

House Bill 2049

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for Oregon State Police)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires sex offender to report 21 days prior to intended travel outside United States. Punishes failure to report intended travel by maximum of 364 days' imprisonment, \$6,250 fine, or both.

A BILL FOR AN ACT

1
2 Relating to sex offender reporting; creating new provisions; and amending ORS 163A.010, 163A.015,
3 163A.020, 163A.025 and 163A.040.

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

5 **SECTION 1.** ORS 163A.010 is amended to read:

6 163A.010. (1) The agency to which a person reports under subsection (3) of this section shall
7 complete a sex offender registration form concerning the person when the person reports under
8 subsection (3) of this section.

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

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

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

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

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

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

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

22 (c) Is discharged by the court under ORS 161.329 after having been found guilty except for in-
23 sanity of a sex crime.

24 (3)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
25 ment of State Police, a city police department or a county sheriff's office, in the county to which the
26 person was discharged, paroled or released or in which the person was otherwise placed:

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

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

30 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
31 changed residence;

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

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

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

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

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

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

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

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

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

21 (a) The person required to report shall:

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

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

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

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

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

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

33 **SECTION 2.** ORS 163A.015 is amended to read:

34 163A.015. (1) The agency to which a person reports under subsection (4) of this section shall
35 complete a sex offender registration form concerning the person when the person reports under
36 subsection (4) of this section.

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

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

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

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

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

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

3 (3) The court shall ensure that the person completes a form that documents the person's obli-
4 gation to report under ORS 163A.010 or this section. No later than three working days after the
5 person completes the form required by this subsection, the court shall ensure that the form is sent
6 to the Department of State Police.

7 (4)(a) A person described in subsection (2) of this section shall report, in person, to the Depart-
8 ment of State Police, a city police department or a county sheriff's office, in the county to which the
9 person was discharged or released or in which the person was placed on probation:

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

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

12 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
13 changed residence;

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

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

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

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

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

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

27 (a) The person required to report shall:

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

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

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

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

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

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

38 **SECTION 3.** ORS 163A.020 is amended to read:

39 163A.020. (1)(a) When a person described in subsection (6) of this section moves into this state
40 and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall
41 report, in person, to the Department of State Police, a city police department or a county sheriff's
42 office, in the county of the person's residence:

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

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

45 (C) Once each year within 10 days of the person's birth date, regardless of whether the person

1 changed residence;

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

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

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

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

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

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

18 (B) A change in school enrollment or employment.

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

21 (3)(a) When a person described in subsection (6) of this section resides in this state at the time
22 of the conviction or adjudication giving rise to the obligation to report, continues to reside in this
23 state following the conviction or adjudication and is not otherwise required by ORS 163A.010,
24 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police,
25 a city police department or a county sheriff's office, in the county of the person's residence:

26 (A) Within 10 days following:

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

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

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

31 (C) Once each year within 10 days of the person's birth date, regardless of whether the person
32 has changed residence;

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

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

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

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

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

45 (5) The obligation to report under this section terminates if the conviction or adjudication that

1 gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

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

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

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

9 (a) The person required to report shall:

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

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

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

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

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

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

21 **SECTION 4.** ORS 163A.025 is amended to read:

22 163A.025. (1) A person found to be within the jurisdiction of the juvenile court under ORS
23 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411,
24 for having committed an act that, if committed by an adult, would constitute a felony sex crime shall
25 report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile
26 court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to re-
27 port, if:

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

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

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

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

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

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

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

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

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

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

13 (B) A Class C felony sex crime:

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

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

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

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

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

33 (b) Once each year within 10 days of the person's birth date, regardless of whether the person
 34 changed residence;

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

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

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

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

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

1 (b) A change in school enrollment or employment.

2 (5) The agency to which a person reports under this section shall complete a sex offender reg-
3 istration form concerning the person when the person reports under this section.

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

5 (a) The person required to report shall:

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

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

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

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

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

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

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

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

20 (a) The Oregon Youth Authority may authorize a youth offender committed to its custody and
21 supervision by order of the juvenile court, or a person placed in its physical custody under ORS
22 137.124 or any other provision of law, to report to the authority regardless of the youth offender's
23 or the person's last reported residence.

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

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

29 **SECTION 5.** ORS 163A.040 is amended to read:

30 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
31 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
32 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

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

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

39 (e) Fails to make an annual report;

40 (f) Fails to provide complete and accurate information;

41 (g) Fails to sign the sex offender registration form as required;

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

45 (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-

1 tifying scars, marks or tattoos[.]; or

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

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

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

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

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

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

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

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

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

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

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

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

38 (4) A person who fails to sign and return an address verification form as required by ORS
 39 163A.035 (4) commits a violation.

40 **SECTION 6.** ORS 163A.040, as amended by section 2, chapter 418, Oregon Laws 2017, is
 41 amended to read:

42 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
 43 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
 44 reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

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

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

6 (e) Fails to make an annual report;

7 (f) Fails to provide complete and accurate information;

8 (g) Fails to sign the sex offender registration form as required;

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

12 (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
13 tifying scars, marks or tattoos[.]; **or**

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

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

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

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

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

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

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

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

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

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

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

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

5 (4) A person who fails to sign and return an address verification form as required by ORS
6 163A.035 (4) commits a violation.

7 **SECTION 7. The amendments to ORS 163A.040 by sections 5 and 6 of this 2019 Act apply**
8 **to intended travel outside the United States occurring on or after the effective date of this**
9 **2019 Act.**

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