

## SENATE AMENDMENTS TO SENATE BILL 767

By COMMITTEE ON JUDICIARY

April 26

1 In line 2 of the printed bill, delete the period and insert “; amending ORS 163A.105 and 163A.110  
2 and sections 7, 34 and 37, chapter 708, Oregon Laws 2013.”.

3 Delete lines 4 through 9 and insert:

4 “**SECTION 1.** Section 7, chapter 708, Oregon Laws 2013, as amended by section 27, chapter 820,  
5 Oregon Laws 2015, is amended to read:

6 “**Sec. 7.** (1) As used in this section and [sections 19 to 21 of this 2015 Act] **ORS 163A.200 to**  
7 **163A.210:**

8 “(a) ‘Event triggering the obligation to make an initial report’ has the meaning given that term  
9 in ORS [181.802] **163A.110.**

10 “(b) ‘Existing registrant’ means a person for whom the event triggering the obligation to make  
11 an initial report under ORS [181.806 (3)(a)(A), 181.807 (4)(a)(A) or 181.808 (1)(a)(A), (2)(a)(A) or  
12 (3)(a)(A)] **163A.010 (3)(a)(A), 163A.015 (4)(a)(A) or 163A.020 (1)(a)(A), (2)(a)(A) or (3)(a)(A)** occurs  
13 before January 1, 2014.

14 “(2)(a) No later than December 1, [2018] **2022**, the State Board of Parole and Post-Prison Super-  
15 vision shall classify existing registrants in one of the levels described in ORS [181.800] **163A.100.**  
16 No later than February 1, [2019] **2023**, the Department of State Police shall enter the results of the  
17 classifications described in this section into the Law Enforcement Data System.

18 “(b) The board shall classify an existing registrant as a level three sex offender under ORS  
19 [181.800] **163A.100** (3), if:

20 “(A) The person was previously designated a predatory sex offender and the designation was  
21 made after the person was afforded notice and an opportunity to be heard as to all factual questions  
22 at a meaningful time and in a meaningful manner; or

23 “(B) The person is a sexually violent dangerous offender under ORS 137.765.

24 “(c) The Psychiatric Security Review Board may complete the risk assessment of an existing  
25 registrant who is under the jurisdiction of the Psychiatric Security Review Board or the Oregon  
26 Health Authority, regardless of whether the person has been found guilty except for insanity of a  
27 sex crime or was previously convicted of a sex crime, if the State Board of Parole and Post-Prison  
28 Supervision and the Psychiatric Security Review Board mutually agree that the Psychiatric Security  
29 Review Board has adequate resources to perform the assessment and that the performance of the  
30 assessment by the Psychiatric Security Review Board would assist in classifying the existing regis-  
31 trant in a more timely manner.

32 “(3) As soon as practicable following the classification of an existing registrant under this sec-  
33 tion, the classifying board shall notify the person of the classification by mail.

34 “(4)(a) An existing registrant who seeks review of a classification made under this section **as a**  
35 **level two or level three sex offender as described in ORS 163A.100** may petition the classifying

1 board for review. The petition may be filed no later than 60 days after the board provides the notice  
2 described in subsection (3) of this section.

3 “(b) Upon receipt of a petition described in this subsection, the classifying board shall afford the  
4 person an opportunity to be heard as to all factual questions related to the classification.

5 “(c) After providing the person with notice and an opportunity to be heard in accordance with  
6 this subsection, the board shall classify the person in accordance with the classifications described  
7 in ORS [181.800] **163A.100**, based on all of the information available to the classifying board.

8 “(5) The boards shall adopt rules to carry out the provisions of this section.

9 “(6) An existing registrant may not petition for reclassification or relief from the obligation to  
10 report as a sex offender as provided in ORS [181.821] **163A.125** until either all existing registrants  
11 have been classified in one of the levels described in ORS [181.800] **163A.100** or December 1, 2018,  
12 whichever occurs first.

13 “(7) Notwithstanding ORS [181.837] **163A.225** or any other provision of law, the Department of  
14 State Police may until December 1, 2018, continue to use the Internet to make information available  
15 to the public concerning any adult sex offender designated as predatory as authorized by the law  
16 in effect on December 31, 2013.

17 “(8)(a) If the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Re-  
18 view Board does not classify an existing registrant under ORS [181.800] **163A.100** because the person  
19 has failed or refused to participate in a sex offender risk assessment as directed by the State Board  
20 of Parole and Post-Prison Supervision or the Psychiatric Security Review Board, *[the person is, by*  
21 *operation of law, classified]* **the appropriate board shall classify the person** as a level three sex  
22 offender under ORS [181.800] **163A.100** (3) *[as of January 1, 2019]*.

23 “(b) **If an existing registrant classified as a level three sex offender under this subsection**  
24 **notifies the State Board of Parole and Post-Prison Supervision or the Psychiatric Security**  
25 **Review Board of the willingness to participate in a sex offender risk assessment, the appro-**  
26 **priate board shall perform the assessment and classify the existing registrant in one of the**  
27 **levels described in ORS 163A.100.**

28 “(9) **The State Board of Parole and Post-Prison Supervision or the Psychiatric Security**  
29 **Review Board may reassess or reclassify an existing registrant placed in one of the levels**  
30 **described in ORS 163A.100 under this section if the classifying board determines that a fac-**  
31 **tual mistake caused an erroneous assessment or classification.**

32 “**SECTION 2.** ORS 163A.105 is amended to read:

33 “163A.105. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sen-  
34 tenced to a term of imprisonment in a Department of Corrections institution for that crime, the  
35 State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assess-  
36 ment methodology described in ORS 163A.100. The board shall apply the results of the assessment  
37 to place the person in one of the levels described in ORS 163A.100 before the person is released from  
38 custody.

39 “(2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail,  
40 or is discharged, released or placed on probation by the court, the supervisory authority as defined  
41 in ORS 144.087 shall assess the person utilizing the risk assessment methodology described in ORS  
42 163A.100 and apply the results of the assessment to place the person in one of the levels described  
43 in ORS 163A.100 no later than [60] **90** days after the person is released from jail or discharged, re-  
44 leased or placed on probation by the court.

45 “(3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security

1 Review Board or the Oregon Health Authority shall assess the person utilizing the risk assessment  
2 methodology described in ORS 163A.100 and apply the results of the assessment to place the person  
3 in one of the levels described in ORS 163A.100 no later than [60] **90** days after the person is:

4 “(A) Placed on conditional release by the Psychiatric Security Review Board or the Oregon  
5 Health Authority;

6 “(B) Discharged from the jurisdiction of the Psychiatric Security Review Board or the Oregon  
7 Health Authority;

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

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

10 “(b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-  
11 sessment and assigned a classification level described in ORS 163A.100 for a person described in  
12 paragraph (a) of this subsection, the Psychiatric Security Review Board or the Oregon Health Au-  
13 thority need not complete a reassessment for an initial classification.

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

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

22 “(4)(a) Within [60] **90** days after [*the event triggering the obligation to make an initial report*]  
23 **receiving notice of a person’s obligation to report in this state from the Department of State**  
24 **Police**, the State Board of Parole and Post-Prison Supervision shall assess [a] **the** person utilizing  
25 the risk assessment methodology described in ORS 163A.100 and apply the results of the assessment  
26 to place the person in one of the levels described in ORS 163A.100 if the person[:]

27 “[a]) has been convicted in another United States court of a crime:

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

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

32 “(b) **If a person** has been convicted of a sex crime and was sentenced to a term of imprisonment  
33 in a Department of Corrections institution for that sex crime, but was not subjected to a risk as-  
34 sessment utilizing the risk assessment methodology described in ORS 163A.100 before release under  
35 subsection (1) of this section, **within 90 days after the person’s release the State Board of**  
36 **Parole and Post-Prison Supervision shall assess the person utilizing the risk assessment**  
37 **methodology described in ORS 163A.100 and apply the results of the assessment to place the**  
38 **person in one of the levels described in ORS 163A.100.**

39 “(5) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Re-  
40 view Board, the Oregon Health Authority or a supervisory authority applies the results of a risk  
41 assessment to place a person in one of the levels described in ORS 163A.100, the agency shall notify  
42 the Department of State Police of the results of the risk assessment within three business days after  
43 the agency’s classification. Upon receipt, the Department of State Police shall enter the results of  
44 the risk assessment into the Law Enforcement Data System.

45 “(6) **The State Board of Parole and Post-Prison Supervision, the Psychiatric Security**

1 Review Board, the Oregon Health Authority or a supervisory authority may reassess or re-  
2 classify a person placed in one of the levels described in ORS 163A.100 under this section if  
3 the classifying board or authority determines that a factual mistake caused an erroneous  
4 assessment or classification.

5 “(7)(a) A person classified under this section as a level two or level three sex offender  
6 as described in ORS 163A.100 may petition the classifying board or authority for review. The  
7 petition may be filed no later than 60 days after the person receives notice of the classifica-  
8 tion.

9 “(b) Upon receipt of a petition described in this subsection, the classifying board or au-  
10 thority shall afford the person an opportunity to be heard as to all factual questions related  
11 to the classification.

12 “(c) After providing the person with notice and an opportunity to be heard in accordance  
13 with this subsection, the board or authority shall classify the person in accordance with the  
14 classifications described in ORS 163A.100, based on all of the information available to the  
15 classifying board or authority.

16 “(8)(a) If the State Board of Parole and Post-Prison Supervision, the Psychiatric Security  
17 Review Board, the Oregon Health Authority or a supervisory authority does not classify an  
18 person under ORS 163A.100 because the person has failed or refused to participate in a sex  
19 offender risk assessment as directed by the board or authority, the classifying board or au-  
20 thority shall classify the person as a level three sex offender under ORS 163A.100 (3).

21 “(b) If person classified as a level three sex offender under this subsection notifies the  
22 classifying board or authority of the willingness to participate in a sex offender risk assess-  
23 ment, the classifying board or authority shall perform the assessment and classify the per-  
24 son in one of the levels described in ORS 163A.100.

25 “(9) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security  
26 Review Board and the Oregon Health Authority may adopt rules to carry out the provisions  
27 of this section.

28 “**SECTION 3.** Section 34, chapter 708, Oregon Laws 2013, as amended by section 28, chapter  
29 820, Oregon Laws 2015, is amended to read:

30 “**Sec. 34.** (1) ORS 181.587 and 181.588 are repealed on January 1, 2014.

31 “(2) ORS [181.820] **163A.120** is repealed on January 1, [2019] **2023**.

32 “**SECTION 4.** Section 37, chapter 708, Oregon Laws 2013, as amended by section 29, chapter  
33 820, Oregon Laws 2015, is amended to read:

34 “**Sec. 37.** The amendments to section 35, chapter 708, Oregon Laws 2013, by section 36, chapter  
35 708, Oregon Laws 2013, become operative on January 1, [2019] **2023**.

36 “**SECTION 5.** ORS 163A.110 is amended to read:

37 “163A.110. (1) ORS 163A.105 applies to persons for whom the event triggering the obligation to  
38 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)  
39 or (3)(a)(A) occurs on or after January 1, 2014.

40 “(2) As used in this section [*and ORS 163A.105*], ‘event triggering the obligation to make an  
41 initial report’ means:

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

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

45 “(B) Parole to this state under ORS 144.610 after being convicted in another United States court

1 of a crime that would constitute a sex crime if committed in this state; or  
2 “(C) Discharge by the court under ORS 161.329.  
3 “(b) If the initial report is described in ORS 163A.015 (4)(a)(A), discharge, release or placement  
4 on probation:  
5 “(A) By the court; or  
6 “(B) To or in this state under ORS 144.610 after being convicted in another United States court  
7 of a crime that would constitute a sex crime if committed in this state.  
8 “(c) If the initial report is described in ORS 163A.020 (1)(a)(A), moving into this state.  
9 “(d) If the initial report is described in ORS 163A.020 (2)(a)(A), the first day of school attendance  
10 or the 14th day of employment in this state.  
11 “(e) If the initial report is described in ORS 163A.020 (3)(a)(A):  
12 “(A) Discharge, release on parole or release on any form of supervised or conditional release,  
13 from a jail, prison or other correctional facility or detention facility; or  
14 “(B) Discharge, release or placement on probation, by another United States court.”.  
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