

House Bill 2044

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Kate Brown for State Board of Parole and Post-Prison Supervision)

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**.

Requires that person classified as level two or level three sex offender file petition for review no later than 60 days after notice provided or mailed to person.

A BILL FOR AN ACT

1
2 Relating to sex offender classification; amending ORS 163A.105.

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

4 **SECTION 1.** ORS 163A.105 is amended to read:

5 163A.105. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sen-
6 tenced to a term of imprisonment in a Department of Corrections institution for that crime, the
7 State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assess-
8 ment methodology described in ORS 163A.100. The board shall apply the results of the assessment
9 to place the person in one of the levels described in ORS 163A.100 before the person is released from
10 custody.

11 (2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or
12 is discharged, released or placed on probation by the court, the supervisory authority as defined in
13 ORS 144.087 shall assess the person utilizing the risk assessment methodology described in ORS
14 163A.100 and apply the results of the assessment to place the person in one of the levels described
15 in ORS 163A.100 no later than 90 days after the person is released from jail or discharged, released
16 or placed on probation by the court.

17 (3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security
18 Review Board shall assess the person utilizing the risk assessment methodology described in ORS
19 163A.100 and apply the results of the assessment to place the person in one of the levels described
20 in ORS 163A.100 no later than 90 days after the person is:

21 (A) Placed on conditional release by the Psychiatric Security Review Board;

22 (B) Discharged from the jurisdiction of the Psychiatric Security Review Board;

23 (C) Placed on conditional release by the court pursuant to ORS 161.327; or

24 (D) Discharged by the court pursuant to ORS 161.329.

25 (b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-
26 sessment and assigned a classification level described in ORS 163A.100 for a person described in
27 paragraph (a) of this subsection, the Psychiatric Security Review Board need not complete a reas-
28 sessment for an initial classification.

29 (c) The court shall notify the Psychiatric Security Review Board when the court conditionally
30 releases or discharges a person described in paragraph (a) of this subsection.

31 (d) The Psychiatric Security Review Board shall notify the State Board of Parole and Post-

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 Prison Supervision no later than seven days after the Psychiatric Security Review Board condi-
 2 tionally releases or discharges a person who has a prior sex crime conviction that obligates the
 3 person to report as a sex offender, unless the person has also been found guilty except for insanity
 4 of a sex crime that obligates the person to report as a sex offender.

5 (4)(a) Within 90 days after receiving notice of a person’s obligation to report in this state from
 6 the Department of State Police, the State Board of Parole and Post-Prison Supervision shall assess
 7 the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the re-
 8 sults of the assessment to place the person in one of the levels described in ORS 163A.100 if the
 9 person has been convicted in another United States court of a crime:

10 (A) That would constitute a sex crime if committed in this state; or

11 (B) For which the person would have to register as a sex offender in that court’s jurisdiction,
 12 or as required under federal law, regardless of whether the crime would constitute a sex crime in
 13 this state.

14 (b) If a person has been convicted of a sex crime and was sentenced to a term of imprisonment
 15 in a Department of Corrections institution for that sex crime, but was not subjected to a risk as-
 16 sessment utilizing the risk assessment methodology described in ORS 163A.100 before release under
 17 subsection (1) of this section, within 90 days after the person’s release the State Board of Parole and
 18 Post-Prison Supervision shall assess the person utilizing the risk assessment methodology described
 19 in ORS 163A.100 and apply the results of the assessment to place the person in one of the levels
 20 described in ORS 163A.100.

21 (5) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
 22 Board or a supervisory authority applies the results of a risk assessment to place a person in one
 23 of the levels described in ORS 163A.100, the agency shall notify the Department of State Police of
 24 the results of the risk assessment within three business days after the agency’s classification. Upon
 25 receipt, the Department of State Police shall enter the results of the risk assessment into the Law
 26 Enforcement Data System.

27 (6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
 28 Board or a supervisory authority may reassess or reclassify a person placed in one of the levels
 29 described in ORS 163A.100 under this section if the classifying board or authority determines that
 30 a factual mistake caused an erroneous assessment or classification.

31 (7)(a) A person classified under this section as a level two or level three sex offender as de-
 32 scribed in ORS 163A.100 may petition the classifying board or authority for review. The petition
 33 may be filed no later than 60 days after the [*person receives*] notice of the classification **is provided**
 34 **to the person or, if the notice is mailed, no later than 60 days after the notice is sent.**

35 (b) Upon receipt of a petition described in this subsection, the classifying board or authority
 36 shall afford the person an opportunity to be heard as to all factual questions related to the classi-
 37 fication.

38 (c) After providing the person with notice and an opportunity to be heard in accordance with
 39 this subsection, the board or authority shall classify the person in accordance with the classifica-
 40 tions described in ORS 163A.100, based on all of the information available to the classifying board
 41 or authority.

42 (8)(a) If the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
 43 Board or a supervisory authority does not classify a person under ORS 163A.100 because the person
 44 has failed or refused to participate in a sex offender risk assessment as directed by the board or
 45 authority, the classifying board or authority shall classify the person as a level three sex offender

1 under ORS 163A.100 (3).

2 (b) If person classified as a level three sex offender under this subsection notifies the classifying
3 board or authority of the willingness to participate in a sex offender risk assessment, the classifying
4 board or authority shall perform the assessment and classify the person in one of the levels de-
5 scribed in ORS 163A.100.

6 (9) The State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review
7 Board may adopt rules to carry out the provisions of this section.

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