) Parole to this state under ORS 144.610 after being convicted in another United States court
44 of a crime that would constitute a sex crime if committed in this state; or

45 (C) Discharge by the court under ORS 161.329.

1 (b) If the initial report is described in ORS 163A.015 (4)(a)(A), discharge, release or placement
2 on probation:

3 (A) By the court; or

4 (B) To or in this state under ORS 144.610 after being convicted in another United States court
5 of a crime that would constitute a sex crime if committed in this state.

6 (c) If the initial report is described in ORS 163A.020 (1)(a)(A), moving into this state.

7 (d) If the initial report is described in ORS 163A.020 (2)(a)(A), the first day of school attendance
8 or the 14th day of employment in this state.

9 (e) If the initial report is described in ORS 163A.020 (3)(a)(A):

10 (A) Discharge, release on parole or release on any form of supervised or conditional release,
11 from a jail, prison or other correctional facility or detention facility; or

12 (B) Discharge, release or placement on probation, by another United States court.
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