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Background Brief on ...

Sex Offenders

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Background

As of November 2006, approximately twenty-seven percent of the inmates incarcerated by Oregon's Department of Corrections (DOC) are imprisoned for a sex offense, amounting to 3,529 out of a total population of 13,190 inmates. Also, as of November 2006, 3,628 people were on parole or post-prison supervision after being in prison for rape, sodomy, or sexual abuse. Sex offender laws are aimed at protecting the community from this segment of the population.

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
- Found guilty, except for 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 constitute 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

Juvenile sex offenders adjudicated prior to January 2002 and adult sex offenders 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. Juveniles adjudicated on or after January 1, 2002 must file for relief to the juvenile court in which they were adjudicated no later than 90 days after termination of juvenile court jurisdiction. Burden of proof in these cases lies with the state.

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 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 Oregon State Police (OSP) operate a sex offender information telephone line, 503-378-3720 x4429, 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, OSP refers the caller 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 will not be released.

Recent Legislation

House Bill 2756 (2003) modified the sex offender registration requirements for individuals whose requirement to report is based on a juvenile court adjudication. The measure allows a person to 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. If a person files no later than three years after the end of the juvenile court's jurisdiction, the state has the burden of proving that the person is not rehabilitated and continues to pose a threat; if the person files more than three years after termination, then the person bears the burden of proof.

House Bill 2299 (2005) requires a sex offender who is relieved of his or her reporting requirements to send a copy of the court order to the Oregon State

Police. The bill also requires sex offenders who work at or attend an institution of higher education to register that status with the Oregon State Police.

House Bill 3511 (2006 Special Session) increases the penalty for Rape I, Sodomy I, Unlawful Sexual Penetration I where the victim is under 12 years of age from a minimum sentence of 100 months in prison to a minimum of 25 years (300 months) in prison. Increases the penalty from 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 requires that, upon release, the defendant be on life-time post-prison supervision.

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