

# D R A F T

## SUMMARY

Authorizes release of sex offender information to certain entities if release is in public interest. Provides immunity from criminal and civil liability if lawful release of information is performed in good faith.

### A BILL FOR AN ACT

Relating to sex offender information; amending ORS 163A.215.

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

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

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

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

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

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

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

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

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

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

5 (C) Residential neighbors and churches, community parks, schools and  
6 child care centers, convenience stores, businesses and other places that  
7 children or other potential victims may frequent;

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

11 (E) Local or regional media sources.

12 (3) Notwithstanding subsection (2)(a) of this section, the Department of  
13 State Police may not use the Internet to make available to the public infor-  
14 mation concerning a sex offender classified as a level three sex offender un-  
15 der ORS 163A.100 (3) while the person is under the supervision of the  
16 Psychiatric Security Review Board, unless the department is authorized to  
17 do so by a request of the supervising agency.

18 (4) If the sex offender is classified as a level two sex offender under ORS  
19 163A.100 (2), the supervising agency or a notifying agency may release sex  
20 offender information to the persons or entities described in subsection  
21 (2)(b)(A) to (D) of this section.

22 (5) If the sex offender is classified as a level one sex offender under ORS  
23 163A.100 (1), the supervising agency or a notifying agency may release sex  
24 offender information to a person described in subsection (2)(b)(A) of this  
25 section.

26 **(6) Nothing in subsections (2) to (5) of this section precludes a no-**  
27 **tifying agency or a supervising agency from releasing information in**  
28 **accordance with ORS 192.311 to 192.478, concerning a sex offender who**  
29 **has not been classified under ORS 163A.100, if the agency determines**  
30 **that the release of information is in the public interest.**

31 **(7) A notifying agency or a supervising agency, acting in good faith,**

1 **is immune from criminal and civil liability when releasing information**  
2 **in accordance with this section unless the disclosure is affirmatively**  
3 **prohibited by state or federal law or by a court with jurisdiction over**  
4 **the notifying agency or the supervising agency.**

5 [(6)] (8) As used in this section:

6 (a) **“Authorized agency” means the Department of State Police or**  
7 **another governmental agency designated by this state to report, re-**  
8 **ceive or disseminate criminal offender information, including but not**  
9 **limited to the Department of Human Services.**

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

13 (c) **“Qualified entity” means a community mental health program,**  
14 **a community developmental disabilities program, a local health de-**  
15 **partment, the government of a Native American tribe or an agency**  
16 **of a Native American tribe responsible for child welfare, or an indi-**  
17 **vidual, business or organization, whether public, private, for-profit,**  
18 **nonprofit or voluntary, that provides care, placement services or or-**  
19 **ganized activities for children, elderly persons or dependent persons,**  
20 **including a business or organization that licenses, certifies or registers**  
21 **others to provide care, placement services or organized activities for**  
22 **children, elderly persons or dependent persons, and includes but is not**  
23 **limited to the Department of Human Services.**

24 [(b)] (d) **“Sex offender information” means information that the Depart-**  
25 **ment of State Police determines by rule is appropriate for release to the**  
26 **public.**

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

30