

HB 2045-3  
(LC 412)  
2/25/19 (JLM/ps)

Requested by HOUSE COMMITTEE ON JUDICIARY (at the request of Representative Jennifer Williamson)

**PROPOSED AMENDMENTS TO  
HOUSE BILL 2045**

1 On page 1 of the printed bill, line 2, delete “and” and insert a comma.

2 In line 3, after “163.479” insert “, 163A.010, 163A.015, 163A.020, 163A.025,  
3 163A.030, 163A.040, 163A.105 and 419A.255”.

4 Delete lines 5 through 27 and delete pages 2 through 8 and insert:

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

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

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

11 “(b) ‘Existing registrant’ means a person for whom the event triggering  
12 the obligation to make an initial report under ORS 163A.010 (3)(a)(A),  
13 163A.015 (4)(a)(A) or 163A.020 (1)(a)(A), (2)(a)(A) or (3)(a)(A) occurs before  
14 January 1, 2014.

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

21 “(b) The board shall classify an existing registrant as a level three sex

1 offender under ORS 163A.100 (3), if:

2 “(A) The person was previously designated a predatory sex offender and  
3 the designation was made after the person was afforded notice and an op-  
4 portunity to be heard as to all factual questions at a meaningful time and  
5 in a meaningful manner; or

6 “(B) The person is a sexually violent dangerous offender under ORS  
7 137.765.

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

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

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

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

29 “(c) After providing the person with notice and an opportunity to be  
30 heard in accordance with this subsection, the board shall classify the person

1 in accordance with the classifications described in ORS 163A.100, based on  
2 all of the information available to the classifying board.

3 “(5) The boards shall adopt rules to carry out the provisions of this sec-  
4 tion.

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

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

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

21 “(b) If an existing registrant classified as a level three sex offender under  
22 this subsection notifies the State Board of Parole and Post-Prison Super-  
23 vision or the Psychiatric Security Review Board of the willingness to par-  
24 ticipate in a sex offender risk assessment, the appropriate board shall  
25 perform the assessment and classify the existing registrant in one of the  
26 levels described in ORS 163A.100.

27 “(9) The State Board of Parole and Post-Prison Supervision or the Psy-  
28 chiatric Security Review Board may reassess or reclassify an existing regis-  
29 trant placed in one of the levels described in ORS 163A.100 under this section  
30 if the classifying board determines that a factual mistake caused an errone-

1 ous assessment or classification.

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

5 **“(1) The progress made in assessing and classifying existing regis-**  
6 **trants as defined in section 7, chapter 708, Oregon Laws 2013, and other**  
7 **sex offenders the board is directed to assess and classify under ORS**  
8 **163A.105, 163A.110 and 163A.115; and**

9 **“(2) Efforts to reduce the cost and increase the efficiency and ac-**  
10 **curacy of the assessments.**

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

13 **“90.630. (1) Except as provided in subsection (4) of this section, the land-**  
14 **lord may terminate a rental agreement that is a month-to-month or fixed**  
15 **term tenancy for space for a manufactured dwelling or floating home by**  
16 **giving to the tenant not less than 30 days’ notice in writing before the date**  
17 **designated in the notice for termination if the tenant:**

18 **“(a) Violates a law or ordinance related to the tenant’s conduct as a**  
19 **tenant, including but not limited to a material noncompliance with ORS**  
20 **90.740;**

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

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

28 **“(d) Fails to pay a:**

29 **“(A) Late charge pursuant to ORS 90.260;**

30 **“(B) Fee pursuant to ORS 90.302; or**

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

2       “(2) A violation making a tenant subject to termination under subsection  
3 (1) of this section includes a tenant’s failure to maintain the space as re-  
4 quired by law, ordinance, rental agreement or rule, but does not include the  
5 physical condition of the dwelling or home. Termination of a rental agree-  
6 ment based upon the physical condition of a dwelling or home shall only be  
7 as provided in ORS 90.632.

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

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

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

24       “(6) This section does not limit a landlord’s right to terminate a tenancy  
25 for nonpayment of rent under ORS 90.394 or for other cause under ORS  
26 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to  
27 105.168.

28       “(7) A tenancy terminates on the date designated in the notice and with-  
29 out regard to the expiration of the period for which, by the terms of the  
30 rental agreement, rents are to be paid. Unless otherwise agreed, rent is

1 uniformly apportionable from day to day.

2 “(8) Notwithstanding any other provision of this section or ORS 90.394,  
3 90.396 or 90.398, the landlord may terminate the rental agreement for space  
4 for a manufactured dwelling or floating home because of repeated late pay-  
5 ment of rent by giving the tenant not less than 30 days’ notice in writing  
6 before the date designated in that notice for termination and may take pos-  
7 session as provided in ORS 105.105 to 105.168 if:

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

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

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

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

28 “(10) The landlord may give a copy of the notice required by subsection  
29 (8) of this section to any lienholder of the manufactured dwelling or floating  
30 home by first class mail with certificate of mailing or by any other method

1 allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for  
2 any damages incurred by the tenant as a result of the landlord giving a copy  
3 of the notice in good faith to a lienholder. A lienholder's rights and obli-  
4 gations regarding an abandoned manufactured dwelling or floating home  
5 shall be as provided under ORS 90.675.

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

8 “144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

9 “(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

10 “(2) ‘Dwelling’ does not include a residential treatment facility or a  
11 halfway house.

12 “(3) ‘Halfway house’ means a publicly or privately operated profit or  
13 nonprofit residential facility that provides rehabilitative care and treatment  
14 for sex offenders.

15 “(4) ‘Locations where children are the primary occupants or users’ in-  
16 cludes, but is not limited to, public and private elementary and secondary  
17 schools and licensed child care centers.

18 “(5) ‘Sex offender’ means:

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

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

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

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

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

28 “163.476. (1) A person commits the crime of unlawfully being in a location  
29 where children regularly congregate if the person:

30 “(a)(A) Has been designated a sexually violent dangerous offender under

1 ORS 137.765;

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

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

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

11 “(b) Knowingly enters or remains in or upon premises where persons un-  
12 der 18 years of age regularly congregate.

13 “(2) As used in this section:

14 “(a) ‘Premises where persons under 18 years of age regularly congregate’  
15 means schools, child care centers, playgrounds, other places intended for use  
16 primarily by persons under 18 years of age and places where persons under  
17 18 years of age gather for regularly scheduled educational and recreational  
18 programs.

19 “(b) ‘Sex crime’ has the meaning given that term in ORS 163A.005.

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

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

24 “163.479. (1) A person commits the crime of unlawful contact with a child  
25 if the person:

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

28 “(B) Has been classified as a level three sex offender under ORS 163A.100  
29 (3);

30 **“(C) Is an unclassified adult sex offender designated as predatory**



1 **prior to January 1, 2014;**

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

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

6 “(b) Knowingly contacts a child with the intent to commit a crime or for  
7 the purpose of arousing or satisfying the sexual desires of the person or an-  
8 other person.

9 “(2) As used in this section:

10 “(a) ‘Child’ means a person under 18 years of age.

11 “(b) ‘Contact’ means to communicate in any manner.

12 “(c) ‘Sex crime’ has the meaning given that term in ORS 163A.005.

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

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

16 “90.630. (1) Except as provided in subsection (4) of this section, the land-  
17 lord may terminate a rental agreement that is a month-to-month or fixed  
18 term tenancy for space for a manufactured dwelling or floating home by  
19 giving to the tenant not less than 30 days’ notice in writing before the date  
20 designated in the notice for termination if the tenant:

21 “(a) Violates a law or ordinance related to the tenant’s conduct as a  
22 tenant, including but not limited to a material noncompliance with ORS  
23 90.740;

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

28 “(c) Is classified as a level three sex offender under ORS 163A.100 (3) [*or*  
29 *is an unclassified adult sex offender designated as predatory prior to January*  
30 *1, 2014*]; or

1       “(d) Fails to pay a:  
2       “(A) Late charge pursuant to ORS 90.260;  
3       “(B) Fee pursuant to ORS 90.302; or  
4       “(C) Utility or service charge pursuant to ORS 90.534 or 90.536.  
5       “(2) A violation making a tenant subject to termination under subsection  
6 (1) of this section includes a tenant’s failure to maintain the space as re-  
7 quired by law, ordinance, rental agreement or rule, but does not include the  
8 physical condition of the dwelling or home. Termination of a rental agree-  
9 ment based upon the physical condition of a dwelling or home shall only be  
10 as provided in ORS 90.632.  
11       “(3) The notice required by subsection (1) of this section shall state facts  
12 sufficient to notify the tenant of the reasons for termination of the tenancy  
13 and state that the tenant may avoid termination by correcting the violation  
14 as provided in subsection (4) of this section.  
15       “(4) The tenant may avoid termination of the tenancy by correcting the  
16 violation within the 30-day period specified in subsection (1) of this section.  
17 However, if substantially the same act or omission that constituted a prior  
18 violation of which notice was given recurs within six months after the date  
19 of the notice, the landlord may terminate the tenancy upon at least 20 days’  
20 written notice specifying the violation and the date of termination of the  
21 tenancy.  
22       “(5) Notwithstanding subsection (3) or (4) of this section, a tenant who  
23 is given a notice of termination under subsection (1)(c) of this section does  
24 not have a right to correct the violation. A notice given to a tenant under  
25 subsection (1)(c) of this section must state that the tenant does not have a  
26 right to avoid the termination.  
27       “(6) This section does not limit a landlord’s right to terminate a tenancy  
28 for nonpayment of rent under ORS 90.394 or for other cause under ORS  
29 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to  
30 105.168.

1       “(7) A tenancy terminates on the date designated in the notice and with-  
2 out regard to the expiration of the period for which, by the terms of the  
3 rental agreement, rents are to be paid. Unless otherwise agreed, rent is  
4 uniformly apportionable from day to day.

5       “(8) Notwithstanding any other provision of this section or ORS 90.394,  
6 90.396 or 90.398, the landlord may terminate the rental agreement for space  
7 for a manufactured dwelling or floating home because of repeated late pay-  
8 ment of rent by giving the tenant not less than 30 days’ notice in writing  
9 before the date designated in that notice for termination and may take pos-  
10 session as provided in ORS 105.105 to 105.168 if:

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

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

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

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

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

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

11 “144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

12 “(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

13 “(2) ‘Dwelling’ does not include a residential treatment facility or a  
14 halfway house.

15 “(3) ‘Halfway house’ means a publicly or privately operated profit or  
16 nonprofit residential facility that provides rehabilitative care and treatment  
17 for sex offenders.

18 “(4) ‘Locations where children are the primary occupants or users’ in-  
19 cludes, but is not limited to, public and private elementary and secondary  
20 schools and licensed child care centers.

21 “(5) ‘Sex offender’ means:

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

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

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

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

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

30 “163.476. (1) A person commits the crime of unlawfully being in a location

1 where children regularly congregate if the person:

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

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

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

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

13 “(b) Knowingly enters or remains in or upon premises where persons un-  
14 der 18 years of age regularly congregate.

15 “(2) As used in this section:

16 “(a) ‘Premises where persons under 18 years of age regularly congregate’  
17 means schools, child care centers, playgrounds, other places intended for use  
18 primarily by persons under 18 years of age and places where persons under  
19 18 years of age gather for regularly scheduled educational and recreational  
20 programs.

21 “(b) ‘Sex crime’ has the meaning given that term in ORS 163A.005.

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

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

26 “163.479. (1) A person commits the crime of unlawful contact with a child  
27 if the person:

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

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

1 (3);

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

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

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

8 “(b) Knowingly contacts a child with the intent to commit a crime or for  
9 the purpose of arousing or satisfying the sexual desires of the person or an-  
10 other person.

11 “(2) As used in this section:

12 “(a) ‘Child’ means a person under 18 years of age.

13 “(b) ‘Contact’ means to communicate in any manner.

14 “(c) ‘Sex crime’ has the meaning given that term in ORS 163A.005.

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

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

17 “163A.010. (1) The agency to which a person reports under subsection (3)  
18 of this section shall complete a sex offender registration form concerning the  
19 person when the person reports under subsection (3) of this section.

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

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

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

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

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

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

30 “(B) For which the person would have to register as a sex offender in that

1 court's jurisdiction, or as required under federal law, regardless of whether  
2 the crime would constitute a sex crime in this state; or

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

5 "(3)(a) A person described in subsection (2) of this section shall report,  
6 in person, to the Department of State Police, a city police department or a  
7 county sheriff's office, in the county to which the person was discharged,  
8 paroled or released or in which the person was otherwise placed:

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

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

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

13 "~~[(C)]~~ **(D)** Once each year within 10 days of the person's birth date, re-  
14 gardless of whether the person changed residence;

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

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

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

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

27 "(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the  
28 period of supervision or custody authorized by law, the Oregon Youth Au-  
29 thority may authorize a youth offender committed to its supervision and  
30 custody by order of the juvenile court or a person placed in its physical

1 custody under ORS 137.124 or any other provision of law to report to the  
2 authority regardless of the youth offender's or the person's last reported  
3 residence.

4 “(d) In the event that a person reports to the authority under this sub-  
5 section, the authority shall register the person.

6 “(e) The obligation to report under this subsection terminates if the con-  
7 viction or adjudication that gave rise to the obligation is reversed or vacated  
8 or if the registrant is pardoned.

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

10 “(a) The person required to report shall:

11 “(A) Provide the information necessary to complete the sex offender reg-  
12 istration form and sign the form as required; and

13 “(B) Submit to the requirements described in paragraph (b) of this sub-  
14 section.

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

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

19 “(B) May photograph the person or any identifying scars, marks or  
20 tattoos located on the person when the person reports under any of the cir-  
21 cumstances described in this section; and

22 “(C) Shall fingerprint the person if the person's fingerprints are not in-  
23 cluded in the record file of the Department of State Police.

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

25 “163A.015. (1) The agency to which a person reports under subsection (4)  
26 of this section shall complete a sex offender registration form concerning the  
27 person when the person reports under subsection (4) of this section.

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

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



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

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

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

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

10 “(3) The court shall ensure that the person completes a form that docu-  
11 ments the person’s obligation to report under ORS 163A.010 or this section.  
12 No later than three working days after the person completes the form re-  
13 quired by this subsection, the court shall ensure that the form is sent to the  
14 Department of State Police.

15 “(4)(a) A person described in subsection (2) of this section shall report,  
16 in person, to the Department of State Police, a city police department or a  
17 county sheriff’s office, in the county to which the person was discharged or  
18 released or in which the person was placed on probation:

19 “(A) Within 10 days following discharge, release or placement on pro-  
20 bation;

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

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

23 “[~~(C)~~] (D) Once each year within 10 days of the person’s birth date, re-  
24 gardless of whether the person changed residence;

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

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

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

1       “(b) If a person required to report under this subsection has complied with  
2 the initial reporting requirement under paragraph (a)(A) of this subsection,  
3 the person shall subsequently report, in person, in the circumstances speci-  
4 fied in paragraph (a) of this subsection, as applicable, to the Department of  
5 State Police, a city police department or a county sheriff’s office, in the  
6 county of the person’s last reported residence.

7       “(c) The obligation to report under this subsection terminates if the con-  
8 viction or adjudication that gave rise to the obligation is reversed or vacated  
9 or if the registrant is pardoned.

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

11       “(a) The person required to report shall:

12       “(A) Provide the information necessary to complete the sex offender reg-  
13 istration form and sign the form as required; and

14       “(B) Submit to the requirements described in paragraph (b) of this sub-  
15 section.

16       “(b) The Department of State Police, the city police department or the  
17 county sheriff’s office:

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

20       “(B) May photograph the person or any identifying scars, marks or  
21 tattoos located on the person when the person reports under any of the cir-  
22 cumstances described in this section; and

23       “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
24 cluded in the record file of the Department of State Police.

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

26       “163A.020. (1)(a) When a person described in subsection (6) of this section  
27 moves into this state and is not otherwise required by ORS 163A.010,  
28 163A.015 or 163A.025 to report, the person shall report, in person, to the  
29 Department of State Police, a city police department or a county sheriff’s  
30 office, in the county of the person’s residence:

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

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

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

4 “[*C*] (D) Once each year within 10 days of the person’s birth date, re-  
5 gardless of whether the person changed residence;

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

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

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

12 “(b) If a person required to report under this subsection has complied with  
13 the initial reporting requirement under paragraph (a)(A) of this subsection,  
14 the person shall subsequently report, in person, in the circumstances speci-  
15 fied in paragraph (a) of this subsection, as applicable, to the Department of  
16 State Police, a city police department or a county sheriff’s office, in the  
17 county of the person’s last reported residence.

18 “(2)(a) When a person described in ORS 163A.010 (2) or 163A.015 (2) or  
19 subsection (6) of this section attends school or works in this state, resides  
20 in another state and is not otherwise required by ORS 163A.010, 163A.015 or  
21 163A.025 to report, the person shall report, in person, to the Department of  
22 State Police, a city police department or a county sheriff’s office, in the  
23 county in which the school or place of work is located, no later than 10 days  
24 after:

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

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

28 “(C) **A legal change of name.**

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

1 “(3)(a) When a person described in subsection (6) of this section resides  
2 in this state at the time of the conviction or adjudication giving rise to the  
3 obligation to report, continues to reside in this state following the conviction  
4 or adjudication and is not otherwise required by ORS 163A.010, 163A.015 or  
5 163A.025 to report, the person shall report, in person, to the Department of  
6 State Police, a city police department or a county sheriff’s office, in the  
7 county of the person’s residence:

8 “(A) Within 10 days following:

9 “(i) Discharge, release on parole or release on any form of supervised or  
10 conditional release, from a jail, prison or other correctional facility or de-  
11 tention facility; or

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

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

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

16 “[C] (D) Once each year within 10 days of the person’s birth date, re-  
17 gardless of whether the person has changed residence;

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

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

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

24 “(b) If a person required to report under this subsection has complied with  
25 the applicable initial reporting requirement under paragraph (a)(A) of this  
26 subsection, the person shall subsequently report, in person, in the circum-  
27 stances specified in paragraph (a) of this subsection, as applicable, to the  
28 Department of State Police, a city police department or a county sheriff’s  
29 office, in the county of the person’s last reported residence.

30 “(4) When a person reports under this section, the agency to which the

1 person reports shall complete a sex offender registration form concerning the  
2 person.

3 “(5) The obligation to report under this section terminates if the con-  
4 viction or adjudication that gave rise to the obligation is reversed or vacated  
5 or if the registrant is pardoned.

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

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

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

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

13 “(a) The person required to report shall:

14 “(A) Provide the information necessary to complete the sex offender reg-  
15 istration form and sign the form as required; and

16 “(B) Submit to the requirements described in paragraph (b) of this sub-  
17 section.

18 “(b) The Department of State Police, the city police department or the  
19 county sheriff’s office:

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

24 “(B) May photograph the person or any identifying scars, marks or  
25 tattoos located on the person when the person reports under any of the cir-  
26 cumstances described in this section; and

27 “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
28 cluded in the record file of the Department of State Police.

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

30 “163A.025. (1) A person found to be within the jurisdiction of the juvenile

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

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

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

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

15 “(d) The person has been found in a juvenile adjudication in another  
16 United States court to have committed an act while the person was under  
17 18 years of age that would constitute a felony sex crime if committed in this  
18 state by an adult.

19 “(2) A person described in subsection (1)(a) or (d) of this section, or a  
20 person described in subsection (1)(c) of this section who did not make an  
21 initial report prior to April 4, 2016, who resides in this state shall make an  
22 initial report, in person, to the Department of State Police, a city police de-  
23 partment or a county sheriff’s office as follows:

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

26 “(b) If the person is adjudicated for the act giving rise to the obligation  
27 to report in another United States court and the person is found to have  
28 committed an act that if committed by an adult in this state would consti-  
29 tute:

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

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

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

15       “(B) A Class C felony sex crime:

16       “(i) If the person is not a resident of this state at the time of the adju-  
17 dication, the person shall make the initial report to the Department of State  
18 Police, a city police department or a county sheriff’s office, in the county  
19 of the person’s residence, no later than six months after the date the person  
20 moves into this state; or

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

30       “(c) For persons described in subsection (1)(c) of this section who did not

1 make an initial report prior to April 4, 2016, the person shall report no later  
2 than 120 days after April 4, 2016.

3 “(3) After making the initial report described in subsection (2) of this  
4 section or, for a person described in subsection (1)(c) of this section who  
5 made an initial report prior to April 4, 2016, or a person described in sub-  
6 section (1)(b) of this section, beginning after April 4, 2016, the person shall  
7 report, in person, to the Department of State Police, a city police department  
8 or a county sheriff’s office, in the county of the person’s last reported resi-  
9 dence:

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

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

12 “[*b*] (c) Once each year within 10 days of the person’s birth date, re-  
13 gardless of whether the person changed residence;

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

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

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

20 “(4) When a person described in subsection (1) of this section attends  
21 school or works in this state, resides in another state and is not otherwise  
22 required to report as a sex offender under this section or ORS 163A.010,  
23 163A.015 or 163A.020, the person shall report, in person, to the Department  
24 of State Police, a city police department or a county sheriff’s office, in the  
25 county in which the person attends school or works, no later than 10 days  
26 after:

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

29 “(b) A change in school enrollment or employment[.]; **and**

30 “**(c) A legal change of name.**



1       “(5) The agency to which a person reports under this section shall com-  
2 plete a sex offender registration form concerning the person when the person  
3 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 reg-  
7 istration form and sign the form as required; and

8       “(B) Submit to the requirements described in paragraph (b) of this sub-  
9 section.

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

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

14       “(B) May photograph the person or any identifying scars, marks or  
15 tattoos located on the person when the person reports under any of the cir-  
16 cumstances described in this section; and

17       “(C) Shall fingerprint the person if the person’s fingerprints are not in-  
18 cluded in the record file of the Department of State Police.

19       “(7) The obligation to report under this section is terminated if the ad-  
20 judication that gave rise to the obligation is reversed or vacated.

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

22       “(a) The Oregon Youth Authority may authorize a youth offender com-  
23 mitted to its custody and supervision by order of the juvenile court, or a  
24 person placed in its physical custody under ORS 137.124 or any other pro-  
25 vision of law, to report to the authority regardless of the youth offender’s  
26 or the person’s last reported residence.

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

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

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

5 “163A.040. (1) A person who is required to report as a sex offender in  
6 accordance with the applicable provisions of ORS 163A.010, 163A.015,  
7 163A.020 or 163A.025 and who has knowledge of the reporting requirement  
8 commits the crime of failure to report as a sex offender if the person:

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

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

12 “(c) Fails to report following a change of school enrollment or employ-  
13 ment status, including enrollment, employment or vocation status at an in-  
14 stitution of higher education;

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

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

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

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

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

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

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

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

28 “(2)(a) It is an affirmative defense to a charge of failure to report under  
29 subsection (1)(d) of this section by a person required to report under ORS  
30 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person re-

1 ported, in person, within 10 days of a change of residence to the Department  
2 of State Police, a city police department or a county sheriff's office, in the  
3 county of the person's new residence, if the person otherwise complied with  
4 all reporting requirements.

5 “(b) It is an affirmative defense to a charge of failure to report under  
6 subsection (1)(a) of this section by a person required to report under ORS  
7 163A.025 (2)(b)(A)(i) that the person reported, in person, to the Department  
8 of State Police in Marion County, Oregon, within 10 days of moving into this  
9 state.

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

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

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

26 “(f) It is an affirmative defense to a charge of failure to report under  
27 subsection (1) of this section by a person required to report under ORS  
28 163A.010 (3) that the person reported to the Oregon Youth Authority if the  
29 person establishes that the authority registered the person under ORS  
30 163A.010 (3)(c).

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

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

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

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

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

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

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

17 “163A.040. (1) A person who is required to report as a sex offender in  
18 accordance with the applicable provisions of ORS 163A.010, 163A.015,  
19 163A.020 or 163A.025 and who has knowledge of the reporting requirement  
20 commits the crime of failure to report as a sex offender if the person:

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

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

24 “(c) Fails to report following a change of school enrollment or employ-  
25 ment status, including enrollment, employment or vocation status at an in-  
26 stitution of higher education;

27 “(d) Moves to a new residence and fails to report the move and the  
28 person’s new address;

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

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

1       “[(f)] (g) Fails to provide complete and accurate information;  
2       “[(g)] (h) Fails to sign the sex offender registration form as required;  
3       “[(h)] (i) Fails or refuses to participate in a sex offender risk assessment  
4 as directed by the State Board of Parole and Post-Prison Supervision, Psy-  
5 chiatric Security Review Board, Oregon Health Authority or supervisory  
6 authority; [or]  
7       “[(i)] (j) Fails to submit to fingerprinting or to having a photograph taken  
8 of the person’s face, identifying scars, marks or tattoos[.]; **or**  
9       **“(k) Fails to report prior to any intended travel outside of the**  
10 **United States.**

11       “(2)(a) It is an affirmative defense to a charge of failure to report under  
12 subsection (1)(d) of this section by a person required to report under ORS  
13 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person re-  
14 ported, in person, within 10 days of a change of residence to the Department  
15 of State Police, a city police department or a county sheriff’s office, in the  
16 county of the person’s new residence, if the person otherwise complied with  
17 all reporting requirements.

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

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

28       “(d) It is an affirmative defense to a charge of failure to report under  
29 subsection (1) of this section by a person required to report under ORS  
30 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the

1 Department of State Police in Marion County, Oregon, if the person other-  
2 wise complied with all reporting requirements.

3 “(e) It is an affirmative defense to a charge of failure to report under  
4 subsection (1) of this section by a person required to report under ORS  
5 163A.025 (3) that the person reported, in person, to the Department of State  
6 Police, a city police department or a county sheriff’s office, in the county  
7 of the person’s residence, if the person otherwise complied with all reporting  
8 requirements.

9 “(f) It is an affirmative defense to a charge of failure to report under  
10 subsection (1) of this section by a person required to report under ORS  
11 163A.010 (3) that the person reported to the Oregon Youth Authority if the  
12 person establishes that the authority registered the person under ORS  
13 163A.010 (3)(c).

14 “(g) It is an affirmative defense to a charge of failure to report under  
15 subsection (1) of this section by a person required to report under ORS  
16 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority  
17 or a county juvenile department if the person establishes that the authority  
18 or department registered the person under ORS 163A.025 (8).

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

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

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

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

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

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

29 “163A.030. (1)(a) Except as provided in subsection (6) of this section, the  
30 juvenile court shall hold a hearing on the issue of reporting as a sex offender

1 by a person who has been found to be within the jurisdiction of the juvenile  
2 court under ORS 419C.005, or found by the juvenile court to be responsible  
3 except for insanity under ORS 419C.411, for having committed an act that if  
4 committed by an adult would constitute a felony sex crime if:

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

6 “(B) The person was adjudicated before August 12, 2015, and was still  
7 under the jurisdiction of the juvenile court or the Psychiatric Security Re-  
8 view Board on April 4, 2016.

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

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

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

16 “(c) The court shall notify the person of the person’s right to a hearing  
17 under this section upon finding the person within the jurisdiction of the ju-  
18 venile court under ORS 419C.005.

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

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

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

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

29 “(b) Set an initial hearing date; and

30 “(c) Notify the parties and the juvenile department or the Psychiatric

1 Security Review Board, if the department or board is supervising or has ju-  
2 risdiction over the person, of the hearing at least 60 days before the hearing  
3 date.

4 “(4)(a) A person who is the subject of a hearing under this section has  
5 the right to be represented by a suitable attorney possessing skills and ex-  
6 perience commensurate with the nature and complexity of the case, to con-  
7 sult with the attorney prior to the hearing and, if financially eligible, to  
8 have a suitable attorney appointed at state expense.

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

11 “(A) Continue the appointment of the attorney appointed under ORS  
12 419C.200 at the time of disposition;

13 “(B) Set a date prior to the hearing under this section in order to reap-  
14 point the attorney appointed under ORS 419C.200; or

15 “(C) Appoint or reappoint an attorney at any time in response to a re-  
16 quest by the person who is the subject of a hearing under this section.

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

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

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

22 “(B) The person’s board defense attorney; and

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

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



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

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

5       “(a) The district attorney, the victim, the person and the juvenile de-  
6 partment or a representative of the Oregon Youth Authority shall have an  
7 opportunity to be heard.

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

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

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

17       “(b) The nature of the act that subjected the person to the duty of re-  
18 porting as a sex offender;

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

21       “(d) Whether the act was premeditated;

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

24       “(f) The age of any victim at the time of the act, the age difference be-  
25 tween any victim and the person and the number of victims;

26       “(g) The vulnerability of the victim;

27       “(h) Other acts committed by the person that would be crimes if commit-  
28 ted by an adult and criminal activities engaged in by the person before and  
29 after the adjudication;

30       “(i) Statements, documents and recommendations by or on behalf of the

1 victim or the parents of the victim;

2 “(j) The person’s willingness to accept personal responsibility for the act  
3 and personal accountability for the consequences of the act;

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

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

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

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

12 “(C) The person’s compliance with court, board or supervision require-  
13 ments regarding treatment; and

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

15 “(m) The person’s academic and employment history;

16 “(n) The person’s use of drugs or alcohol before and after the adjudi-  
17 cation;

18 “(o) The person’s history of public or private indecency;

19 “(p) The person’s compliance with and success in completing the terms  
20 of supervision;

21 “(q) The results of psychological examinations of the person;

22 “(r) The protection afforded the public by records of sex offender regis-  
23 tration; and

24 “(s) Any other relevant factors.

25 “(9) In a hearing under this section, the juvenile court may receive tes-  
26 timony, reports and other evidence, without regard to whether the evidence  
27 is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence  
28 is relevant evidence related to the determination and findings required under  
29 this section. As used in this subsection, ‘relevant evidence’ has the meaning  
30 given that term in ORS 40.150.

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

7 “(A) Evaluations and treatment records concerning the person conducted  
8 by a clinician or program operating under the standards of practice for the  
9 evaluation and treatment of juvenile sex offenders adopted by the Sex  
10 Offender Treatment Board under ORS 675.400, and recommendations con-  
11 tained therein regarding the need for the person to register in order to pro-  
12 tect the public from future sex crimes;

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

16 “(C) The Psychiatric Security Review Board exhibit file.

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

19 “(11)(a) When the juvenile court enters an order described in subsection  
20 **(6)(a) or (7)(b)** of this section, the court shall ensure that the person com-  
21 pletes a form that documents the person’s obligation to report under ORS  
22 163A.025. No later than three business days after the person completes the  
23 form required by this subsection, the court shall ensure that the form is sent  
24 to the Department of State Police.

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

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

30 “(13) As used in this section, ‘parties’ means the person, the state as re-

1 presented by the district attorney or the juvenile department, and the Oregon  
2 Youth Authority or other child care agency, if the person is temporarily  
3 committed to the authority or agency.

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

5 “419A.255. (1)(a) The clerk of the court shall maintain a record of each  
6 case and a supplemental confidential file for each case, except as otherwise  
7 provided in ORS 7.120.

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

10 “(A) The judge of the juvenile court and those acting under the judge’s  
11 direction;

12 “(B) The child;

13 “(C) The ward;

14 “(D) The youth;

15 “(E) The youth offender;

16 “(F) The parent or guardian of the child, ward, youth or youth offender;

17 “(G) The guardian ad litem for the parent;

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

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

23 “(J) The attorneys or prospective appellate attorneys for any of the per-  
24 sons listed in subparagraphs (B) to (I) of this paragraph;

25 “(K) The surrogate;

26 “(L) Service providers in the case;

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

29 “(N) The juvenile department;

30 “(O) The Department of Human Services;

1 “(P) The Oregon Youth Authority; and

2 “(Q) Any other person or entity allowed by the court pursuant to ORS  
3 419A.258.

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

5 “(A) The judge of the juvenile court and those acting under the judge’s  
6 direction;

7 “(B) A party to the extent permitted under ORS 419B.875 (2) or 419C.285  
8 (2);

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

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

12 “(E) Any other person or entity allowed by the court pursuant to ORS  
13 419A.258.

14 “(2)(a) Reports and other material relating to the child, ward, youth or  
15 youth offender’s history and prognosis in the record of the case or the sup-  
16 plemental confidential file are privileged and, except at the request of the  
17 child, ward, youth or youth offender, shall be withheld from public inspection  
18 except that inspection is permitted as set forth in subsection (1)(b) of this  
19 section and paragraph (b) of this subsection. The offer or admission of re-  
20 ports and other material in the record of the case or the supplemental con-  
21 fidential file as exhibits in a hearing or trial does not waive or otherwise  
22 change the privileged status of the reports and other material, except for  
23 purposes of the hearing or trial in which the reports and other material are  
24 offered or admitted. Once offered as an exhibit, reports and other material  
25 relating to the child, ward, youth or youth offender’s history and prognosis  
26 that were maintained in the supplemental confidential file become part of the  
27 record of the case but are subject to paragraph (e) of this subsection.

28 “(b) A supplemental confidential file is open to inspection by the follow-  
29 ing:

30 “(A) The judge of the juvenile court and those acting under the judge’s

1 direction;

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

3 “(C) The guardian ad litem for the parent of a child or ward in a de-  
4 pendency case;

5 “(D) The parent or guardian of the youth or youth offender in a delin-  
6 quency case if the youth or youth offender consents to, or the court author-  
7 izes, inspection;

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

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

13 “(G) The court appointed special advocate, and a representative of a  
14 CASA Volunteer Program as defined in ORS 184.489, when reasonably nec-  
15 essary for the appointment or supervision of court appointed special advo-  
16 cates;

17 “(H) The surrogate;

18 “(I) Service providers in the case;

19 “(J) The attorneys or prospective appellate attorneys for:

20 “(i) The child;

21 “(ii) The ward;

22 “(iii) The youth;

23 “(iv) The youth offender;

24 “(v) The parent or guardian of the child, ward, youth or youth offender;

25 “(vi) The guardian ad litem for the parent;

26 “(vii) A person allowed to intervene in a proceeding involving the child  
27 or ward in a dependency case; or

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

30 “(K) The district attorney or assistant attorney general representing a

1 party in the case;

2 “(L) The juvenile department;

3 “(M) The Department of Human Services;

4 “(N) The Oregon Youth Authority; and

5 “(O) Any other person or entity allowed by the court pursuant to ORS  
6 419A.258.

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

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

12 “(A) The judge of the juvenile court and those acting under the judge’s  
13 direction;

14 “(B) Service providers in the case;

15 “(C) School superintendents and their designees in cases under ORS  
16 419C.005;

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

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

20 “(F) The juvenile department;

21 “(G) The Department of Human Services;

22 “(H) The Oregon Youth Authority;

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

26 “(J) Any other person or entity allowed by the court pursuant to ORS  
27 419A.258.

28 “(e) A person that obtains copies of material in the supplemental confi-  
29 dential file pursuant to paragraph (d) of this subsection is responsible for  
30 preserving the confidentiality of the material in the supplemental confiden-

1 tial file. A service provider, school superintendent or superintendent's  
2 designee who obtains copies of such material shall destroy the copies upon  
3 the conclusion of involvement in the case.

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

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

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

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

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

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

26 “(C) With the consent of the court; or

27 “(D) As provided in ORS 419A.253.

28 “(b) Nothing in this section prohibits the district attorney or assistant  
29 attorney general representing a party in a juvenile court proceeding, the  
30 juvenile department, the Department of Human Services, the Oregon Youth



1 Authority or other parties in the proceeding or their attorneys from dis-  
2 closing to each other reports, materials or documents described in sub-  
3 sections (1) and (2) of this section if the disclosure is reasonably necessary  
4 to perform official duties related to the involvement of the child, ward, youth  
5 or youth offender with the juvenile court or the juvenile department. A  
6 person to whom reports, materials or documents are disclosed under this  
7 subsection is subject to subsection (3) of this section.

8 “(5)(a) Information contained in the supplemental confidential file that,  
9 in the professional judgment of the juvenile counselor, caseworker, school  
10 superintendent or superintendent’s designee, teacher or detention worker to  
11 whom the information in the supplemental confidential file has been pro-  
12 vided, indicates a clear and immediate danger to another person or to society  
13 shall be disclosed to the appropriate authority and the person who is in  
14 danger from the child, ward, youth or youth offender.

15 “(b) A person that discloses information under paragraph (a) of this sub-  
16 section has immunity from any liability, civil or criminal, that might other-  
17 wise be incurred or imposed for making the disclosure.

18 “(c) Nothing in this subsection affects the provisions of ORS 146.750,  
19 146.760, 419B.035, 419B.040 and 419B.045. The disclosure of information under  
20 this subsection does not make the information admissible in any court or  
21 administrative proceeding if it is not otherwise admissible.

22 “(6) Notwithstanding any other provision of law, and subject to sub-  
23 section (8) of this section, the following are not confidential and not exempt  
24 from disclosure:

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

26 “(b) The basis for the juvenile court’s jurisdiction over the youth or youth  
27 offender;

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

30 “(d) The act alleged in the petition that if committed by an adult would

1 constitute a crime if jurisdiction is based on ORS 419C.005;

2 “(e) That portion of the juvenile court order providing for the legal dis-  
3 position of the youth or youth offender when jurisdiction is based on ORS  
4 419C.005;

5 “(f) The names and addresses of the youth or youth offender’s parents or  
6 guardians; and

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

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

15 “(a) The youth’s name and age and whether the youth is employed or in  
16 school;

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

18 “(c) The name and age of the adult complaining party and the adult vic-  
19 tim, unless the disclosure of such information is otherwise prohibited or re-  
20 stricted;

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

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

25 “(8) Except as provided in ORS 419A.300 and unless otherwise directed  
26 by the court, only the juvenile court, the county juvenile department and the  
27 Oregon Youth Authority may disclose the information under subsections (6)  
28 and (7) of this section if the information is subject to disclosure. The youth  
29 authority may disclose only information relating to youth offenders commit-  
30 ted to the youth authority by order of the juvenile court if the information

1 is subject to disclosure under subsection (6) or (7) of this section.

2 “(9) Nothing in this section limits access to any juvenile court records  
3 by an appellate court reviewing a juvenile court order or judgment. Appel-  
4 late court rules may establish procedures for appellate court access to juve-  
5 nile records.

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

11 “(11) In addition to any other provision in this section, the Judicial De-  
12 partment may permit county or statewide access to juvenile court records  
13 or information by county juvenile departments, the Department of Human  
14 Services, the Oregon Youth Authority, district attorney offices, the office of  
15 the Attorney General, the office of public defense services, prospective ap-  
16 pellate attorneys or public defense providers subject to the following re-  
17 strictions:

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

21 “(A) Party information only for purposes of conflicts screening proce-  
22 dures; and

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

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

30 “(c) The State Court Administrator shall prescribe standards and proce-

1 dures to implement the provisions of this subsection.

2 “(d) Any person or entity granted access to juvenile court records or in-  
3 formation under this subsection must preserve the confidentiality of that  
4 information as required under this section.

5 “(12) A petition filed under ORS 419B.851 alleging that a child who is a  
6 foreign national is within the jurisdiction of the court, or a motion request-  
7 ing an implementation plan other than return of a ward to the ward’s parent,  
8 is subject to disclosure to the consulate for the child or ward’s country as  
9 provided under ORS 419B.851 (3).

10 “(13) Nothing in this section prohibits a guardian appointed under ORS  
11 419B.365 or 419B.366 from disclosing or providing copies of letters of  
12 guardianship when so required to fulfill the duties of a guardian.

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

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

1 that identifies any individual person involved in a juvenile court proceeding.

2 “(16) Subject to subsection (11) of this section, the office of public defense  
3 services shall be permitted access to juvenile court records for the purposes  
4 of performing the office’s duties as set forth in ORS 151.219 to audit or in-  
5 vestigate attorney appointment or representation of a party in a juvenile  
6 court proceeding in order to ensure adequate representation of parties in  
7 juvenile court proceedings consistent with the child welfare state plan re-  
8 lated to Title IV-E of the Social Security Act.

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

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

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

29 “(19) When inspection or copying of the record of the case or of the sup-  
30 plemental confidential file is allowed pursuant to this section, and unless

1 otherwise required by law, the court that maintains the record of the case  
2 or the supplemental confidential file is not required to redact the names of,  
3 or information about, siblings or other persons contained in the record of the  
4 case or the supplemental confidential file.

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

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

11 “163A.105. (1) When a person convicted of a crime described in ORS  
12 163.355 to 163.427 is sentenced to a term of imprisonment in a Department  
13 of Corrections institution for that crime, the State Board of Parole and  
14 Post-Prison Supervision shall assess the person utilizing the risk assessment  
15 methodology described in ORS 163A.100. The board shall apply the results  
16 of the assessment to place the person in one of the levels described in ORS  
17 163A.100 before the person is released from custody.

18 “(2) When a person convicted of a sex crime is sentenced to a term of  
19 incarceration in a jail, or is discharged, released or placed on probation by  
20 the court, the supervisory authority as defined in ORS 144.087 shall assess  
21 the person utilizing the risk assessment methodology described in ORS  
22 163A.100 and apply the results of the assessment to place the person in one  
23 of the levels described in ORS 163A.100 no later than 90 days after the person  
24 is released from jail or discharged, released or placed on probation by the  
25 court.

26 “(3)(a) When a person is found guilty except for insanity of a sex crime,  
27 the Psychiatric Security Review Board shall assess the person utilizing the  
28 risk assessment methodology described in ORS 163A.100 and apply the results  
29 of the assessment to place the person in one of the levels described in ORS  
30 163A.100 no later than 90 days after the person is:

1 “(A) Placed on conditional release by the Psychiatric Security Review  
2 Board;

3 “(B) Discharged from the jurisdiction of the Psychiatric Security Review  
4 Board;

5 “(C) Placed on conditional release by the court pursuant to ORS 161.327;  
6 or

7 “(D) Discharged by the court pursuant to ORS 161.329.

8 “(b) If the State Board of Parole and Post-Prison Supervision previously  
9 completed a risk assessment and assigned a classification level described in  
10 ORS 163A.100 for a person described in paragraph (a) of this subsection, the  
11 Psychiatric Security Review Board need not complete a reassessment for an  
12 initial classification.

13 “(c) The court shall notify the Psychiatric Security Review Board when  
14 the court conditionally releases or discharges a person described in para-  
15 graph (a) of this subsection.

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

23 “(4)(a) Within 90 days after receiving notice of a person’s obligation to  
24 report in this state from the Department of State Police, the State Board of  
25 Parole and Post-Prison Supervision shall assess the person utilizing the risk  
26 assessment methodology described in ORS 163A.100 and apply the results of  
27 the assessment to place the person in one of the levels described in ORS  
28 163A.100 if the person has been convicted in another United States court of  
29 a crime:

30 “(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  
2 court’s jurisdiction, or as required under federal law, regardless of whether  
3 the crime would constitute a sex crime in this state.

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

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

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

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



1 **than 60 days after the notice is sent.**

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

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

9 “[c] (d) After providing the person with notice and an opportunity to  
10 be heard in accordance with this subsection, the board or authority shall  
11 classify the person in accordance with the classifications described in ORS  
12 163A.100, based on all of the information available to the classifying board  
13 or authority.

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

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

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

29 “(9) The State Board of Parole and Post-Prison Supervision and the Psy-  
30 chiatric Security Review Board may adopt rules to carry out the provisions

1 of this section.

2 **“SECTION 20. The amendments to ORS 163A.040 by sections 15 and**  
3 **16 of this 2019 Act apply to legal changes of name and intended travel**  
4 **outside the United States occurring on or after January 1, 2021.**

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

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

11 **“SECTION 22. Section 2 of this 2019 Act is repealed on December**  
12 **1, 2026.**

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

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