

CHAPTER 708

AN ACT

HB 2549

Relating to sex offenders; creating new provisions; amending ORS 90.630, 144.085, 144.103, 144.641, 147.500, 163.476, 163.479, 181.585, 181.586, 181.590, 181.592, 181.593, 181.594, 181.598, 181.599, 181.601, 181.602, 181.603, 181.605, 181.606, 192.848, 419A.260 and 696.880; repealing ORS 181.587, 181.588 and 181.820; appropriating money; and declaring an emergency.

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

RISK ASSESSMENT

SECTION 1. The Department of Corrections shall adopt by rule a sex offender risk assessment tool for use in classifying sex offenders based on the statistical likelihood that an individual sex offender will commit another sex crime. Application of the risk assessment tool 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.

SECTION 2. (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 department shall conduct a risk assessment of the person utilizing the risk assessment tool described in section 1 of this 2013 Act 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 conduct a risk assessment of the person utilizing the risk assessment tool described in section 1 of this 2013 Act no later than 60 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 State Board of Parole and Post-Prison Supervision shall conduct a risk assessment of the person utilizing the risk assessment tool described in section 1 of this 2013 Act within 60 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) The Psychiatric Security Review Board or the Oregon Health Authority shall notify the State Board of Parole and Post-Prison Supervision when the Psychiatric Security Review Board or the authority conditionally releases or discharges a person described in paragraph (a) of this subsection.

(c) The court shall notify the State Board of Parole and Post-Prison Supervision when the court conditionally releases or discharges a person described in paragraph (a) of this subsection.

(4) Within 60 days after the event triggering the obligation to make an initial report, the State Board of Parole and Post-Prison Supervision shall conduct a risk assessment of a person utilizing the risk assessment tool described in section 1 of this 2013 Act if the person:

(a) 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

(b) 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 tool described in section 1 of this 2013 Act before release under subsection (1) of this section.

(5) When the Department of Corrections, the State Board of Parole and Post-Prison Supervision or a supervisory authority conducts a risk assessment under this section, the agency shall notify the Department of State Police of the results of the risk assessment. Upon receipt, the Department of State Police shall enter the results of the risk assessment into the Law Enforcement Data System.

SECTION 3. (1) Section 2 of this 2013 Act applies to persons for whom the event triggering the obligation to make an initial report under ORS 181.595 (3)(a)(A), 181.596 (4)(a)(A), 181.597 (1)(a)(A), (2)(a)(A) or (3)(a)(A) occurs on or after January 1, 2014.

(2) As used in this section and section 2 of this 2013 Act, "event triggering the obligation to make an initial report" means:

(a) If the initial report is described in ORS 181.595 (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 181.596 (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 ORS 181.597 (1)(a)(A), moving into this state.

(d) If the initial report is described in ORS 181.597 (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 181.597 (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.

SECTION 4. Notwithstanding any other provision of law:

(1) A person required to report as a sex offender under ORS 181.595, 181.596 or 181.597 is classified as a level three sex offender under section 1 (3) of this 2013 Act unless:

(a) Following a risk assessment conducted under section 2 of this 2013 Act, the person is classified as a level two sex offender under section 1 (2) of this 2013 Act or as a level one sex offender under section 1 (1) of this 2013 Act; or

(b) After filing a petition under section 5 (2) of this 2013 Act, the person is reclassified as a level two sex offender under section 1 (2) of this 2013 Act by the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board.

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

(a) Must be classified as a level three sex offender under section 1 (3) of this 2013 Act; 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 section 1 (2) of this 2013 Act, pursuant to a petition filed under section 5 of this 2013 Act.

(3) 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 section 5 (1) of this 2013 Act:

(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 181.594 (5)(a) to (r) or (u).

RECLASSIFICATION AND RELIEF HEARINGS

SECTION 5. (1)(a) A person who is required to report as a sex offender under ORS 181.595, 181.596 or 181.597 due to a conviction for a sex crime and is classified as a level one sex offender under section 1 (1) of this 2013 Act 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 181.595, 181.596 or 181.597.

(b) A person who is required to report as a sex offender under ORS 181.595, 181.596 or 181.597 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 section 1 (1) of this 2013 Act, may petition the Psychiatric Security Review Board to relieve the person from the obligation to report as a sex offender under ORS 181.595, 181.596 or 181.597.

(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 section 1 (2) of this 2013 Act to a level one sex offender under section 1 (1) of this 2013 Act 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 181.594, 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 181.595, 181.596 or 181.597 due to a conviction for a sex crime and is classified as a level three sex offender under section 1 (3) of this 2013 Act may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level two sex offender under section 1 (2) of this 2013 Act.

(b) A person who is required to report as a sex offender under ORS 181.595, 181.596 or 181.597 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 section 1 (3) of this 2013 Act, may petition the Psychiatric Security Review Board to reclassify the person as a level two sex offender under section 1 (2) of this 2013 Act.

(c) A person who is required to report as a sex offender under ORS 181.595, 181.596 or 181.597 due to a conviction for a sex crime and is classified as a level two sex offender under section 1 (2) of this 2013 Act may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level one sex offender under section 1 (1) of this 2013 Act.

(d) A person who is required to report as a sex offender under ORS 181.595, 181.596 or 181.597 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 section 1 (2) of this 2013 Act, may petition the Psychiatric Security Review Board to reclassify the person as a level one sex offender under section 1 (1) of this 2013 Act.

(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 section 1 (2) of this 2013 Act 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 Supervi-

sion 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 181.595, 181.596 or 181.597 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 section 1 (2) of this 2013 Act if, after completion of a new risk assessment utilizing the risk assessment tool described in section 1 of this 2013 Act, 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 section 1 (1) of this 2013 Act if, after completion of a new risk assessment utilizing the risk assessment tool described in section 1 of this 2013 Act, 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;

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(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 181.595, 181.596 or 181.597 or enters an order reclassifying a person as a level two sex offender under section 1 (2) of this 2013 Act or as a level one sex offender under section 1 (1) of this 2013 Act, 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 181.595, 181.596 or 181.597.

(c) Upon receipt of an order reclassifying a person as a level two sex offender under section 1 (2) of this 2013 Act or as a level one sex offender under section 1 (1) of this 2013 Act, 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 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.

SECTION 6. (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 section 1 (3) of this 2013 Act:

(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) If the sex offender is classified as a level two sex offender under section 1 (2) of this 2013 Act, 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.

(4) If the sex offender is classified as a level one sex offender under section 1 (1) of this 2013 Act, the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(5) 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 352.383.

(b) "Sex offender information" means information that the Department of State Police de-

termines 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 181.595 or 181.596.

CURRENT SEX OFFENDER REGISTRANTS

SECTION 7. (1) As used in this section:

(a) "Event triggering the obligation to make an initial report" has the meaning given that term in section 3 of this 2013 Act.

(b) "Existing registrant" means a person for whom the event triggering the obligation to make an initial report under ORS 181.595 (3)(a)(A), 181.596 (4)(a)(A), 181.597 (1)(a)(A), (2)(a)(A) or (3)(a)(A) occurs before January 1, 2014.

(2)(a) No later than December 1, 2016, the State Board of Parole and Post-Prison Supervision shall classify existing registrants in one of the levels described in section 1 of this 2013 Act. No later than February 1, 2017, 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 section 1 (3) of this 2013 Act, 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.

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

(4) If, for any reason, the board does not classify an existing registrant under subsection (2) of this section, the person is, by operation of law, classified as a level three sex offender under section 1 (3) of this 2013 Act on January 1, 2017.

(5)(a) An existing registrant who seeks review of a classification made under this section may petition the board for review. The petition may be filed no later than:

(A) Sixty days after the board provides the notice described in subsection (3) of this section; or

(B) Sixty days after the person receives actual notice of the classification, if the person is classified under subsection (4) of this section.

(b) Upon receipt of a petition described in this subsection, the 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 section 1 of this 2013 Act, based on all of the information available to the board.

(6) The board shall adopt rules to carry out the provisions of this section.

(7) An existing registrant may not petition for reclassification or relief from the obligation to report as a sex offender as provided in section 5 of this 2013 Act until either all existing registrants have been classified in one of the levels described in section 1 of this 2013 Act or December 1, 2016, whichever occurs first.

NOTIFICATION FOR SEX OFFENDERS ADJUDICATED IN JUVENILE COURT

SECTION 8. ORS 181.592 is amended to read:

181.592. *[(1) The Department of State Police shall enter into the Law Enforcement Data System the sex offender information obtained from the sex offender registration forms submitted under ORS 181.595, 181.596, 181.597 and 181.609. The department shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 181.595, 181.596, 181.597 or 181.609 if the conviction or adjudication that gave rise to the registration obligation is reversed or vacated or if the registrant is pardoned.]*

[(2)(a) When a person is under supervision for the first time as a result of a conviction for an offense requiring reporting as a sex offender, the Department of State Police, a city police department or a county sheriff's office shall release, upon request, only the following information about the sex offender:]

[(A) The sex offender's name and date of birth;]

[(B) A physical description of the sex offender and a photograph, if applicable;]

[(C) The name and zip code of the city where the sex offender resides;]

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

[(E) 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) (1)(a) [Notwithstanding paragraph (a) of this subsection, if the] Except as otherwise provided in ORS 181.586 or 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.

[(c)] **(b)** [An agency that supervises a sex offender] **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 [the] a sex offender **under the supervision of the authority or department.**

[(3)] **(2)** Except as otherwise limited by subsection [(2)(a) and (b)] **(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 181.609** who reside in a specific area or concerning a specific sex offender **required to report under ORS 181.609**. However, the entity releasing the information may not release the identity of a victim of a sex crime.

[(4)(a)] **(3)(a)** The Department of State Police may make the information described in subsections [(2) and (3)] **(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 [a conviction for an offense that requires reporting as a sex offender] **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 181.609**, 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 except as required by paragraph (c) of this subsection.

(c) Notwithstanding subsections [(2) and (3)] **(1) and (2)** of this section, the Department of State Police shall [use the Internet to] make the information described in paragraph (d) of this subsection available to the public **on the website described in section 6 (2)(a) of this 2013 Act** if the information is about a person[:]

[(A)] determined to be a predatory sex offender, as provided in ORS 181.585, who has also been determined, pursuant to rules of the agency making the predatory sex offender determination, to present the highest risk of reoffending and to require the widest range of notification[: or]

[(B)] Found to be a sexually violent dangerous offender under ORS 144.635].

(d) The information required to be made available under paragraph (c) of this subsection is:

(A) The person's name and address;

(B) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;

(C) The type of vehicle that the person is known to drive;

(D) Any conditions or restrictions upon the person's probation[, parole, post-prison supervision] or conditional release;

(E) A description of the person's primary and secondary targets;

(F) A description of the person's method of offense;

(G) A current photograph of the person;

(H) If the person is under supervision, the name or telephone number of the person's [parole and probation] **supervising** officer; and

(I) If the person is not under supervision, contact information for the Department of State Police.

[(5) 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.]

[(6) As used in this section:]

[(a) "Attends," "institution of higher education," "sex crime," "works" and "carries on a vocation" have the meanings given those terms in ORS 181.594.]

[(b) "Sex offender" means a person who is required to report under ORS 181.595, 181.596, 181.597 or 181.609.]

SECTION 9. ORS 181.585 is amended to read:

181.585. (1) For purposes of ORS 181.585 to [181.587] **181.589**, a person is a predatory sex offender if the person:

(a) Is required to report as a sex offender under ORS 181.609 as the result of a finding that the person committed an act that if committed by an adult in this state would constitute a predatory sex offense; and

(b) Exhibits characteristics showing a tendency to victimize or injure others [and has been convicted of a sex crime listed in ORS 181.594 (5)(a) to (d), has been convicted of attempting to commit one of those crimes or has been found guilty except for insanity of one of those crimes].

(2) In determining whether a person is a predatory sex offender, an agency shall use a sex offender risk assessment [scale] **tool** approved by the Department of Corrections or a community corrections agency.

(3) As used in this section, "predatory sex offense" means a sex crime listed in ORS 181.594 (5)(a) to (d) or an attempt to commit a sex crime listed in ORS 181.594 (5)(a) to (d), if the sex crime is classified as a felony.

SECTION 10. ORS 181.586 is amended to read:

181.586. [(1)(a) *If the State Board of Parole and Post-Prison Supervision for a person on parole or post-prison supervision or the Department of Corrections or a community corrections agency for a person on probation makes a determination that the person under its supervision is a predatory sex offender, the agency supervising the person shall notify:*]

[(A) *Anyone whom the agency determines is appropriate that the person is a predatory sex offender; and*]

[(B) *A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, that the person is a predatory sex offender if the agency knows that the person is seeking admission to the facility.*]

(1)(a) When a predatory sex offender is supervised by the Oregon Youth Authority or a county juvenile department as a result of committing an act that if committed by an adult would constitute a sex crime, the agency supervising the predatory sex offender shall make any information regarding the supervised person that the agency determines is appropriate available to any person upon request, unless the agency determines that the release of information would substantially interfere with the treatment or rehabilitation of the supervised person.

(b) Notwithstanding paragraph (a) of this subsection, the agency supervising a predatory sex offender shall make any information regarding the supervised person that the agency determines is appropriate available to any person upon request if the predatory sex offender is neglecting to take treatment or participate in rehabilitation.

[(b)] **(2) When a predatory sex offender [has been subsequently convicted of another crime] is convicted of a crime and is on supervision for [that] the crime, the agency supervising the person, regardless of the nature of the crime for which the person is being supervised:**

[(A)] **(a) May notify anyone whom the agency determines is appropriate that the person is a predatory sex offender; and**

[(B)] **(b) Shall notify a long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, that the person is a predatory sex offender if the agency knows that the person is seeking admission to the facility.**

[(2)] **(3) In making a determination under subsection [(1)] (2) of this section, the agency shall consider notifying:**

- (a) The person's family;
- (b) The person's sponsor;
- (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; and
- (d) Any prior victim of the offender.

[(3)] **(4) When an agency determines that notification is necessary under subsection (2) of this section, the agency may use any method of communication that the agency determines is appropriate. The notification:**

(a) May include, but is not limited to, distribution of the following information:

- (A) The person's name and address;
- (B) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;
- (C) The type of vehicle that the person is known to drive;
- (D) Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;
- (E) A description of the person's primary and secondary targets;
- (F) A description of the person's method of offense;
- (G) A current photograph of the person; and
- (H) The name or telephone number of the person's parole and probation officer.

(b) Shall include, if the notification is required under subsection [(1)(a)(B) or (b)(B)] **(2)(b)** of this section, the information described in paragraph (a)(D), (F) and (H) of this subsection.

[(4)] **(5) Not later than 10 days after making its determination that a person is a predatory sex offender, the agency supervising the person shall:**

- (a) Notify the Department of State Police of the person's status as a predatory sex offender;
- (b) Enter into the Law Enforcement Data System the fact that the person is a predatory sex offender; and

(c) Send to the Department of State Police, by electronic or other means, all of the information listed in subsection [(3)] (4) of this section that is available.

[(5)] **(6) When the Department of State Police receives information regarding a person under subsection [(4)] (5) of this section, the Department of State Police, upon request, may make the information available to the public.**

[(6)] **(7) Upon termination of its supervision of a person determined to be a predatory sex offender, the agency supervising the person shall:**

- (a) Notify the Department of State Police:
 - (A) Of the person's status as a predatory sex offender;
 - (B) Whether the agency made a notification regarding the person under this section; and
 - (C) Of the person's level of supervision immediately prior to termination of supervision; and
- (b) Send to the Department of State Police, by electronic or other means, the documents relied upon in determining that the person is a predatory sex offender and in establishing the person's level of supervision.

[(7)] **(8) The agency supervising a person determined to be a predatory sex offender shall verify the residence address of the person every 90 days.**

LEVEL THREE SEX OFFENDERS

SECTION 11. ORS 144.641 is amended to read: 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

(1) "Dwelling" has the meaning given that term in ORS 469B.100.

(2) "Dwelling" does not include a residential treatment facility or a halfway house.

(3) "Halfway house" means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

(4) "Locations where children are the primary occupants or users" includes, but is not limited to, public and private elementary and secondary schools and licensed *[day]* child care centers.

(5) "Sex offender" means a:

(a) Sexually violent dangerous offender as defined in ORS 137.765;

(b) **Level three sex offender under section 1 (3) of this 2013 Act;** or

~~[(b)]~~ (c) Predatory sex offender as described in ORS 181.585.

(6) "Transitional housing" means housing intended to be occupied by a sex offender for 45 days or less immediately after release from incarceration.

SECTION 12. ORS 163.476 is amended to read: 163.476. (1) A person commits the crime of unlawfully being in a location where children regularly congregate if the person:

(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

(B) Has been **classified as a level three sex offender under section 1 (3) of this 2013 Act** or designated a predatory sex offender under ORS 181.585, and does not have written approval from the State Board of Parole and Post-Prison Supervision or the person's supervisory authority or supervising officer to be in or upon the specific premises;

(C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

(D) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

(b) Knowingly enters or remains in or upon premises where persons under 18 years of age regularly congregate.

(2) As used in this section:

(a) "Premises where persons under 18 years of age regularly congregate" means schools, child care centers, playgrounds, other places intended for use primarily by persons under 18 years of age and places where persons under 18 years of age gather for regularly scheduled educational and recreational programs.

(b) "Sex crime" has the meaning given that term in ORS 181.594.

(3) Unlawfully being in a location where children regularly congregate is a Class A misdemeanor.

SECTION 13. ORS 163.479 is amended to read: 163.479. (1) A person commits the crime of unlawful contact with a child if the person:

(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

(B) **Has been classified as a level three sex offender under section 1 (3) of this 2013 Act;**

~~[(B)]~~ (C) Has been designated a predatory sex offender under ORS 181.585;

~~[(C)]~~ (D) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

~~[(D)]~~ (E) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

(b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing or satisfying the sexual desires of the person or another person.

(2) As used in this section:

(a) "Child" means a person under 18 years of age.

(b) "Contact" means to communicate in any manner.

(c) "Sex crime" has the meaning given that term in ORS 181.594.

(3) Unlawful contact with a child is a Class C felony.

SECTION 14. ORS 181.605 is amended to read:

181.605. (1) For those sex offenders **classified as a level three sex offender under section 1 (3) of this 2013 Act** or designated as a predatory sex offender *[by a community corrections agency, the Department of Corrections and any other agency that is responsible for supervising or treating sex offenders, the agency or department]* **under ORS 181.585, 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 assessment tools; and

(f) Any other information that the agency 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.

SECTION 15. ORS 90.630 is amended to read:

90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured dwelling or floating home by giving to the tenant not less than 30 days' notice in writing before the date designated in the notice for termination if the tenant:

(a) Violates a law or ordinance related to the tenant's conduct as a tenant, including but not limited to a material noncompliance with ORS 90.740;

(b) Violates a rule or rental agreement provision related to the tenant's conduct as a tenant and imposed as a condition of occupancy, including but not limited to a material noncompliance with a rental agreement regarding a program of recovery in drug and alcohol free housing;

(c) Is **classified as a level three sex offender under section 1 (3) of this 2013 Act or is** determined to be a predatory sex offender under ORS 181.585 [to 181.587]; or

(d) Fails to pay a:

(A) Late charge pursuant to ORS 90.260;

(B) Fee pursuant to ORS 90.302; or

(C) Utility or service charge pursuant to ORS 90.534 or 90.536.

(2) A violation making a tenant subject to termination under subsection (1) of this section includes a tenant's failure to maintain the space as required by law, ordinance, rental agreement or rule, but does not include the physical condition of the dwelling or home. Termination of a rental agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS 90.632.

(3) The notice required by subsection (1) of this section shall state facts sufficient to notify the tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination by correcting the violation as provided in subsection (4) of this section.

(4) The tenant may avoid termination of the tenancy by correcting the violation within the 30-day period specified in subsection (1) of this section. However, if substantially the same act or omission that constituted a prior violation of which notice was given recurs within six months after the date of the notice, the landlord may terminate the tenancy upon at least 20 days' written notice specifying the violation and the date of termination of the tenancy.

(5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of termination under subsection (1)(c) of this section does not have a right to correct the violation. A notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not have a right to avoid the termination.

(6) This section does not limit a landlord's right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380

(5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

(7) A tenancy terminates on the date designated in the notice and without regard to the expiration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless otherwise agreed, rent is uniformly apportionable from day to day.

(8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the landlord may terminate the rental agreement for space for a manufactured dwelling or floating home because of repeated late payment of rent by giving the tenant not less than 30 days' notice in writing before the date designated in that notice for termination and may take possession as provided in ORS 105.105 to 105.168 if:

(a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b) in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of nonpayment;

(b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within a 12-month period. The warning must be contained in at least two nonpayment of rent termination notices that precede the third notice within a 12-month period or in separate written notices that are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termination notices; and

(c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for termination of the tenancy and is given to the tenant concurrent with or after the third or a subsequent nonpayment of rent termination notice.

(9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of termination pursuant to subsection (8) of this section does not have a right to correct the cause for the notice.

(10) The landlord may give a copy of the notice required by subsection (8) of this section to any lienholder of the manufactured dwelling or floating home by first class mail with certificate of mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice in good faith to a lienholder. A lienholder's rights and obligations regarding an abandoned manufactured dwelling or floating home shall be as provided under ORS 90.675.

CONFORMING AMENDMENTS

SECTION 15a. ORS 147.500 is amended to read: 147.500. As used in ORS 147.500 to 147.550:

(1) "Authorized prosecuting attorney" means a prosecuting attorney who, at the request of a victim,

has agreed to assert and enforce a right granted to the victim by section 42 or 43, Article I of the Oregon Constitution.

(2) “Claim” means the allegation and proposed remedy described in ORS 147.515 (1).

(3) “Crime” includes an act committed by a person who is under 18 years of age that, if committed by an adult, would constitute a misdemeanor or felony.

(4) “Criminal proceeding” means an action at law in which a person is alleged, or has been adjudicated, to have committed a crime for which there is a victim and that is conducted in the trial court before or after sentencing or disposition.

(5) “Critical stage of the proceeding” means:

(a) Release hearings or hearings to modify the conditions of release, except hearings concerning release decisions at arraignment;

(b) Preliminary hearings;

(c) Hearings related to the rescheduling of trial;

(d) Hearings on motions or petitions:

(A) Conducted pursuant to ORS 40.210 or 135.139;

(B) To amend, dismiss or set aside a charge, conviction, order or judgment; or

(C) To suppress or exclude evidence;

(e) Entry of guilty or no contest pleas;

(f) Trial;

(g) Restitution hearings;

(h) Sentencing;

(i) Probation violation or revocation hearings if the crime of conviction is a felony or person Class A misdemeanor and the victim has requested notice of the hearing from the prosecuting attorney or the supervisory authority as defined in ORS 144.087;

(j) Hearings for relief from the requirement to report as a sex offender **or for the reclassification of a sex offender**;

(k) Hearings related to a deferred sentencing agreement;

(L) Hearings designated as a critical stage of the proceeding in ORS 419C.273; and

(m) Any other stage of a criminal proceeding the court determines is a critical stage of the proceeding for purposes of section 42, Article I of the Oregon Constitution.

(6) “Defendant” includes a person under 18 years of age alleged to be within the jurisdiction of the juvenile court under ORS chapter 419C.

(7) “Plea hearing” means a hearing in which a defendant enters a plea of guilty or no contest.

(8) “Plea of guilty or no contest” includes:

(a) An admission by a person under 18 years of age that the person is within the jurisdiction of the juvenile court; and

(b) If a juvenile court petition has been filed, entering into a formal accountability agreement under ORS 419C.230 or entering an authorized diversion program under ORS 419C.225.

(9) “Prosecuting attorney” means a district attorney as defined in ORS 131.005. In a criminal proceeding conducted in the juvenile court,

“prosecuting attorney” includes the juvenile department.

(10) “Reasonable efforts to inform the victim” includes, but is not limited to, providing information orally, in writing, electronically or by mail to the victim’s last known address.

(11) “Sentencing hearing” includes the dispositional phase of a juvenile delinquency proceeding under ORS chapter 419C.

(12) “Trial court” includes the juvenile court.

(13) “Victim” means any person determined by the prosecuting attorney or the court to have suffered direct financial, psychological or physical harm as a result of the crime alleged in the criminal proceeding and, in the case of a victim who is a minor, the legal guardian of the minor.

(14) “Violent felony” means a felony in which there was actual or threatened serious physical injury to a victim or a felony sexual offense.

NOTE: Section 16 was deleted by amendment. Subsequent sections were not renumbered.

SECTION 17. ORS 181.594, as amended by section 1, chapter 437, Oregon Laws 2013 (Enrolled House Bill 3253), is amended to read:

181.594. As used in [*this section and ORS 181.595, 181.596, 181.597, 181.603, 181.609, 181.826, 181.830 and 181.833*] **sections 1 to 6 of this 2013 Act:**

(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) Sexual assault of an animal;
 - (s) Any attempt to commit any of the crimes set forth in paragraphs (a) to (r) of this subsection;
 - (t) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to (r) or (u) of this subsection; or
 - (u) Public indecency or private indecency, if the person has a prior conviction for a crime listed in 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 181.609 (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.

SECTION 18. ORS 181.593 is amended to read:
181.593. The Department of State Police shall consider:

- (1) Contracting with a private vendor to build and maintain the [*Internet*] website required by

[*ORS 181.592 (4)(c)*] **section 6 (2)(a) of this 2013 Act.**

(2) Adding links on the website required by [*ORS 181.592 (4)(c)*] **section 6 (2)(a) of this 2013 Act** that connect to other sex offender websites run by Oregon counties and by the federal government.

SECTION 19. ORS 181.598 is amended to read:

181.598. (1) Agencies required to register offenders under ORS 181.595, 181.596, 181.597 and 181.609 shall use forms provided by the Department of State Police. 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:

(a) Send the original copy of the registration form to the department; or

(b) Forward the registration information to the department by any means and, within 10 working days after registration, send the original copy of the registration form to 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.

[*(2)*] (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.

[*(3)*] (5) The department shall assess a person who is required to report under ORS 181.595, 181.596, 181.597 or 181.609 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 181.585 to 181.587, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606, 181.609 and 181.820*] **sections 1 to 6 of this 2013 Act.**

SECTION 20. ORS 181.599 is amended to read:

181.599. (1) A person who is required to report as a sex offender in accordance with the applicable provisions of ORS 181.595, 181.596, 181.597 or 181.609 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; or
- (h) 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 181.595 (3)(a)(B), 181.596 (4)(a)(B) or 181.609 (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 181.597 (1)(a) or 181.609 (2)(c)(A)(i) 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 new residence, 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 181.609 (2)(c)(B)(i) 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 new residence, 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 181.597 (3) or 181.609 (2)(c)(A)(ii) or (B)(ii) or (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.

(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 181.598 [(2)] (4) commits a violation.

SECTION 21. ORS 181.590 is amended to read:

181.590. 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 181.585 to 181.587, 181.588 and 181.589] **sections 1 to 6 of this 2013 Act.**

(2) "Supervising agency" means a governmental entity responsible for supervising a person required to report under ORS 181.595, 181.596 or 181.609.

SECTION 22. ORS 181.601 is amended to read:

181.601. (1)(a) When information about a person is first entered into the Law Enforcement Data System under ORS [181.592] **181.598**, 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 [in ORS 181.592 (2) and (3)] **under sections 1 to 6 of this 2013 Act** 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.

SECTION 23. ORS 181.602 is amended to read:

181.602. (1) The purpose of [ORS 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601 and 181.609] **sections 1 to 6 of this 2013 Act** is to assist law enforcement agencies in preventing future sex offenses.

(2) The Department of State Police may adopt rules to carry out the [provisions of ORS 181.585 to 181.587, 181.588, 181.589, 181.590, 181.592, 181.593,

181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601, 181.603, 181.604, 181.605, 181.606, 181.609, 181.820, 181.823, 181.826, 181.830, 181.832 and 181.833] **responsibilities of the department under sections 1 to 6 of this 2013 Act.**

SECTION 24. ORS 181.603 is amended to read:

181.603. (1) When the court imposes sentence upon a person convicted of a sex crime the court shall notify the person of the [requirement] **obligation** to report as a sex offender under ORS 181.595 and 181.596.

(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 181.595 or 181.596 **and the effect described in section 4 of this 2013 Act 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.

SECTION 25. ORS 181.606 is amended to read:

181.606. 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 181.585 to 181.587, 181.588, 181.589, 181.592, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601, 181.609 and 181.820] **sections 1 to 6 of this 2013 Act.**

SECTION 26. ORS 192.848 is amended to read:

192.848. (1) The Attorney General may not disclose the actual address or telephone number of a program participant, except under either of the following circumstances:

(a) Upon receipt of a court order signed by a judge pursuant to a finding of good cause. Good cause exists when disclosure is sought for a lawful purpose that outweighs the risk of the disclosure and, in the case of a request for disclosure received from a federal, state or local law enforcement agency, district attorney or other public body, when information is provided to the court that describes the official purpose for which the actual address or telephone number of the program participant will be used. If a judge finds that good cause exists, the terms of the court order shall address, as much as practicable, the safety and protection of the program participant. In cases where the Attorney General has not received prior notice of a court order, not later than three business days after receiving the order, the Attorney General may object to the order and request a hearing before the judge who signed the order.

(b) Where the program participant is required to disclose the actual address of the program participant as part of a registration for sex offenders as required under [ORS 181.598 and 181.599] **sections 1 to 6 of this 2013 Act.**

(2) A person to whom an actual address or telephone number of a program participant has been disclosed pursuant to a court order may not disclose the actual address or telephone number to any other person unless permitted to do so by order of the court.

(3) The Attorney General shall notify a program participant within one business day after the Attorney General discloses an actual address under subsection (1)(a) of this section.

(4) Upon request by a public body, the Attorney General may verify whether or not a person is a program participant when the verification is for official use only.

SECTION 27. ORS 419A.260 is amended to read: 419A.260. (1) As used in this section and ORS 419A.262:

(a) "Contact" means any instance in which a person's act or behavior, or alleged act or behavior, which could result in a juvenile court's assumption of jurisdiction under ORS 419B.100 (1)(a) to (c) and (f) or 419C.005 comes to the attention of an agency specified in paragraph (d) of this subsection.

(b) "Expunction" means:

(A) The removal and destruction or sealing of a judgment or order related to a contact and all records and references; and

(B) Where a record is kept by the Department of Human Services or the Oregon Youth Authority, either the sealing of such record by the department or the Oregon Youth Authority or, in a multiperson file, the affixing to the front of the file, by the department or the youth authority, a stamp or statement identifying the name of the individual, the date of expunction and instruction that no further reference shall be made to the material that is subject to the expunction order except upon an order of a court of competent jurisdiction.

(c) "Person" includes a person under 18 years of age.

(d) "Record" includes a fingerprint or photograph file, report, exhibit or other material which contains information relating to a person's contact with any law enforcement agency or juvenile court or juvenile department and is kept manually, through the use of electronic data processing equipment, or by any other means by a law enforcement or public investigative agency, a juvenile court or juvenile department or an agency of the State of Oregon. "Record" does not include:

(A) A transcript of a student's Youth Corrections Education Program academic record;

(B) Material on file with a public agency which is necessary for obtaining federal financial participation regarding financial assistance or services on behalf of a person who has had a contact;

(C) Records kept or disseminated by the Department of Transportation, State Marine Board and State Fish and Wildlife Commission pursuant to juvenile or adult order or recommendation;

(D) Police and court records related to an order of waiver where the matter is still pending in the

adult court or on appeal therefrom, or to any disposition as an adult pursuant to such order;

- (E) Records related to a support obligation;
- (F) Medical records;
- (G) Records of a proposed or adjudicated termination of parental rights and adoptions;
- (H) Any law enforcement record of a person who currently does not qualify for expunction or of current investigations or cases waived to the adult court;
- (I) Records and case reports of the Oregon Supreme Court and the Oregon Court of Appeals;
- (J) Any records in cases under ORS 419C.005 in which a juvenile court found a person to be within the jurisdiction of the court based upon the person's commission of an act which if done by an adult would constitute one of the following offenses:
 - (i) Aggravated murder under ORS 163.095;
 - (ii) Murder under ORS 163.115;
 - (iii) Attempt, solicitation or conspiracy to commit murder or aggravated murder;
 - (iv) Manslaughter in the first degree under ORS 163.118;
 - (v) Manslaughter in the second degree under ORS 163.125;
 - (vi) Criminally negligent homicide under ORS 163.145;
 - (vii) Assault in the first degree under ORS 163.185;
 - (viii) Criminal mistreatment in the first degree under ORS 163.205;
 - (ix) Kidnapping in the first degree under ORS 163.235;
 - (x) Rape in the third degree under ORS 163.355;
 - (xi) Rape in the second degree under ORS 163.365;
 - (xii) Rape in the first degree under ORS 163.375;
 - (xiii) Sodomy in the third degree under ORS 163.385;
 - (xiv) Sodomy in the second degree under ORS 163.395;
 - (xv) Sodomy in the first degree under ORS 163.405;
 - (xvi) Unlawful sexual penetration in the second degree under ORS 163.408;
 - (xvii) Unlawful sexual penetration in the first degree under ORS 163.411;
 - (xviii) Sexual abuse in the third degree under ORS 163.415;
 - (xix) Sexual abuse in the second degree under ORS 163.425;
 - (xx) Sexual abuse in the first degree under ORS 163.427;
 - (xxi) Promoting prostitution under ORS 167.012;
 - (xxii) Compelling prostitution under ORS 167.017;
 - (xxiii) Aggravated driving while suspended or revoked under ORS 163.196;
 - (xxiv) Aggravated vehicular homicide under ORS 163.149; or

(xxv) An attempt to commit a crime listed in this subparagraph other than manslaughter in the second degree and criminally negligent homicide;

(K) Blood samples, buccal samples and other physical evidence and identification information obtained, stored or maintained by the Department of State Police under authority of ORS 137.076, 181.085 or 419C.473; or

(L) Records maintained in the Law Enforcement Data System under ORS [181.592] **181.598**.

(e) "Termination" means:

(A) For a person who is the subject of a record kept by a juvenile court or juvenile department, the final disposition of a case by informal means, by a decision not to place the person on probation or make the person a ward of the court after the person has been found to be within the court's jurisdiction, or by a discontinuance of probation or of the court's wardship.

(B) For a person who is the subject of a record kept by a law enforcement or public investigative agency, a juvenile court or juvenile department or an agency of the State of Oregon, the final disposition of the person's most recent contact with a law enforcement agency.

(2) The juvenile court or juvenile department shall make reasonable effort to provide written notice to a child who is within the court's jurisdiction under ORS 419B.100 (1)(a) to (c) and (f) or to a youth who is within the court's jurisdiction under ORS 419C.005, and to the child's or youth's parent, of the procedures for expunction of a record, the right to counsel under this chapter, the legal effect of an expunction order and the procedures for seeking relief from the duty to report as a sex offender provided under ORS 181.823, at the following times:

(a) At any dispositional hearing or at the time of entering into a formal accountability agreement;

(b) At the time of termination;

(c) Upon notice to the subject of an expunction pending pursuant to application of a juvenile department or motion on a juvenile court; and

(d) At the time of notice of execution of an expunction order.

SECTION 28. ORS 696.880 is amended to read:

696.880. Nothing in ORS [181.586, 181.587, 181.588, 181.589,] 696.301, 696.805, 696.810, 696.815 or 696.855 or sections 1 to 6 of this 2013 Act creates an obligation on the part of a person licensed under this chapter to disclose to a potential purchaser of residential property that a sex offender registered under ORS 181.595, 181.596, 181.597 or 181.609 resides in the area.

SECTION 29. ORS 181.585, 181.586, 181.589, 181.590, 181.592, 181.593, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.601, 181.602, 181.603, 181.604, 181.605, 181.606, 181.609, 181.820, 181.823, 181.826, 181.830, 181.832 and 181.833 are added to and made a part of sections 1 to 6 of this 2013 Act.

ACTIVE PAROLE AND POST-PRISON SUPERVISION

SECTION 30. ORS 144.085 is amended to read:

144.085. (1) All prisoners sentenced to prison for more than 12 months shall serve active periods of parole or post-prison supervision as follows:

(a) Six months of active parole or post-prison supervision for crimes in crime categories one to three;

(b) Twelve months of active parole or post-prison supervision for crimes in crime categories four to 10;

(c) Prisoners sentenced as dangerous offenders under ORS 161.725 and 161.735, for aggravated murder under ORS 163.105 or for murder under ORS 163.115 shall serve at least three years of active parole or post-prison supervision;

(d) Prisoners sentenced for violating or attempting to violate ORS 163.365, 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of **active** parole that extends for the entire term of the offender's sentence or a term of **active** post-prison supervision as provided in ORS 144.103; and

(e) Prisoners sentenced for robbery in the first degree under ORS 164.415 or for arson in the first degree under ORS 164.325 shall serve three years of active parole or post-prison supervision.

(2) Except as authorized in subsections (3) and (4) of this section, when an offender has served the active period of parole or post-prison supervision established under subsection (1)(a) or (b) of this section, the supervisory authority shall place the offender on inactive supervision status.

(3) No sooner than 30 days prior to the expiration of an offender's active parole or post-prison supervision period as provided in subsection (1) of this section, the supervisory authority may send to the State Board of Parole and Post-Prison Supervision a report requesting the board to extend the active supervision period or to return the offender to active supervision status, not to exceed the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws, if the offender has not substantially fulfilled the supervision conditions or has failed to complete payment of restitution. The report shall include:

(a) An evaluation of the offender's compliance with supervision conditions;

(b) The status of the offender's court-ordered monetary obligations, including fines and restitution, if any;

(c) The offender's employment status;

(d) The offender's address;

(e) Treatment program outcome;

(f) Any new criminal activity; and

(g) A recommendation that the board extend the supervision period or return the offender to active supervision status.

(4) After reviewing the report submitted under subsection (3) of this section, the board may extend

the active supervision period or return the offender to active supervision status, not to exceed the supervision term imposed by the sentencing court under the rules of the Oregon Criminal Justice Commission and applicable laws, if it finds the offender has not substantially fulfilled the supervision conditions or has failed to complete payment of restitution.

(5) During the pendency of any violation proceedings, the running of the supervision period and the sentence is stayed, and the board has jurisdiction over the offender until the proceedings are resolved.

(6) The board shall send written notification to the supervised offender of the expiration of the sentence.

SECTION 31. ORS 144.103 is amended to read:

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

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

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

(A) ORS 163.375 (1)(b);

(B) ORS 163.405 (1)(b);

(C) ORS 163.411 (1)(b); and

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

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

(3) A person sentenced to a term of imprisonment for violating ORS 163.185 (1)(b) shall serve a term of post-prison supervision that continues until the term of the post-prison supervision, when added to the term of imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

(4) Any costs incurred as a result of this section shall be paid by increased post-prison supervision fees under ORS 423.570.

SECTION 32. The amendments to ORS 144.085 and 144.103 by sections 30 and 31 of this 2013 Act apply to sentences imposed before, on and after the effective date of this 2013 Act.

MISCELLANEOUS PROVISIONS

SECTION 33. The unit captions used in this 2013 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2013 Act.

SECTION 34. (1) ORS 181.587 and 181.588 are repealed on January 1, 2014.

(2) ORS 181.820 is repealed on January 1, 2017.

SECTION 35. (1) Sections 4 to 6 of this 2013 Act apply to persons for whom the event triggering the obligation to make an initial report, as defined in section 3 of this 2013 Act, 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.

SECTION 36. Section 35 of this 2013 Act is amended to read:

Sec. 35. [(1)] Sections 4 to 6 of this 2013 Act apply to persons for whom the event triggering the obligation to make an initial report, as defined in section 3 of this 2013 Act, occurs **before**, 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.]

SECTION 37. The amendments to section 35 of this 2013 Act by section 36 of this 2013 Act become operative on January 1, 2017.

SECTION 38. (1) Sections 1 to 6 and 29 of this 2013 Act and the amendments to ORS 90.630, 144.641, 147.500, 163.476, 163.479, 181.585, 181.586, 181.590, 181.592, 181.593, 181.594, 181.598, 181.599, 181.601, 181.602, 181.603, 181.605, 181.606, 192.848, 419A.260 and 696.880 by sections 8 to 28 of this 2013 Act become operative on January 1, 2014.

(2) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, the Department of State Police and any other public body as defined in ORS 174.109 may adopt rules or take any other action before the operative date specified in subsection (1) of this section that is necessary to enable the board, department or public body to exercise, on and after the operative date specified in subsection (1) of this section, all the duties, functions and powers conferred on the board, department or public body by this 2013 Act.

SECTION 39. Notwithstanding any other provision of law, the General Fund appropriation made to the State Board of Parole and Post-Prison Supervision by section 1, chapter 502, Oregon Laws 2013 (Enrolled House Bill 5035), for the biennium beginning July 1, 2013, as modified by legislative or Emergency Board action, is increased by \$254,655 for the purpose of implementing the provisions of sections 1 to 7 of this 2013 Act.

SECTION 40. This 2013 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect on its passage.

Approved by the Governor August 1, 2013

Filed in the office of Secretary of State August 1, 2013

Effective date August 1, 2013