

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2360**

1 On page 2 of the printed A-engrossed bill, delete lines 36 and 37 and in-  
2 sert:

3 **“SECTION 2.** ORS 163A.040, as amended by section 4a, chapter 95,  
4 Oregon Laws 2016, and section 1 of this 2017 Act, is amended to read:

5 “163A.040. (1) A person who is required to report as a sex offender in  
6 accordance with the applicable provisions of ORS 163A.010, 163A.015,  
7 163A.020 or 163A.025 and who has knowledge of the reporting requirement  
8 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  
11 or attends an institution of higher education;

12 “(c) Fails to report following a change of school enrollment or employ-  
13 ment status, including enrollment, employment or vocation status at an in-  
14 stitution of higher education;

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

17 “(e) Fails to make an annual report;

18 “(f) Fails to provide complete and accurate information;

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

20 “(h) Fails or refuses to participate in a sex offender risk assessment as  
21 directed by the State Board of Parole and Post-Prison Supervision, Psychi-

1 atric Security Review Board, Oregon Health Authority or supervisory au-  
2 thority; or

3 “(i) Fails to submit to fingerprinting or to having a photograph taken of  
4 the person’s face, identifying scars, marks or tattoos.

5 “(2)(a) It is an affirmative defense to a charge of failure to report under  
6 subsection (1)(d) of this section by a person required to report under ORS  
7 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person re-  
8 ported, in person, within 10 days of a change of residence to the Department  
9 of State Police, a city police department or a county sheriff’s office, in the  
10 county of the person’s new residence, if the person otherwise complied with  
11 all reporting requirements.

12 “(b) It is an affirmative defense to a charge of failure to report under  
13 subsection (1)(a) of this section by a person required to report under ORS  
14 163A.025 (2)(b)(A)(i) that the person reported, in person, to the Department  
15 of State Police in Marion County, Oregon, within 10 days of moving into this  
16 state.

17 “(c) It is an affirmative defense to a charge of failure to report under  
18 subsection (1)(a) of this section by a person required to report under ORS  
19 163A.025 (2)(b)(B)(i) that the person reported, in person, to the Department  
20 of State Police in Marion County, Oregon, within six months of moving into  
21 this state.

22 “(d) It is an affirmative defense to a charge of failure to report under  
23 subsection (1) of this section by a person required to report under ORS  
24 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the  
25 Department of State Police in Marion County, Oregon, if the person other-  
26 wise complied with all reporting requirements.

27 “(e) It is an affirmative defense to a charge of failure to report under  
28 subsection (1) of this section by a person required to report under ORS  
29 163A.025 (3) that the person reported, in person, to the Department of State  
30 Police, a city police department or a county sheriff’s office, in the county

1 of the person’s residence, if the person otherwise complied with all reporting  
2 requirements.

3 “(f) It is an affirmative defense to a charge of failure to report under  
4 subsection (1) of this section by a person required to report under ORS  
5 163A.010 (3) that the person reported to the Oregon Youth Authority if the  
6 person establishes that the authority registered the person under ORS  
7 163A.010 (3)(c).

8 “(g) It is an affirmative defense to a charge of failure to report under  
9 subsection (1) of this section by a person required to report under ORS  
10 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority  
11 or a county juvenile department if the person establishes that the authority  
12 or department registered the person under ORS 163A.025 (8).

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

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

17 “(A) Subsection (1)(a) of this section; or

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

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

22 **“SECTION 3. The amendments to ORS 163A.040 by section 2 of this  
23 2017 Act become operative on January 1, 2022.**

24 **“SECTION 4. (1) The amendments to ORS 163A.040 by section 1 of  
25 this 2017 Act apply to conduct occurring on or after the effective date  
26 of this 2017 Act.**

27 **“(2) The amendments to ORS 163A.040 by section 2 of this 2017 Act  
28 apply to conduct occurring on or after January 1, 2022.”.**

29 In line 38, delete “3” and insert “5”.  
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