

SB 620-2  
(LC 858)  
6/17/21 (JLM/ps)

Requested by HOUSE COMMITTEE ON RULES (at the request of Transforming Justice Coalition)

**PROPOSED AMENDMENTS TO  
SENATE BILL 620**

1 On page 1 of the printed bill, line 2, after “provisions;” delete the rest  
2 of the line and insert “amending ORS 133.865, 137.540, 137.630, 144.089,  
3 144.102 and 144.103; and repealing ORS 423.570.”.

4 Delete lines 4 through 31 and delete page 2 and insert:

5 **“SECTION 1. ORS 423.570 is repealed.**

6 **“SECTION 2. ORS 133.865 is amended to read:**

7 “133.865. (1) The Arrest and Return Account is established separate and  
8 distinct from the General Fund. The account consists of moneys deposited  
9 into the account under ORS [~~137.540,~~] 144.605 and 161.665, moneys allocated  
10 to the account under ORS 137.300 and other moneys received by the Gover-  
11 nor for the purpose of paying the costs of extraditing defendants.

12 “(2) Except as provided in subsection (3) of this section, moneys in the  
13 account are continuously appropriated to the Governor for the purpose of  
14 paying costs incurred in carrying out the provisions of ORS 133.743 to  
15 133.857.

16 “(3) Moneys deposited in the Arrest and Return Account under ORS  
17 144.605 are continuously appropriated to the Governor for the purpose of  
18 paying costs incurred in retaking offenders who have transferred supervision  
19 under the Interstate Compact for Adult Offender Supervision described in  
20 ORS 144.600.

21 **“SECTION 3. ORS 137.540 is amended to read:**

1       “137.540. (1) The court may sentence the defendant to probation subject  
2 to the following general conditions unless specifically deleted by the court.  
3 The probationer shall:

4       “(a) Pay [*supervision fees*,] fines, restitution or other fees ordered by the  
5 court.

6       “(b) Not use or possess controlled substances except pursuant to a medical  
7 prescription.

8       “(c) Submit to testing for controlled substance, cannabis or alcohol use  
9 if the probationer has a history of substance abuse or if there is a reasonable  
10 suspicion that the probationer has illegally used controlled substances.

11       “(d) Participate in a substance abuse evaluation as directed by the  
12 supervising officer and follow the recommendations of the evaluator if there  
13 are reasonable grounds to believe there is a history of substance abuse.

14       “(e) Remain in the State of Oregon until written permission to leave is  
15 granted by the Department of Corrections or a county community corrections  
16 agency.

17       “(f) If physically able, find and maintain gainful full-time employment,  
18 approved schooling, or a full-time combination of both. Any waiver of this  
19 requirement must be based on a finding by the court stating the reasons for  
20 the waiver.

21       “(g) Change neither employment nor residence without prior permission  
22 from the Department of Corrections or a county community corrections  
23 agency.

24       “(h) Permit the parole and probation officer to visit the probationer or  
25 the probationer’s work site or residence and to conduct a walk-through of  
26 the common areas and of the rooms in the residence occupied by or under  
27 the control of the probationer.

28       “(i) Consent to the search of person, vehicle or premises upon the request  
29 of a representative of the supervising officer if the supervising officer has  
30 reasonable grounds to believe that evidence of a violation will be found, and

1 submit to fingerprinting or photographing, or both, when requested by the  
2 Department of Corrections or a county community corrections agency for  
3 supervision purposes.

4 “(j) Obey all laws, municipal, county, state and federal.

5 “(k) Promptly and truthfully answer all reasonable inquiries by the De-  
6 partment of Corrections or a county community corrections agency.

7 “(L) Not possess weapons, firearms or dangerous animals.

8 “(m) Report as required and abide by the direction of the supervising of-  
9 ficer.

10 “(n) If recommended by the supervising officer, successfully complete a  
11 sex offender treatment program approved by the supervising officer and  
12 submit to polygraph examinations at the direction of the supervising officer  
13 if the probationer:

14 “(A) Is under supervision for a sex offense under ORS 163.305 to 163.467;

15 “(B) Was previously convicted of a sex offense under ORS 163.305 to  
16 163.467; or

17 “(C) Was previously convicted in another jurisdiction of an offense that  
18 would constitute a sex offense under ORS 163.305 to 163.467 if committed in  
19 this state.

20 “(o) Participate in a mental health evaluation as directed by the super-  
21 vising officer and follow the recommendation of the evaluator.

22 “(p) If required to report as a sex offender under ORS 163A.015, report  
23 with the Department of State Police, a city police department, a county  
24 sheriff’s office or the supervising agency:

25 “(A) When supervision begins;

26 “(B) Within 10 days of a change in residence;

27 “(C) Once each year within 10 days of the probationer’s date of birth;

28 “(D) Within 10 days of the first day the person works at, carries on a  
29 vocation at or attends an institution of higher education; and

30 “(E) Within 10 days of a change in work, vocation or attendance status

1 at an institution of higher education.

2 “(q) Submit to a risk and needs assessment as directed by the supervising  
3 officer and follow reasonable recommendations resulting from the assess-  
4 ment.

5 “(2) In addition to the general conditions, the court may impose any spe-  
6 cial conditions of probation that are reasonably related to the crime of con-  
7 viction or the needs of the probationer for the protection of the public or  
8 reformation of the probationer, or both, including, but not limited to, that  
9 the probationer shall:

10 “(a) For crimes committed prior to November 1, 1989, and misdemeanors  
11 committed on or after November 1, 1989, be confined to the county jail or  
12 be restricted to the probationer’s own residence or to the premises thereof,  
13 or be subject to any combination of such confinement and restriction, such  
14 confinement or restriction or combination thereof to be for a period not to  
15 exceed one year or one-half of the maximum period of confinement that could  
16 be imposed for the offense for which the defendant is convicted, whichever  
17 is the lesser.

18 “(b) For felonies committed on or after November 1, 1989:

19 “(A) Be confined in the county jail, or be subject to other custodial  
20 sanctions under community supervision, or both, as provided by rules of the  
21 Oregon Criminal Justice Commission; and

22 “(B) Comply with any special conditions of probation that are imposed  
23 by the supervising officer in accordance with subsection (9) of this section.

24 “(c) For crimes committed on or after December 5, 1996, sell any assets  
25 of the probationer as specifically ordered by the court in order to pay  
26 restitution.

27 “(d) For crimes constituting delivery of a controlled substance, as those  
28 terms are defined in ORS 475.005, or for telephonic harassment under ORS  
29 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,  
30 be prohibited from using Internet websites that provide anonymous text

1 message services.

2 “(3)(a) If a person is released on probation following conviction of stalk-  
3 ing under ORS 163.732 (2)(b) or violating a court’s stalking protective order  
4 under ORS 163.750 (2)(b), the court may include as a special condition of the  
5 person’s probation reasonable residency restrictions.

6 “(b) If the court imposes the special condition of probation described in  
7 this subsection and if at any time during the period of probation the victim  
8 moves to a location that causes the probationer to be in violation of the  
9 special condition of probation, the court may not require the probationer to  
10 change the probationer’s residence in order to comply with the special con-  
11 dition of probation.

12 “(4) When a person who is a sex offender is released on probation, the  
13 court shall impose as a special condition of probation that the person not  
14 reside in any dwelling in which another sex offender who is on probation,  
15 parole or post-prison supervision resides, without the approval of the  
16 person’s supervising parole and probation officer, or in which more than one  
17 other sex offender who is on probation, parole or post-prison supervision re-  
18 sides, without the approval of the director of the probation agency that is  
19 supervising the person or of the county manager of the Department of Cor-  
20 rections, or a designee of the director or manager. As soon as practicable,  
21 the supervising parole and probation officer of a person subject to the re-  
22 quirements of this subsection shall review the person’s living arrangement  
23 with the person’s sex offender treatment provider to ensure that the ar-  
24 rangement supports the goals of offender rehabilitation and community  
25 safety. As used in this subsection:

26 “(a) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

27 “(b) ‘Dwelling’ does not include a residential treatment facility or a  
28 halfway house.

29 “(c) ‘Halfway house’ means a publicly or privately operated profit or  
30 nonprofit residential facility that provides rehabilitative care and treatment

1 for sex offenders.

2 “(d) ‘Sex offender’ has the meaning given that term in ORS 163A.005.

3 “(5)(a) If the person is released on probation following conviction of a sex  
4 crime, as defined in ORS 163A.005, or an assault, as defined in ORS 163.175  
5 or 163.185, and the victim was under 18 years of age, the court, if requested  
6 by the victim, shall include as a special condition of the person’s probation  
7 that the person not reside within three miles of the victim unless:

8 “(A) The victim resides in a county having a population of less than  
9 130,000 and the person is required to reside in that county;

10 “(B) The person demonstrates to the court by a preponderance of the ev-  
11 idence that no mental intimidation or pressure was brought to bear during  
12 the commission of the crime;

13 “(C) The person demonstrates to the court by a preponderance of the ev-  
14 idence that imposition of the condition will deprive the person of a residence  
15 that would be materially significant in aiding in the rehabilitation of the  
16 person or in the success of the probation; or

17 “(D) The person resides in a halfway house. As used in this subparagraph,  
18 ‘halfway house’ means a publicly or privately operated profit or nonprofit  
19 residential facility that provides rehabilitative care and treatment for sex  
20 offenders.

21 “(b) A victim may request imposition of the special condition of probation  
22 described in this subsection at the time of sentencing in person or through  
23 the prosecuting attorney.

24 “(c) If the court imposes the special condition of probation described in  
25 this subsection and if at any time during the period of probation the victim  
26 moves to within three miles of the probationer’s residence, the court may  
27 not require the probationer to change the probationer’s residence in order  
28 to comply with the special condition of probation.

29 “(6) When a person who is a sex offender, as defined in ORS 163A.005, is  
30 released on probation, the Department of Corrections or the county commu-

1 nity corrections agency, whichever is appropriate, shall notify the city police  
2 department, if the person is going to reside within a city, and the county  
3 sheriff's office of the county in which the person is going to reside of the  
4 person's release and the conditions of the person's release.

5 “(7) Failure to abide by all general and special conditions of probation  
6 may result in arrest, modification of conditions, revocation of probation or  
7 imposition of structured, intermediate sanctions in accordance with rules  
8 adopted under ORS 137.595.

9 “(8) The court may order that probation be supervised by the court. *[If*  
10 *the court orders that probation be supervised by the court, the defendant shall*  
11 *pay a fee of \$100 to the court. Fees imposed under this subsection in the circuit*  
12 *court shall be deposited by the clerk of the court in the General Fund. Fees*  
13 *imposed in a justice court under this subsection shall be paid to the county*  
14 *treasurer. Fees imposed in a municipal court under this subsection shall be*  
15 *paid to the city treasurer.]*

16 “(9)(a) The court may at any time modify the conditions of probation.

17 “(b) When the court orders a defendant placed under the supervision of  
18 the Department of Corrections or a community corrections agency, the  
19 supervising officer may file with the court a proposed modification to the  
20 special conditions of probation. The supervising officer shall provide a copy  
21 of the proposed modification to the district attorney and the probationer. If  
22 the district attorney:

23 “(A) Files an objection to the proposed modification less than five judicial  
24 days after the proposed modification was filed, the court shall schedule a  
25 hearing no later than 10 judicial days after the proposed modification was  
26 filed, unless the court finds good cause to schedule a hearing at a later time.

27 “(B) Does not file an objection to the proposed modification less than five  
28 judicial days after the proposed modification was filed, the proposed modifi-  
29 cation becomes effective five judicial days after the proposed modification  
30 was filed.

1 “(10) A court may not order revocation of probation as a result of the  
2 probationer’s failure to pay restitution unless the court determines from the  
3 totality of the circumstances that the purposes of the probation are not being  
4 served.

5 “(11) It is not a cause for revocation of probation that the probationer  
6 failed to apply for or accept employment at any workplace where there is a  
7 labor dispute in progress. As used in this subsection, ‘labor dispute’ has the  
8 meaning for that term provided in ORS 662.010.

9 “[~~(12)~~(a) *If the court determines that a defendant has violated the terms of*  
10 *probation, the court shall collect a \$25 fee from the defendant and may impose*  
11 *a fee for the costs of extraditing the defendant to this state for the probation*  
12 *violation proceeding if the defendant left the state in violation of the conditions*  
13 *of the defendant’s probation. The fees imposed under this subsection become*  
14 *part of the judgment and may be collected in the same manner as a fine.]*

15 “[~~(b)~~ *Probation violation fees collected under this subsection in the circuit*  
16 *court shall be deposited by the clerk of the court in the General Fund.*  
17 *Extradition cost fees collected in the circuit court under this subsection shall*  
18 *be deposited by the clerk of the court in the Arrest and Return Account es-*  
19 *tablished by ORS 133.865. Fees collected in a justice court under this sub-*  
20 *section shall be paid to the county treasurer. Fees collected in a municipal*  
21 *court under this subsection shall be paid to the city treasurer.]*

22 “[~~(13)~~] (12) As used in this section, ‘attends,’ ‘institution of higher edu-  
23 cation,’ ‘works’ and ‘carries on a vocation’ have the meanings given those  
24 terms in ORS 163A.005.

25 **“SECTION 4.** ORS 137.630 is amended to read:

26 “137.630. (1) The duties of parole and probation officers appointed pursu-  
27 ant to ORS 137.590 or 423.500 to 423.560 are:

28 “(a) To make investigations and reports under ORS 137.530 as are re-  
29 quired by the judge of any court having jurisdiction within the county, city  
30 or judicial district for which the officer is appointed to serve.



1       “(b) To receive under supervision any person sentenced to probation by  
2 any court in the jurisdiction area for which the officers are appointed to  
3 serve.

4       “(c) To provide release assistance, and supervise any person placed in a  
5 diversion, work release or community services alternative program, by any  
6 court in the jurisdiction area for which the officers are appointed to serve.

7       “(d) To give each person under their supervision a statement of the con-  
8 ditions of probation or program participation and to instruct the person re-  
9 garding the conditions.

10       “(e) To keep informed concerning the conduct and condition of persons  
11 under their supervision by visiting, requiring reports and otherwise.

12       “(f) To use all suitable methods, not inconsistent with the condition of  
13 probation or program participation, to aid and encourage persons under their  
14 supervision and to effect improvement in their conduct and condition.

15       “(g) To keep detailed records of the work done and to make reports to the  
16 courts and to the Department of Corrections as the courts require.

17       “(h) To perform other duties not inconsistent with the normal and cus-  
18 tomary functions of parole and probation officers as may be required by any  
19 court in the jurisdiction area for which the officers are appointed to serve.

20       “(2) Parole and probation officers of the Department of Corrections have  
21 duties as specified by rule adopted by the Director of the Department of  
22 Corrections.

23       “(3) Notwithstanding subsection (2) of this section, parole and probation  
24 officers may not be required to collect from persons under their supervision  
25 any fees to offset the costs of supervising the probation[, *including but not*  
26 *limited to those ordered pursuant to ORS 137.540 or 423.570*].

27       “**SECTION 5.** ORS 144.089 is amended to read:

28       “144.089. (1) As used in this section:

29       “(a) ‘Community-based organization’ means a not-for-profit organization  
30 or entity or a local or county government.

1 “(b) ‘Community service’ has the meaning given that term under ORS  
2 137.126.

3 “(c) ‘Delinquent fees or debts’ means:

4 “(A) Unpaid costs for conviction;

5 “(B) Attorney fees;

6 “(C) Costs related to criminal conviction that a person accumulated while  
7 incarcerated; or

8 “(D) Fees of any judgment that includes a monetary obligation that the  
9 court or judicial branch is charged with collecting as described in ORS 1.202.

10 “(d) ‘Person’ means an individual who has served a sentence in the legal  
11 and physical custody of the Department of Corrections and who is serving  
12 an active period of parole or post-prison supervision.

13 “(e) ‘Supervisory authority’ has the meaning given that term under ORS  
14 144.087.

15 “(2)(a) The county governing body of each county shall establish a com-  
16 munity service exchange program for the county.

17 “(b) The local supervisory authority may determine whether to participate  
18 in the community service exchange program.

19 “(c) The local supervisory authority may determine whether a  
20 community-based organization qualifies for the community service exchange  
21 program.

22 “(d) A person may not participate in the community service exchange  
23 program more than once.

24 “(3) The community service exchange program may not result in a waiver  
25 of unpaid balances for:

26 “(a) Restitution or compensatory fines imposed under ORS 137.101 to  
27 137.109;

28 “(b) Unpaid obligations imposed by a support order under ORS chapter  
29 25;

30 “(c) Fines for misdemeanors and felonies under ORS 137.286; or

1 “(d) Fines for traffic offenses.

2 “(4) In order to be eligible to participate in the community service ex-  
3 change program, a person must:

4 “(a) Enter into a written agreement with a community-based organization  
5 to perform community service in exchange for a waiver of delinquent fees  
6 or debts [*and supervision fees*]; and

7 “(b) Obtain the approval of the terms of the written agreement of the lo-  
8 cal supervisory authority.

9 “(5) A community-based organization shall supervise and record the com-  
10 munity service that a person performs to fulfill the requirements established  
11 by the written agreement described under this section. The community-based  
12 organization shall notify the local supervisory authority as soon as a person  
13 has entered into the community service exchange program and when the  
14 person has successfully fulfilled or failed to meet the requirements of the  
15 program.

16 “(6) Within 30 days of the local supervisory authority’s receiving notifi-  
17 cation that a person is participating in the community service exchange  
18 program[:],

19 “[*(a)*] the local supervisory authority shall notify the court of the county  
20 in which the person was convicted. Notwithstanding ORS 137.143, upon no-  
21 tification from the local supervisory authority, the court shall suspend all  
22 collection activity of delinquent fees or debts.

23 “[*(b)* *If a person is under the supervision of a community corrections*  
24 *agency, the local supervisory authority shall notify the community corrections*  
25 *agency. The community corrections agency or the local supervisory authority*  
26 *shall cause all collection of supervision fees, including but not limited to those*  
27 *ordered pursuant to ORS 423.570, to be ceased.*]

28 “[*(c)* *If the person is under the supervision of the local supervisory author-*  
29 *ity, the local supervisory authority shall cause all collection of supervision fees,*  
30 *including but not limited to those ordered pursuant to ORS 423.570, to be*

1 *ceased.*]

2 “(7)(a) When a person has successfully fulfilled the requirements of the  
3 community service exchange program, the community-based organization  
4 shall notify the local supervisory authority and the local supervisory au-  
5 thority shall send a notice of completion to the court of the county in which  
6 the person was convicted.

7 “[*(b) If the person is under the supervision of the local supervisory au-*  
8 *thority, upon notification of completion from the community-based organiza-*  
9 *tion, the local supervisory authority shall waive the supervision fees, including*  
10 *but not limited to those ordered pursuant to ORS 423.570.*]

11 “[*(c) If the person is under the supervision of a community corrections*  
12 *agency or other local supervisory authority, upon notification of completion*  
13 *from the community-based organization, the local supervisory authority shall*  
14 *notify the community corrections agency and the community corrections agency*  
15 *or local supervisory authority shall waive the supervision fees, including but*  
16 *not limited to those ordered pursuant to ORS 423.570, and the local supervisory*  
17 *authority may waive all other fees to offset the costs of supervision.*]

18 “[*(d)*] **(b)** Upon notification of completion from the local supervisory au-  
19 thority, the court shall update the record of monetary obligations imposed  
20 for the convictions to reflect a waiver of delinquent fees or debts.

21 “(8) If a person fails to meet the requirements of the community service  
22 exchange program:

23 “(a) The community-based organization shall notify the local supervisory  
24 authority and, if applicable, the local supervisory authority shall notify the  
25 community corrections agency or other local supervisory authority. [*Upon*  
26 *notification, the local supervisory authority or the community corrections*  
27 *agency shall resume collection of the supervision fees, including but not limited*  
28 *to those ordered pursuant to ORS 423.570.*]

29 “(b) Within 30 days of the local supervisory authority’s receiving notifi-  
30 cation from the community-based organization, the local supervisory author-

1 ity shall notify the court of the county in which the person was convicted.

2 “(c) Upon notification from the local supervisory authority, the court  
3 shall resume collection of delinquent fees or debts.

4 **“SECTION 6.** ORS 144.102 is amended to read:

5 “144.102. (1) The State Board of Parole and Post-Prison Supervision or  
6 local supervisory authority responsible for correctional services for a person  
7 shall specify in writing the conditions of post-prison supervision imposed  
8 under ORS 144.096. A copy of the conditions must be given to the person  
9 upon release from prison or jail.

10 “(2) The board or the supervisory authority shall determine, and may at  
11 any time modify, the conditions of post-prison supervision, which may in-  
12 clude, among other conditions, that the person shall:

13 “(a) Comply with the conditions of post-prison supervision as specified by  
14 the board or supervisory authority.

15 “(b) Be under the supervision of the Department of Corrections and its  
16 representatives or other supervisory authority and abide by their direction  
17 and counsel.

18 “(c) Answer all reasonable inquiries of the board, the department or the  
19 supervisory authority.

20 “(d) Report to the parole officer as directed by the board, the department  
21 or the supervisory authority.

22 “(e) Not own, possess or be in control of any weapon.

23 “(f) Respect and obey all municipal, county, state and federal laws.

24 “(g) Understand that the board or supervisory authority may, at its dis-  
25 cretion, punish violations of post-prison supervision.

26 “(h) Attend a victim impact treatment session in a county that has a  
27 victim impact program. *[If the board or supervisory authority requires at-*  
28 *tendance under this paragraph, the board or supervisory authority may require*  
29 *the person, as an additional condition of post-prison supervision, to pay a*  
30 *reasonable fee to the victim impact program to offset the cost of the person’s*

1 *participation. The board or supervisory authority may not order a person to*  
2 *pay a fee in excess of \$5 under this paragraph.]*

3 “(i) For crimes constituting delivery of a controlled substance, as those  
4 terms are defined in ORS 475.005, or for telephonic harassment under ORS  
5 166.090, or for crimes involving domestic violence, as defined in ORS 135.230,  
6 be prohibited from using Internet websites that provide anonymous text  
7 message services.

8 “(3) If the person is required to report as a sex offender under ORS  
9 163A.010, the board or supervisory authority shall include as a condition of  
10 post-prison supervision that the person report with the Department of State  
11 Police, a city police department, a county sheriff’s office or the supervising  
12 agency:

13 “(a) When supervision begins;

14 “(b) Within 10 days of a change in residence;

15 “(c) Once each year within 10 days of the person’s date of birth;

16 “(d) Within 10 days of the first day the person works at, carries on a  
17 vocation at or attends an institution of higher education; and

18 “(e) Within 10 days of a change in work, vocation or attendance status  
19 at an institution of higher education.

20 “(4)(a) The board or supervisory authority may establish special condi-  
21 tions that the board or supervisory authority considers necessary because  
22 of the individual circumstances of the person on post-prison supervision.

23 “(b) If the person is on post-prison supervision following conviction of a  
24 sex crime, as defined in ORS 163A.005, the board or supervisory authority  
25 shall include all of the following as special conditions of the person’s post-  
26 prison supervision:

27 “(A) Agreement to comply with a curfew set by the board, the supervisory  
28 authority or the supervising officer.

29 “(B) A prohibition against contacting a person under 18 years of age  
30 without the prior written approval of the board, supervisory authority or

1 supervising officer.

2 “(C) A prohibition against being present more than one time, without the  
3 prior written approval of the board, supervisory authority or supervising of-  
4 ficer, at a place where persons under 18 years of age regularly congregate.

5 “(D) In addition to the prohibition under subparagraph (C) of this para-  
6 graph, a prohibition against being present, without the prior written ap-  
7 proval of the board, supervisory authority or supervising officer, at, or on  
8 property adjacent to, a school, child care center, playground or other place  
9 intended for use primarily by persons under 18 years of age.

10 “(E) A prohibition against working or volunteering at a school, child care  
11 center, park, playground or other place where persons under 18 years of age  
12 regularly congregate.

13 “(F) Entry into and completion of or successful discharge from a sex  
14 offender treatment program approved by the board, supervisory authority or  
15 supervising officer. The program may include polygraph and plethysmograph  
16 testing. The person is responsible for paying for the treatment program.

17 “(G) A prohibition against direct or indirect contact with the victim, un-  
18 less approved by the victim, the person’s treatment provider and the board,  
19 supervisory authority or supervising officer.

20 “(H) Unless otherwise indicated for the treatment required under subpar-  
21 agraph (F) of this paragraph, a prohibition against viewing, listening to,  
22 owning or possessing sexually stimulating visual or auditory materials that  
23 are relevant to the person’s deviant behavior.

24 “(I) Agreement to consent to a search of the person or the vehicle or  
25 residence of the person upon the request of a representative of the board or  
26 supervisory authority if the representative has reasonable grounds to believe  
27 that evidence of a violation of a condition of post-prison supervision will be  
28 found.

29 “(J) Participation in random polygraph examinations to obtain informa-  
30 tion for risk management and treatment. The person is responsible for paying

1 the expenses of the examinations. The results of a polygraph examination  
2 under this subparagraph may not be used in evidence in a hearing to prove  
3 a violation of post-prison supervision.

4 “(K) Maintenance of a driving log and a prohibition against driving a  
5 motor vehicle alone unless approved by the board, supervisory authority or  
6 supervising officer.

7 “(L) A prohibition against using a post-office box unless approved by the  
8 board, supervisory authority or supervising officer.

9 “(M) A prohibition against residing in a dwelling in which another sex  
10 offender who is on probation, parole or post-prison supervision resides unless  
11 approved by the board, supervisory authority or supervising officer, or in  
12 which more than one other sex offender who is on probation, parole or  
13 post-prison supervision resides unless approved by the board or the director  
14 of the supervisory authority, or a designee of the board or director. As soon  
15 as practicable, the supervising officer of a person subject to the requirements  
16 of this subparagraph shall review the person’s living arrangement with the  
17 person’s sex offender treatment provider to ensure that the arrangement  
18 supports the goals of offender rehabilitation and community safety.

19 “(c)(A) If the person is on post-prison supervision following conviction of  
20 a sex crime, as defined in ORS 163A.005, or an assault, as defined in ORS  
21 163.175 or 163.185, and the victim was under 18 years of age, the board or  
22 supervisory authority, if requested by the victim, shall include as a special  
23 condition of the person’s post-prison supervision that the person not reside  
24 within three miles of the victim unless:

25 “(i) The victim resides in a county having a population of less than  
26 130,000 and the person is required to reside in that county under subsection  
27 (7) of this section;

28 “(ii) The person demonstrates to the board or supervisory authority by a  
29 preponderance of the evidence that no mental intimidation or pressure was  
30 brought to bear during the commission of the crime;



1       “(iii) The person demonstrates to the board or supervisory authority by  
2 a preponderance of the evidence that imposition of the condition will deprive  
3 the person of a residence that would be materially significant in aiding in  
4 the rehabilitation of the person or in the success of the post-prison super-  
5 vision; or

6       “(iv) The person resides in a halfway house.

7       “(B) A victim may request imposition of the special condition of post-  
8 prison supervision described in this paragraph at the time of sentencing in  
9 person or through the prosecuting attorney. A victim’s request may be in-  
10 cluded in the judgment document.

11       “(C) If the board or supervisory authority imposes the special condition  
12 of post-prison supervision described in this paragraph and if at any time  
13 during the period of post-prison supervision the victim moves to within three  
14 miles of the person’s residence, the board or supervisory authority may not  
15 require the person to change the person’s residence in order to comply with  
16 the special condition of post-prison supervision.

17       “(d)(A) If a person is on post-prison supervision following conviction of  
18 stalking under ORS 163.732 (2)(b) or violating a court’s stalking protective  
19 order under ORS 163.750 (2)(b), the board or supervisory authority may in-  
20 clude as a special condition of the person’s post-prison supervision reason-  
21 able residency restrictions.

22       “(B) If the board or supervisory authority imposes the special condition  
23 of post-prison supervision described in this paragraph and if at any time  
24 during the period of post-prison supervision the victim moves to a location  
25 that causes the person to be in violation of the special condition of post-  
26 prison supervision, the board or supervisory authority may not require the  
27 person to change the person’s residence in order to comply with the special  
28 condition of post-prison supervision.

29       “(5)(a) The board or supervisory authority may require the person to pay,  
30 as a condition of post-prison supervision, compensatory fines, restitution or

1 attorney fees:

2 “(A) As determined, imposed or required by the sentencing court; or

3 “(B) When previously required as a condition of any type of supervision  
4 that is later revoked.

5 “(b) The board may require a person to pay restitution as a condition of  
6 post-prison supervision imposed for an offense other than the offense for  
7 which the restitution was ordered if the person:

8 “(A) Was ordered to pay restitution as a result of another conviction; and

9 “(B) Has not fully paid the restitution by the time the person has com-  
10 pleted the period of post-prison supervision imposed for the offense for which  
11 the restitution was ordered.

12 “(6) A person’s failure to apply for or accept employment at a workplace  
13 where there is a labor dispute in progress does not constitute a violation of  
14 the conditions of post-prison supervision.

15 “(7)(a) When a person is released from imprisonment on post-prison  
16 supervision, the board shall order as a condition of post-prison supervision  
17 that the person reside for the first six months after release in the county  
18 that last supervised the person, if the person was on active supervision as  
19 an adult for a felony at the time of the offense that resulted in the  
20 imprisonment.

21 “(b) If the person was not on active supervision as an adult for a felony  
22 at the time of the offense that resulted in the imprisonment, the board shall  
23 order as a condition of post-prison supervision that the person reside for the  
24 first six months after release in the county where the person resided at the  
25 time of the offense that resulted in the imprisonment.

26 “(c) For purposes of paragraph (b) of this subsection:

27 “(A) The board shall determine the county where the person resided at  
28 the time of the offense by examining records such as:

29 “(i) An Oregon driver license, regardless of its validity;

30 “(ii) Records maintained by the Department of Revenue;

1       “(iii) Records maintained by the Department of State Police;  
2       “(iv) Records maintained by the Department of Human Services;  
3       “(v) Records maintained by the Department of Corrections; and  
4       “(vi) Records maintained by the Oregon Health Authority.

5       “(B) If the person did not have an identifiable address at the time of the  
6 offense, or the address cannot be determined, the person is considered to  
7 have resided in the county where the offense occurred.

8       “(C) If the person is serving multiple sentences, the county of residence  
9 is determined according to the date of the last arrest resulting in a con-  
10 viction.

11       “(D) In determining the person’s county of residence, the board may not  
12 consider offenses committed by the person while the person was incarcerated  
13 in a Department of Corrections facility.

14       “(d) Upon motion of the board, the supervisory authority, the person, a  
15 victim or a district attorney, the board may waive the residency condition  
16 under paragraph (b) of this subsection only after making a finding that one  
17 of the following conditions has been met:

18       “(A) The person provides proof of employment with no set ending date in  
19 a county other than the county of residence determined under paragraph (c)  
20 of this section;

21       “(B) The person is found to pose a significant danger to a victim of the  
22 person’s crime residing in the county of residence, or a victim or victim’s  
23 family residing in the county of residence is found to pose a significant  
24 danger to the person;

25       “(C) The person has a spouse or biological or adoptive family residing in  
26 a county other than the county of residence who will be materially signif-  
27 icant in aiding in the rehabilitation of the person and in the success of the  
28 post-prison supervision;

29       “(D) As another condition of post-prison supervision, the person is re-  
30 quired to participate in a treatment program that is not available in the

1 county of residence;

2 “(E) The person requests release to another state; or

3 “(F) The board finds other good cause for the waiver.

4 “(e) The board shall consider eligibility for transitional housing programs  
5 and residential treatment programs when determining whether to waive the  
6 residency condition under paragraph (b) of this subsection, and the accept-  
7 ance of the person into a transitional housing program or a residential  
8 treatment program constitutes good cause as described in paragraph (d)(F)  
9 of this subsection.

10 “(8) As used in this section:

11 “(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and  
12 ‘works’ have the meanings given those terms in ORS 163A.005.

13 “(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

14 “(B) ‘Dwelling’ does not mean a residential treatment facility or a half-  
15 way house.

16 “(c) ‘Halfway house’ means a residential facility that provides  
17 rehabilitative care and treatment for sex offenders.

18 “(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.

19 **“SECTION 7.** ORS 144.103 is amended to read:

20 “144.103. (1) Except as otherwise provided in ORS 137.765 and subsection  
21 (2) of this section, any person sentenced to a term of imprisonment for vio-  
22 lating or attempting to violate ORS 163.365, 163.375, 163.395, 163.405, 163.408,  
23 163.411, 163.425 or 163.427 shall serve a term of active post-prison supervision  
24 that continues until the term of the post-prison supervision, when added to  
25 the term of imprisonment served, equals the maximum statutory indetermi-  
26 nate sentence for the violation.

27 “(2)(a) A person sentenced to a term of imprisonment for violating one  
28 of the offenses listed in paragraph (b) of this subsection shall serve a term  
29 of post-prison supervision that continues for the rest of the person’s life if  
30 the person was at least 18 years of age at the time the person committed the

1 crime.

2 “(b) The offenses to which paragraph (a) of this subsection applies are:

3 “(A) ORS 163.375 (1)(b);

4 “(B) ORS 163.405 (1)(b);

5 “(C) ORS 163.411 (1)(b); and

6 “(D) ORS 163.235 when the offense is committed in furtherance of the  
7 commission or attempted commission of rape in the first degree, sodomy in  
8 the first degree or unlawful sexual penetration in the first degree if the  
9 victim is under 12 years of age.

10 “(c) When a person is sentenced to a term of post-prison supervision de-  
11 scribed in paragraph (a) of this subsection, the person must be actively  
12 supervised for at least the first 10 years of the post-prison supervision and  
13 actively tracked for the remainder of the term. Active tracking may be done  
14 by means of an electronic device attached to the person.

15 “(3) A person sentenced to a term of imprisonment for violating ORS  
16 163.185 (1)(b) shall serve a term of post-prison supervision that continues  
17 until the term of the post-prison supervision, when added to the term of  
18 imprisonment served, equals the maximum statutory indeterminate sentence  
19 for the violation.

20 “[4) *Any costs incurred as a result of this section shall be paid by in-*  
21 *creased post-prison supervision fees under ORS 423.570.*]

22 **“SECTION 8. The amendments to ORS 133.865, 137.540, 137.630,**  
23 **144.089, 144.102 and 144.103 by sections 2 to 7 this 2021 Act and the re-**  
24 **peal of ORS 423.570 by section 1 of this 2021 Act apply to sentences**  
25 **imposed on or after the effective date of this 2021 Act.”.**

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