

Requested by Representative WILLIAMS

**PROPOSED AMENDMENTS TO
HOUSE BILL 2823**

1 On page 1 of the printed bill, line 2, after “crimes;” insert “creating new
2 provisions;”.

3 Delete lines 4 through 31 and delete pages 2 and 3 and insert:

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

5 “163A.005. As used in ORS 163A.005 to 163A.235:

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

8 “(a) A state other than Oregon;

9 “(b) The District of Columbia;

10 “(c) The Commonwealth of Puerto Rico;

11 “(d) Guam;

12 “(e) American Samoa;

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

14 “(g) The United States Virgin Islands.

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

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

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

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

1 “(b) ‘Correctional facility’ applies to a state hospital or a secure intensive
2 community inpatient facility only as to persons detained therein charged
3 with or convicted of a crime, or detained therein after being found guilty
4 except for insanity under ORS 161.290 to 161.373 or responsible except for
5 insanity under ORS 419C.411.

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

8 “(5) ‘Sex crime’ means:

9 “(a) Rape in any degree;

10 “(b) Sodomy in any degree;

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

12 “(d) Sexual abuse in any degree;

13 “(e) Incest with a child victim;

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

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

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

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

18 “(j) Compelling prostitution;

19 “(k) Promoting prostitution;

20 “(L) Kidnapping in the first degree [*if the victim was under 18 years of*
21 *age*] **as described in ORS 163.235 (1)(e)**;

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

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

24 “(o) Possession of materials depicting sexually explicit conduct of a child
25 in the first degree;

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

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

1 offender;

2 “[*r*] (q) Luring a minor, if:

3 “(A) The offender reasonably believed the minor or, in the case of a police
4 officer or agent of a police officer posing as a minor, the purported minor
5 to be more than five years younger than the offender or under 16 years of
6 age; and

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

8 “[*s*] (r) Sexual assault of an animal;

9 “[*t*] (s) Public indecency or private indecency, if the person has a prior
10 conviction for a crime listed in this subsection;

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

12 “[*v*] (u) Purchasing sex with a minor if the court designates the offense
13 as a sex crime pursuant to ORS 163.413 (3)(d), or the offense is the
14 defendant’s second or subsequent conviction under ORS 163.413 (3)(b)(B);

15 “[*w*] (v) Invasion of personal privacy in the first degree, if the court
16 designates the offense as a sex crime pursuant to ORS 163.701 (3);

17 “[*x*] (w) Any attempt to commit any of the crimes listed in paragraphs
18 (a) to [*w*] (v) of this subsection;

19 “[*y*] (x) Burglary, when committed with intent to commit any of the of-
20 fenses listed in paragraphs (a) to [*w*] (v) of this subsection; or

21 “[*z*] (y) Criminal conspiracy if the offender agrees with one or more
22 persons to engage in or cause the performance of an offense listed in para-
23 graphs (a) to [*w*] (v) of this subsection.

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

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

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

27 “(c) Has been convicted in another United States court of a crime:

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

29 “(B) For which the person would have to register as a sex offender in that
30 court’s jurisdiction, or as required under federal law, regardless of whether

1 the crime would constitute a sex crime in this state; or

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

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

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

8 “163A.115. Notwithstanding any other provision of law:

9 “(1) A person who is a sexually violent dangerous offender under ORS
10 137.765:

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

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

16 “(2) A person who has been convicted or found guilty except for insanity
17 of one of the following offenses is not eligible for relief from the obligation
18 to report as a sex offender pursuant to a petition filed under ORS 163A.125
19 (1):

20 “(a) Rape in the first degree;

21 “(b) Sodomy in the first degree;

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

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

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

27 “(3) A person classified as a level three sex offender under section 7 (2)(b),
28 chapter 708, Oregon Laws 2013, is not eligible for relief from the obligation
29 to report as a sex offender pursuant to a petition filed under ORS 163A.125
30 (1).

1 **“SECTION 3. (1) Within 90 days of the effective date of this 2021**
2 **Act, the Department of State Police shall identify all persons required**
3 **to report as a sex offender under ORS 163A.010, 163A.015, 163A.020 or**
4 **163A.025 after being convicted of, being found guilty except for insanity**
5 **of, or being found to be within the jurisdiction of the juvenile court**
6 **under ORS 419C.005, or found by the juvenile court to be responsible**
7 **except for insanity under ORS 419C.411, for having committed an act**
8 **that, if committed by an adult, would constitute:**

9 **“(a) Kidnapping in the second degree under ORS 163.225; or**

10 **“(b) Kidnapping in the first degree under ORS 163.235 (1)(a) to (d).**

11 **“(2) Within 90 days of identifying the persons described in sub-**
12 **section (1) of this section, the department shall:**

13 **“(a) Send written notice to the last-known address of each person**
14 **informing the person that the person is no longer required to report**
15 **as a sex offender.**

16 **“(b) Remove the information of each person from the department’s**
17 **records of persons required to report as a sex offender under ORS**
18 **163A.010, 163A.015, 163A.020 or 163A.025.**

19 **“SECTION 4. This 2021 Act takes effect on the 91st day after the**
20 **date on which the 2021 regular session of the Eighty-first Legislative**
21 **Assembly adjourns sine die.”.**

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