

House Bill 2938

Sponsored by Representative BARRETO; Representatives BONHAM, DRAZAN, LEIF, NEARMAN, POST, SMITH DB, WALLAN, WILSON

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 that information concerning sex offenders convicted of certain offenses be released on website maintained by Department of State Police.

A BILL FOR AN ACT

1
2 Relating to sex offender information; amending ORS 163A.215.

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

4 **SECTION 1.** ORS 163A.215 is amended to read:

5 163A.215. (1)(a) A notifying agency or a supervising agency shall release, upon request, any in-
6 formation that may be necessary to protect the public concerning sex offenders who reside in a
7 specific area or concerning a specific sex offender.

8 (b) A notifying agency or a supervising agency may release sex offender information to a law
9 enforcement agency if the notifying agency or supervising agency determines that the release of
10 information is in the public interest.

11 (c) In addition to the release of information described in this subsection and ORS 137.540,
12 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information
13 to the public in accordance with subsections (2) to (4) of this section.

14 (2) If the sex offender is classified as a level three sex offender under ORS 163A.100 (3):

15 (a) The Department of State Police shall release sex offender information on a website main-
16 tained by the department; and

17 (b) The supervising agency or a notifying agency may release sex offender information to:

18 (A) A person that resides with the sex offender;

19 (B) A person with whom the sex offender has a significant relationship;

20 (C) Residential neighbors and churches, community parks, schools and child care centers, con-
21 venience stores, businesses and other places that children or other potential victims may frequent;

22 (D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined
23 in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

24 (E) Local or regional media sources.

25 (3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use
26 the Internet to make available to the public information concerning a sex offender classified as a
27 level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the
28 Psychiatric Security Review Board, unless the department is authorized to do so by a request of the
29 supervising agency **or unless the department is required to release the information under**
30 **subsection (6) of this section.**

31 (4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2), the

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 supervising agency or a notifying agency may release sex offender information to the persons or
2 entities described in subsection (2)(b)(A) to (D) of this section.

3 (5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1), the
4 supervising agency or a notifying agency may release sex offender information to a person described
5 in subsection (2)(b)(A) of this section.

6 **(6) Notwithstanding subsections (4) and (5) of this section, if the sex offender has been**
7 **convicted of one of the following offenses, the Department of State Police shall release sex**
8 **offender information on a website maintained by the department:**

9 **(a) Trafficking in persons under ORS 163.266 (1)(b) or (c), and the other person is under**
10 **18 years of age; or**

11 **(b) Compelling prostitution under ORS 167.017 (1)(b) or (c).**

12 [(6)] (7) As used in this section:

13 (a) "Notifying agency" means the Department of State Police, a city police department, a county
14 sheriff's office or a police department established by a university under ORS 352.121.

15 (b) "Sex offender information" means information that the Department of State Police deter-
16 mines by rule is appropriate for release to the public.

17 (c) "Supervising agency" means a governmental entity responsible for supervising a person re-
18 quired to report as a sex offender under ORS 163A.010 or 163A.015.

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