

HB 2045 B STAFF MEASURE SUMMARY

Carrier: Sen. Prozanski

Senate Committee On Judiciary**Action Date:** 05/22/19**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.)**Vote:** 7-0-0-0**Yeas:** 7 - Bentz, Fagan, Gelser, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Gillian Fischer, Counsel**Meeting Dates:** 4/16, 5/22**WHAT THE MEASURE DOES:**

Updates sex offender registration requirements and deadlines. Amends current deadline for classification of existing sex offender registrants by the State Board of Parole and Post-Prison Supervision (Board) to December 1, 2026. Removes February 1, 2023, deadline for the Oregon State Police (OSP) to enter classifications of existing registrants into the Law Enforcement Data System and instead requires OSP enter the information within a reasonable time after receipt. Makes technical changes. Replaces "unclassified sex offenders" with the statutes specifying the individuals the Board is required to assess and report on progress made to the legislature. Clarifies language relating to persons petitioning review of their sex offender risk assessment classification under ORS 163A.100. States that a petition for review must be filed within 60 days of receiving notice of the classification in person, or if by mail, the time when the notice is sent. Includes exception when good cause is shown for failure to petition within the 60-day time frame. Adds to the circumstances when juvenile courts must ensure that a person required to report as a sex offender complete a form documenting their reporting obligations to include when the person has waived their right to a hearing on the issue of reporting as a sex offender. Requires juvenile courts to forward any order directing a person to register as a sex offender to the Department of State Police. Requires registered sex offenders to report to specified reporting agencies within 10 days of a legal change of name. Requires registered sex offenders report at least 21 days prior to any intended travel outside of the United States. Adds failing to report at least 21 days prior to any intended travel outside the United States and failing to report a legal change of name within 10 days to the list of acts constituting the crime of failure to report as a sex offender listed in ORS 163A.040. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Meeting current deadline for classification of existing registrants would require 30 additional staff
- Transient individuals challenged due to inability to regularly receive mailed notices of reporting updates or deadlines
- Information-sharing with foreign countries relating to registrants' travel plans
- Criminal consequences for failing to report a legal name change or international travel plans

EFFECT OF AMENDMENT:

Makes technical change.

BACKGROUND:

In 2013, the Legislative Assembly enacted House Bill 2549, which directed the Department of Corrections (DOC) to adopt a sex offender risk assessment tool for use in classifying sex offenders based on the statistical likelihood that an individual sex offender will commit another sex crime. The assessment and classification is to be done prior to an individual's release from DOC's custody or within 60 days of being placed on community supervision. The measure also applied retroactively, directing DOC to classify all sex offenders who were required to report before the implementation of the system, as well as those required to report in the future. The original deadline

This summary has not been adopted or officially endorsed by action of the committee.

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set forth in the 2013 legislation was extended by the legislative assembly in 2015, and then again in 2017, to provide the Board more time to comply with the directive of the legislation related to unclassified registrants. The State Board of Parole and Post-Prison Supervision assumed the task in place of DOC as part of the 2015 legislation (HB 2320). Offenders are classified as level one, two, or three for risk of re-offense, with a level one presenting the lowest risk of re-offending and a level three the highest. The statute allows any sex offender classified as a level two or a three to petition for review of their classification. A petition for review must be filed no later than 60 days after the person receives notice of the classification.

ORS 163A.020 states the circumstances under which a registered sex offender must report, in person, to the appropriate authority. The current statute does not require a legal change of name be reported at the time of the change. A change of name would only be reported at a subsequent required reporting event, for example, an annual report. The federal Sex Offender Registration and Notification Act (SORNA) requires sex offenders to report, in person, within three days of any legal change of name and 21 days prior to any intended travel outside of the United States.

Juvenile courts are required to ensure a person who is found to be within their jurisdiction under ORS 419C.005, and having been found responsible for having committed an act constituting a felony sex crime, complete a form acknowledging notice of their reporting requirements. Currently, ORS 163A.030 only requires this form when an order is entered by the court after a hearing on the issue of reporting requirements.

House Bill 2045 B combines several sex offender registration updates. First, it extends the deadline for classifying existing sex offenders to December 1, 2026. It also clarifies when notice of classification is presumed to have occurred. HB 2045 B updates Oregon reporting requirements to more closely mirror the federal requirements. HB 2045 B amends the statute to require the reporting requirements form be completed and forwarded, along with the court order to report, to the Department of State Police when a person has also waived their right to the available hearing or has failed to appear at a hearing.