

House Bill 2612

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Judiciary)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies reporting obligation for sex offenders by requiring report within 10 days following change of residence. Removes requirement that sex offender have acquired new residence before obligation to report is triggered.

A BILL FOR AN ACT

1
2 Relating to sex offender reporting; creating new provisions; and amending ORS 163A.040.

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

4 **SECTION 1.** ORS 163A.040, as amended by section 4a, chapter 95, Oregon Laws 2016, is
5 amended to read:

6 163A.040. (1) A person who is required to report as a sex offender in accordance with the ap-
7 plicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the
8 reporting requirement commits the crime of failure to report as a sex offender if the person:

9 (a) Fails to make the initial report to an agency;

10 (b) Fails to report when the person works at, carries on a vocation at or attends an institution
11 of higher education;

12 (c) Fails to report following a change of school enrollment or employment status, including en-
13 rollment, employment or vocation status at an institution of higher education;

14 (d) [*Moves to a new residence and fails to report the move and the person's new address*] **Fails**
15 **to report following a change of residence;**

16 (e) Fails to make an annual report;

17 (f) Fails to provide complete and accurate information;

18 (g) Fails to sign the sex offender registration form as required;

19 (h) Fails or refuses to participate in a sex offender risk assessment as directed by the State
20 Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health
21 Authority or supervisory authority; or

22 (i) Fails to submit to fingerprinting or to having a photograph taken of the person's face, iden-
23 tifying scars, marks or tattoos.

24 (2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
25 section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025
26 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department
27 of State Police, a city police department or a county sheriff's office, in the county of the person's
28 new residence, if the person otherwise complied with all reporting requirements.

29 (b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
30 section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 person, to the Department of State Police in Marion County, Oregon, within 10 days of moving into
 2 this state.

3 (c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
 4 section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in
 5 person, to the Department of State Police in Marion County, Oregon, within six months of moving
 6 into this state.

7 (d) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
 8 tion by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person re-
 9 ported, in person, to the Department of State Police in Marion County, Oregon, if the person
 10 otherwise complied with all reporting requirements.

11 (e) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
 12 tion by a person required to report under ORS 163A.025 (3) that the person reported, in person, to
 13 the Department of State Police, a city police department or a county sheriff's office, in the county
 14 of the person's residence, if the person otherwise complied with all reporting requirements.

15 (f) It is an affirmative defense to a charge of failure to report under subsection (1) of this section
 16 by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth
 17 Authority if the person establishes that the authority registered the person under ORS 163A.010
 18 (3)(c).

19 (g) It is an affirmative defense to a charge of failure to report under subsection (1) of this sec-
 20 tion by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the
 21 Oregon Youth Authority or a county juvenile department if the person establishes that the authority
 22 or department registered the person under ORS 163A.025 (8).

23 (3)(a) Except as otherwise provided in paragraph (b) of this subsection, failure to report as a sex
 24 offender is a Class A misdemeanor.

25 (b) Failure to report as a sex offender is a Class C felony if the person violates:

26 (A) Subsection (1)(a) of this section; or

27 (B) Subsection (1)(b), (c), (d) or (g) of this section and the crime for which the person is required
 28 to report is a felony.

29 (4) A person who fails to sign and return an address verification form as required by ORS
 30 163A.035 (4) commits a violation.

31 **SECTION 2. The amendments to ORS 163A.040 by section 1 of this 2017 Act apply to**
 32 **conduct occurring on or after the effective date of this 2017 Act.**

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