



February 4, 2019

The Honorable Representative Jennifer Williamson, Chair  
House Judiciary Committee, Members

**Re: Testimony in Opposition of HB 2049**

Dear Chair Williamson and Members of the Committee:

The Oregon Association for the Treatment of Sexual Abusers (OATSA) and the Oregon Attorney General's Sexual Assault Task Force (SATF) submit this letter in opposition to HB2049.

The [Oregon Association for the Treatment of Sexual Abusers](#) is the state chapter of the [Association for the Treatment of Sexual Abusers](#) (ATSA), an international, multi-disciplinary nonprofit membership organization that promotes evidence based practices, public policy, and community strategies that lead to the effective assessment, treatment and management of individuals who have sexually abused or are at risk to abuse. ATSA and OATSA promote the philosophy that empirically based assessment, practice, management, and policy strategies will: enhance community safety, reduce sexual recidivism, protect victims and vulnerable populations, transform the lives of those caught in the web of sexual violence, and illuminate paths to prevent sexual abuse. OATSA focuses on the following goals for our local communities:

- Elimination of sexual victimization;
- The protection of our communities through responsible and ethical treatment of individuals who have sexually abused or are at risk to abuse;
- The prevention of sexual assault through effective management of individuals who have sexually abused or are at risk to abuse;
- The maintenance of high standards of professionalism and integrity within its membership.

The [Oregon Attorney General's Sexual Assault Task Force](#) is a private, non-profit, non-governmental statewide agency with over 100 multi-disciplinary members appointed by Attorney General Rosenblum. Members serve as advisors on 1 of 8 subcommittees including: Campus, Criminal Justice, Legislative & Public Policy, Medical-Forensic, Men's Engagement, Offender Management, Prevention Education, and Victim Response. Our mission is to advance a multi-disciplinary, survivor-centered approach to the prevention of and response to sexual violence in Oregon. Our goal is to prevent sexual violence from happening in the first place, while simultaneously improving our response efforts to mitigate trauma and ensure the safety and security of all victims.

OATSA and SATF oppose the proposed amendment to ORS 163A.010, 163A.015, 163A.020, 163A.025 and 163A.040 adding the requirement that all registrants "...shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to

which the person was discharged, paroled or released or in which the person was otherwise placed:  
(F) At least 21 days prior to any intended travel outside of the United States.”

OATSA and SATF recognizes the intent of this amendment is to bring Oregon into compliance with the federal International Megan's Law to Prevent Child Exploitation and Other Sexual Crimes through Advanced Notification of Traveling Sex Offenders, more commonly referred to as “International Megan’s Law” (IML), which was passed in 2016 with the overarching goal of preventing international child sexual tourism and trafficking. However, IML and, by proxy HB 2049, are policies that are not in adherence with the well-developed body of research on individuals convicted of sexual crimes. Specifically, HB 2049 is grounded in the following assumptions:

1. All individuals convicted of sexual crimes have sexually abused a child and/or at risk to sexually abuse a child.
2. All individuals convicted of sexual crimes present a high level of risk for sexual reoffense.
3. Child sexual tourism and trafficking are crimes primarily perpetrated by registrants.

However, the current body of research on individuals convicted of sexual crimes has clearly shown:

1. Evidence-based, effective and fiscally responsible policies related to the management of individuals convicted of sexual crimes are individualized rather than one-size-fits-all approaches – for example, passage of HB 2549 developing the Sex Offender Notification Level System in 2013. Sexual crimes also cover a wide range of sexually abusive and inappropriate behaviors perpetrated against children *and* adults. As currently written, HB 2049 makes the erroneous assumption that all registrants present a risk to children, no matter what their prior sexual conviction(s) or type of victim. Additionally, it does not differentiate between individuals who committed their sexual crimes as a juvenile and those who offended as an adult, despite clear research demonstrating that juveniles present a much lower risk for reoffense<sup>i</sup>, as well as the reality that the majority of sexual abuse of children (approximately 93%) is perpetrated by someone *known* to the victim, such as a family member, acquaintance, teacher, coach, or friend<sup>ii</sup>.
2. Research has consistently shown for many years and across multiple studies that persons convicted of sexual crimes reoffend at much lower rates than most other offender groups – between 5 and 15% over five years as compared to general recidivism rates of about 40% after just 2 years.<sup>iii</sup> This means that, out of 100 individuals convicted of a sexual crime, ***between 95 to 85 would not sexually recidivate after five years in the community.***
3. Research has also shown that the majority of sexual crimes (approximately 95%) are committed by *first time offenders* rather than someone with a prior conviction for a sexual crime<sup>iv</sup>. As such, virtually all new sexual offenses, including sex trafficking and child sex tourism, are *not* committed by registrants.



Additionally, HB 2049 has a number of potential unintended consequences for registrants, their families, and society. Stable housing, stable employment and prosocial support networks are all related with lower rates of recidivism. HB 2049 has the potential to disrupt successful community reintegration by creating destabilization through interference and/or loss of employment that includes international travel, as well as interfere with a registrant having contact with or providing support to family who live abroad.

Our shared goals of community safety and the prevention of sexual abuse are maximized when laws and policies for the management of individuals convicted of sexual crimes are evidence-based, individualized, and do not create unnecessary barriers for successful community reintegration.

Submitted on behalf of:

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<sup>i</sup> Caldwell, M. F. (2016). Quantifying the decline in juvenile sexual recidivism rates. *Psychology, Public Policy, and Law*, 22(4), 414-426.

<sup>ii</sup> Snyder, H.N. (2000). *Sexual Assault of Young Children as Reported to Law Enforcement: Victim, Incident, and Offender Characteristics*. U.S. Department of Justice, Bureau of Justice Statistics.

<sup>iii</sup> R. Karl Hanson, "Long Term Recidivism Studies Show That Desistance is the Norm," *Criminal Justice and Behavior*, Vol. 45, No. 9, p. 1342.

<sup>iv</sup> Sandler, J.C., Freeman, N.J., & Scocia, K.M. (2008). Does a watched pot boil? A time series analysis of New York State's sex offender registration and notification law. *Psychology, Public Policy & Law*, 14(4), 284–302.