

Requested by Representative WILLIAMS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2823**

1 On page 1 of the printed bill, delete lines 4 through 31 and delete pages
2 2 and 3 and insert:

3 **SECTION 1.** ORS 163A.005 is amended to read:

4 “163A.005. As used in ORS 163A.005 to 163A.235:

5 “(1) ‘Another United States court’ means a federal court, a military court,
6 the tribal court of a federally recognized Indian tribe or a court of:

7 “(a) A state other than Oregon;

8 “(b) The District of Columbia;

9 “(c) The Commonwealth of Puerto Rico;

10 “(d) Guam;

11 “(e) American Samoa;

12 “(f) The Commonwealth of the Northern Mariana Islands; or

13 “(g) The United States Virgin Islands.

14 “(2) ‘Attends’ means is enrolled on a full-time or part-time basis.

15 “(3)(a) ‘Correctional facility’ means any place used for the confinement
16 of persons:

17 “(A) Charged with or convicted of a crime or otherwise confined under
18 a court order.

19 “(B) Found to be within the jurisdiction of the juvenile court for having
20 committed an act that if committed by an adult would constitute a crime.

21 “(b) ‘Correctional facility’ applies to a state hospital or a secure intensive

1 community inpatient facility only as to persons detained therein charged
2 with or convicted of a crime, or detained therein after being found guilty
3 except for insanity under ORS 161.290 to 161.373 or responsible except for
4 insanity under ORS 419C.411.

5 “(4) ‘Institution of higher education’ means a public or private educa-
6 tional institution that provides a program of post-secondary education.

7 “(5) ‘Sex crime’ means:

8 “(a) Rape in any degree;

9 “(b) Sodomy in any degree;

10 “(c) Unlawful sexual penetration in any degree;

11 “(d) Sexual abuse in any degree;

12 “(e) Incest with a child victim;

13 “(f) Using a child in a display of sexually explicit conduct;

14 “(g) Encouraging child sexual abuse in any degree;

15 “(h) Transporting child pornography into the state;

16 “(i) Paying for viewing a child’s sexually explicit conduct;

17 “(j) Compelling prostitution;

18 “(k) Promoting prostitution;

19 “[*L*] *Kidnapping in the first degree if the victim was under 18 years of*
20 *age;*]

21 “[*m*] **(L)** Contributing to the sexual delinquency of a minor;

22 “[*n*] **(m)** Sexual misconduct if the offender is at least 18 years of age;

23 “[*o*] **(n)** Possession of materials depicting sexually explicit conduct of a
24 child in the first degree;

25 “[*p*] *Kidnapping in the second degree if the victim was under 18 years of*
26 *age, except by a parent or by a person found to be within the jurisdiction of*
27 *the juvenile court;*]

28 “[*q*] **(o)** Online sexual corruption of a child in any degree if the offender
29 reasonably believed the child to be more than five years younger than the
30 offender;

1 “[*r*] (p) Luring a minor, if:

2 “(A) The offender reasonably believed the minor or, in the case of a police

3 officer or agent of a police officer posing as a minor, the purported minor

4 to be more than five years younger than the offender or under 16 years of

5 age; and

6 “(B) The court designates in the judgment that the offense is a sex crime;

7 “[*s*] (q) Sexual assault of an animal;

8 “[*t*] (r) Public indecency or private indecency, if the person has a prior

9 conviction for a crime listed in this subsection;

10 “[*u*] (s) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);

11 “[*v*] (t) Purchasing sex with a minor if the court designates the offense

12 as a sex crime pursuant to ORS 163.413 (3)(d), or the offense is the

13 defendant’s second or subsequent conviction under ORS 163.413 (3)(b)(B);

14 “[*w*] (u) Invasion of personal privacy in the first degree, if the court

15 designates the offense as a sex crime pursuant to ORS 163.701 (3);

16 “[*x*] *Any attempt to commit any of the crimes listed in paragraphs (a) to*

17 *(w) of this subsection;*]

18 “[*y*] (v) Burglary, when committed with intent to commit any of the of-

19 fenses listed in paragraphs (a) to [*w*] (u) of this subsection; [*or*]

20 **“(w) Kidnapping in any degree, when committed with the intent to**

21 **commit any of the offenses listed in paragraphs (a) to (u) of this sub-**

22 **section;**

23 **“(x) Any attempt to commit any of the crimes listed in paragraphs**

24 **(a) to (w) of this subsection; or**

25 “[*z*] (y) Criminal conspiracy if the offender agrees with one or more

26 persons to engage in or cause the performance of an offense listed in para-

27 graphs (a) to (w) of this subsection.

28 “(6) ‘Sex offender’ means a person who:

29 “(a) Has been convicted of a sex crime;

30 “(b) Has been found guilty except for insanity of a sex crime;

1 “(c) Has been convicted in another United States court of a crime:
2 “(A) That would constitute a sex crime if committed in this state; or
3 “(B) For which the person would have to register as a sex offender in that
4 court’s jurisdiction, or as required under federal law, regardless of whether
5 the crime would constitute a sex crime in this state; or
6 “(d) Is described in ORS 163A.025 (1).

7 “(7) ‘Works’ or ‘carries on a vocation’ means full-time or part-time em-
8 ployment for more than 14 days within one calendar year whether financially
9 compensated, volunteered or for the purpose of governmental or educational
10 benefit.

11 **“SECTION 2.** ORS 163A.115 is amended to read:

12 “163A.115. Notwithstanding any other provision of law:

13 “(1) A person who is a sexually violent dangerous offender under ORS
14 137.765:

15 “(a) Must be classified as a level three sex offender under ORS 163A.100
16 (3); and

17 “(b) Is not eligible for relief from the obligation to report as a sex
18 offender or reclassification as a level two sex offender under ORS 163A.100
19 (2), pursuant to a petition filed under ORS 163A.125.

20 “(2) A person who has been convicted or found guilty except for insanity
21 of one of the following offenses is not eligible for relief from the obligation
22 to report as a sex offender pursuant to a petition filed under ORS 163A.125
23 (1):

24 “(a) Rape in the first degree;

25 “(b) Sodomy in the first degree;

26 “(c) Unlawful sexual penetration in the first degree;

27 “(d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) [*or*
28 *when the victim is under 18 years of age*]; or

29 “(e) Burglary in the first degree when committed with the intent to com-
30 mit any of the offenses listed in ORS 163A.005 (5)(a) to [(w)] (**u**).

