

HOUSE AMENDMENTS TO SENATE BILL 620

By COMMITTEE ON RULES

June 21

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest of the line and insert
2 “amending ORS 133.865, 137.540, 137.630, 144.089, 144.102 and 144.103; and repealing ORS 423.570.”.

3 Delete lines 4 through 31 and delete page 2 and insert:

4 “**SECTION 1. ORS 423.570 is repealed.**

5 “**SECTION 2.** ORS 133.865 is amended to read:

6 “133.865. (1) The Arrest and Return Account is established separate and distinct from the Gen-
7 eral Fund. The account consists of moneys deposited into the account under ORS [137.540,] 144.605
8 and 161.665, moneys allocated to the account under ORS 137.300 and other moneys received by the
9 Governor for the purpose of paying the costs of extraditing defendants.

10 “(2) Except as provided in subsection (3) of this section, moneys in the account are continuously
11 appropriated to the Governor for the purpose of paying costs incurred in carrying out the provisions
12 of ORS 133.743 to 133.857.

13 “(3) Moneys deposited in the Arrest and Return Account under ORS 144.605 are continuously
14 appropriated to the Governor for the purpose of paying costs incurred in retaking offenders who
15 have transferred supervision under the Interstate Compact for Adult Offender Supervision described
16 in ORS 144.600.

17 “**SECTION 3.** ORS 137.540 is amended to read:

18 “137.540. (1) The court may sentence the defendant to probation subject to the following general
19 conditions unless specifically deleted by the court. The probationer shall:

20 “(a) Pay [*supervision fees,*] fines, restitution or other fees ordered by the court.

21 “(b) Not use or possess controlled substances except pursuant to a medical prescription.

22 “(c) Submit to testing for controlled substance, cannabis or alcohol use if the probationer has
23 a history of substance abuse or if there is a reasonable suspicion that the probationer has illegally
24 used controlled substances.

25 “(d) Participate in a substance abuse evaluation as directed by the supervising officer and follow
26 the recommendations of the evaluator if there are reasonable grounds to believe there is a history
27 of substance abuse.

28 “(e) Remain in the State of Oregon until written permission to leave is granted by the Depart-
29 ment of Corrections or a county community corrections agency.

30 “(f) If physically able, find and maintain gainful full-time employment, approved schooling, or a
31 full-time combination of both. Any waiver of this requirement must be based on a finding by the
32 court stating the reasons for the waiver.

33 “(g) Change neither employment nor residence without prior permission from the Department
34 of Corrections or a county community corrections agency.

35 “(h) Permit the parole and probation officer to visit the probationer or the probationer’s work

1 site or residence and to conduct a walk-through of the common areas and of the rooms in the resi-
2 dence occupied by or under the control of the probationer.

3 “(i) Consent to the search of person, vehicle or premises upon the request of a representative
4 of the supervising officer if the supervising officer has reasonable grounds to believe that evidence
5 of a violation will be found, and submit to fingerprinting or photographing, or both, when requested
6 by the Department of Corrections or a county community corrections agency for supervision pur-
7 poses.

8 “(j) Obey all laws, municipal, county, state and federal.

9 “(k) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections
10 or a county community corrections agency.

11 “(L) Not possess weapons, firearms or dangerous animals.

12 “(m) Report as required and abide by the direction of the supervising officer.

13 “(n) If recommended by the supervising officer, successfully complete a sex offender treatment
14 program approved by the supervising officer and submit to polygraph examinations at the direction
15 of the supervising officer if the probationer:

16 “(A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

17 “(B) Was previously convicted of a sex offense under ORS 163.305 to 163.467; or

18 “(C) Was previously convicted in another jurisdiction of an offense that would constitute a sex
19 offense under ORS 163.305 to 163.467 if committed in this state.

20 “(o) Participate in a mental health evaluation as directed by the supervising officer and follow
21 the recommendation of the evaluator.

22 “(p) If required to report as a sex offender under ORS 163A.015, report with the Department of
23 State Police, a city police department, a county sheriff’s office or the supervising agency:

24 “(A) When supervision begins;

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

26 “(C) Once each year within 10 days of the probationer’s date of birth;

27 “(D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
28 institution of higher education; and

29 “(E) Within 10 days of a change in work, vocation or attendance status at an institution of
30 higher education.

31 “(q) Submit to a risk and needs assessment as directed by the supervising officer and follow
32 reasonable recommendations resulting from the assessment.

33 “(2) In addition to the general conditions, the court may impose any special conditions of pro-
34 bation that are reasonably related to the crime of conviction or the needs of the probationer for the
35 protection of the public or reformation of the probationer, or both, including, but not limited to, that
36 the probationer shall:

37 “(a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after
38 November 1, 1989, be confined to the county jail or be restricted to the probationer’s own residence
39 or to the premises thereof, or be subject to any combination of such confinement and restriction,
40 such confinement or restriction or combination thereof to be for a period not to exceed one year
41 or one-half of the maximum period of confinement that could be imposed for the offense for which
42 the defendant is convicted, whichever is the lesser.

43 “(b) For felonies committed on or after November 1, 1989:

44 “(A) Be confined in the county jail, or be subject to other custodial sanctions under community
45 supervision, or both, as provided by rules of the Oregon Criminal Justice Commission; and

1 “(B) Comply with any special conditions of probation that are imposed by the supervising officer
2 in accordance with subsection (9) of this section.

3 “(c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as
4 specifically ordered by the court in order to pay restitution.

5 “(d) For crimes constituting delivery of a controlled substance, as those terms are defined in
6 ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic vi-
7 olence, as defined in ORS 135.230, be prohibited from using Internet websites that provide any-
8 mous text message services.

9 “(3)(a) If a person is released on probation following conviction of stalking under ORS 163.732
10 (2)(b) or violating a court’s stalking protective order under ORS 163.750 (2)(b), the court may include
11 as a special condition of the person’s probation reasonable residency restrictions.

12 “(b) If the court imposes the special condition of probation described in this subsection and if
13 at any time during the period of probation the victim moves to a location that causes the
14 probationer to be in violation of the special condition of probation, the court may not require the
15 probationer to change the probationer’s residence in order to comply with the special condition of
16 probation.

17 “(4) When a person who is a sex offender is released on probation, the court shall impose as a
18 special condition of probation that the person not reside in any dwelling in which another sex
19 offender who is on probation, parole or post-prison supervision resides, without the approval of the
20 person’s supervising parole and probation officer, or in which more than one other sex offender who
21 is on probation, parole or post-prison supervision resides, without the approval of the director of the
22 probation agency that is supervising the person or of the county manager of the Department of
23 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole
24 and probation officer of a person subject to the requirements of this subsection shall review the
25 person’s living arrangement with the person’s sex offender treatment provider to ensure that the
26 arrangement supports the goals of offender rehabilitation and community safety. As used in this
27 subsection:

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

29 “(b) ‘Dwelling’ does not include a residential treatment facility or a halfway house.

30 “(c) ‘Halfway house’ means a publicly or privately operated profit or nonprofit residential facil-
31 ity that provides rehabilitative care and treatment for sex offenders.

32 “(d) ‘Sex offender’ has the meaning given that term in ORS 163A.005.

33 “(5)(a) If the person is released on probation following conviction of a sex crime, as defined in
34 ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
35 years of age, the court, if requested by the victim, shall include as a special condition of the person’s
36 probation that the person not reside within three miles of the victim unless:

37 “(A) The victim resides in a county having a population of less than 130,000 and the person is
38 required to reside in that county;

39 “(B) The person demonstrates to the court by a preponderance of the evidence that no mental
40 intimidation or pressure was brought to bear during the commission of the crime;

41 “(C) The person demonstrates to the court by a preponderance of the evidence that imposition
42 of the condition will deprive the person of a residence that would be materially significant in aiding
43 in the rehabilitation of the person or in the success of the probation; or

44 “(D) The person resides in a halfway house. As used in this subparagraph, ‘halfway house’ means
45 a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative

1 care and treatment for sex offenders.

2 “(b) A victim may request imposition of the special condition of probation described in this
3 subsection at the time of sentencing in person or through the prosecuting attorney.

4 “(c) If the court imposes the special condition of probation described in this subsection and if
5 at any time during the period of probation the victim moves to within three miles of the
6 probationer’s residence, the court may not require the probationer to change the probationer’s resi-
7 dence in order to comply with the special condition of probation.

8 “(6) When a person who is a sex offender, as defined in ORS 163A.005, is released on probation,
9 the Department of Corrections or the county community corrections agency, whichever is appropri-
10 ate, shall notify the city police department, if the person is going to reside within a city, and the
11 county sheriff’s office of the county in which the person is going to reside of the person’s release
12 and the conditions of the person’s release.

13 “(7) Failure to abide by all general and special conditions of probation may result in arrest,
14 modification of conditions, revocation of probation or imposition of structured, intermediate sanc-
15 tions in accordance with rules adopted under ORS 137.595.

16 “(8) The court may order that probation be supervised by the court. *[If the court orders that*
17 *probation be supervised by the court, the defendant shall pay a fee of \$100 to the court. Fees imposed*
18 *under this subsection in the circuit court shall be deposited by the clerk of the court in the General*
19 *Fund. Fees imposed in a justice court under this subsection shall be paid to the county treasurer. Fees*
20 *imposed in a municipal court under this subsection shall be paid to the city treasurer.]*

21 “(9)(a) The court may at any time modify the conditions of probation.

22 “(b) When the court orders a defendant placed under the supervision of the Department of
23 Corrections or a community corrections agency, the supervising officer may file with the court a
24 proposed modification to the special conditions of probation. The supervising officer shall provide
25 a copy of the proposed modification to the district attorney and the probationer. If the district at-
26 torney:

27 “(A) Files an objection to the proposed modification less than five judicial days after the pro-
28 posed modification was filed, the court shall schedule a hearing no later than 10 judicial days after
29 the proposed modification was filed, unless the court finds good cause to schedule a hearing at a
30 later time.

31 “(B) Does not file an objection to the proposed modification less than five judicial days after the
32 proposed modification was filed, the proposed modification becomes effective five judicial days after
33 the proposed modification was filed.

34 “(10) A court may not order revocation of probation as a result of the probationer’s failure to
35 pay restitution unless the court determines from the totality of the circumstances that the purposes
36 of the probation are not being served.

37 “(11) It is not a cause for revocation of probation that the probationer failed to apply for or
38 accept employment at any workplace where there is a labor dispute in progress. As used in this
39 subsection, ‘labor dispute’ has the meaning for that term provided in ORS 662.010.

40 “[12)(a) *If the court determines that a defendant has violated the terms of probation, the court shall*
41 *collect a \$25 fee from the defendant and may impose a fee for the costs of extraditing the defendant to*
42 *this state for the probation violation proceeding if the defendant left the state in violation of the con-*
43 *ditions of the defendant’s probation. The fees imposed under this subsection become part of the judg-*
44 *ment and may be collected in the same manner as a fine.]*

45 “[b) *Probation violation fees collected under this subsection in the circuit court shall be deposited*

1 by the clerk of the court in the General Fund. Extradition cost fees collected in the circuit court under
2 this subsection shall be deposited by the clerk of the court in the Arrest and Return Account estab-
3 lished by ORS 133.865. Fees collected in a justice court under this subsection shall be paid to the
4 county treasurer. Fees collected in a municipal court under this subsection shall be paid to the city
5 treasurer.]

6 “[(13)] (12) As used in this section, ‘attends,’ ‘institution of higher education,’ ‘works’ and ‘car-
7 ries on a vocation’ have the meanings given those terms in ORS 163A.005.

8 “**SECTION 4.** ORS 137.630 is amended to read:

9 “137.630. (1) The duties of parole and probation officers appointed pursuant to ORS 137.590 or
10 423.500 to 423.560 are:

11 “(a) To make investigations and reports under ORS 137.530 as are required by the judge of any
12 court having jurisdiction within the county, city or judicial district for which the officer is appointed
13 to serve.

14 “(b) To receive under supervision any person sentenced to probation by any court in the juris-
15 diction area for which the officers are appointed to serve.

16 “(c) To provide release assistance, and supervise any person placed in a diversion, work release
17 or community services alternative program, by any court in the jurisdiction area for which the of-
18 ficers are appointed to serve.

19 “(d) To give each person under their supervision a statement of the conditions of probation or
20 program participation and to instruct the person regarding the conditions.

21 “(e) To keep informed concerning the conduct and condition of persons under their supervision
22 by visiting, requiring reports and otherwise.

23 “(f) To use all suitable methods, not inconsistent with the condition of probation or program
24 participation, to aid and encourage persons under their supervision and to effect improvement in
25 their conduct and condition.

26 “(g) To keep detailed records of the work done and to make reports to the courts and to the
27 Department of Corrections as the courts require.

28 “(h) To perform other duties not inconsistent with the normal and customary functions of parole
29 and probation officers as may be required by any court in the jurisdiction area for which the officers
30 are appointed to serve.

31 “(2) Parole and probation officers of the Department of Corrections have duties as specified by
32 rule adopted by the Director of the Department of Corrections.

33 “(3) Notwithstanding subsection (2) of this section, parole and probation officers may not be
34 required to collect from persons under their supervision any fees to offset the costs of supervising
35 the probation[, *including but not limited to those ordered pursuant to ORS 137.540 or 423.570*].

36 “**SECTION 5.** ORS 144.089 is amended to read:

37 “144.089. (1) As used in this section:

38 “(a) ‘Community-based organization’ means a not-for-profit organization or entity or a local or
39 county government.

40 “(b) ‘Community service’ has the meaning given that term under ORS 137.126.

41 “(c) ‘Delinquent fees or debts’ means:

42 “(A) Unpaid costs for conviction;

43 “(B) Attorney fees;

44 “(C) Costs related to criminal conviction that a person accumulated while incarcerated; or

45 “(D) Fees of any judgment that includes a monetary obligation that the court or judicial branch

1 is charged with collecting as described in ORS 1.202.

2 “(d) ‘Person’ means an individual who has served a sentence in the legal and physical custody
3 of the Department of Corrections and who is serving an active period of parole or post-prison
4 supervision.

5 “(e) ‘Supervisory authority’ has the meaning given that term under ORS 144.087.

6 “(2)(a) The county governing body of each county shall establish a community service exchange
7 program for the county.

8 “(b) The local supervisory authority may determine whether to participate in the community
9 service exchange program.

10 “(c) The local supervisory authority may determine whether a community-based organization
11 qualifies for the community service exchange program.

12 “(d) A person may not participate in the community service exchange program more than once.

13 “(3) The community service exchange program may not result in a waiver of unpaid balances for:

14 “(a) Restitution or compensatory fines imposed under ORS 137.101 to 137.109;

15 “(b) Unpaid obligations imposed by a support order under ORS chapter 25;

16 “(c) Fines for misdemeanors and felonies under ORS 137.286; or

17 “(d) Fines for traffic offenses.

18 “(4) In order to be eligible to participate in the community service exchange program, a person
19 must:

20 “(a) Enter into a written agreement with a community-based organization to perform community
21 service in exchange for a waiver of delinquent fees or debts [*and supervision fees*]; and

22 “(b) Obtain the approval of the terms of the written agreement of the local supervisory author-
23 ity.

24 “(5) A community-based organization shall supervise and record the community service that a
25 person performs to fulfill the requirements established by the written agreement described under
26 this section. The community-based organization shall notify the local supervisory authority as soon
27 as a person has entered into the community service exchange program and when the person has
28 successfully fulfilled or failed to meet the requirements of the program.

29 “(6) Within 30 days of the local supervisory authority’s receiving notification that a person is
30 participating in the community service exchange program[.],

31 “[*(a)*] the local supervisory authority shall notify the court of the county in which the person
32 was convicted. Notwithstanding ORS 137.143, upon notification from the local supervisory authority,
33 the court shall suspend all collection activity of delinquent fees or debts.

34 “[*(b)* *If a person is under the supervision of a community corrections agency, the local supervisory*
35 *authority shall notify the community corrections agency. The community corrections agency or the local*
36 *supervisory authority shall cause all collection of supervision fees, including but not limited to those*
37 *ordered pursuant to ORS 423.570, to be ceased.*]

38 “[*(c)* *If the person is under the supervision of the local supervisory authority, the local supervisory*
39 *authority shall cause all collection of supervision fees, including but not limited to those ordered pur-*
40 *suant to ORS 423.570, to be ceased.*]

41 “(7)(a) When a person has successfully fulfilled the requirements of the community service ex-
42 change program, the community-based organization shall notify the local supervisory authority and
43 the local supervisory authority shall send a notice of completion to the court of the county in which
44 the person was convicted.

45 “[*(b)* *If the person is under the supervision of the local supervisory authority, upon notification of*

1 completion from the community-based organization, the local supervisory authority shall waive the
2 supervision fees, including but not limited to those ordered pursuant to ORS 423.570.]

3 “(c) If the person is under the supervision of a community corrections agency or other local su-
4 pervisory authority, upon notification of completion from the community-based organization, the local
5 supervisory authority shall notify the community corrections agency and the community corrections
6 agency or local supervisory authority shall waive the supervision fees, including but not limited to those
7 ordered pursuant to ORS 423.570, and the local supervisory authority may waive all other fees to offset
8 the costs of supervision.]

9 “(d) (b) Upon notification of completion from the local supervisory authority, the court shall
10 update the record of monetary obligations imposed for the convictions to reflect a waiver of delin-
11 quent fees or debts.

12 “(8) If a person fails to meet the requirements of the community service exchange program:

13 “(a) The community-based organization shall notify the local supervisory authority and, if ap-
14 plicable, the local supervisory authority shall notify the community corrections agency or other lo-
15 cal supervisory authority. [Upon notification, the local supervisory authority or the community
16 corrections agency shall resume collection of the supervision fees, including but not limited to those
17 ordered pursuant to ORS 423.570.]

18 “(b) Within 30 days of the local supervisory authority’s receiving notification from the
19 community-based organization, the local supervisory authority shall notify the court of the county
20 in which the person was convicted.

21 “(c) Upon notification from the local supervisory authority, the court shall resume collection of
22 delinquent fees or debts.

23 “**SECTION 6.** ORS 144.102 is amended to read:

24 “144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory au-
25 thority responsible for correctional services for a person shall specify in writing the conditions of
26 post-prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the
27 person upon release from prison or jail.

28 “(2) The board or the supervisory authority shall determine, and may at any time modify, the
29 conditions of post-prison supervision, which may include, among other conditions, that the person
30 shall:

31 “(a) Comply with the conditions of post-prison supervision as specified by the board or supervi-
32 sory authority.

33 “(b) Be under the supervision of the Department of Corrections and its representatives or other
34 supervisory authority and abide by their direction and counsel.

35 “(c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

36 “(d) Report to the parole officer as directed by the board, the department or the supervisory
37 authority.

38 “(e) Not own, possess or be in control of any weapon.

39 “(f) Respect and obey all municipal, county, state and federal laws.

40 “(g) Understand that the board or supervisory authority may, at its discretion, punish violations
41 of post-prison supervision.

42 “(h) Attend a victim impact treatment session in a county that has a victim impact program.
43 [If the board or supervisory authority requires attendance under this paragraph, the board or super-
44 visory authority may require the person, as an additional condition of post-prison supervision, to pay
45 a reasonable fee to the victim impact program to offset the cost of the person’s participation. The board

1 *or supervisory authority may not order a person to pay a fee in excess of \$5 under this paragraph.]*

2 “(i) For crimes constituting delivery of a controlled substance, as those terms are defined in
3 ORS 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic vi-
4 olence, as defined in ORS 135.230, be prohibited from using Internet websites that provide any-
5 mous text message services.

6 “(3) If the person is required to report as a sex offender under ORS 163A.010, the board or su-
7 pervisory authority shall include as a condition of post-prison supervision that the person report
8 with the Department of State Police, a city police department, a county sheriff’s office or the
9 supervising agency:

10 “(a) When supervision begins;

11 “(b) Within 10 days of a change in residence;

12 “(c) Once each year within 10 days of the person’s date of birth;

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

15 “(e) Within 10 days of a change in work, vocation or attendance status at an institution of
16 higher education.

17 “(4)(a) The board or supervisory authority may establish special conditions that the board or
18 supervisory authority considers necessary because of the individual circumstances of the person on
19 post-prison supervision.

20 “(b) If the person is on post-prison supervision following conviction of a sex crime, as defined
21 in ORS 163A.005, the board or supervisory authority shall include all of the following as special
22 conditions of the person’s post-prison supervision:

23 “(A) Agreement to comply with a curfew set by the board, the supervisory authority or the
24 supervising officer.

25 “(B) A prohibition against contacting a person under 18 years of age without the prior written
26 approval of the board, supervisory authority or supervising officer.

27 “(C) A prohibition against being present more than one time, without the prior written approval
28 of the board, supervisory authority or supervising officer, at a place where persons under 18 years
29 of age regularly congregate.

30 “(D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
31 against being present, without the prior written approval of the board, supervisory authority or
32 supervising officer, at, or on property adjacent to, a school, child care center, playground or other
33 place intended for use primarily by persons under 18 years of age.

34 “(E) A prohibition against working or volunteering at a school, child care center, park, play-
35 ground or other place where persons under 18 years of age regularly congregate.

36 “(F) Entry into and completion of or successful discharge from a sex offender treatment program
37 approved by the board, supervisory authority or supervising officer. The program may include
38 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-
39 gram.

40 “(G) A prohibition against direct or indirect contact with the victim, unless approved by the
41 victim, the person’s treatment provider and the board, supervisory authority or supervising officer.

42 “(H) Unless otherwise indicated for the treatment required under subparagraph (F) of this par-
43 agraph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual
44 or auditory materials that are relevant to the person’s deviant behavior.

45 “(I) Agreement to consent to a search of the person or the vehicle or residence of the person

1 upon the request of a representative of the board or supervisory authority if the representative has
2 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision
3 will be found.

4 “(J) Participation in random polygraph examinations to obtain information for risk management
5 and treatment. The person is responsible for paying the expenses of the examinations. The results
6 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
7 prove a violation of post-prison supervision.

8 “(K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
9 approved by the board, supervisory authority or supervising officer.

10 “(L) A prohibition against using a post-office box unless approved by the board, supervisory
11 authority or supervising officer.

12 “(M) A prohibition against residing in a dwelling in which another sex offender who is on pro-
13 bation, parole or post-prison supervision resides unless approved by the board, supervisory authority
14 or supervising officer, or in which more than one other sex offender who is on probation, parole or
15 post-prison supervision resides unless approved by the board or the director of the supervisory au-
16 thority, or a designee of the board or director. As soon as practicable, the supervising officer of a
17 person subject to the requirements of this subparagraph shall review the person’s living arrange-
18 ment with the person’s sex offender treatment provider to ensure that the arrangement supports the
19 goals of offender rehabilitation and community safety.

20 “(c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined
21 in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
22 years of age, the board or supervisory authority, if requested by the victim, shall include as a special
23 condition of the person’s post-prison supervision that the person not reside within three miles of the
24 victim unless:

25 “(i) The victim resides in a county having a population of less than 130,000 and the person is
26 required to reside in that county under subsection (7) of this section;

27 “(ii) The person demonstrates to the board or supervisory authority by a preponderance of the
28 evidence that no mental intimidation or pressure was brought to bear during the commission of the
29 crime;

30 “(iii) The person demonstrates to the board or supervisory authority by a preponderance of the
31 evidence that imposition of the condition will deprive the person of a residence that would be
32 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison
33 supervision; or

34 “(iv) The person resides in a halfway house.

35 “(B) A victim may request imposition of the special condition of post-prison supervision de-
36 scribed in this paragraph at the time of sentencing in person or through the prosecuting attorney.
37 A victim’s request may be included in the judgment document.

38 “(C) If the board or supervisory authority imposes the special condition of post-prison super-
39 vision described in this paragraph and if at any time during the period of post-prison supervision the
40 victim moves to within three miles of the person’s residence, the board or supervisory authority may
41 not require the person to change the person’s residence in order to comply with the special condi-
42 tion of post-prison supervision.

43 “(d)(A) If a person is on post-prison supervision following conviction of stalking under ORS
44 163.732 (2)(b) or violating a court’s stalking protective order under ORS 163.750 (2)(b), the board or
45 supervisory authority may include as a special condition of the person’s post-prison supervision

1 reasonable residency restrictions.

2 “(B) If the board or supervisory authority imposes the special condition of post-prison super-
3 vision described in this paragraph and if at any time during the period of post-prison supervision the
4 victim moves to a location that causes the person to be in violation of the special condition of
5 post-prison supervision, the board or supervisory authority may not require the person to change the
6 person’s residence in order to comply with the special condition of post-prison supervision.

7 “(5)(a) The board or supervisory authority may require the person to pay, as a condition of
8 post-prison supervision, compensatory fines, restitution or attorney fees:

9 “(A) As determined, imposed or required by the sentencing court; or

10 “(B) When previously required as a condition of any type of supervision that is later revoked.

11 “(b) The board may require a person to pay restitution as a condition of post-prison supervision
12 imposed for an offense other than the offense for which the restitution was ordered if the person:

13 “(A) Was ordered to pay restitution as a result of another conviction; and

14 “(B) Has not fully paid the restitution by the time the person has completed the period of post-
15 prison supervision imposed for the offense for which the restitution was ordered.

16 “(6) A person’s failure to apply for or accept employment at a workplace where there is a labor
17 dispute in progress does not constitute a violation of the conditions of post-prison supervision.

18 “(7)(a) When a person is released from imprisonment on post-prison supervision, the board shall
19 order as a condition of post-prison supervision that the person reside for the first six months after
20 release in the county that last supervised the person, if the person was on active supervision as an
21 adult for a felony at the time of the offense that resulted in the imprisonment.

22 “(b) If the person was not on active supervision as an adult for a felony at the time of the of-
23 fense that resulted in the imprisonment, the board shall order as a condition of post-prison super-
24 vision that the person reside for the first six months after release in the county where the person
25 resided at the time of the offense that resulted in the imprisonment.

26 “(c) For purposes of paragraph (b) of this subsection:

27 “(A) The board shall determine the county where the person resided at the time of the offense
28 by examining records such as:

29 “(i) An Oregon driver license, regardless of its validity;

30 “(ii) Records maintained by the Department of Revenue;

31 “(iii) Records maintained by the Department of State Police;

32 “(iv) Records maintained by the Department of Human Services;

33 “(v) Records maintained by the Department of Corrections; and

34 “(vi) Records maintained by the Oregon Health Authority.

35 “(B) If the person did not have an identifiable address at the time of the offense, or the address
36 cannot be determined, the person is considered to have resided in the county where the offense oc-
37 curred.

38 “(C) If the person is serving multiple sentences, the county of residence is determined according
39 to the date of the last arrest resulting in a conviction.

40 “(D) In determining the person’s county of residence, the board may not consider offenses com-
41 mitted by the person while the person was incarcerated in a Department of Corrections facility.

42 “(d) Upon motion of the board, the supervisory authority, the person, a victim or a district at-
43 torney, the board may waive the residency condition under paragraph (b) of this subsection only
44 after making a finding that one of the following conditions has been met:

45 “(A) The person provides proof of employment with no set ending date in a county other than

1 the county of residence determined under paragraph (c) of this section;

2 “(B) The person is found to pose a significant danger to a victim of the person’s crime residing
3 in the county of residence, or a victim or victim’s family residing in the county of residence is found
4 to pose a significant danger to the person;

5 “(C) The person has a spouse or biological or adoptive family residing in a county other than
6 the county of residence who will be materially significant in aiding in the rehabilitation of the per-
7 son and in the success of the post-prison supervision;

8 “(D) As another condition of post-prison supervision, the person is required to participate in a
9 treatment program that is not available in the county of residence;

10 “(E) The person requests release to another state; or

11 “(F) The board finds other good cause for the waiver.

12 “(e) The board shall consider eligibility for transitional housing programs and residential treat-
13 ment programs when determining whether to waive the residency condition under paragraph (b) of
14 this subsection, and the acceptance of the person into a transitional housing program or a residen-
15 tial treatment program constitutes good cause as described in paragraph (d)(F) of this subsection.

16 “(8) As used in this section:

17 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and ‘works’ have the
18 meanings given those terms in ORS 163A.005.

19 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

20 “(B) ‘Dwelling’ does not mean a residential treatment facility or a halfway house.

21 “(c) ‘Halfway house’ means a residential facility that provides rehabilitative care and treatment
22 for sex offenders.

23 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

24 “**SECTION 7.** ORS 144.103 is amended to read:

25 “144.103. (1) Except as otherwise provided in ORS 137.765 and subsection (2) of this section, any
26 person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365,
27 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of active post-prison
28 supervision that continues until the term of the post-prison supervision, when added to the term of
29 imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

30 “(2)(a) A person sentenced to a term of imprisonment for violating one of the offenses listed in
31 paragraph (b) of this subsection shall serve a term of post-prison supervision that continues for the
32 rest of the person’s life if the person was at least 18 years of age at the time the person committed
33 the crime.

34 “(b) The offenses to which paragraph (a) of this subsection applies are:

35 “(A) ORS 163.375 (1)(b);

36 “(B) ORS 163.405 (1)(b);

37 “(C) ORS 163.411 (1)(b); and

38 “(D) ORS 163.235 when the offense is committed in furtherance of the commission or attempted
39 commission of rape in the first degree, sodomy in the first degree or unlawful sexual penetration in
40 the first degree if the victim is under 12 years of age.

41 “(c) When a person is sentenced to a term of post-prison supervision described in paragraph (a)
42 of this subsection, the person must be actively supervised for at least the first 10 years of the
43 post-prison supervision and actively tracked for the remainder of the term. Active tracking may be
44 done by means of an electronic device attached to the person.

45 “(3) A person sentenced to a term of imprisonment for violating ORS 163.185 (1)(b) shall serve

1 a term of post-prison supervision that continues until the term of the post-prison supervision, when
2 added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for
3 the violation.

4 “*[(4) Any costs incurred as a result of this section shall be paid by increased post-prison super-
5 vision fees under ORS 423.570.]*”

6 “**SECTION 8. The amendments to ORS 133.865, 137.540, 137.630, 144.089, 144.102 and 144.103
7 by sections 2 to 7 this 2021 Act and the repeal of ORS 423.570 by section 1 of this 2021 Act
8 apply to sentences imposed on or after the effective date of this 2021 Act.**”

9
