



Oregon

Tina Kotek, Governor

Board of Parole and Post-Prison Supervision

1321 Tandem Ave. NE

Salem, OR 97301

(503) 945-0900

<http://egov.oregon.gov/BOPPPS>

February 27, 2025

The Honorable Senator Prozanski, Chair
The Honorable Senator Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

Re: Testimony in support of SB 821- *Take out deadline for classifying sex offender registrants with historical convictions.*

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

Under ORS 163A, Section 7, Chapter 708, Oregon Laws 2013, the Board is required to complete the risk assessment and classification of all registered Oregon sex offenders (termed “registrants”) into a “notification” level. This includes assessing all historically accumulated registrants who were required to register prior to January 1, 2014 (termed “existing registrants”).

House Bill (HB) 2549, which passed in 2013, created the Sex Offender Notification Leveling Program. In 2015, HB 2320 moved the management of the program to the Board of Parole and Post-Prison Supervision (Board). HB 2549 and HB 2320 changed existing law to require the Board to classify most registrants into one of three Notification Levels:

- Level 1 for registrants who present the lowest risk for reoffending sexually and require a limited range of notification.
- Level 2 for registrants who present a moderate risk for reoffending sexually and require a moderate range of notification.
- Level 3 for registrants who present the highest risk for reoffending sexually and require the widest range of notification.

It is important to note that the requirement to register as a sex offender in Oregon is separate from the notification level process. Accordingly, all registrants in Oregon are required to register as a sex offender, regardless as to whether they have been classified into a Notification Level. Under ORS 163A, Section 7, Chapter 708, Oregon Laws 2013, the Board is required to complete the classification of all registered Oregon sex offenders into one of the three notification levels, as well as classifying all historically accumulated registrants who were required to register prior to January 1, 2014. The statute requires the Board to classify all of the existing registrants by December 1, 2026. SB 821 removes this deadline.

The Board uses the Static99-R risk assessment for the majority of classifications. The Static99-R is one of the most widely used risk assessment tools in the world used to identify risk for sexual recidivism. The Board is unable to use the Static99-R for approximately 10% of the registrant population. As the Static99-R is not designed to be used for individuals who committed their sexual offense as a juvenile,

female sexual offenders, and for individuals who commit certain specific sexual offenses, the Board contracts with evaluators who do assessments on those populations.

The Board currently has six Board Assessment Specialists (BAS) who conduct the classification of registrants using the Static99-R. The process of classifying a registrant using the Static99-R is time intensive. The following chart demonstrates the multiple steps BAS must follow when completing a classification:

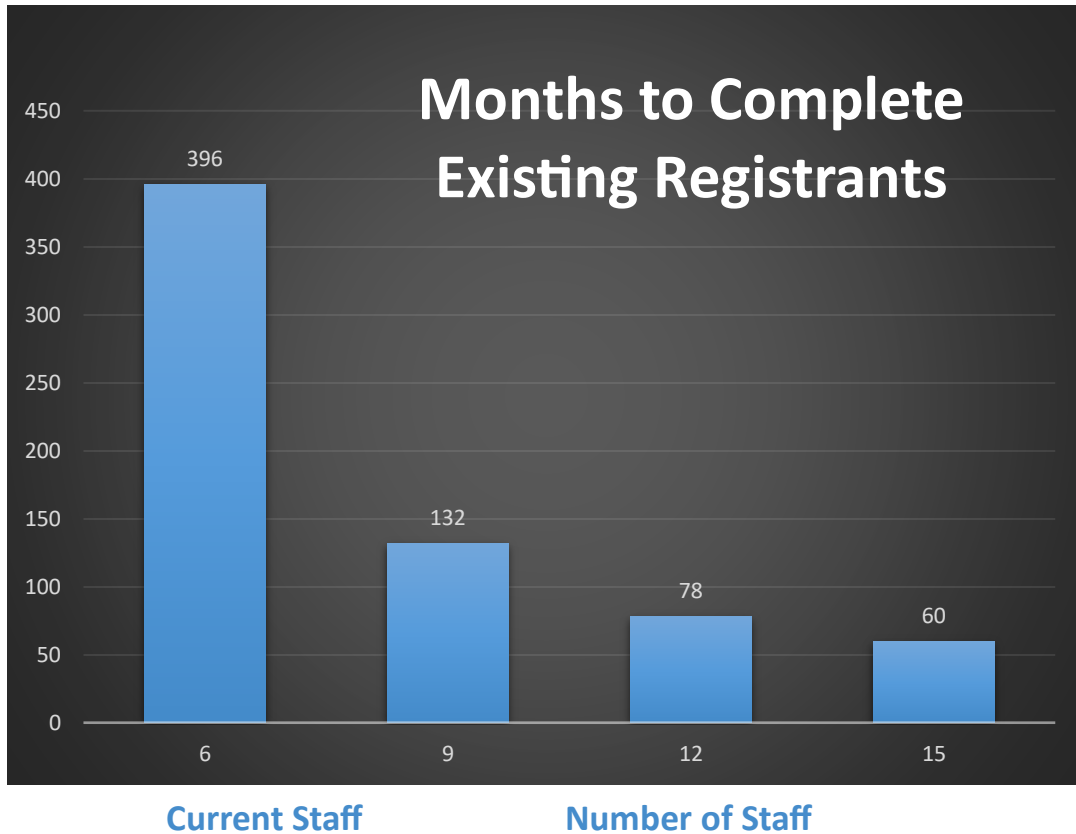
STATIC-99R:
The Board uses the Static-99R actuarial assessment to determine the risk of adult male sex offenders to reoffend. The Static-99R requires a large amount of research and investigation before it can be completed and scored. Below is a brief overview of the process for each assessment:

<ol style="list-style-type: none">1. Open File<ul style="list-style-type: none">▪ Confirm registrant is alive▪ Run LEDS/NCIC2. Gather Board Records3. Locate Registrant<ul style="list-style-type: none">▪ Send questionnaire to registrant Wait for response4. Request Records <i>(that the Board does not have on file)</i><ul style="list-style-type: none">▪ Review each report received to determine whether additional information/resources are necessary and order appropriate reports5. Score Static-99R	<ol style="list-style-type: none">6. Send Notice of Rights<ul style="list-style-type: none">▪ 60 days for response7. Waiver of Review<ul style="list-style-type: none">▪ Prepare final order for Board signature▪ Enter Static-99R into DOC4008. Written Objections / Request for Review<ul style="list-style-type: none">▪ Hearings officer will review and respond to objections and complete report Process mirrors initial<ul style="list-style-type: none">▪ assessment process▪ Hearings officer will prepare final order for Board signature9. Final Order Signed by Board10. Order Transmitted to OSP
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As of February 1, 2025, the Board has completed approximately 15,458 registrant classifications since the passage of HB 2549. There are about 18,000 unclassified sex offenders on the Oregon registry of which approximately 5,591 neither live, work or go to school in Oregon. ORS 163A requires the Board to complete assessments on all individuals releasing from custody, registrants who have new convictions, as well as any registrant who moves into, works in, or goes to school in Oregon. The Board prioritizes these cases for community safety reasons and consistently meets this statutory requirement. Oregon adds approximately 100 of these new registrants to the registry each month. There are approximately 12,591 unclassified registrants who live in Oregon and who are not incarcerated. Currently, 1 Board Assessment Specialist can consistently complete about 22 assessments and classifications a month. Current staffing level can keep up with new registrants and make small headway on the existing registrant population.

Senate Bill 821 removes the deadline for the Parole Board to classify the remaining existing registrants. Regardless of the passage of Senate Bill 821, the Board is committed to focusing resources on the registrants who research shows present a higher risk to community safety as captured in the Static99-R or in person evaluations. These include those registrants who have multiple separate sex offense convictions, are younger in age, and who are releasing from Department of Corrections custody on any crime.


The Board will be unable to meet the December 1, 2026 deadline to classify the existing registrants even with an influx of significant resources. The below chart demonstrates the number of months it would take to classify all remaining registrants the Board is responsible for classifying with subsequent changes in staffing levels.



Due to many years of desistance, many registrants with historical offenses, excluding those convicted of multiple separate sex offense convictions, are at lower risk to recidivate than current Level 1 registrants (Per CJC data 2023). The Board has been prioritizing the existing registrant population with multiple separate sex offense conviction dates, and the Board has classified the majority of them. The bill does not affect the registrant’s obligation to register with the Oregon State Police or otherwise follow their conditions of supervision. Additionally, no registrant will be provided a hearing for relief from the obligation to register without first being classified by the Board.

Respectfully,


John Bailey, Chairperson


Dylan Arthur, Executive Director