

Senate Bill 821

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for State Board of Parole and Post-Prison Supervision)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act takes away the deadline for the parole board to assess some sex offenders into a risk level. The Act also repeals the sunset on the law that makes the board report to the legislature on risk level assessments every two years. (Flesch Readability Score: 61.0).

Removes the deadline by which the State Board of Parole and Post-Prison Supervision is required to assess existing sex offender registrants into a risk level.

Repeals the sunset on the requirement that the board report biennially to the Legislative Assembly on risk assessments.

A BILL FOR AN ACT

1
2 Relating to sex offender risk levels; amending section 7, chapter 708, Oregon Laws 2013, and section
3 2, chapter 430, Oregon Laws 2019; and repealing section 22, chapter 430, Oregon Laws 2019.

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

5 **SECTION 1.** Section 7, chapter 708, Oregon Laws 2013, as amended by section 27, chapter 820,
6 Oregon Laws 2015, section 31, chapter 442, Oregon Laws 2017, section 1, chapter 488, Oregon Laws
7 2017, and section 1, chapter 430, Oregon Laws 2019, 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 meaning given that term
10 in ORS 163A.110.

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

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

18 (b) The board shall classify an existing registrant as a level three sex offender under ORS
19 163A.100 (3), if:

20 (A) The person was previously designated a predatory sex offender and the designation was
21 made after the person was afforded notice and an opportunity to be heard as to all factual questions
22 at a meaningful time and in a meaningful manner; or

23 (B) The person is a sexually violent dangerous offender under ORS 137.765.

24 (c) The Psychiatric Security Review Board may complete the risk assessment of an existing
25 registrant who is under the jurisdiction of the Psychiatric Security Review Board, regardless of
26 whether the person has been found guilty except for insanity of a sex crime or was previously con-
27 victed of a sex crime, if the State Board of Parole and Post-Prison Supervision and the Psychiatric

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

1 Security Review Board mutually agree that the Psychiatric Security Review Board has adequate
 2 resources to perform the assessment and that the performance of the assessment by the Psychiatric
 3 Security Review Board would assist in classifying the existing registrant in a more timely manner.

4 (3) As soon as practicable following the classification of an existing registrant under this sec-
 5 tion, the classifying board shall notify the person of the classification by mail.

6 (4)(a) An existing registrant who seeks review of a classification made under this section as a
 7 level two or level three sex offender as described in ORS 163A.100 may petition the classifying board
 8 for review. The petition may be filed no later than 60 days after the board provides the notice de-
 9 scribed in subsection (3) of this section.

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

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

15 (5) The boards shall adopt rules to carry out the provisions of this section.

16 *[(6) An existing registrant may not petition for reclassification or relief from the obligation to re-
 17 port as a sex offender as provided in ORS 163A.125 until either all existing registrants have been
 18 classified in one of the levels described in ORS 163A.100 or December 1, 2018, whichever occurs
 19 first.]*

20 *[(7) Notwithstanding ORS 163A.225 or any other provision of law, the Department of State Police
 21 may until December 1, 2018, continue to use the Internet to make information available to the public
 22 concerning any adult sex offender designated as predatory as authorized by the law in effect on De-
 23 cember 31, 2013.]*

24 *[(8)(a)]* **(6)(a)** If the State Board of Parole and Post-Prison Supervision or the Psychiatric Secu-
 25 rity Review Board does not classify an existing registrant under ORS 163A.100 because the person
 26 has failed or refused to participate in a sex offender risk assessment as directed by the State Board
 27 of Parole and Post-Prison Supervision or the Psychiatric Security Review Board, the appropriate
 28 board shall classify the person as a level three sex offender under ORS 163A.100 (3).

29 (b) If an existing registrant classified as a level three sex offender under this subsection notifies
 30 the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board of
 31 the willingness to participate in a sex offender risk assessment, the appropriate board shall perform
 32 the assessment and classify the existing registrant in one of the levels described in ORS 163A.100.

33 *[(9)]* **(7)** The State Board of Parole and Post-Prison Supervision or the Psychiatric Security Re-
 34 view Board may reassess or reclassify an existing registrant placed in one of the levels described
 35 in ORS 163A.100 under this section if the classifying board determines that a factual mistake caused
 36 an erroneous assessment or classification.

37 **SECTION 2.** Section 2, chapter 430, Oregon Laws 2019, is amended to read:

38 **Sec. 2.** *[Beginning February 1, 2021, and biennially thereafter,]* The State Board of Parole and
 39 Post-Prison Supervision shall **biennially** report to the Legislative Assembly, in the manner provided
 40 in ORS 192.245, on:

41 (1) The progress made in assessing and classifying existing registrants as defined in section 7,
 42 chapter 708, Oregon Laws 2013, and other sex offenders the board is directed to assess and classify
 43 under ORS 163A.105, 163A.110 and 163A.115; and

44 (2) Efforts to reduce the cost and increase the efficiency and accuracy of the assessments.

45 **SECTION 3. Section 22, chapter 430, Oregon Laws 2019, is repealed.**

