

SB 767 A STAFF MEASURE SUMMARY**Carrier:** Sen. Thatcher**Senate Committee On Judiciary****Action Date:** 04/18/17**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 5-0-0-0**Yeas:** 5 - Dembrow, Linthicum, Manning Jr, Prozanski, Thatcher**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Prepared By:** Josh Nasbe, Counsel**WHAT THE MEASURE DOES:**

Extends by four years period of time within which State Board of Parole and Post-Prison Supervision must classify, and Department of State Police must enter into Law Enforcement Data System, sex offenders who were reporting before implementation of classification system on January 1, 2014. Makes certain provisions currently applicable to sex offenders who were reporting before January 1, 2014, applicable to offenders required to report after that date, including ability of level two and level three sex offenders to petition for reclassification to lower level. Extends, from 60 to 90 days, period of time within which supervisory authority, boards or Oregon Health Authority must classify sex offenders following release from custody. Authorizes boards to reclassify registrants based on factual mistake. Eliminates delay on ability of boards to classify as level three, sex offenders who fail or refuse to participate in assessment. Authorizes boards to classify offenders who subsequently participate in assessment. Prohibits sex offender classified at level one from challenging classification.

ISSUES DISCUSSED:

- "Existing registrants" required to report before January 1, 2014 vs. new registrants required to report after
- Classifying existing registrants at same time as new registrants
- Sex offenders who fail or refuse to participate in assessment
- Ability to change classification
- Due process

EFFECT OF AMENDMENT:

Replaces the measure.

BACKGROUND:

In 2013, the Legislative Assembly adopted a risk assessment-based sex offender classification system. Sex offenders are placed into three levels, based on risk and the level of public notification required. Because the 2013 legislation applied this system retroactively, criminal justice agencies are obligated to classify all sex offenders who were required to report before the implementation of the system, as well as those required to report in the future.

Senate Bill 767-A extends the period of time, from December 1, 2018 to December 1, 2022, within which the State Board of Parole and Post-Prison Supervision is required to classify offenders who were required to report before the implementation of the system. The bill increases the period of time, from 60 to 90 days, after which sex offenders released from custody must be classified. The bill provides level two and three offenders who are required to report after the implementation of the system with the ability to petition for a reclassification on the same terms as offenders who were required to report before the implementation of the system. The bill authorizes the reclassification of offenders, if a factual mistake caused an erroneous assessment or classification and provides the classifying agencies with the immediate authority to classify an offender who fails or refuses to participate in the assessment, as a level three sex offender, while also providing the authority to conduct an assessment if offender is subsequently willing to participate.