

Enrolled
Senate Bill 1122

Sponsored by COMMITTEE ON JUDICIARY

CHAPTER

AN ACT

Relating to sex offender risk assessments; creating new provisions; amending ORS 163A.100 and 163A.105; and declaring an emergency.

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

SECTION 1. ORS 163A.100 is amended to read:

163A.100. The State Board of Parole and Post-Prison Supervision shall, in consultation with community corrections agencies, adopt by rule a sex offender risk assessment methodology for use in classifying sex offenders. **The methodology may consider exclusively the risk the sex offender presented at the time the sex offender was released from custody, sentenced or otherwise discharged from the jurisdiction of a court of this state, or another United States court, for the crime or act for which the sex offender is required to report.** Application of the risk assessment methodology to a sex offender must result in placing the sex offender in one of the following levels:

- (1) A level one sex offender who presents, **or presented at the time of release, sentencing or discharge,** the lowest risk of reoffending and requires a limited range of notification.
- (2) A level two sex offender who presents, **or presented at the time of release, sentencing or discharge,** a moderate risk of reoffending and requires a moderate range of notification.
- (3) A level three sex offender who presents, **or presented at the time of release, sentencing or discharge,** the highest risk of reoffending and requires the widest range of notification.

SECTION 2. ORS 163A.105 is amended to read:

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

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

(3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security Review Board shall assess the person utilizing the risk assessment methodology described in ORS

163A.100 and apply the results of the assessment to place the person in one of the levels described in ORS 163A.100 no later than 90 days after the person is:

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

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

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

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

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

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

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

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

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

(6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or a supervisory authority may reassess or reclassify a person placed in one of the levels described in ORS 163A.100 under this section if:

(a) The classifying board or authority determines that a factual mistake caused an erroneous assessment or classification; **or**

(b) The person has committed a sexually motivated rule violation while in custody, has committed a sexually motivated violation of a condition of probation, parole or post-prison supervision or has been arrested for or charged with a sex crime.

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

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

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

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

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

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

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

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

SECTION 3. The amendments to ORS 163A.100 by section 1 of this 2025 Act apply to sex offenders released from custody, sentenced or otherwise discharged from the jurisdiction of a court of this state, or another United States court, for the crime or act for which the sex offender is required to report, before, on or after the effective date of this 2025 Act.

SECTION 4. The State Board of Parole and Post-Prison Supervision may reassess and reclassify, in accordance with the amendments to ORS 163A.100 by section 1 of this 2025 Act, any sex offender who was previously assessed and classified on or after July 10, 2024.

SECTION 5. This 2025 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect on its passage.

Passed by Senate April 3, 2025

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Obadiah Rutledge, Secretary of Senate

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Rob Wagner, President of Senate

Passed by House May 15, 2025

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Julie Fahey, Speaker of House

Received by Governor:

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Approved:

.....M,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2025

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Tobias Read, Secretary of State