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Background Brief on ...

# Sex Offenders

As of April 2010, approximately 27 percent of the inmates incarcerated by the Oregon Department of Corrections (DOC) are imprisoned for a sex offense, amounting to 3,728 out of a total population of 14,347 inmates. Also, as of December 2009, 3,918 offenders were on community supervision for a sexual offense. This number represents approximately 12 percent felons on community supervision

## Sex Offenses

The following is a list of the crimes defined as “sex crimes” in Oregon:

- Rape in any degree
- Sodomy in any degree
- Unlawful sexual penetration in any degree
- Sexual abuse in any degree
- Incest with a child victim
- Using a child in a display of sexually explicit conduct
- Encouraging child sexual abuse in any degree
- Transporting child pornography into the state
- Paying for viewing a child’s sexually explicit conduct
- Compelling prostitution
- Promoting prostitution
- Kidnapping I, if the victim was under 18 years of age
- Kidnapping II, if the victim was under 18 years of age, except by a parent or person found to be within the jurisdiction of the juvenile court
- Contributing to the sexual delinquency of a minor
- Sexual misconduct, if the offender is at least 18 years of age
- Any attempt to commit the above crimes
- Burglary when committed with intent to commit any of these sex crimes
- Public indecency if person has a prior felony sex crime conviction

## **Sex Offender Registration**

Oregon law requires sex offender registration for life for persons who are:

- Convicted in Oregon of one of the previously listed offenses or of similar offenses in another state
- Found guilty, except by reason of insanity, of one of the previously listed offenses
- Found to be within the jurisdiction of the juvenile court for having committed an act that, if committed by an adult, would be a sex crime
- Paroled to or otherwise placed in this state after having been convicted of a sex crime or adjudicated in juvenile court for an act that if committed in this state would constitute a sex crime

## **Relief from Registration**

An offender convicted of a sex offense as an adult may petition for relief from registration no earlier than ten years after the end of their supervision on probation, conditional release, parole, or post-prison supervision by filing a petition in the circuit court in the county in which they reside. The person can have only one conviction or juvenile court finding of a sex crime must not have been designated predatory, and the sex crime must have been a Class C felony or a misdemeanor.

For those adjudicated delinquent of a sex crime (juveniles before a juvenile court), an offender may file a petition for relief from reporting as a sex offender two years after the end of the juvenile court's jurisdiction over the person, but not later than five years after termination of jurisdiction. A sex offender who is relieved of his or her reporting requirements must send a copy of the court order to the Oregon State Police (**OSP**).

## **Predatory Sex Offenders and Notification**

An agency can determine an offender to be predatory if the offender exhibits characteristics showing a tendency to victimize or injure others and has been convicted of Rape, Sodomy, Sexual Penetration, or Sexual Abuse in any

degree or any attempts to commit those crimes. A risk assessment scale approved by the DOC must be used for determining whether an individual is to be classified as a predatory sex offender. Once an offender is designated as predatory, the supervising agency may notify anyone the agency deems appropriate that the offender is a predatory sex offender.

For offenders not under supervision, law enforcement may conduct community notification if the offender was:

- Designated as predatory, and notification was conducted while under supervision, and
- The offender was under a high level of supervision, just prior to termination of supervision, or a police agency determines the person is a predatory sex offender and the person was not designated predatory because he or she was not under supervision in Oregon or for any other reason

## **Public Release of Sex Offender Information**

The OSP operates a sex offender information telephone line through which the public can obtain information about specific offenders or information on offenders who live within a given area. For offenders who are on supervision for their sex crimes, the caller is referred to the supervising agency for information about the offender. A law enforcement agency may release any information necessary to protect the public from offenders who are not on supervision; victim information is not released.

## **Recent Legislation**

House Bill 3511 (2006) increased the penalty for Rape I, Sodomy I, and Unlawful Sexual Penetration I where the victim is less than 12 years of age from a minimum sentence of 100 months in prison to a minimum of 25 years (300 months) in prison. It also increased the penalty from a minimum of 90 months to a minimum of 25 years for Kidnapping I when the victim is under 12 and the kidnapping is committed in furtherance of the commission or attempted commission of Rape I, Sodomy I, or Unlawful Sexual Penetration I.

The measure required that, upon release, the defendant be on life-time post-prison supervision.

House Bill 2153 (2007) extended the statute of limitations to 25 years for Rape I and II, Sodomy I and II, and Sexual Abuse I provided that DNA evidence is available. The limitation applies only to offenses that, at the time of enactment, remain viable (i.e., they are not already barred by the existing statute of limitations).

House Bill 2333 (2007) amended Oregon's sex offender reporting requirements for the crimes of Rape III, Sodomy III, Sex Abuse III, Contributing to the Delinquency of a Minor, Sexual Misconduct, or the attempt versions of any of these crimes. It no longer requires a person to have to report as a sex offender if each of the following is true:

- the offender is less than five years older than the victim
- the victim's lack of consent was solely due to age
- the victim was at least 14 years of age, and
- at the time of the offense, the person had no prior adult or juvenile conviction for an sex offense as listed in ORS 181.594(4)

House Bill 2843 (2007) created the crime of furnishing sexually explicit material to a child and the crime of luring a minor.

House Bill 3515 (2007) created the crimes of online sexual corruption of a child in the first and second degrees.

House Bill 2476 (2009) made sex abuse committed by a victim's coach Sex Abuse II rather than Sex Abuse III when the victim is under 18 and the coach is over 21.

## **Staff and Agency Contacts**

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