

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*] **as described in ORS 163.235 (1)(e)**;

21 “(m) Contributing to the sexual delinquency of a minor;

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

23 “(o) Possession of materials depicting sexually explicit conduct of a child  
24 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)*] **(p)** 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)] (q) 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)] (r) Sexual assault of an animal;  
8       “[(t)] (s) Public indecency or private indecency, if the person has a prior  
9 conviction for a crime listed in this subsection;  
10       “[(u)] (t) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);  
11       “[(v)] (u) 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)] (v) 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)] (w) Any attempt to commit any of the crimes listed in paragraphs  
17 (a) to [(w)] (v) of this subsection;  
18       “[(y)] (x) Burglary, when committed with intent to commit any of the of-  
19 fenses listed in paragraphs (a) to [(w)] (v) of this subsection; or  
20       “[(z)] (y) Criminal conspiracy if the offender agrees with one or more  
21 persons to engage in or cause the performance of an offense listed in para-  
22 graphs (a) to [(w)] (v) of this subsection.  
23       “(6) ‘Sex offender’ means a person who:  
24       “(a) Has been convicted of a sex crime;  
25       “(b) Has been found guilty except for insanity of a sex crime;  
26       “(c) Has been convicted in another United States court of a crime:  
27       “(A) That would constitute a sex crime if committed in this state; or  
28       “(B) For which the person would have to register as a sex offender in that  
29 court’s jurisdiction, or as required under federal law, regardless of whether  
30 the crime would constitute a sex crime in this state; or

1 “(d) Is described in ORS 163A.025 (1).

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

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

7 “163A.115. Notwithstanding any other provision of law:

8 “(1) A person who is a sexually violent dangerous offender under ORS  
9 137.765:

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

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

15 “(2) A person who has been convicted or found guilty except for insanity  
16 of one of the following offenses is not eligible for relief from the obligation  
17 to report as a sex offender pursuant to a petition filed under ORS 163A.125  
18 (1):

19 “(a) Rape in the first degree;

20 “(b) Sodomy in the first degree;

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

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

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

26 “(3) A person classified as a level three sex offender under section 7 (2)(b),  
27 chapter 708, Oregon Laws 2013, is not eligible for relief from the obligation  
28 to report as a sex offender pursuant to a petition filed under ORS 163A.125  
29 (1).

30 **“SECTION 3.** This 2021 Act takes effect on the 91st day after the

1 **date on which the 2021 regular session of the Eighty-first Legislative**  
2 **Assembly adjourns sine die.”**

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