

Senate Bill 128

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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**.

Authorizes specified law enforcement agencies and supervisory agencies to release sex offender information to certain state and local government entities when release is in public interest.

A BILL FOR AN ACT

1
2 Relating to sex offender information; amending ORS 163A.215 and 163A.225.

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

4 **SECTION 1.** ORS 163A.215 is amended to read:

5 163A.215. (1)(a) A notifying agency or a supervising agency shall release, upon request, any in-
6 formation that may be necessary to protect the public concerning sex offenders who reside in a
7 specific area or concerning a specific sex offender.

8 (b) A notifying agency or a supervising agency may release sex offender information to a law
9 enforcement agency, **authorized agency or qualified entity** if the notifying agency or supervising
10 agency determines that the release of information is in the public interest.

11 (c) In addition to the release of information described in this subsection and ORS 137.540,
12 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information
13 to the public in accordance with subsections (2) to (4) of this section.

14 (2) If the sex offender is classified as a level three sex offender under ORS 163A.100 (3):

15 (a) The Department of State Police shall release sex offender information on a website main-
16 tained by the department; and

17 (b) The supervising agency or a notifying agency may release sex offender information to:

18 (A) A person that resides with the sex offender;

19 (B) A person with whom the sex offender has a significant relationship;

20 (C) Residential neighbors and churches, community parks, schools and child care centers, con-
21 venience stores, businesses and other places that children or other potential victims may frequent;

22 (D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined
23 in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

24 (E) Local or regional media sources.

25 (3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use
26 the Internet to make available to the public information concerning a sex offender classified as a
27 level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the
28 Psychiatric Security Review Board, unless the department is authorized to do so by a request of the
29 supervising agency.

30 (4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2), the

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 supervising agency or a notifying agency may release sex offender information to the persons or
2 entities described in subsection (2)(b)(A) to (D) of this section.

3 (5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1), the
4 supervising agency or a notifying agency may release sex offender information to a person described
5 in subsection (2)(b)(A) of this section.

6 (6) As used in this section:

7 **(a) “Authorized agency” means an authorized agency as defined in ORS 181A.190 or**
8 **181A.195.**

9 [(a)] **(b) “Notifying agency”** means the Department of State Police, a city police department, a
10 county sheriff’s office or a police department established by a university under ORS 352.121.

11 **(c) “Qualified entity” has the meaning given that term in ORS 181A.200.**

12 [(b)] **(d) “Sex offender information”** means information that the Department of State Police de-
13 termines by rule is appropriate for release to the public.

14 [(c)] **(e) “Supervising agency”** means a governmental entity responsible for supervising a person
15 required to report as a sex offender under ORS 163A.010 or 163A.015.

16 **SECTION 2.** ORS 163A.225 is amended to read:

17 163A.225. (1)(a) Except as otherwise provided in this section, when a sex offender is under the
18 supervision of the Oregon Youth Authority or a county juvenile department for the first time as a
19 result of committing an act that if committed by an adult would constitute a sex crime, the De-
20 partment of State Police, city police department or county sheriff’s office shall release, upon request,
21 only:

22 (A) The sex offender’s name and year of birth;

23 (B) The name and zip code of the city where the sex offender resides;

24 (C) The name and telephone number of a contact person at the agency that is supervising the
25 sex offender; and

26 (D) The name of institutions of higher education that the sex offender attends or at which the
27 sex offender works or carries on a vocation.

28 (b) Notwithstanding paragraph (a) of this section, the Oregon Youth Authority or a county ju-
29 venile department shall release, upon request, any information that may be necessary to protect the
30 public concerning a sex offender under the supervision of the authority or department.

31 (2)(a) Except as otherwise limited by subsection (1)(a) of this section regarding persons who are
32 under supervision for the first time as sex offenders, the Department of State Police, a city police
33 department or a county sheriff’s office shall release, upon request, any information that may be
34 necessary to protect the public concerning sex offenders required to report under ORS 163A.025 who
35 reside in a specific area or concerning a specific sex offender required to report under ORS
36 163A.025. However, the entity releasing the information may not release the identity of a victim of
37 a sex crime.

38 **(b) A notifying agency or a supervising agency may release sex offender information to**
39 **a law enforcement agency, an authorized agency or a qualified entity if the notifying agency**
40 **or supervising agency determines that the release of information is in the public interest.**

41 (3)(a) The Department of State Police may make the information described in subsections (1) and
42 (2) of this section available to the public, without the need for a request, by electronic or other
43 means. The Department of State Police shall make information about a person who is under super-
44 vision for the first time as a result of committing an act that if committed by an adult would con-
45 stitute a sex crime accessible only by the use of the sex offender’s name. For all other sex offenders

1 required to report under ORS 163A.025, the Department of State Police may make the information
2 accessible in any manner the department chooses.

3 (b) Notwithstanding paragraph (a) of this subsection, the Department of State Police may not
4 use the Internet to make information available to the public.

5 **(4) As used in this section:**

6 (a) **“Authorized agency” means an authorized agency as defined in ORS 181A.190 or**
7 **181A.195.**

8 (b) **“Notifying agency” means the Department of State Police, a city police department,**
9 **a county sheriff’s office or a police department established by a university under ORS**
10 **352.121.**

11 (c) **“Qualified entity” has the meaning given that term in ORS 181A.200.**

12 (d) **“Sex offender information” means information that the Department of State Police**
13 **determines by rule is appropriate for release to the public.**

14 (e) **“Supervising agency” means the Oregon Youth Authority, a county juvenile depart-**
15 **ment or any other governmental entity responsible for supervising a person required to re-**
16 **port as a sex offender under ORS 163A.010, 163A.015 or 163A.025.**

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