

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 2549

By JOINT COMMITTEE ON WAYS AND MEANS

July 6

- 1 On page 1 of the printed A-engrossed bill, line 2, after “90.630,” insert “144.085, 144.103,”.
- 2 In line 5, after the semicolon insert “appropriating money;”.
- 3 In line 20, delete “sex crime” and insert “crime described in ORS 163.355 to 163.427”.
- 4 In line 21, after “institution” insert “for that crime”.
- 5 On page 2, delete lines 6 through 21 and insert:
- 6 “(3)(a) When a person is found guilty except for insanity of a sex crime, the State Board of
- 7 Parole and Post-Prison Supervision shall conduct a risk assessment of the person utilizing the risk
- 8 assessment tool described in section 1 of this 2013 Act within 60 days after the person is:
- 9 “(A) Placed on conditional release by the Psychiatric Security Review Board or the Oregon
- 10 Health Authority;
- 11 “(B) Discharged from the jurisdiction of the Psychiatric Security Review Board or the Oregon
- 12 Health Authority;
- 13 “(C) Placed on conditional release by the court pursuant to ORS 161.327; or
- 14 “(D) Discharged by the court pursuant to ORS 161.329.
- 15 “(b) The Psychiatric Security Review Board or the Oregon Health Authority shall notify the
- 16 State Board of Parole and Post-Prison Supervision when the Psychiatric Security Review Board or
- 17 the authority conditionally releases or discharges a person described in paragraph (a) of this sub-
- 18 section.
- 19 “(c) The court shall notify the State Board of Parole and Post-Prison Supervision when the court
- 20 conditionally releases or discharges a person described in paragraph (a) of this subsection.
- 21 “(4) Within 60 days after the event triggering the obligation to make an initial report, the State
- 22 Board of Parole and Post-Prison Supervision shall conduct a risk assessment of a person utilizing
- 23 the risk assessment tool described in section 1 of this 2013 Act if the person:”.
- 24 In line 23, delete “or”.
- 25 In line 25, delete the period and insert “; or
- 26 “(c) Has been convicted of a sex crime and was sentenced to a term of imprisonment in a De-
- 27 partment of Corrections institution for that sex crime, but was not subjected to a risk assessment
- 28 utilizing the risk assessment tool described in section 1 of this 2013 Act before release under sub-
- 29 section (1) of this section.”.
- 30 In line 27, delete the comma and insert “or” and delete “or the Psychiatric Security Review
- 31 Board”.
- 32 In line 34, after “section” insert “and section 2 of this 2013 Act”.
- 33 On page 6, line 26, after the period insert “All fees paid under this subsection shall be deposited
- 34 into the General Fund and credited to the account of the appropriate board.”.
- 35 On page 7, line 35, delete “or the Psychiatric Security Review Board, as appropriate,”.

1 On page 8, after line 17, insert:

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

6 On page 24, after line 42, insert:

7  
8 **“ACTIVE PAROLE AND POST-PRISON SUPERVISION**

9  
10 **“SECTION 30.** ORS 144.085 is amended to read:

11 “144.085. (1) All prisoners sentenced to prison for more than 12 months shall serve active peri-  
12 ods of parole or post-prison supervision as follows:

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

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

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

20 “(d) Prisoners sentenced for violating or attempting to violate ORS 163.365, 163.375, 163.395,  
21 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of **active** parole that extends for the  
22 entire term of the offender’s sentence or a term of **active** post-prison supervision as provided in ORS  
23 144.103; and

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

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

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

36 “(a) An evaluation of the offender’s compliance with supervision conditions;

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

39 “(c) The offender’s employment status;

40 “(d) The offender’s address;

41 “(e) Treatment program outcome;

42 “(f) Any new criminal activity; and

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

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

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

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

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

10 “**SECTION 31.** ORS 144.103 is amended to read:

11 “144.103. (1) Except as otherwise provided in ORS 137.765 and subsection (2) of this section, any  
12 person sentenced to a term of imprisonment for violating or attempting to violate ORS 163.365,  
13 163.375, 163.395, 163.405, 163.408, 163.411, 163.425 or 163.427 shall serve a term of **active** post-prison  
14 supervision that continues until the term of the post-prison supervision, when added to the term of  
15 imprisonment served, equals the maximum statutory indeterminate sentence for the violation.

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

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

21 “(A) ORS 163.375 (1)(b);

22 “(B) ORS 163.405 (1)(b);

23 “(C) ORS 163.411 (1)(b); and

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

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

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

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

37 “**SECTION 32. The amendments to ORS 144.085 and 144.103 by sections 30 and 31 of this**  
38 **2013 Act apply to sentences imposed before, on and after the effective date of this 2013**  
39 **Act.”.**

40 On page 25, line 1, delete “30” and insert “33”.

41 In line 4, delete “31” and insert “34”.

42 In line 6, delete “32” and insert “35”.

43 In line 9, delete “35” and insert “38”.

44 In line 13, delete “33” and insert “36” and delete “32” and insert “35”.

45 In line 14, delete “32” and insert “35”.

1 In line 17, delete "35" and insert "38".

2 Delete lines 21 and 22 and insert:

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

5 In line 23, delete "35" and insert "38".

6 After line 33, insert:

7 **"SECTION 39. Notwithstanding any other provision of law, the General Fund appropri-**  
8 **ation made to the State Board of Parole and Post-Prison Supervision by section 1, chapter**  
9 **502, Oregon Laws 2013 (Enrolled House Bill 5035), for the biennium beginning July 1, 2013,**  
10 **as modified by legislative or Emergency Board action, is increased by \$254,655 for the purpose**  
11 **of implementing the provisions of sections 1 to 7 of this 2013 Act."**

12 In line 34, delete "36" and insert "40".

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