

Chapter 163A

2017 EDITION

Sex Offender Reporting and Classification

REPORTING

- 163A.005 Definitions for ORS 163A.005 to 163A.235
- 163A.010 Reporting by sex offender discharged, paroled or released from correctional facility or another United States jurisdiction
- 163A.015 Reporting by sex offender discharged, released or placed on probation by court or another United States jurisdiction
- 163A.020 Reporting by sex offender upon moving into state; reporting by certain nonresidents and certain residents
- 163A.025 Reporting by sex offender adjudicated in juvenile court
- 163A.030 Hearing on issue of reporting by sex offender adjudicated in juvenile court; right to counsel
- 163A.035 Registration forms; Department of State Police to provide; distribution of information; rules; fee
- 163A.040 Failure to report as sex offender; defense
- 163A.045 Purpose of sex offender reporting obligation; rules
- 163A.050 Notice of reporting obligation to be given by court; procedure at intake
- 163A.055 Notice required when offender moves to another state
- 163A.060 Offender profiling
- 163A.065 Immunity

CLASSIFICATION

- 163A.100 Risk assessment methodology; rules
- 163A.105 When risk assessments performed; classification into risk level; review; rules
- 163A.110 Applicability of ORS 163A.105
- Note Existing registrants--2013 c.708 §7
- 163A.115 When certain classification required; persons ineligible for relief from reporting obligation

RECLASSIFICATION AND RELIEF FROM REPORTING

- 163A.120 Relief from reporting obligation
- 163A.125 Relief from reporting obligation for sex offenders classified under ORS 163A.100; reclassification; procedure
- 163A.130 Relief from reporting obligation for juvenile offenders adjudicated in Oregon
- 163A.135 Relief from reporting obligation for juvenile offenders adjudicated in another United States jurisdiction
- 163A.140 Relief from reporting obligation; circumstances; order
- 163A.145 Procedure for relief under ORS 163A.140; upon conviction or adjudication
- 163A.150 Procedure for relief under ORS 163A.140; after conviction or adjudication; testimony of victim

PROVISION OF RECORDS BY AGENCIES

- 163A.200 Provision of records by Psychiatric Security Review Board and Oregon Health Authority
- 163A.205 Provision of records by Oregon Health Authority
- 163A.210 Provision of records by Oregon Youth Authority and juvenile department

RELEASE OF INFORMATION

- 163A.215 Release of sex offender information according to classification
- 163A.220 Internet website
- 163A.225 Release of information concerning sex offender adjudicated in juvenile court
- 163A.230 Victim access to sex offender information; toll-free telephone number
- 163A.235 Agreements to resolve concerns about community notification

REPORTING

163A.005 Definitions for ORS 163A.005 to 163A.235. As used in ORS 163A.005 to 163A.235:

(1) "Another United States court" means a federal court, a military court, the tribal court of a federally recognized Indian tribe or a court of:

- (a) A state other than Oregon;
- (b) The District of Columbia;
- (c) The Commonwealth of Puerto Rico;
- (d) Guam;
- (e) American Samoa;
- (f) The Commonwealth of the Northern Mariana Islands; or
- (g) The United States Virgin Islands.

(2) "Attends" means is enrolled on a full-time or part-time basis.

(3)(a) "Correctional facility" means any place used for the confinement of persons:

(A) Charged with or convicted of a crime or otherwise confined under a court order.

(B) Found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a crime.

(b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after being found guilty except for insanity under ORS 161.290 to 161.370 or responsible except for insanity under ORS 419C.411.

(4) "Institution of higher education" means a public or private educational institution that provides a program of post-secondary education.

(5) "Sex crime" means:

- (a) Rape in any degree;
- (b) Sodomy in any degree;
- (c) Unlawful sexual penetration in any degree;
- (d) Sexual abuse in any degree;
- (e) Incest with a child victim;
- (f) Using a child in a display of sexually explicit conduct;
- (g) Encouraging child sexual abuse in any degree;
- (h) Transporting child pornography into the state;
- (i) Paying for viewing a child's sexually explicit conduct;
- (j) Compelling prostitution;
- (k) Promoting prostitution;

(L) Kidnapping in the first degree if the victim was under 18 years of age;

(m) Contributing to the sexual delinquency of a minor;

(n) Sexual misconduct if the offender is at least 18 years of age;

(o) Possession of materials depicting sexually explicit conduct of a child in the first degree;

(p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;

(q) Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender;

(r) Luring a minor, if:

(A) The offender reasonably believed the minor or, in the case of a police officer or agent of a police officer posing as a minor, the purported minor to be more than five years younger than the offender or under 16 years of age; and

(B) The court designates in the judgment that the offense is a sex crime;

(s) Sexual assault of an animal;

(t) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection;

(u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);

(v) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to ORS 163.413 (3)(d), or the offense is the defendant's second or subsequent conviction under ORS 163.413 (3)(b)(B);

(w) Invasion of personal privacy in the first degree, if the court designates the offense as a sex crime pursuant to ORS 163.701 (3);

(x) Any attempt to commit any of the crimes listed in paragraphs (a) to (w) of this subsection;

(y) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to (w) of this subsection; or

(z) Criminal conspiracy if the offender agrees with one or more persons to engage in or cause the performance of an offense listed in paragraphs (a) to (w) of this subsection.

(6) "Sex offender" means a person who:

- (a) Has been convicted of a sex crime;
- (b) Has been found guilty except for insanity of a sex crime;
- (c) 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; or

(d) Is described in ORS 163A.025 (1).

(7) "Works" or "carries on a vocation" means full-time or part-time employment for more than 14 days within one calendar year whether financially compensated, volunteered or for the purpose of governmental or educational benefit. [Formerly 181.805]

163A.010 Reporting by sex offender discharged, paroled or released from correctional facility or another United States jurisdiction. (1) The agency to which a person reports under subsection (3) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (3) of this section.

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

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

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

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

(b) Is paroled to this state under ORS 144.610 after being 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; or

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

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

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

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

(C) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

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

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

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

(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision or custody authorized by law, the Oregon Youth Authority may authorize a youth offender committed to its supervision and custody by order of the juvenile court or a person placed in its physical custody under ORS 137.124 or any other provision of law to report to the authority regardless of the youth offender's or the person's last reported residence.

(d) In the event that a person reports to the authority under this subsection, the authority shall register the person.

(e) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

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

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

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police. [Formerly 181.806; 2016 c.95 §4]

163A.015 Reporting by sex offender discharged, released or placed on probation by court or another United States jurisdiction. (1) The agency to which a person reports under subsection (4) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (4) of this section.

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

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

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

(c) To or in this state under ORS 144.610 after being 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, regardless of whether the crime would constitute a sex crime in this state.

(3) The court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.010 or this section. No later than three working days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

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

(A) Within 10 days following discharge, release or placement on probation;

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

(C) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

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

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

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

(c) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, the city police department or the county sheriff's office:

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

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police. [Formerly 181.807]

163A.020 Reporting by sex offender upon moving into state; reporting by certain nonresidents and certain residents. (1)(a) When a person described in subsection (6) of this section moves into this state and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence:

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

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

(C) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

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

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

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

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

(A) The first day of school attendance or the 14th day of employment in this state; and

(B) A change in school enrollment or employment.

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

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

(A) Within 10 days following:

(i) Discharge, release on parole or release on any form of supervised or conditional release, from a jail, prison or other correctional facility or detention facility; or

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

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

(C) Once each year within 10 days of the person's birth date, regardless of whether the person has changed residence;

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

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

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

(4) When a person reports under this section, the agency to which the person reports shall complete a sex offender registration form concerning the person.

(5) The obligation to report under this section terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(6) Subsections (1) to (5) of this section apply to a person 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.

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

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, the city police department or the county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section, each time the person reports annually under subsection (1)(a)(C) or (3)(a)(C) of this section and each time the person reports under subsection (2)(a)(B) of this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police. [Formerly 181.808]

163A.025 Reporting by sex offender adjudicated in juvenile court. (1) A person found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that, if committed by an adult, would constitute a felony sex crime shall report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to report, if:

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

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

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

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

(2) A person described in subsection (1)(a) or (d) of this section, or a person described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, who resides in this state shall make an initial report, in person, to the Department of State Police, a city police department or a county sheriff's office as follows:

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

(b) If the person is adjudicated for the act giving rise to the obligation to report in another United States court and the person is found to have committed an act that if committed by an adult in this state would constitute:

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

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later

than 10 days after the date the person moves into this state; or

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

(B) A Class C felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than six months after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility; or

(c) For persons described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, the person shall report no later than 120 days after April 4, 2016.

(3) After making the initial report described in subsection (2) of this section or, for a person described in subsection (1)(c) of this section who made an initial report prior to April 4, 2016, or a person described in subsection (1)(b) of this section, beginning after April 4, 2016, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence:

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

(b) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

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

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

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

(a) The first day of school attendance or the 14th day of employment in this state; and

(b) A change in school enrollment or employment.

(5) The agency to which a person reports under this section shall complete a sex offender registration form concerning the person when the person reports under this section.

(6) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

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

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

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

(7) The obligation to report under this section is terminated if the adjudication that gave rise to the obligation is reversed or vacated.

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

(a) The Oregon Youth Authority may authorize a youth offender committed to its

custody and supervision by order of the juvenile court, or a person placed in its physical custody under ORS 137.124 or any other provision of law, to report to the authority regardless of the youth offender's or the person's last reported residence.

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

(c) In the event that a person reports to the authority or the department under this subsection, the authority or the department shall register the person. [Formerly 181.809; 2016 c.95 §1]

163A.030 Hearing on issue of reporting by sex offender adjudicated in juvenile court; right to counsel.

(1)(a) Except as provided in subsection (6) of this section, the juvenile court shall hold a hearing on the issue of reporting as a sex offender by a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that if committed by an adult would constitute a felony sex crime if:

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

(B) The person was adjudicated before August 12, 2015, and was still under the jurisdiction of the juvenile court or the Psychiatric Security Review Board on April 4, 2016.

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

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

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

(c) The court shall notify the person of the person's right to a hearing under this section upon finding the person within the jurisdiction of the juvenile court under ORS 419C.005.

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

(b) If the Psychiatric Security Review Board discharges a person prior to the end of the board's jurisdiction over the person,

the board shall notify the juvenile court within three business days after the discharge date.

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

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

(b) Set an initial hearing date; and

(c) Notify the parties and the juvenile department or the Psychiatric Security Review Board, if the department or board is supervising or has jurisdiction over the person, of the hearing at least 60 days before the hearing date.

(4)(a) A person who is the subject of a hearing under this section has the right to be represented by a suitable attorney possessing skills and experience commensurate with the nature and complexity of the case, to consult with the attorney prior to the hearing and, if financially eligible, to have a suitable attorney appointed at state expense.

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

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

(B) Set a date prior to the hearing under this section in order to reappoint the attorney appointed under ORS 419C.200; or

(C) Appoint or reappoint an attorney at any time in response to a request by the person who is the subject of a hearing under this section.

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

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

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

(B) The person's board defense attorney; and

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

(6)(a) A person may waive the right to the hearing described in this section after consultation with the person's attorney. If the court finds that the person has knowingly waived the right to a hearing, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

(b) If a person fails to appear at a hearing described in this section, the court may

enter an order requiring the person to report as a sex offender under ORS 163A.025.

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

(a) The district attorney, the victim, the person and the juvenile department or a representative of the Oregon Youth Authority shall have an opportunity to be heard.

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

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

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

(b) The nature of the act that subjected the person to the duty of reporting as a sex offender;

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

(d) Whether the act was premeditated;

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

(f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;

(g) The vulnerability of the victim;

(h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;

(i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;

(j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;

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

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

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

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

(C) The person's compliance with court, board or supervision requirements regarding treatment; and

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

(m) The person's academic and employment history;

(n) The person's use of drugs or alcohol before and after the adjudication;

(o) The person's history of public or private indecency;

(p) The person's compliance with and success in completing the terms of supervision;

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

(r) The protection afforded the public by records of sex offender registration; and

(s) Any other relevant factors.

(9) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence is relevant evidence related to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

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

(A) Evaluations and treatment records concerning the person conducted by a clinician or program operating under the standards of practice for the evaluation and treatment of juvenile sex offenders adopted by the Sex Offender Treatment Board under ORS 675.400, and recommendations contained therein regarding the need for the person to register in order to protect the public from future sex crimes;

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

(C) The Psychiatric Security Review Board exhibit file.

(b) Any records and materials filed with the court under this subsection shall be

made available to the parties in accordance with ORS 419A.255.

(11) When the juvenile court enters an order described in subsection (7)(b) of this section, the court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.025. No later than three business days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

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

(13) As used in this section, "parties" means the person, the state as represented by the district attorney or the juvenile department, and the Oregon Youth Authority or other child care agency, if the person is temporarily committed to the authority or agency. [2015 c.820 §31; 2016 c.95 §2]

Note: Sections 3 and 10, chapter 95, Oregon Laws 2016, provide:

Sec. 3. (1) A person found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that, if committed by an adult, would constitute a felony sex crime, who was adjudicated before August 12, 2015, and was still under the jurisdiction of the juvenile court on August 12, 2015, and who ceased to be under the jurisdiction of the juvenile court before the effective date of this 2016 Act [April 4, 2016], is entitled to a hearing on the issue of reporting as a sex offender as described in this section.

(2)(a) A county or state agency that was responsible for supervising or that had jurisdiction over a person described in subsection (1) of this section while the person was under juvenile court or Psychiatric Security Review Board jurisdiction shall, within 90 days of the effective date of this 2016 Act:

(A) Send written notice of the right to a hearing to the last-known address of the person and to the person's most recent attorney of record, if available. The notice shall inform the person that, in order to have a hearing, the person must file a written request for the hearing with the juvenile court. The notice must also inform the person that the person shall report as required under ORS 163A.025 beginning 120 days after the effective date of this 2016 Act.

(B) Send written notice to the juvenile court identifying the person.

(b) Upon receiving the notice described in paragraph (a) of this subsection, the court shall appoint an attorney for the person for the limited purpose of assisting the person to decide whether to file, and to file, a request for a hearing under this section.

(3) Upon receiving a written request from a person for a hearing under this section, and after confirming the person's eligibility for the hearing, the court shall:

(a) Appoint an attorney for the person in accordance with ORS 163A.030 (4);

(b) Set an initial hearing date within six months after receiving the request; and

(c) Notify the parties and the juvenile department or the Psychiatric Security Review Board, if the de-

partment or board supervised or had jurisdiction over the person, of the hearing date.

(4)(a) The district attorney shall notify the victim prior to a hearing under this section of the right to appear and the right to be heard under ORS 419C.273.

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

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

(B) The person's board defense attorney; and

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

(5) A person may waive the right to the hearing described in this section after consultation with the person's attorney. If the court finds that the person has knowingly waived the right to a hearing, the court shall enter an order requiring the person to report as a sex offender as required under ORS 163A.025 and shall send a certified copy of the order to the Department of State Police.

(6) At the hearing described in subsection (1) of this section:

(a) The district attorney, the victim, the person and the juvenile department or a representative of the Oregon Youth Authority shall have an opportunity to be heard.

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

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

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

(b) The nature of the act that subjected the person to the duty of reporting as a sex offender;

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

(d) Whether the act was premeditated;

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

(f) The age of any victim at the time of the act, the age difference between any victim and the person, and the number of victims;

(g) The vulnerability of the victim;

(h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;

(i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;

(j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;

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

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

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

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

(C) The person's compliance with court, board or supervision requirements regarding treatment; and

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

(m) The person's academic and employment history;

(n) The person's use of drugs or alcohol before and after the adjudication;

(o) The person's history of public or private indecency;

(p) The person's compliance with and success in completing the terms of supervision;

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

(r) The protection afforded the public by records of sex offender registration; and

(s) Any other relevant factors.

(8) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence is relevant evidence, as defined in ORS 40.150, related to the determination and findings required under this section.

(9)(a) In a hearing under this section, the Oregon Youth Authority or the juvenile department, if either agency supervised the person, or the Psychiatric Security Review Board, if the board had jurisdiction over the person, shall file with the juvenile court the following records and materials in the possession of the agency or board at least 45 days prior to the hearing unless good cause is shown:

(A) Evaluations and treatment records concerning the person conducted or maintained by a clinician or program operating under the standards of practice for the evaluation and treatment of juvenile sex offenders adopted by the Sex Offender Treatment Board under ORS 675.400, and recommendations contained in the evaluations and treatment records regarding the need for the person to register in order to protect the public from future sex crimes;

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

(C) The Psychiatric Security Review Board exhibit file.

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

(10) When the juvenile court enters an order described in subsection (5) or (6)(b) of this section, the court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.025. No later than three business days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

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

(12) If the court finds that the person has met the burden of proof as described in subsection (6)(b) of this section, the court shall enter an order that the person is not required to report as a sex offender and shall send a certified copy of the order to the Department of State Police.

(13) If the court has not received a written request for a hearing prior to July 1, 2018, the person may not request a hearing under this section.

(14) As used in this section, "parties" means the person, the state as represented by the district attorney or the juvenile department, and the Oregon Youth Authority or other child care agency, if the person was committed to the authority or agency. [2016 c.95 §3]

Sec. 10. Section 3 of this 2016 Act is repealed on July 1, 2018. [2016 c.95 §10]

163A.035 Registration forms; Department of State Police to provide; distribution of information; rules; fee. (1) Agencies registering offenders under ORS 163A.010, 163A.015, 163A.020 and 163A.025 shall use forms and procedures adopted by the Department of State Police by administrative rule. The department shall include places on the form to list all the names used by the offender and the address of the offender. No later than three working days after registration, the agency or official completing the form shall forward the registration information to the department in the manner prescribed by the department.

(2) The department shall enter into the Law Enforcement Data System the sex offender information obtained from the sex offender registration forms. If a conviction or adjudication that gave rise to the registration obligation is reversed or vacated or if the registrant is pardoned, the department shall remove from the Law Enforcement Data System the sex offender information obtained from the form.

(3) The Law Enforcement Data System may send sex offender information to the National Crime Information Center as part of the national sex offender registry in accordance with appropriate state and federal procedures.

(4) If the person is no longer under supervision, the department shall verify the residence address of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765 every 90 days by mailing a verification form to the person at the person's last reported residence address. No later than 10 days after receiving the form, the person shall sign and return the form to the department.

(5) The department shall assess a person who is required to report under ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who is not under supervision a fee of \$70 each year. Moneys received by the department under this subsection are continuously appropriated to the department for the purpose of carrying out the department's duties under ORS 163A.005 to 163A.235. [Formerly 181.810]

163A.040 Failure to report as sex offender; defense. (1) A person who is required to report as a sex offender in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or

163A.025 and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person:

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

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

(c) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;

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

(e) Fails to make an annual report;

(f) Fails to provide complete and accurate information;

(g) Fails to sign the sex offender registration form as required;

(h) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority; or

(i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos.

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

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

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

(d) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to

report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

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

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

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

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

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

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

(B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is required to report is a felony.

(4) A person who fails to sign and return an address verification form as required by ORS 163A.035 (4) commits a violation. [Formerly 181.812; 2016 c.95 §4a; 2017 c.418 §1]

Note: The amendments to 163A.040 by section 2, chapter 418, Oregon Laws 2017, become operative January 1, 2022. See section 3, chapter 418, Oregon Laws 2017. The text that is operative on and after January 1, 2022, is set forth for the user's convenience.

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

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

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

(c) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;

(d) Moves to a new residence and fails to report the move and the person's new address;

(e) Fails to make an annual report;

(f) Fails to provide complete and accurate information;

(g) Fails to sign the sex offender registration form as required;

(h) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority; or

(i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos.

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

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

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

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

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

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

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

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

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

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

(B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is required to report is a felony.

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

163A.045 Purpose of sex offender reporting obligation; rules. (1) The purpose of ORS 163A.005 to 163A.235 is to assist law enforcement agencies in preventing future sex offenses.

(2) The Department of State Police may adopt rules to carry out the responsibilities of the department under ORS 163A.005 to 163A.235. [Formerly 181.814]

163A.050 Notice of reporting obligation to be given by court; procedure at intake. (1) When the court imposes sentence upon a person convicted of a sex crime or finds a person guilty except for insanity of a sex crime, the court shall notify the person of the obligation to report as a sex offender under ORS 163A.010 and 163A.015.

(2) At the initial intake for incarceration or release on any type of supervised release, the sex offender shall complete a form that documents the offender's obligation to report under ORS 163A.010 or 163A.015 and the effect described in ORS 163A.115 of failing to submit to a sex offender risk assessment. The Department of State Police shall develop and provide the form. No later than three working days after the sex offender completes the form, the person responsible for the intake process shall send the form to the Department of State Police. [Formerly 181.815; 2017 c.233 §1]

163A.055 Notice required when offender moves to another state. When the Department of State Police learns that a person required to report under ORS 163A.010, 163A.015, 163A.020 or 163A.025 is moving to another state, the department shall notify the appropriate criminal justice agency of that state of that fact. The department is not responsible for registering and tracking a person once the person has moved from this state. [Formerly 181.816]

163A.060 Offender profiling. (1) For those sex offenders classified as a level three sex offender under ORS 163A.100 (3), or designated as a predatory sex offender prior to January 1, 2014, the supervising agency or the agency making the classification or designation shall provide the Department of State Police, by electronic or other means, at the termination of supervision, with the following information for the purpose of offender profiling:

- (a) Presentence investigations;
- (b) Violation reports;
- (c) Parole and probation orders;
- (d) Conditions of parole and probation and other corrections records;

(e) Sex offender risk assessments; and

(f) Any other information that the supervising agency or the agency making the classification or designation determines is appropriate disclosure of which is not otherwise prohibited by law.

(2) The Oregon Youth Authority and county juvenile departments shall provide access to information in their files to the Oregon State Police for the purpose of offender profiling.

(3)(a) Except as otherwise provided by law, the Oregon State Police may not disclose information received under subsection (1) or (2) of this section.

(b) The Department of State Police may release information on the methodology of offenses and behavior profiles derived from information received under subsection (1) or (2) of this section to local law enforcement agencies. [Formerly 181.817]

163A.065 Immunity. A public agency and its employees are immune from liability, both civil and criminal, for the good faith performance of the agency's or employee's duties under ORS 163A.005 to 163A.235. [Formerly 181.818]

CLASSIFICATION

163A.100 Risk assessment methodology; rules. 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. 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 the lowest risk of reoffending and requires a limited range of notification.

(2) A level two sex offender who presents a moderate risk of reoffending and requires a moderate range of notification.

(3) A level three sex offender who presents the highest risk of reoffending and requires the widest range of notification. [Formerly 181.800]

163A.105 When risk assessments performed; classification into risk level; review; rules. (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 de-

scribed 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 the classifying board or authority determines that a factual mistake caused an erroneous assessment or classification.

(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. The petition may be filed no later than 60 days after the person receives notice of the classification.

(b) 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.

(c) 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.

(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 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. [Formerly 181.801; 2017 c.442 §30; 2017 c.488 §2]

Note: The amendments to 163A.105 by section 30, chapter 442, Oregon Laws 2017, become operative July 1, 2018. See section 36, chapter 442, Oregon Laws 2017. The text that is operative until July 1, 2018, including amendments by section 2, chapter 488, Oregon Laws 2017, is set forth for the user's convenience.

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 or the Oregon Health Authority;

(B) Discharged from the jurisdiction of the Psychiatric Security Review Board or the Oregon Health Authority;

(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 or the Oregon Health Authority shall notify the State Board of Parole and Post-Prison Supervision no later than seven days after the Psychiatric Security Review Board or the authority 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 the classifying board or authority determines that a factual mistake caused an erroneous assessment or classification.

(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. The petition may be filed no later than 60 days after the person receives notice of the classification.

(b) 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.

(c) 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.

(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 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.

163A.110 Applicability of ORS 163A.105. (1) ORS 163A.105 applies to persons for whom the event triggering the obligation to make 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 (3)(a)(A) occurs on or after January 1, 2014.

(2) As used in this section, “event triggering the obligation to make an initial report” means:

(a) If the initial report is described in ORS 163A.010 (3)(a)(A):

(A) Discharge, parole or release on any form of supervised or conditional release from a jail, prison or other correctional facility in this state;

(B) Parole to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute a sex crime if committed in this state; or

(C) Discharge by the court under ORS 161.329.

(b) If the initial report is described in ORS 163A.015 (4)(a)(A), discharge, release or placement on probation:

(A) By the court; or

(B) To or in this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute a sex crime if committed in this state.

(c) If the initial report is described in ORS 163A.020 (1)(a)(A), moving into this state.

(d) If the initial report is described in ORS 163A.020 (2)(a)(A), the first day of

school attendance or the 14th day of employment in this state.

(e) If the initial report is described in ORS 163A.020 (3)(a)(A):

(A) Discharge, release on parole or release on any form of supervised or conditional release, from a jail, prison or other correctional facility or detention facility; or

(B) Discharge, release or placement on probation, by another United States court. [Formerly 181.802; 2017 c.488 §5]

Note: Section 7, chapter 708, Oregon Laws 2013, provides:

Sec. 7. Existing registrants. (1) As used in this section and ORS 163A.200 to 163A.210:

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

(b) “Existing registrant” means a person for whom the event triggering the obligation to make 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 (3)(a)(A) occurs before January 1, 2014.

(2)(a) No later than December 1, 2022, the State Board of Parole and Post-Prison Supervision shall classify existing registrants in one of the levels described in ORS 163A.100. No later than February 1, 2023, the Department of State Police shall enter the results of the classifications described in this section into the Law Enforcement Data System.

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

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

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

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

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

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

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

(c) After providing the person with notice and an opportunity to be heard in accordance with this subsection, the board 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.

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

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

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

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

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

(9) The State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board may reassess or reclassify an existing registrant placed in one of the levels described in ORS 163A.100 under this section if the classifying board determines that a factual mistake caused an erroneous assessment or classification. [2013 c.708 §7; 2015 c.820 §27; 2017 c.442 §31; 2017 c.488 §1]

Note: The amendments to section 7, chapter 708, Oregon Laws 2013, by section 31, chapter 442, Oregon Laws 2017, become operative July 1, 2018. See section 36, chapter 442, Oregon Laws 2017. The text that is operative until July 1, 2018, including amendments by section 27, chapter 820, Oregon Laws 2015, and section 1, chapter 488, Oregon Laws 2017, is set forth for the user's convenience.

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

(a) "Event triggering the obligation to make an initial report" has the meaning given that term in ORS 163A.110.

(b) "Existing registrant" means a person for whom the event triggering the obligation to make 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 (3)(a)(A) occurs before January 1, 2014.

(2)(a) No later than December 1, 2022, the State Board of Parole and Post-Prison Supervision shall classify existing registrants in one of the levels described in ORS 163A.100. No later than February 1, 2023, the Department of State Police shall enter the results of the classifications described in this section into the Law Enforcement Data System.

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

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

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

(c) The Psychiatric Security Review Board may complete the risk assessment of an existing registrant who is under the jurisdiction of the Psychiatric Security Review Board or the Oregon Health Authority, regardless of whether the person has been found guilty except for insanity of a sex crime or was previously convicted of a sex crime, if the State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review Board mutually agree that the Psychiatric Security Review Board has adequate resources to perform the assessment and that the performance of the assessment by the Psychiatric Security Review Board would assist in classifying the existing registrant in a more timely manner.

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

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

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

(c) After providing the person with notice and an opportunity to be heard in accordance with this subsection, the board 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.

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

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

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

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

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

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

163A.115 When certain classification required; persons ineligible for relief from reporting obligation. Notwithstanding any other provision of law:

(1) A person who is a sexually violent dangerous offender under ORS 137.765:

(a) Must be classified as a level three sex offender under ORS 163A.100 (3); and

(b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as a level two sex offender under ORS 163A.100 (2), pursuant to a petition filed under ORS 163A.125.

(2) A person who has been convicted or found guilty except for insanity of one of the following offenses is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 163A.125 (1):

(a) Rape in the first degree;

(b) Sodomy in the first degree;

(c) Unlawful sexual penetration in the first degree;

(d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or when the victim is under 18 years of age; or

(e) Burglary in the first degree when committed with the intent to commit any of the offenses listed in ORS 163A.005 (5)(a) to (w).

(3) A person classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013, is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 163A.125 (1). [Formerly 181.803]

Note: Section 35, chapter 708, Oregon Laws 2013, provides:

Sec. 35. (1) Sections 4 to 6 of this 2013 Act [163A.115, 163A.125 and 163A.215] apply to persons for whom the event triggering the obligation to make an initial report, as defined in section 3 of this 2013 Act [163A.110], occurs on or after January 1, 2014.

(2) Notwithstanding section 7 or 38 of this 2013 Act or any other provision of law, notification to the public for persons for whom the event triggering the obligation to make an initial report, as defined in section 3 of this 2013 Act, occurs before January 1, 2014, shall continue to be governed by the law in effect on December 31, 2013. [2013 c.708 §35]

Note: The amendments to section 35, chapter 708, Oregon Laws 2013, by section 36, chapter 708, Oregon Laws 2013, become operative January 1, 2023. See section 37, chapter 708, Oregon Laws 2013, as amended by section 29, chapter 820, Oregon Laws 2015, and section 4, chapter 488, Oregon Laws 2017. The text that is operative on and after January 1, 2023, is set forth for the user's convenience.

Sec. 35. Sections 4 to 6 of this 2013 Act [163A.115, 163A.125 and 163A.215] apply to persons for whom the event triggering the obligation to make an initial report, as defined in section 3 of this 2013 Act [163A.110], occurs before, on or after January 1, 2014.

RECLASSIFICATION AND RELIEF FROM REPORTING

163A.120 Relief from reporting obligation. (1)(a) No sooner than 10 years after termination of supervision on probation, conditional release, parole or post-prison supervision, a person required to report under ORS 163A.010, 163A.015 or 163A.020 may file a petition in circuit court for an order relieving the person of the duty to report. The person must pay the filing fee established under ORS 21.135. A petition may be filed under this section only if:

(A) The person has only one conviction for a sex crime;

(B) The sex crime was a misdemeanor or Class C felony or, if committed in another state, would have been a misdemeanor or Class C felony if committed in this state; and

(C) The person has not been determined to be a predatory sex offender prior to January 1, 2014.

(b)(A) Except as otherwise provided in this paragraph, the petition must be filed in the circuit court of the county in which the person was convicted of the sex crime.

(B) If the person was convicted of the sex crime in another state, the petition must be filed in the circuit court of the county in which the person resides.

(c) The district attorney of the county in which the petition is filed shall be named and served as the respondent in the petition.

(2) The court shall hold a hearing on the petition. In determining whether to grant the relief requested, the court shall consider:

(a) The nature of the offense that required reporting;

(b) The age and number of victims;

(c) The degree of violence involved in the offense;

(d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the conviction that required reporting;

(e) The period of time during which the petitioner has not reoffended;

(f) Whether the petitioner has successfully completed a court-approved sex offender treatment program; and

(g) Any other relevant factors.

(3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated and that the petitioner does not pose a threat to the safety of the public, the court shall enter an order relieving the petitioner of the duty to report. When the court enters an order under this subsection, the petitioner shall send a certified copy of the

court order to the Department of State Police. [Formerly 181.820]

Note: 163A.120 (formerly 181.820) is repealed January 1, 2023. See section 34, chapter 708, Oregon Laws 2013, as amended by section 28, chapter 820, Oregon Laws 2015, and section 3, chapter 488, Oregon Laws 2017.

163A.125 Relief from reporting obligation for sex offenders classified under ORS 163A.100; reclassification; procedure.

(1)(a) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to a conviction for a sex crime and is classified as a level one sex offender under ORS 163A.100 (1) may petition the State Board of Parole and Post-Prison Supervision to relieve the person from the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020.

(b) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level one sex offender under ORS 163A.100 (1), may petition the Psychiatric Security Review Board to relieve the person from the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020.

(c)(A) Except as otherwise provided in subparagraph (B) of this paragraph, a person described in paragraph (a) or (b) of this subsection may file the petition no sooner than five years after the date supervision for the sex crime is terminated or, if the person was not subject to supervision for the sex crime, five years after the date the person was discharged from the jurisdiction of the court, Psychiatric Security Review Board or Oregon Health Authority.

(B) A person who was reclassified under subsection (2) of this section from a level two sex offender under ORS 163A.100 (2) to a level one sex offender under ORS 163A.100 (1) may file the petition no sooner than five years after the date of reclassification.

(d) Notwithstanding paragraph (c) of this subsection, if a person is required to report because of a conviction or finding of guilty except for insanity from another United States court as that term is defined in ORS 163A.005, the person may not petition for relief from reporting as a sex offender in Oregon unless the laws of the jurisdiction where the person was convicted or found guilty except for insanity would permit a petition for relief from reporting as a sex offender.

(2)(a) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to a conviction for a sex crime and is classified as a level three sex offender under ORS 163A.100 (3) may petition the State Board of Parole and Post-

Prison Supervision to reclassify the person as a level two sex offender under ORS 163A.100 (2).

(b) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level three sex offender under ORS 163A.100 (3), may petition the Psychiatric Security Review Board to reclassify the person as a level two sex offender under ORS 163A.100 (2).

(c) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to a conviction for a sex crime and is classified as a level two sex offender under ORS 163A.100 (2) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level one sex offender under ORS 163A.100 (1).

(d) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level two sex offender under ORS 163A.100 (2), may petition the Psychiatric Security Review Board to reclassify the person as a level one sex offender under ORS 163A.100 (1).

(e) The petition described in this subsection may be filed no sooner than 10 years after the date supervision for the sex crime is terminated or, if the person was not subject to supervision for the sex crime, 10 years after the date the person was discharged from the jurisdiction of the court, Psychiatric Security Review Board or Oregon Health Authority.

(3)(a) The State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall deny a petition filed under this section if, at any time after the person is convicted or found guilty except for insanity of a sex crime, the person is convicted of or found guilty except for insanity of a person felony or a person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission.

(b) The appropriate board shall deny a petition filed under subsection (2)(c) or (d) of this section if the board has previously reclassified the person as a level two sex offender under ORS 163A.100 (2) as the result of a petition filed under subsection (2)(a) or (b) of this section.

(4)(a) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (1) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric

Security Review Board shall hold a hearing. At the hearing, the board shall enter an order relieving the person of the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 if the board determines, by clear and convincing evidence, that the person:

(A) Is statistically unlikely to reoffend; and

(B) Does not pose a threat to the safety of the public.

(b)(A) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (2)(a) or (b) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an order reclassifying the person as a level two sex offender under ORS 163A.100 (2) if, after completion of a new risk assessment utilizing the risk assessment methodology described in ORS 163A.100, the person is classified as presenting a low or moderate risk of reoffending and the board determines that a lower level of notification is sufficient to protect public safety.

(B) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (2)(c) or (d) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an order reclassifying the person as a level one sex offender under ORS 163A.100 (1) if, after completion of a new risk assessment utilizing the risk assessment methodology described in ORS 163A.100, the person is classified as presenting a low risk of reoffending and the board determines that a lower level of notification is sufficient to protect public safety.

(5) In making the determinations described in subsection (4) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall consider:

(a) The nature of and degree of violence involved in the offense that requires reporting;

(b) The age and number of victims of the offense that requires reporting;

(c) The age of the person at the time of the offense that requires reporting;

(d) The length of time since the offense that requires reporting and the time period during which the person has not reoffended;

(e) The person's performance on supervision for the offense that requires reporting;

(f) Whether the person has participated in or successfully completed a court-approved sex offender treatment program or any other rehabilitative programs;

(g) The person's stability in employment and housing;

(h) The person's community and personal support system;

(i) Other criminal and relevant noncriminal behavior of the person both before and after the offense that requires reporting; and

(j) Any other relevant factors.

(6)(a) The Attorney General may represent the state at a hearing conducted under this section unless the district attorney of the county in which the person was convicted or, if the conviction for which the person is required to report as a sex offender was entered in another United States court, the district attorney of the county in which the person resides, elects to represent the state.

(b) If a district attorney elects to represent the state, the district attorney shall give timely written notice of the election to the Attorney General, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board and the person who is the subject of the hearing.

(c) If the district attorney declines to represent the state, the district attorney shall cooperate with the Attorney General in securing the material necessary to represent the state.

(7)(a) When the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board enters an order under this section relieving a person of the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 or enters an order reclassifying a person as a level two sex offender under ORS 163A.100 (2) or as a level one sex offender under ORS 163A.100 (1), the board shall forward a copy of the order to the Department of State Police.

(b) Upon receipt of an order relieving a person of the obligation to report, the department shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 163A.010, 163A.015 or 163A.020.

(c) Upon receipt of an order reclassifying a person as a level two sex offender under ORS 163A.100 (2) or as a level one sex offender under ORS 163A.100 (1), the department shall update the Law Enforcement Data System to reflect the reclassification.

(8) The State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review Board shall

riety Review Board shall adopt rules to carry out the provisions of this section. The rules may include a filing fee in an amount determined by the appropriate board. All fees paid under this subsection shall be deposited into the General Fund and credited to the account of the appropriate board.

(9) As used in this section, "supervision" means probation, parole, post-prison supervision or any other form of supervised or conditional release. [Formerly 181.821]

Note: See notes under 163A.115.

163A.130 Relief from reporting obligation for juvenile offenders adjudicated in Oregon. (1) A person required to report as a sex offender under ORS 163A.025 (1)(a), (b) or (c), or required to report as a sex offender under the laws of another state as a result of an adjudication in an Oregon juvenile court, may file a petition for an order relieving the person of the obligation to report. The person must pay the filing fee established under ORS 21.135. If the person resides:

(a) In this state and is required to report under ORS 163A.025 (2) or (3), the petition must be filed in the juvenile court in which the person was adjudicated for the act that requires reporting.

(b) In another state and is required to report under ORS 163A.025 (4), the petition must be filed in the juvenile court in the county in which the person attends school or works.

(c) In another state and is required to report under the laws of the other state, the petition must be filed in the juvenile court in which the person was adjudicated for the act that requires reporting.

(2) If the act giving rise to the obligation to report would constitute:

(a) A Class A or Class B felony sex crime if committed by an adult, the petition may be filed no sooner than two years after the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than two years after the person is discharged from the jurisdiction of the board.

(b) A Class C felony sex crime if committed by an adult, the petition may be filed no sooner than 30 days before the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than 30 days before the person is discharged from the jurisdiction of the board.

(3)(a) The juvenile court in which a petition under this section is filed may transfer

the matter to the juvenile court of the county that last supervised the person if the court determines that the convenience of the parties, the victim and witnesses require the transfer.

(b) The juvenile court has exclusive original jurisdiction in any proceeding under this section.

(c) The person, the district attorney and the juvenile department are parties to a hearing on a petition filed under this section.

(4) The person filing the petition has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public. In determining whether the person has met the burden of proof, the juvenile court may consider but need not be limited to considering:

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

(b) The nature of the act that subjected the person to the obligation of reporting as a sex offender;

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

(d) Whether the act was premeditated;

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

(f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;

(g) The vulnerability of the victim;

(h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;

(i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;

(j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;

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

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

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

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

(C) The person's compliance with court, board or supervision requirements regarding treatment; and

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

(m) The person's academic and employment history;

(n) The person's use of drugs or alcohol before and after the adjudication;

(o) The person's history of public or private indecency;

(p) The person's compliance with and success in completing the terms of supervision;

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

(r) The protection afforded the public by the continued existence of the records; and

(s) Any other relevant factors.

(5) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

(6) When a petition is filed under this section, the state has the right to have a psychosexual evaluation of the person conducted. The state shall file notice with the juvenile court of its intention to have the person evaluated. If the person objects to the evaluator chosen by the state, the juvenile court for good cause shown may direct the state to select a different evaluator.

(7) As soon as practicable after a petition has been filed under this section, the district attorney or juvenile department shall make a reasonable effort to notify the victim of the crime that the person has filed a petition seeking relief under this section and, if the victim has requested, to inform the victim of the date, time and place of a hearing on the petition in advance of the hearing.

(8)(a) When a petition filed under this section is filed:

(A) While the person is under the jurisdiction of the juvenile court or the Psychiatric Security Review Board or less than three years after the date the jurisdiction is terminated, the court shall hold a hearing no sooner than 60 days and no later than 120 days after the date of filing.

(B) Three years or more after the date the juvenile court or board jurisdiction is terminated, the court shall hold a hearing no

sooner than 90 days and no later than 150 days after the date of filing.

(b) Notwithstanding paragraph (a) of this subsection, upon a showing of good cause, the court may extend the period of time in which a hearing on the petition must be held.

(9)(a) When the person proves by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public, the court shall grant the petition.

(b) Notwithstanding paragraph (a) of this subsection, the court may not grant a petition filed under this section before the date the juvenile court or board jurisdiction over the person is terminated.

(10) When a juvenile court enters an order relieving a person of the requirement to report under ORS 163A.025, the person shall send a certified copy of the juvenile court order to the Department of State Police.

(11) If a person commits an act that could be charged as a sex crime listed in ORS 137.707 and the person is 15, 16 or 17 years of age at the time the act is committed, the state and the person may stipulate that the person may not petition for relief under this section as part of an agreement that the person be subject to the jurisdiction of the juvenile court rather than being prosecuted as an adult under ORS 137.707.

(12) When a petition is filed under subsection (2)(b) of this section before the termination of juvenile court or board jurisdiction, if the person, or the parent or guardian of the person if the person is less than 18 years of age, requests counsel and is without sufficient financial means to employ suitable counsel to represent the person, for purposes of the petition described in this section, the court shall appoint suitable counsel to represent the person. Appointment of counsel under this subsection is subject to ORS 419C.200, 419C.203, 419C.206 and 419C.209. [Formerly 181.823; 2016 c.95 §5]

163A.135 Relief from reporting obligation for juvenile offenders adjudicated in another United States jurisdiction. (1)

Except as provided in subsection (7) of this section, a person required to report under ORS 163A.025 (1)(d) may file a petition in the juvenile court for an order relieving the person of the duty to report. The person must pay the filing fee established under ORS 21.135. If the person resides:

(a) In this state and is required to report under ORS 163A.025 (2) or (3), the petition must be filed in the juvenile court of the county in which the person resides.

(b) In another state and is required to report under ORS 163A.025 (4), the petition

must be filed in the juvenile court of the county in which the person attends school or works.

(2) If the act giving rise to the obligation to report would constitute:

(a) A Class A or Class B felony sex crime if committed in this state by an adult, the petition may be filed no sooner than two years after the termination of the other United States court's jurisdiction over the person.

(b) A Class C felony sex crime if committed in this state by an adult, the petition may be filed no sooner than 30 days before the termination of the other United States court's jurisdiction over the person.

(3) The person filing the petition must submit with the petition all releases and waivers necessary to allow the district attorney for the county in which the petition is filed to obtain the following documents from the jurisdiction in which the person was adjudicated for the act for which reporting is required:

- (a) The juvenile court petition;
- (b) The dispositional report to the court;
- (c) The order of adjudication or jurisdiction;
- (d) Any other relevant court documents;
- (e) The police report relating to the act for which reporting is required;
- (f) The order terminating jurisdiction for the act for which reporting is required; and
- (g) The evaluation and treatment records or reports of the person that are related to the act for which reporting is required.

(4) A person filing a petition under this section has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public.

(5) Unless the court finds good cause for a continuance, the court shall hold a hearing on the petition no sooner than 90 days and no later than 150 days after the date the petition is filed.

(6) If a person who files a petition under this section is required to report as a sex offender for having committed an act that if committed in this state could have subjected the person to prosecution as an adult under ORS 137.707, the court may not grant the petition notwithstanding the fact that the person has met the burden of proof established in subsection (4) of this section unless the court determines that to do so is in the interest of public safety.

(7) This section does not apply to a person who is required to register as a sex of-

fender for life in the jurisdiction in which the offense occurred.

(8) In a hearing under this section, the court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

(9) If the court is satisfied by clear and convincing evidence that the person is rehabilitated and that the person does not pose a threat to the safety of the public, the court shall enter an order relieving the person of the duty to report. When the court enters an order under this subsection, the person shall send a certified copy of the court order to the Department of State Police. [Formerly 181.826; 2016 c.95 §6]

163A.140 Relief from reporting obligation; circumstances; order. A person otherwise required to report under ORS 163A.010, 163A.015, 163A.020 or 163A.025 is not required to report, and if currently reporting is no longer required to report, if:

- (1)(a) The person has been convicted of:
 - (A) Rape in the third degree as defined in ORS 163.355;
 - (B) Sodomy in the third degree as defined in ORS 163.385;
 - (C) Sexual abuse in the third degree as defined in ORS 163.415;
 - (D) Contributing to the sexual delinquency of a minor as defined in ORS 163.435;
 - (E) Sexual misconduct as defined in ORS 163.445; or
 - (F) An attempt to commit an offense listed in subparagraphs (A) to (E) of this paragraph;

(b) The person has been found guilty except for insanity of an offense listed in paragraph (a) of this subsection;

(c) The person has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute an offense listed in paragraph (a)(A) or (B) of this subsection; or

(d) The person is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute an offense listed in paragraph (a) of this subsection;

(2)(a) The person is less than five years older than the victim;

(b) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;

(c) The victim was at least 14 years of age at the time of the offense or act;

(d) Except for the convictions or findings described in subsection (1) of this section, the person has not been convicted of, found guilty except for insanity of, or found to be within the jurisdiction of the juvenile court based on, a sex crime or an offense, in another United States court, for conduct that if committed in this state would constitute a sex crime; and

(e) Each conviction or finding described in subsection (1) of this section involved the same victim; and

(3) The court enters an order relieving the person of the requirement to report under ORS 163A.145 or 163A.150. [Formerly 181.830]

163A.145 Procedure for relief under ORS 163A.140; upon conviction or adjudication. (1) When a person is convicted of an offense or adjudicated for an act described in ORS 163A.140 (1), the court shall determine whether the person is required to report under ORS 163A.010 or 163A.015.

(2) The court shall enter an order relieving the person of the requirement to report, unless:

(a) The court finds by a preponderance of the evidence that the person does not meet the eligibility requirements described in ORS 163A.140; or

(b) The district attorney and the person stipulate that the person is required to report.

(3) The state has the burden of proving that the person does not meet the eligibility requirements described in ORS 163A.140.

(4) If the court relieves the person from the requirement to report, the person shall send a certified copy of the court order to the Department of State Police. [Formerly 181.832]

163A.150 Procedure for relief under ORS 163A.140; after conviction or adjudication; testimony of victim. (1) A person who meets the criteria described in ORS 163A.140 and seeks relief from the requirement to report under ORS 163A.010, 163A.015 or 163A.020 shall:

(a) If the person was convicted in this state of the offense or adjudicated in this state for the act giving rise to the obligation to report, file a motion for relief from the requirement to report and an affidavit of eligibility with the circuit court of the county in which the person was convicted or adjudicated and serve a copy of the motion and affidavit on the district attorney for that county.

(b) If the person was convicted in another United States court of the offense or adjudicated in another United States court for the act giving rise to the obligation to report, file a petition for relief from the requirement to report and an affidavit of eligibility with the circuit court of the county in which the person resides and serve a copy of the petition and affidavit on the district attorney for that county.

(2) A person filing a motion or petition under subsection (1) of this section must pay the filing fee established under ORS 21.135. The court shall schedule a hearing more than 90 days from the date of the filing. The court shall notify the person and the district attorney of the date of the hearing.

(3)(a) Upon receipt of the affidavit described in subsection (1) of this section, the district attorney shall determine whether the district attorney contests the request for relief.

(b) If the district attorney does not contest the request for relief, the district attorney shall submit an order to the court relieving the person of the reporting requirements described in ORS 163A.010, 163A.015 or 163A.020. The court shall enter the order.

(c) If the district attorney contests the request for relief, the district attorney shall notify the person of that determination within 90 days after receipt of the affidavit.

(4) At the hearing, the person has the burden of proving that the person meets the eligibility requirements described in ORS 163A.140.

(5)(a) At the hearing, the victim of the offense or act giving rise to the obligation to report:

(A) May testify voluntarily upon request.

(B) May be compelled by the person to testify only if the court issues an order allowing a subpoena upon the motion of the person.

(b) A copy of the motion for a subpoena under this subsection must be served on the district attorney.

(c) The court may not issue an order allowing a subpoena under this subsection unless the person can demonstrate good cause by showing that the victim's testimony is material and favorable to the person's request for relief.

(d) If the court grants an order allowing a subpoena under this subsection, the court may allow the victim to appear by telephone or other communication device approved by the court.

(6)(a) If the court finds, by a preponderance of the evidence, that the person meets

the eligibility requirements described in ORS 163A.140, the court shall enter an order granting the request for relief from the requirement to report.

(b) If the court does not make the finding described in paragraph (a) of this subsection, the court shall enter an order denying the request for relief.

(7)(a) If the court relieves the person from the requirement to report, the person shall send a certified copy of the court order to the Department of State Police.

(b) Upon receipt of the order, the Department of State Police shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 163A.010, 163A.015 or 163A.020.

(8) The order entered under subsection (6) of this section is not subject to appeal.

(9) The Oregon Evidence Code and the Oregon Rules of Civil Procedure do not apply to the hearing described in subsection (2) of this section. [Formerly 181.833]

PROVISION OF RECORDS BY AGENCIES

163A.200 Provision of records by Psychiatric Security Review Board and Oregon Health Authority. (1) Notwithstanding ORS 179.505, the Psychiatric Security Review Board and the Oregon Health Authority shall provide to the State Board of Parole and Post-Prison Supervision any records that would assist the State Board of Parole and Post-Prison Supervision in:

(a) Performing an initial classification of a person into one of the three levels described in ORS 163A.100, as required by ORS 163A.105;

(b) Deciding whether to reclassify a person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125; or

(c) Conducting a risk assessment of a person who is an existing registrant to classify the person into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

(2) The State Board of Parole and Post-Prison Supervision may not release any records obtained pursuant to this section to any other agency or person unless authorized by law to do so. [2015 c.820 §19]

Note: 163A.200 to 163A.210 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 163A or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

163A.205 Provision of records by Oregon Health Authority. (1) Notwithstanding ORS 179.505, the Oregon Health Authority shall provide to the Psychiatric Security Review Board any records that would assist the board in:

(a) Performing an initial classification of a person into one of the three levels described in ORS 163A.100, as required by ORS 163A.105;

(b) Deciding whether to reclassify a person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125; or

(c) Conducting a risk assessment of a person who is an existing registrant to classify the person into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

(2) The board may not release any records obtained pursuant to this section to any other agency or person unless authorized by law to do so. [2015 c.820 §20]

Note: See note under 163A.200.

163A.210 Provision of records by Oregon Youth Authority and juvenile department. Notwithstanding ORS 419A.257 or any other provision of law, the Oregon Youth Authority and the juvenile department may disclose and provide copies of reports and other materials relating to a child, ward, youth or youth offender's history and prognosis to the Psychiatric Security Review Board or the State Board of Parole and Post-Prison Supervision in order for the boards to determine whether to reclassify the person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125, or whether to classify a person who is an existing registrant into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013. [2015 c.820 §21; 2017 c.442 §32; 2017 c.488 §6]

Note: See note under 163A.200.

RELEASE OF INFORMATION

163A.215 Release of sex offender information according to classification. (1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines

that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 163A.100 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the Psychiatric Security Review Board, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police

department established by a university under ORS 352.121.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 163A.010 or 163A.015. [Formerly 181.835; 2017 c.442 §33]

Note: The amendments to 163A.215 by section 33, chapter 442, Oregon Laws 2017, become operative July 1, 2018. See section 36, chapter 442, Oregon Laws 2017. The text that is operative until July 1, 2018, is set forth for the user's convenience.

163A.215. (1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 163A.100 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the Psychiatric Security Review Board or the Oregon Health Authority, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.121.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 163A.010 or 163A.015.

Note: See notes under 163A.115.

163A.220 Internet website. The Department of State Police shall consider:

(1) Contracting with a private vendor to build and maintain the website required by ORS 163A.215 (2)(a).

(2) Adding links on the website required by ORS 163A.215 (2)(a) that connect to other sex offender websites run by Oregon counties and by the federal government. [Formerly 181.836]

163A.225 Release of information concerning sex offender adjudicated in juvenile court. (1)(a) Except as otherwise provided in this section, when a sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department for the first time as a result of committing an act that if committed by an adult would constitute a sex crime, the Department of State Police, city police department or county sheriff's office shall release, upon request, only:

(A) The sex offender's name and year of birth;

(B) The name and zip code of the city where the sex offender resides;

(C) The name and telephone number of a contact person at the agency that is supervising the sex offender; and

(D) The name of institutions of higher education that the sex offender attends or at which the sex offender works or carries on a vocation.

(b) Notwithstanding paragraph (a) of this section, the Oregon Youth Authority or a county juvenile department shall release, upon request, any information that may be necessary to protect the public concerning a sex offender under the supervision of the authority or department.

(2) Except as otherwise limited by subsection (1)(a) of this section regarding persons who are under supervision for the first time as sex offenders, the Department of State Police, a city police department or a county sheriff's office shall release, upon request, any information that may be necessary to protect the public concerning sex offenders required to report under ORS

163A.025 who reside in a specific area or concerning a specific sex offender required to report under ORS 163A.025. However, the entity releasing the information may not release the identity of a victim of a sex crime.

(3)(a) The Department of State Police may make the information described in subsections (1) and (2) of this section available to the public, without the need for a request, by electronic or other means. The Department of State Police shall make information about a person who is under supervision for the first time as a result of committing an act that if committed by an adult would constitute a sex crime accessible only by the use of the sex offender's name. For all other sex offenders required to report under ORS 163A.025, the Department of State Police may make the information accessible in any manner the department chooses.

(b) Notwithstanding paragraph (a) of this subsection, the Department of State Police may not use the Internet to make information available to the public. [Formerly 181.837]

163A.230 Victim access to sex offender information; toll-free telephone number.

(1)(a) When information about a person is first entered into the Law Enforcement Data System under ORS 163A.035, the person will be assigned a registry identification number.

(b) A victim shall be issued a victim identification number and shall be given the registry identification number of the person who committed the crime against the victim:

(A) At any time, upon request by the victim; and

(B) Upon verification of the identification of the victim.

(2) The Department of State Police shall establish a toll-free telephone number to provide victims with updates on the prison status, release information, parole status and any other information authorized for release under ORS 163A.005 to 163A.235 regarding the person who committed the crime against the victim. The telephone line shall be operational within the state during normal working hours.

(3) Access of the victim to the telephone line shall be revoked if the victim makes public, or otherwise misuses, information received.

(4) When a victim receives notification under ORS 144.750 of upcoming parole release hearings, or at any other time that the victim is notified concerning the offender, the victim shall be provided a notice of rights under this section and information about the toll-free telephone number. [Formerly 181.843]

163A.235 Agreements to resolve concerns about community notification. Upon the request of the Department of State Police, a city police department, a county sheriff's office or a supervising agency, a supervising agency or an agency having responsibility for community notification shall enter into agreements to resolve concerns regarding community notification. As used in this section:

(1) "Community notification" means the disclosure of information to the public as provided in ORS 163A.005 to 163A.235.

(2) "Supervising agency" means a governmental entity responsible for supervising a person required to report under ORS 163A.010, 163A.015 or 163A.025. [Formerly 181.845]
