

## Enrolled

# House Bill 2045

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Board of Parole and Post-Prison Supervision)

CHAPTER .....

AN ACT

Relating to sex offenders; creating new provisions; amending ORS 90.630, 144.641, 163.476, 163.479, 163A.010, 163A.015, 163A.020, 163A.025, 163A.030, 163A.040, 163A.105 and 419A.255 and section 7, chapter 708, Oregon Laws 2013; and declaring an emergency.

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

**SECTION 1.** Section 7, chapter 708, Oregon Laws 2013, as amended by section 27, chapter 820, Oregon Laws 2015, section 31, chapter 442, Oregon Laws 2017, and section 1, chapter 488, Oregon Laws 2017, is amended to read:

**Sec. 7.** (1) As used in this section and ORS 163A.200 to 163A.210:

(a) “Event triggering the obligation to make an initial report” has the meaning given that term in ORS 163A.110.

(b) “Existing registrant” means a person for whom the event triggering the obligation to 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) or (3)(a)(A) occurs before January 1, 2014.

(2)(a) No later than December 1, [2022] **2026**, The State Board of Parole and Post-Prison Supervision shall classify existing registrants in one of the levels described in ORS 163A.100. [*No later than February 1, 2023,*] The Department of State Police shall enter the results of the classifications described in this section into the Law Enforcement Data System **within a reasonable time after receipt**.

(b) The board shall classify an existing registrant as a level three sex offender under ORS 163A.100 (3), if:

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

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

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

(3) As soon as practicable following the classification of an existing registrant under this section, the classifying board shall notify the person of the classification by mail.

(4)(a) An existing registrant who seeks review of a classification made under this section as a level two or level three sex offender as described in ORS 163A.100 may petition the classifying board for review. The petition may be filed no later than 60 days after the board provides the notice described in subsection (3) of this section.

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

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

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

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

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

(8)(a) If the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board does not classify an existing registrant under ORS 163A.100 because the person has failed or refused to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board, the appropriate board shall classify the person as a level three sex offender under ORS 163A.100 (3).

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

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

**SECTION 2. Beginning February 1, 2021, and biennially thereafter, the State Board of Parole and Post-Prison Supervision shall report to the Legislative Assembly, in the manner provided in ORS 192.245, on:**

**(1) The progress made in assessing and classifying existing registrants as defined in section 7, chapter 708, Oregon Laws 2013, and other sex offenders the board is directed to assess and classify under ORS 163A.105, 163A.110 and 163A.115; and**

**(2) Efforts to reduce the cost and increase the efficiency and accuracy of the assessments.**

**SECTION 3.** ORS 90.630, as amended by section 22, chapter 820, Oregon Laws 2015, is amended to read:

90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the date designated in the notice for termination if the tenant:

(a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not limited to a material noncompliance with ORS 90.740;

(b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and imposed as a condition of occupancy, including but not limited to a material noncompliance with a rental agreement regarding a program of recovery in drug and alcohol free housing;

(c) Is classified as a level three sex offender under ORS 163A.100 (3) **or is an unclassified adult sex offender designated as predatory prior to January 1, 2014; or**

(d) Fails to pay a:

(A) Late charge pursuant to ORS 90.260;

(B) Fee pursuant to ORS 90.302; or

(C) Utility or service charge pursuant to ORS 90.534 or 90.536.

(2) A violation making a tenant subject to termination under subsection (1) of this section includes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or rule, but does not include the physical condition of the dwelling or home. Termination of a rental agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS 90.632.

(3) The notice required by subsection (1) of this section shall state facts sufficient to notify the tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination by correcting the violation as provided in subsection (4) of this section.

(4) The tenant may avoid termination of the tenancy by correcting the violation within the 30-day period specified in subsection (1) of this section. However, if substantially the same act or omission that constituted a prior violation of which notice was given recurs within six months after the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice specifying the violation and the date of termination of the tenancy.

(5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of termination under subsection (1)(c) of this section does not have a right to correct the violation. A notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not have a right to avoid the termination.

(6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

(7) A tenancy terminates on the date designated in the notice and without regard to the expiration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless otherwise agreed, rent is uniformly apportionable from day to day.

(8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the landlord may terminate the rental agreement for space for a manufactured dwelling or floating home because of repeated late payment of rent by giving the tenant not less than 30 days' notice in writing before the date designated in that notice for termination and may take possession as provided in ORS 105.105 to 105.168 if:

(a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b) in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of nonpayment;

(b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within a 12-month period. The warning must be contained in at least two nonpayment of rent termination notices that precede the third notice within a 12-month period or in separate written notices that are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termination notices; and

(c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for termination of the tenancy and is given to the tenant concurrent with or after the third or a subsequent nonpayment of rent termination notice.

(9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of termination pursuant to subsection (8) of this section does not have a right to correct the cause for the notice.

(10) The landlord may give a copy of the notice required by subsection (8) of this section to any lienholder of the manufactured dwelling or floating home by first class mail with certificate of mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a

tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manufactured dwelling or floating home shall be as provided under ORS 90.675.

**SECTION 4.** ORS 144.641, as amended by section 23, chapter 820, Oregon Laws 2015, is amended to read:

144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

(1) "Dwelling" has the meaning given that term in ORS 469B.100.

(2) "Dwelling" does not include a residential treatment facility or a halfway house.

(3) "Halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(4) "Locations where children are the primary occupants or users" includes, but is not limited to, public and private elementary and secondary schools and licensed child care centers.

(5) "Sex offender" means:

(a) A sexually violent dangerous offender as defined in ORS 137.765; [or]

(b) A level three sex offender under ORS 163A.100 (3)[.]; **or**

**(c) An unclassified adult sex offender designated as predatory prior to January 1, 2014.**

(6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days or less immediately after release from incarceration.

**SECTION 5.** ORS 163.476, as amended by section 24, chapter 820, Oregon Laws 2015, is amended to read:

163.476. (1) A person commits the crime of unlawfully being in a location where children regularly congregate if the person:

(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

(B) Has been classified as a level three sex offender under ORS 163A.100 (3) **or is an unclassified adult sex offender designated as predatory prior to January 1, 2014**, and does not have written approval from the State Board of Parole and Post-Prison Supervision or the person's supervisory authority or supervising officer to be in or upon the specific premises;

(C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

(D) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

(b) Knowingly enters or remains in or upon premises where persons under 18 years of age regularly congregate.

(2) As used in this section:

(a) "Premises where persons under 18 years of age regularly congregate" means schools, child care centers, playgrounds, other places intended for use primarily by persons under 18 years of age and places where persons under 18 years of age gather for regularly scheduled educational and recreational programs.

(b) "Sex crime" has the meaning given that term in ORS 163A.005.

(3) Unlawfully being in a location where children regularly congregate is a Class A misdemeanor.

**SECTION 6.** ORS 163.479, as amended by section 25, chapter 820, Oregon Laws 2015, is amended to read:

163.479. (1) A person commits the crime of unlawful contact with a child if the person:

(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

(B) Has been classified as a level three sex offender under ORS 163A.100 (3);

**(C) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014;**

[(C)] **(D)** Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

[(D)] **(E)** Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

(b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing or satisfying the sexual desires of the person or another person.

(2) As used in this section:

(a) "Child" means a person under 18 years of age.

(b) "Contact" means to communicate in any manner.

(c) "Sex crime" has the meaning given that term in ORS 163A.005.

(3) Unlawful contact with a child is a Class C felony.

**SECTION 7.** ORS 90.630, as amended by section 22, chapter 820, Oregon Laws 2015, and section 3 of this 2019 Act, is amended to read:

90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the date designated in the notice for termination if the tenant:

(a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not limited to a material noncompliance with ORS 90.740;

(b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and imposed as a condition of occupancy, including but not limited to a material noncompliance with a rental agreement regarding a program of recovery in drug and alcohol free housing;

(c) Is classified as a level three sex offender under ORS 163A.100 (3) [*or is an unclassified adult sex offender designated as predatory prior to January 1, 2014*]; or

(d) Fails to pay a:

(A) Late charge pursuant to ORS 90.260;

(B) Fee pursuant to ORS 90.302; or

(C) Utility or service charge pursuant to ORS 90.534 or 90.536.

(2) A violation making a tenant subject to termination under subsection (1) of this section includes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or rule, but does not include the physical condition of the dwelling or home. Termination of a rental agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS 90.632.

(3) The notice required by subsection (1) of this section shall state facts sufficient to notify the tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination by correcting the violation as provided in subsection (4) of this section.

(4) The tenant may avoid termination of the tenancy by correcting the violation within the 30-day period specified in subsection (1) of this section. However, if substantially the same act or omission that constituted a prior violation of which notice was given recurs within six months after the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice specifying the violation and the date of termination of the tenancy.

(5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of termination under subsection (1)(c) of this section does not have a right to correct the violation. A notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not have a right to avoid the termination.

(6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

(7) A tenancy terminates on the date designated in the notice and without regard to the expiration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless otherwise agreed, rent is uniformly apportionable from day to day.

(8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the landlord may terminate the rental agreement for space for a manufactured dwelling or floating home because of repeated late payment of rent by giving the tenant not less than 30 days' notice in writing before the date designated in that notice for termination and may take possession as provided in ORS 105.105 to 105.168 if:

(a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b) in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of nonpayment;

(b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within a 12-month period. The warning must be contained in at least two nonpayment of rent termination notices that precede the third notice within a 12-month period or in separate written notices that are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termination notices; and

(c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for termination of the tenancy and is given to the tenant concurrent with or after the third or a subsequent nonpayment of rent termination notice.

(9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of termination pursuant to subsection (8) of this section does not have a right to correct the cause for the notice.

(10) The landlord may give a copy of the notice required by subsection (8) of this section to any lienholder of the manufactured dwelling or floating home by first class mail with certificate of mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manufactured dwelling or floating home shall be as provided under ORS 90.675.

**SECTION 8.** ORS 144.641, as amended by section 23, chapter 820, Oregon Laws 2015, and section 4 of this 2019 Act, is amended to read:

144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

(1) "Dwelling" has the meaning given that term in ORS 469B.100.

(2) "Dwelling" does not include a residential treatment facility or a halfway house.

(3) "Halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(4) "Locations where children are the primary occupants or users" includes, but is not limited to, public and private elementary and secondary schools and licensed child care centers.

(5) "Sex offender" means:

(a) A sexually violent dangerous offender as defined in ORS 137.765; **or**

(b) A level three sex offender under ORS 163A.100 (3); *or*].

[*c) An unclassified adult sex offender designated as predatory prior to January 1, 2014.*]

(6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days or less immediately after release from incarceration.

**SECTION 9.** ORS 163.476, as amended by section 24, chapter 820, Oregon Laws 2015, and section 5 of this 2019 Act, is amended to read:

163.476. (1) A person commits the crime of unlawfully being in a location where children regularly congregate if the person:

(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

(B) Has been classified as a level three sex offender under ORS 163A.100 (3) [*or is an unclassified adult sex offender designated as predatory prior to January 1, 2014*], and does not have written approval from the State Board of Parole and Post-Prison Supervision or the person's supervisory authority or supervising officer to be in or upon the specific premises;

(C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; *or*

(D) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

(b) Knowingly enters or remains in or upon premises where persons under 18 years of age regularly congregate.

(2) As used in this section:

(a) "Premises where persons under 18 years of age regularly congregate" means schools, child care centers, playgrounds, other places intended for use primarily by persons under 18 years of age and places where persons under 18 years of age gather for regularly scheduled educational and recreational programs.

(b) "Sex crime" has the meaning given that term in ORS 163A.005.

(3) Unlawfully being in a location where children regularly congregate is a Class A misdemeanor.

**SECTION 10.** ORS 163.479, as amended by section 25, chapter 820, Oregon Laws 2015, and section 6 of this 2019 Act, is amended to read:

163.479. (1) A person commits the crime of unlawful contact with a child if the person:

(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

(B) Has been classified as a level three sex offender under ORS 163A.100 (3);

[*C*] *Is an unclassified adult sex offender designated as predatory prior to January 1, 2014;*

[*D*] (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

[*E*] (**D**) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

(b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing or satisfying the sexual desires of the person or another person.

(2) As used in this section:

(a) "Child" means a person under 18 years of age.

(b) "Contact" means to communicate in any manner.

(c) "Sex crime" has the meaning given that term in ORS 163A.005.

(3) Unlawful contact with a child is a Class C felony.

**SECTION 11.** ORS 163A.010 is amended to read:

163A.010. (1) The agency to which a person reports under subsection (3) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (3) of this section.

(2) Subsection (3) of this section applies to a person who:

(a) Is discharged, paroled or released on any form of supervised or conditional release from a jail, prison or other correctional facility or detention facility in this state at which the person was confined as a result of:

(A) Conviction of a sex crime or a crime for which the person would have to register as a sex offender under federal law; or

(B) Having been found guilty except for insanity of a sex crime;

(b) Is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime:

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

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

(c) Is discharged by the court under ORS 161.329 after having been found guilty except for insanity of a sex crime.

(3)(a) A person described in subsection (2) of this section 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:

(A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release;

(B) Within 10 days of a change of residence;

**(C) Within 10 days of a legal change of name;**

~~[(C)]~~ **(D)** Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

~~[(D)]~~ **(E)** Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; *[and]*

~~[(E)]~~ **(F)** Within 10 days of a change in work, vocation or attendance status at an institution of higher education[.]; **and**

**(G) At least 21 days prior to any intended travel outside of the United States.**

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision or custody authorized by law, the Oregon Youth Authority may authorize a youth offender committed to its supervision and custody by order of the juvenile court or a person placed in its physical custody under ORS 137.124 or any other provision of law to report to the authority regardless of the youth offender's or the person's last reported residence.

(d) In the event that a person reports to the authority under this subsection, the authority shall register the person.

(e) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(4) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, Oregon Youth Authority, city police department or county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

**SECTION 12.** ORS 163A.015 is amended to read:

163A.015. (1) The agency to which a person reports under subsection (4) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (4) of this section.

(2) Subsection (4) of this section applies to a person who is discharged, released or placed on probation:

(a) By the court after being convicted in this state of a sex crime;

(b) By a federal court after being convicted of a crime for which the person would have to register as a sex offender under federal law, regardless of whether the crime would constitute a sex crime in this state; or

(c) To or in this state under ORS 144.610 after being convicted in another United States court of a crime:

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

(B) For which the person would have to register as a sex offender in that court's jurisdiction, regardless of whether the crime would constitute a sex crime in this state.

(3) The court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.010 or this section. No later than three working days after the



person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

(4)(a) A person described in subsection (2) of this section 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 or released or in which the person was placed on probation:

(A) Within 10 days following discharge, release or placement on probation;

(B) Within 10 days of a change of residence;

**(C) Within 10 days of a legal change of name;**

~~[(C)]~~ **(D)** Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

~~[(D)]~~ **(E)** Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; *[and]*

~~[(E)]~~ **(F)** Within 10 days of a change in work, vocation or attendance status at an institution of higher education~~[,]~~; **and**

**(G) At least 21 days prior to any intended travel outside of the United States.**

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(c) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(5) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, the city police department or the county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

**SECTION 13.** ORS 163A.020 is amended to read:

163A.020. (1)(a) When a person described in subsection (6) of this section moves into this state and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence:

(A) No later than 10 days after moving into this state;

(B) Within 10 days of a change of residence;

**(C) Within 10 days of a legal change of name;**

~~[(C)]~~ **(D)** Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

~~[(D)]~~ **(E)** Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; *[and]*

~~[(E)]~~ **(F)** Within 10 days of a change in work, vocation or attendance status at an institution of higher education~~[,]~~; **and**

**(G) At least 21 days prior to any intended travel outside of the United States.**

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the De-

partment of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(2)(a) When a person described in ORS 163A.010 (2) or 163A.015 (2) or subsection (6) of this section attends school or works in this state, resides in another state and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county in which the school or place of work is located, no later than 10 days after:

(A) The first day of school attendance or the 14th day of employment in this state; *[and]*

(B) A change in school enrollment or employment[.]; **and**

**(C) A legal change of name.**

(b) As used in this subsection, "attends school" means enrollment in any type of school on a full-time or part-time basis.

(3)(a) When a person described in subsection (6) of this section resides in this state at the time of the conviction or adjudication giving rise to the obligation to report, continues to reside in this state following the conviction or adjudication and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence:

(A) Within 10 days following:

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

(ii) Discharge, release or placement on probation, by another United States court;

(B) Within 10 days of a change of residence;

**(C) Within 10 days of a legal change of name;**

*[(C)] (D)* Once each year within 10 days of the person's birth date, regardless of whether the person has changed residence;

*[(D)] (E)* Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; *[and]*

*[(E)] (F)* Within 10 days of a change in work, vocation or attendance status at an institution of higher education[.]; **and**

**(G) At least 21 days prior to any intended travel outside of the United States.**

(b) If a person required to report under this subsection has complied with the applicable initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(4) When a person reports under this section, the agency to which the person reports shall complete a sex offender registration form concerning the person.

(5) The obligation to report under this section terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(6) Subsections (1) to (5) of this section apply to a person convicted in another United States court of a crime:

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

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

(7) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, the city police department or the county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section, each time the person reports annually under subsection [(1)(a)(C) or (3)(a)(C)] **(1)(a)(D) or (3)(a)(D)** of this section and each time the person reports under subsection (2)(a)(B) of this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

**SECTION 14.** ORS 163A.025 is amended to read:

163A.025. (1) A person found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that, if committed by an adult, would constitute a felony sex crime shall report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to report, if:

(a) The person has been ordered under ORS 163A.030 to report as a sex offender;

(b) The person was adjudicated, and the jurisdiction of the juvenile court or the Psychiatric Security Review Board over the person ended, prior to August 12, 2015;

(c) The person was adjudicated prior to August 12, 2015, and the jurisdiction of the juvenile court or the Psychiatric Security Review Board over the person ended after August 12, 2015, and before April 4, 2016; or

(d) The person has been found in a juvenile adjudication in another United States court to have committed an act while the person was under 18 years of age that would constitute a felony sex crime if committed in this state by an adult.

(2) A person described in subsection (1)(a) or (d) of this section, or a person described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, who resides in this state shall make an initial report, in person, to the Department of State Police, a city police department or a county sheriff's office as follows:

(a) The person shall report no later than 10 days after the date of the court order requiring the person to report under ORS 163A.030;

(b) If the person is adjudicated for the act giving rise to the obligation to report in another United States court and the person is found to have committed an act that if committed by an adult in this state would constitute:

(A) A Class A or Class B felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility.

(B) A Class C felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than six months after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is

discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility; or

(c) For persons described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, the person shall report no later than 120 days after April 4, 2016.

(3) After making the initial report described in subsection (2) of this section or, for a person described in subsection (1)(c) of this section who made an initial report prior to April 4, 2016, or a person described in subsection (1)(b) of this section, beginning after April 4, 2016, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence:

(a) Within 10 days of a change of residence;

**(b) Within 10 days of a legal change of name;**

*[(b)]* (c) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

*[(c)]* (d) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; *[and]*

*[(d)]* (e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education*[,]*; **and**

**(f) At least 21 days prior to any intended travel outside of the United States.**

(4) When a person described in subsection (1) of this section attends school or works in this state, resides in another state and is not otherwise required to report as a sex offender under this section or ORS 163A.010, 163A.015 or 163A.020, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county in which the person attends school or works, no later than 10 days after:

(a) The first day of school attendance or the 14th day of employment in this state; *[and]*

(b) A change in school enrollment or employment*[,]*; **and**

**(c) A legal change of name.**

(5) The agency to which a person reports under this section shall complete a sex offender registration form concerning the person when the person reports under this section.

(6) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, Oregon Youth Authority, county juvenile department, city police department or county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

(7) The obligation to report under this section is terminated if the adjudication that gave rise to the obligation is reversed or vacated.

(8) Notwithstanding subsections (2) and (3) of this section:

(a) The Oregon Youth Authority may authorize a youth offender committed to its custody and supervision by order of the juvenile court, or a person placed in its physical custody under ORS 137.124 or any other provision of law, to report to the authority regardless of the youth offender's or the person's last reported residence.

(b) A county juvenile department may authorize a youth offender or young person, as those terms are defined in ORS 419A.004, to report to the department, regardless of the county of the youth offender's or the young person's last reported residence.

(c) In the event that a person reports to the authority or the department under this subsection, the authority or the department shall register the person.

**SECTION 15.** ORS 163A.040 is amended to read:

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

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

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

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

(d) Fails to report following a change of residence;

**(e) Fails to report a legal change of name;**

*[(e)]* **(f)** Fails to make an annual report;

*[(f)]* **(g)** Fails to provide complete and accurate information;

*[(g)]* **(h)** Fails to sign the sex offender registration form as required;

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

*[(i)]* **(j)** Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos.; **or**

**(k) Fails to report prior to any intended travel outside of the United States.**

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

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

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

(d) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

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

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

(g) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the

Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

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

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

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

(B) Subsection (1)(b), (c), (d), (e) or [(g)] (h) of this section and the crime for which the person is required to report is a felony.

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

**SECTION 16.** ORS 163A.040, as amended by section 2, chapter 418, Oregon Laws 2017, is amended to read:

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

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

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

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

(d) Moves to a new residence and fails to report the move and the person's new address;

**(e) Fails to report a legal change of name;**

[(e)] **(f)** Fails to make an annual report;

[(f)] **(g)** Fails to provide complete and accurate information;

[(g)] **(h)** Fails to sign the sex offender registration form as required;

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

[(i)] **(j)** Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos[.]; **or**

**(k) Fails to report prior to any intended travel outside of the United States.**

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

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

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

(d) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

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

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

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

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

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

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

(B) Subsection (1)(b), (c), (d), (e) or [(g)] (h) of this section and the crime for which the person is required to report is a felony.

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

**SECTION 17.** ORS 163A.030 is amended to read:

163A.030. (1)(a) Except as provided in subsection (6) of this section, the juvenile court shall hold a hearing on the issue of reporting as a sex offender by a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that if committed by an adult would constitute a felony sex crime if:

(A) The person was adjudicated on or after August 12, 2015; or

(B) The person was adjudicated before August 12, 2015, and was still under the jurisdiction of the juvenile court or the Psychiatric Security Review Board on April 4, 2016.

(b) Unless the court continues the hearing described in this section for good cause, the hearing must be held:

(A) During the six-month period before the termination of juvenile court jurisdiction over the person; or

(B) During the six-month period after the court receives the notice described in subsection (2) of this section from the Psychiatric Security Review Board, if the person was placed under the jurisdiction of the board.

(c) The court shall notify the person of the person's right to a hearing under this section upon finding the person within the jurisdiction of the juvenile court under ORS 419C.005.

(2)(a) The county or state agency responsible for supervising the person shall notify the person and the juvenile court when the agency determines that termination of jurisdiction is likely to occur within six months.

(b) If the Psychiatric Security Review Board discharges a person prior to the end of the board's jurisdiction over the person, the board shall notify the juvenile court within three business days after the discharge date.

(3) Upon receipt of the notice described in subsection (2) of this section, the court shall:

(a) Appoint an attorney for the person as described in subsection (4) of this section;

(b) Set an initial hearing date; and

(c) Notify the parties and the juvenile department or the Psychiatric Security Review Board, if the department or board is supervising or has jurisdiction over the person, of the hearing at least 60 days before the hearing date.

(4)(a) A person who is the subject of a hearing under this section has the right to be represented by a suitable attorney possessing skills and experience commensurate with the nature and complexity of the case, to consult with the attorney prior to the hearing and, if financially eligible, to have a suitable attorney appointed at state expense.

(b) In order to comply with the right to counsel under paragraph (a) of this subsection, the court may:

(A) Continue the appointment of the attorney appointed under ORS 419C.200 at the time of disposition;

(B) Set a date prior to the hearing under this section in order to reappoint the attorney appointed under ORS 419C.200; or

(C) Appoint or reappoint an attorney at any time in response to a request by the person who is the subject of a hearing under this section.

(5)(a) The district attorney shall notify the victim prior to the hearing of the right to appear and the right to be heard under ORS 419C.273.

(b) If the person is under the jurisdiction of the Psychiatric Security Review Board, the board shall notify the following of the hearing:

(A) The mental health agency providing services to the person, if any;

(B) The person's board defense attorney; and

(C) The assistant attorney general representing the state at board hearings.

(6)(a) A person may waive the right to the hearing described in this section **only after receiving the notice described in subsection (2)(a) of this section** and after consultation with the person's attorney. If the court finds that the person has knowingly waived the right to a hearing, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

(b) If a person fails to appear at a hearing described in this section, the court may enter an order requiring the person to report as a sex offender under ORS 163A.025.

(7) At the hearing described in subsection (1) of this section:

(a) The district attorney, the victim, the person and the juvenile department or a representative of the Oregon Youth Authority shall have an opportunity to be heard.

(b) The person who is the subject of the hearing has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public. If the court finds that the person has not met the burden of proof, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

(8) In determining whether the person has met the burden of proof, the juvenile court may consider but need not be limited to considering:

(a) The extent and impact of any physical or emotional injury to the victim;

(b) The nature of the act that subjected the person to the duty of reporting as a sex offender;

(c) Whether the person used or threatened to use force in committing the act;

(d) Whether the act was premeditated;

(e) Whether the person took advantage of a position of authority or trust in committing the act;

(f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;

(g) The vulnerability of the victim;

(h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;

(i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;

(j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;

(k) The person's ability and efforts to pay the victim's expenses for counseling and other trauma-related expenses or other efforts to mitigate the effects of the act;

(L) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other intervention, and if so the juvenile court may also consider:

(A) The availability, duration and extent of the treatment activities;

(B) Reports and recommendations from the providers of the treatment;

(C) The person's compliance with court, board or supervision requirements regarding treatment; and

(D) The quality and thoroughness of the treatment program;

(m) The person's academic and employment history;



- (n) The person's use of drugs or alcohol before and after the adjudication;
- (o) The person's history of public or private indecency;
- (p) The person's compliance with and success in completing the terms of supervision;
- (q) The results of psychological examinations of the person;
- (r) The protection afforded the public by records of sex offender registration; and
- (s) Any other relevant factors.

(9) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence is relevant evidence related to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

(10)(a) In a hearing under this section, the Oregon Youth Authority or the juvenile department, if either agency is supervising the person, or the Psychiatric Security Review Board, if the board has jurisdiction over the person, shall file with the juvenile court the following records and materials in the possession of the agency or board at least 45 days prior to the hearing unless good cause is shown:

(A) Evaluations and treatment records concerning the person conducted by a clinician or program operating under the standards of practice for the evaluation and treatment of juvenile sex offenders adopted by the Sex Offender Treatment Board under ORS 675.400, and recommendations contained therein regarding the need for the person to register in order to protect the public from future sex crimes;

(B) All examination preparation material and examination records from polygraph examinations conducted by or for the treatment provider, juvenile department or Oregon Youth Authority; and

(C) The Psychiatric Security Review Board exhibit file.

(b) Any records and materials filed with the court under this subsection shall be made available to the parties in accordance with ORS 419A.255.

(11)(a) When the juvenile court enters an order described in subsection (6)(a) or (7)(b) of this section, the court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.025. No later than three business days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

**(b) If the court enters an order under this section, no later than three business days after entry of the order, the court shall ensure that the order is sent to the Department of State Police.**

(12) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile court retains jurisdiction over a person for purposes of this section.

(13) As used in this section, "parties" means the person, the state as represented by the district attorney or the juvenile department, and the Oregon Youth Authority or other child care agency, if the person is temporarily committed to the authority or agency.

**SECTION 18.** ORS 419A.255 is amended to read:

419A.255. (1)(a) The clerk of the court shall maintain a record of each case and a supplemental confidential file for each case, except as otherwise provided in ORS 7.120.

(b) The record of the case shall be withheld from public inspection but is open to inspection by the following:

- (A) The judge of the juvenile court and those acting under the judge's direction;
- (B) The child;
- (C) The ward;
- (D) The youth;
- (E) The youth offender;
- (F) The parent or guardian of the child, ward, youth or youth offender;
- (G) The guardian ad litem for the parent;

(H) A person allowed to intervene in a proceeding involving the child, ward, youth or youth offender;

(I) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates;

(J) The attorneys or prospective appellate attorneys for any of the persons listed in subparagraphs (B) to (I) of this paragraph;

(K) The surrogate;

(L) Service providers in the case;

(M) The district attorney or assistant attorney general representing a party in the case;

(N) The juvenile department;

(O) The Department of Human Services;

(P) The Oregon Youth Authority; and

(Q) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(c) The following are entitled to copies of the record of the case:

(A) The judge of the juvenile court and those acting under the judge's direction;

(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285 (2);

(C) A guardian ad litem for a parent to the same extent the parent is permitted to copies under ORS 419B.875 (2) or 419C.285 (2);

(D) Persons listed in paragraph (b)(J) to (P) of this subsection; and

(E) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(2)(a) Reports and other material relating to the child, ward, youth or youth offender's history and prognosis in the record of the case or the supplemental confidential file are privileged and, except at the request of the child, ward, youth or youth offender, shall be withheld from public inspection except that inspection is permitted as set forth in subsection (1)(b) of this section and paragraph (b) of this subsection. The offer or admission of reports and other material in the record of the case or the supplemental confidential file as exhibits in a hearing or trial does not waive or otherwise change the privileged status of the reports and other material, except for purposes of the hearing or trial in which the reports and other material are offered or admitted. Once offered as an exhibit, reports and other material relating to the child, ward, youth or youth offender's history and prognosis that were maintained in the supplemental confidential file become part of the record of the case but are subject to paragraph (e) of this subsection.

(b) A supplemental confidential file is open to inspection by the following:

(A) The judge of the juvenile court and those acting under the judge's direction;

(B) The parent or guardian of the child or ward in a dependency case;

(C) The guardian ad litem for the parent of a child or ward in a dependency case;

(D) The parent or guardian of the youth or youth offender in a delinquency case if the youth or youth offender consents to, or the court authorizes, inspection;

(E) The guardian ad litem for the parent of a youth or youth offender in a delinquency case if the youth or youth offender consents to, or the court authorizes, inspection;

(F) A person allowed to intervene in a proceeding involving the child, ward, youth or youth offender;

(G) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates;

(H) The surrogate;

(I) Service providers in the case;

(J) The attorneys or prospective appellate attorneys for:

(i) The child;

(ii) The ward;

(iii) The youth;

(iv) The youth offender;

(v) The parent or guardian of the child, ward, youth or youth offender;  
(vi) The guardian ad litem for the parent;  
(vii) A person allowed to intervene in a proceeding involving the child or ward in a dependency case; or

(viii) The court appointed special advocate and a representative of a CASA Volunteer Program as defined in ORS 184.489;

(K) The district attorney or assistant attorney general representing a party in the case;

(L) The juvenile department;

(M) The Department of Human Services;

(N) The Oregon Youth Authority; and

(O) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(c) The supplemental confidential file in cases under ORS 419C.005 may be disclosed to the superintendent of the school district in which the youth offender resides or the superintendent's designee.

(d) The following are entitled to copies of material maintained in the supplemental confidential file:

(A) The judge of the juvenile court and those acting under the judge's direction;

(B) Service providers in the case;

(C) School superintendents and their designees in cases under ORS 419C.005;

(D) Attorneys designated under subsection (2)(b)(J) of this section;

(E) The district attorney or assistant attorney general representing a party in the case;

(F) The juvenile department;

(G) The Department of Human Services;

(H) The Oregon Youth Authority;

(I) The court appointed special advocate, and a representative of a CASA Volunteer Program as defined in ORS 184.489, when reasonably necessary for the appointment or supervision of court appointed special advocates; and

(J) Any other person or entity allowed by the court pursuant to ORS 419A.258.

(e) A person that obtains copies of material in the supplemental confidential file pursuant to paragraph (d) of this subsection is responsible for preserving the confidentiality of the material in the supplemental confidential file. A service provider, school superintendent or superintendent's designee who obtains copies of such material shall destroy the copies upon the conclusion of involvement in the case.

(3) Except as otherwise provided in subsection (5) of this section, no information appearing in the record of the case or in the supplemental confidential file may be disclosed to any person not described in subsections (1)(b) and (2)(b) of this section, respectively, without the consent of the court, except for purposes of evaluating the child, ward, youth or youth offender's eligibility for special education as provided in ORS chapter 343, and no such information may be used in evidence in any proceeding to establish criminal or civil liability against the child, ward, youth or youth offender, whether such proceeding occurs after the child, ward, youth or youth offender has reached 18 years of age or otherwise, except for the following purposes:

(a) In connection with a presentence investigation after guilt has been admitted or established in a criminal court.

(b) In connection with a proceeding in another juvenile court concerning the child, ward, youth or youth offender or an appeal from the juvenile court.

(4)(a) When a person described in subsection (1)(b)(M), (N), (O) or (P) of this section inspects or obtains copies of reports, materials or documents under this subsection or under subsection (1) or (2) of this section, the person may not use or disclose the reports, materials or documents, except:

(A) As provided in this subsection or under subsection (1) or (2) of this section;

(B) In the juvenile court proceeding for which the reports, materials or documents were sought or disclosed;

(C) With the consent of the court; or

(D) As provided in ORS 419A.253.

(b) Nothing in this section prohibits the district attorney or assistant attorney general representing a party in a juvenile court proceeding, the juvenile department, the Department of Human Services, the Oregon Youth Authority or other parties in the proceeding or their attorneys from disclosing to each other reports, materials or documents described in subsections (1) and (2) of this section if the disclosure is reasonably necessary to perform official duties related to the involvement of the child, ward, youth or youth offender with the juvenile court or the juvenile department. A person to whom reports, materials or documents are disclosed under this subsection is subject to subsection (3) of this section.

(5)(a) Information contained in the supplemental confidential file that, in the professional judgment of the juvenile counselor, caseworker, school superintendent or superintendent's designee, teacher or detention worker to whom the information in the supplemental confidential file has been provided, indicates a clear and immediate danger to another person or to society shall be disclosed to the appropriate authority and the person who is in danger from the child, ward, youth or youth offender.

(b) A person that discloses information under paragraph (a) of this subsection has immunity from any liability, civil or criminal, that might otherwise be incurred or imposed for making the disclosure.

(c) Nothing in this subsection affects the provisions of ORS 146.750, 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under this subsection does not make the information admissible in any court or administrative proceeding if it is not otherwise admissible.

(6) Notwithstanding any other provision of law, and subject to subsection (8) of this section, the following are not confidential and not exempt from disclosure:

(a) The name and date of birth of the youth or youth offender;

(b) The basis for the juvenile court's jurisdiction over the youth or youth offender;

(c) The date, time and place of any juvenile court proceeding in which the youth or youth offender is involved;

(d) The act alleged in the petition that if committed by an adult would constitute a crime if jurisdiction is based on ORS 419C.005;

(e) That portion of the juvenile court order providing for the legal disposition of the youth or youth offender when jurisdiction is based on ORS 419C.005;

(f) The names and addresses of the youth or youth offender's parents or guardians; and

(g) The register described in ORS 7.020 when jurisdiction is based on ORS 419C.005.

(7) Notwithstanding any other provision of law, and subject to subsection (8) of this section, when a youth has been taken into custody under ORS 419C.080, the following information shall be disclosed unless, and only for so long as, there is a clear need to delay disclosure in the course of a specific investigation, including the need to protect the complaining party or the victim:

(a) The youth's name and age and whether the youth is employed or in school;

(b) The youth offense for which the youth was taken into custody;

(c) The name and age of the adult complaining party and the adult victim, unless the disclosure of such information is otherwise prohibited or restricted;

(d) The identity of the investigating and arresting agency; and

(e) The time and place that the youth was taken into custody and whether there was resistance, pursuit or a weapon used in taking the youth into custody.

(8) Except as provided in ORS 419A.300 and unless otherwise directed by the court, only the juvenile court, the county juvenile department and the Oregon Youth Authority may disclose the information under subsections (6) and (7) of this section if the information is subject to disclosure. The youth authority may disclose only information relating to youth offenders committed to the youth authority by order of the juvenile court if the information is subject to disclosure under subsection (6) or (7) of this section.

(9) Nothing in this section limits access to any juvenile court records by an appellate court reviewing a juvenile court order or judgment. Appellate court rules may establish procedures for appellate court access to juvenile records.

(10) Nothing in this section prohibits the court from providing to the administrator as defined in ORS 25.010 the date of entry of a judgment terminating parental rights or the date of entry of a judgment terminating wardship following entry of a judgment of adoption together with the names and dates of birth of the parents and children subject to the judgment.

(11) In addition to any other provision in this section, the Judicial Department may permit county or statewide access to juvenile court records or information by county juvenile departments, the Department of Human Services, the Oregon Youth Authority, district attorney offices, the office of the Attorney General, the office of public defense services, prospective appellate attorneys or public defense providers subject to the following restrictions:

(a) A prospective appellate attorney or public defense provider granted access under this subsection must agree, pursuant to a written agreement with the Judicial Department, to access:

(A) Party information only for purposes of conflicts screening procedures; and

(B) Other records or information about a client only as reasonably necessary for the representation of that client in any juvenile case in which the client is a party, subject to applicable state and federal confidentiality laws.

(b) Any other person or entity granted access under this subsection must agree, pursuant to a written agreement with the department, to access records or information only as authorized and allowed by this section, subject to applicable state and federal confidentiality laws.

(c) The State Court Administrator shall prescribe standards and procedures to implement the provisions of this subsection.

(d) Any person or entity granted access to juvenile court records or information under this subsection must preserve the confidentiality of that information as required under this section.

(12) A petition filed under ORS 419B.851 alleging that a child who is a foreign national is within the jurisdiction of the court, or a motion requesting an implementation plan other than return of a ward to the ward's parent, is subject to disclosure to the consulate for the child or ward's country as provided under ORS 419B.851 (3).

(13) Nothing in this section prohibits a guardian appointed under ORS 419B.365 or 419B.366 from disclosing or providing copies of letters of guardianship when so required to fulfill the duties of a guardian.

(14) The court shall cooperate in the sharing of information with a court in another state to facilitate an interstate placement of a child or ward.

(15) Nothing in this section prohibits the Chief Justice of the Supreme Court, the Chief Judge of the Court of Appeals or a presiding judge from permitting access to juvenile court records, including the record of the case and the supplemental confidential file in a juvenile court proceeding, or audio or video recordings of a juvenile court proceeding, by researchers or evaluators for the purposes of developing statistics and performing analyses or audits on the effectiveness, cost and other areas of public interest regarding juvenile court programs and activities in accordance with child welfare and juvenile justice state plans and programs related to Title IV-B and IV-E of the Social Security Act and to the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq). The Chief Justice shall, by rule or order, establish standards and guidelines for the release of juvenile court information for research and evaluation purposes to ensure confidentiality consistent with state and federal law and to promote consistent statewide application of this subsection. Statistics and analyses released by researchers and evaluators under this subsection may not contain any information that identifies any individual person involved in a juvenile court proceeding.

(16) Subject to subsection (11) of this section, the office of public defense services shall be permitted access to juvenile court records for the purposes of performing the office's duties as set forth in ORS 151.219 to audit or investigate attorney appointment or representation of a party in a juvenile court proceeding in order to ensure adequate representation of parties in juvenile court pro-

ceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

(17) Subject to subsection (11) of this section, the Oregon State Bar shall be permitted access to juvenile court records maintained in the record of the case for the purpose of performing the bar's duties as set forth in ORS 9.005 to 9.757 to investigate attorney representation of a party in a juvenile court proceeding and in order to ensure adequate representation of parties in juvenile court proceedings consistent with the child welfare state plan related to Title IV-E of the Social Security Act.

(18)(a) A child, ward, youth or youth offender, or the parent or guardian of a child, ward, youth or youth offender who is a party to the juvenile court proceeding, who is entitled to inspect or copy the record of the case under subsection (1)(b) and (c) of this section maintains the right to inspect or copy the record of the case after jurisdiction of the court over the child, ward, youth or youth offender terminates and after the child, ward, youth or youth offender has reached the age of majority.

(b) Notwithstanding ORS 419B.524, a parent of a child, ward, youth or youth offender whose parental rights have been terminated maintains the right that existed under subsection (1)(b) and (c) of this section to inspect or copy the record of the case as the record of the case existed up until the time of entry of the judgment terminating the parent's parental rights and may obtain a copy of the judgment terminating the parent's parental rights.

(19) When inspection or copying of the record of the case or of the supplemental confidential file is allowed pursuant to this section, and unless otherwise required by law, the court that maintains the record of the case or the supplemental confidential file is not required to redact the names of, or information about, siblings or other persons contained in the record of the case or the supplemental confidential file.

**(20) Nothing in this section prohibits a court from providing to the Department of State Police, pursuant to ORS 163A.030 (11), a copy of an order requiring a youth or youth offender to report as a sex offender or a copy of a form that documents the youth's or youth offender's obligation to report as a sex offender.**

**SECTION 19.** ORS 163A.105 is amended to read:

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

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

(3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security Review Board shall assess the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the results of the assessment to place the person in one of the levels described in ORS 163A.100 no later than 90 days after the person is:

- (A) Placed on conditional release by the Psychiatric Security Review Board;
- (B) Discharged from the jurisdiction of the Psychiatric Security Review Board;
- (C) Placed on conditional release by the court pursuant to ORS 161.327; or
- (D) Discharged by the court pursuant to ORS 161.329.

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

paragraph (a) of this subsection, the Psychiatric Security Review Board need not complete a reassessment for an initial classification.

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

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

(4)(a) Within 90 days after receiving notice of a person's obligation to report in this state from the Department of State Police, the State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the results of the assessment to place the person in one of the levels described in ORS 163A.100 if the person has been convicted in another United States court of a crime:

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

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

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

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

(6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or a supervisory authority may reassess or reclassify a person placed in one of the levels described in ORS 163A.100 under this section if the classifying board or authority determines that a factual mistake caused an erroneous assessment or classification.

(7)(a) A person classified under this section as a level two or level three sex offender as described in ORS 163A.100 may petition the classifying board or authority for review. **Except for good cause shown**, the petition may be filed no later than 60 days after the [person receives] notice of the classification **is provided to the person or, if the notice is mailed, no later than 60 days after the notice is sent.**

**(b) When good cause is shown, the time for filing a petition under this subsection may not be extended more than 60 days beyond the date of the person's next annual report under ORS 163A.010, 163A.015 or 163A.020.**

[b] (c) Upon receipt of a petition described in this subsection, the classifying board or authority shall afford the person an opportunity to be heard as to all factual questions related to the classification.

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

(e) As used in this subsection, “good cause” means that, due to a person’s transience, lack of housing, ongoing mental health concerns or other similar circumstances, a notice mailed to the person under paragraph (a) of this subsection was not received by the person.

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

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

(9) The State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review Board may adopt rules to carry out the provisions of this section.

**SECTION 20. The amendments to ORS 163A.040 by sections 15 and 16 of this 2019 Act apply to legal changes of name and intended travel outside the United States occurring on or after January 1, 2021.**

**SECTION 21. (1) The amendments to ORS 90.630, 144.641, 163.476 and 163.479 by sections 7 to 10 of this 2019 Act become operative January 1, 2022.**

**(2) The amendments to ORS 163A.010, 163A.015, 163A.020, 163A.025 and 163A.040 by sections 11 to 16 of this 2019 Act become operative January 1, 2021.**

**SECTION 22. Section 2 of this 2019 Act is repealed on December 1, 2026.**

**SECTION 23. This 2019 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect on its passage.**

Passed by House March 6, 2019

Received by Governor:

Repassed by House June 11, 2019

.....M.,....., 2019

Approved:

.....  
Timothy G. Sekerak, Chief Clerk of House

.....M.,....., 2019

.....  
Tina Kotek, Speaker of House

.....  
Kate Brown, Governor

Passed by Senate June 6, 2019

Filed in Office of Secretary of State:

.....M.,....., 2019

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Peter Courtney, President of Senate

.....  
Bev Clarno, Secretary of State