

# Senate Bill 1022

Sponsored by Senator HAYDEN; Senator KNOPP, Representative MORGAN (at the request of Danielle Tudor)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that sex offender risk assessment methodology take into consideration specified information.

Provides that victim may request reclassification of sex offender into risk level within three years of initial classification, or within five years when certain circumstances exist.

Directs Department of State Police to include on sex offender website full address for level three sex offenders and photo, city and zip code for level one and level two sex offenders.

Appropriates moneys to State Board of Parole and Post-Prison Supervision for conducting sex offender risk reassessments at victim request.

## A BILL FOR AN ACT

1  
2 Relating to sex offenders; creating new provisions; and amending ORS 163A.100, 163A.105 and  
3 163A.215.

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

5 **SECTION 1.** ORS 163A.100 is amended to read:

6 163A.100. The State Board of Parole and Post-Prison Supervision shall, in consultation with  
7 community corrections agencies, adopt by rule a sex offender risk assessment methodology for use  
8 in classifying sex offenders. **The risk assessment methodology must take into consideration all**  
9 **relevant information concerning the sex offender that is available or able to be obtained,**  
10 **including but not limited to any court documents, presentence reports, psychological evalu-**  
11 **ations, criminal conduct reported or admitted by the sex offender regardless of whether the**  
12 **conduct was criminally prosecuted, and any other information available from the office of**  
13 **the prosecuting attorney or previous court proceedings.** Application of the risk assessment  
14 methodology to a sex offender must result in placing the sex offender in one of the following levels:

15 (1) A level one sex offender who presents the lowest risk of reoffending and requires a limited  
16 range of notification.

17 (2) A level two sex offender who presents a moderate risk of reoffending and requires a moder-  
18 ate range of notification.

19 (3) A level three sex offender who presents the highest risk of reoffending and requires the  
20 widest range of notification.

21 **SECTION 2.** ORS 163A.105 is amended to read:

22 163A.105. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sen-  
23 tenced to a term of imprisonment in a Department of Corrections institution for that crime, the  
24 State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assess-  
25 ment methodology described in ORS 163A.100. The board shall apply the results of the assessment  
26 to place the person in one of the levels described in ORS 163A.100 before the person is released from  
27 custody.

28 (2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or

**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 is discharged, released or placed on probation by the court, the supervisory authority as defined in  
2 ORS 144.087 shall assess the person utilizing the risk assessment methodology described in ORS  
3 163A.100 and apply the results of the assessment to place the person in one of the levels described  
4 in ORS 163A.100 no later than 90 days after the person is released from jail or discharged, released  
5 or placed on probation by the court.

6 (3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security  
7 Review Board shall assess the person utilizing the risk assessment methodology described in ORS  
8 163A.100 and apply the results of the assessment to place the person in one of the levels described  
9 in ORS 163A.100 no later than 90 days after the person is:

- 10 (A) Placed on conditional release by the Psychiatric Security Review Board;
- 11 (B) Discharged from the jurisdiction of the Psychiatric Security Review Board;
- 12 (C) Placed on conditional release by the court pursuant to ORS 161.327; or
- 13 (D) Discharged by the court pursuant to ORS 161.329.

14 (b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-  
15 sessment and assigned a classification level described in ORS 163A.100 for a person described in  
16 paragraph (a) of this subsection, the Psychiatric Security Review Board need not complete a reas-  
17 sessment for an initial classification.

18 (c) The court shall notify the Psychiatric Security Review Board when the court conditionally  
19 releases or discharges a person described in paragraph (a) of this subsection.

20 (d) The Psychiatric Security Review Board shall notify the State Board of Parole and Post-  
21 Prison Supervision no later than seven days after the Psychiatric Security Review Board condi-  
22 tionally releases or discharges a person who has a prior sex crime conviction that obligates the  
23 person to report as a sex offender, unless the person has also been found guilty except for insanity  
24 of a sex crime that obligates the person to report as a sex offender.

25 (4)(a) Within 90 days after receiving notice of a person's obligation to report in this state from  
26 the Department of State Police, the State Board of Parole and Post-Prison Supervision shall assess  
27 the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the re-  
28 sults of the assessment to place the person in one of the levels described in ORS 163A.100 if the  
29 person has been convicted in another United States court of a crime:

- 30 (A) That would constitute a sex crime if committed in this state; or
- 31 (B) For which the person would have to register as a sex offender in that court's jurisdiction,  
32 or as required under federal law, regardless of whether the crime would constitute a sex crime in  
33 this state.

34 (b) If a person has been convicted of a sex crime and was sentenced to a term of imprisonment  
35 in a Department of Corrections institution for that sex crime, but was not subjected to a risk as-  
36 sessment utilizing the risk assessment methodology described in ORS 163A.100 before release under  
37 subsection (1) of this section, within 90 days after the person's release the State Board of Parole and  
38 Post-Prison Supervision shall assess the person utilizing the risk assessment methodology described  
39 in ORS 163A.100 and apply the results of the assessment to place the person in one of the levels  
40 described in ORS 163A.100.

41 (5) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review  
42 Board or a supervisory authority applies the results of a risk assessment to place a person in one  
43 of the levels described in ORS 163A.100, the agency shall notify the Department of State Police of  
44 the results of the risk assessment within three business days after the agency's classification. Upon  
45 receipt, the Department of State Police shall enter the results of the risk assessment into the Law

1 Enforcement Data System.

2 (6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review  
3 Board or a supervisory authority may reassess or reclassify a person placed in one of the levels  
4 described in ORS 163A.100 under this section if the classifying board or authority determines that  
5 a factual mistake caused an erroneous assessment or classification.

6 (7)(a) A person classified under this section as a level two or level three sex offender as de-  
7 scribed in ORS 163A.100 may petition the classifying board or authority for review. Except for good  
8 cause shown, the petition may be filed no later than 60 days after the notice of the classification is  
9 provided to the person or, if the notice is mailed, no later than 60 days after the notice is sent.

10 (b) When good cause is shown, the time for filing a petition under this subsection may not be  
11 extended more than 60 days beyond the date of the person's next annual report under ORS 163A.010,  
12 163A.015 or 163A.020.

13 (c) Upon receipt of a petition described in this subsection, the classifying board or authority  
14 shall afford the person an opportunity to be heard as to all factual questions related to the classi-  
15 fication.

16 (d) After providing the person with notice and an opportunity to be heard in accordance with  
17 this subsection, the board or authority shall classify the person in accordance with the classifica-  
18 tions described in ORS 163A.100, based on all of the information available to the classifying board  
19 or authority.

20 (e) As used in this subsection, "good cause" means that, due to a person's transience, lack of  
21 housing, ongoing mental health concerns or other similar circumstances, a notice mailed to the  
22 person under paragraph (a) of this subsection was not received by the person.

23 (8)(a) If the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review  
24 Board or a supervisory authority does not classify a person under ORS 163A.100 because the person  
25 has failed or refused to participate in a sex offender risk assessment as directed by the board or  
26 authority, the classifying board or authority shall classify the person as a level three sex offender  
27 under ORS 163A.100 (3).

28 (b) If person classified as a level three sex offender under this subsection notifies the classifying  
29 board or authority of the willingness to participate in a sex offender risk assessment, the classifying  
30 board or authority shall perform the assessment and classify the person in one of the levels de-  
31 scribed in ORS 163A.100.

32 **(9)(a) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security**  
33 **Review Board or a supervisory authority shall reassess and, as necessary, reclassify a person**  
34 **placed in one of the levels described in ORS 163A.100 under this section if:**

35 **(A) Within three years of the initial classification, a victim requests the reassessment;**  
36 **or**

37 **(B) Within five years of the initial classification, a victim requests the reassessment and**  
38 **there are verifiable reports that the person is engaging in the harassment of or threatening**  
39 **behavior toward any victim.**

40 **(b) A victim may request a reassessment under this subsection by submitting a written**  
41 **request to the Department of State Police. Upon verifying that the request meets the cri-**  
42 **teria described in paragraph (a) of this subsection, the department shall provide the request**  
43 **to the appropriate classifying board or agency. The classifying board or agency shall provide**  
44 **the person with notice of the reassessment.**

45 **(c) As used in this subsection, "victim" means:**

1 (A) A victim of any sex crime of which the person has been convicted; or

2 (B) Any person against whom the person has admitted to committing conduct constituting a sex crime, if the conduct was not the subject of a criminal prosecution due to the time  
3 limitations described in ORS 131.125.  
4

5 [(9)] (10) The State Board of Parole and Post-Prison Supervision, the Department of State  
6 Police and the Psychiatric Security Review Board may adopt rules to carry out the provisions of  
7 this section.

8 **SECTION 3.** ORS 163A.215 is amended to read:

9 163A.215. (1)(a) A notifying agency or a supervising agency shall release, upon request, any in-  
10 formation that may be necessary to protect the public concerning sex offenders who reside in a  
11 specific area or concerning a specific sex offender.

12 (b) A notifying agency or a supervising agency may release sex offender information to a law  
13 enforcement agency if the notifying agency or supervising agency determines that the release of  
14 information is in the public interest.

15 (c) In addition to the release of information described in this subsection and ORS 137.540,  
16 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information  
17 to the public in accordance with subsections (2) to (4) of this section.

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

19 (a) The Department of State Police shall release sex offender information on a website main-  
20 tained by the department, **which shall include the sex offender's full address;** and

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

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

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

24 (C) Residential neighbors and churches, community parks, schools and child care centers, con-  
25 venience stores, businesses and other places that children or other potential victims may frequent;

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

28 (E) Local or regional media sources.

29 (3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use  
30 the Internet to make available to the public information concerning a sex offender classified as a  
31 level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the  
32 Psychiatric Security Review Board, unless the department is authorized to do so by a request of the  
33 supervising agency.

34 (4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2)[,]:

35 (a) **The department shall release the sex offender's photograph and current city and zip  
36 code on the website maintained by the department.**

37 (b) The supervising agency or a notifying agency may release sex offender information to the  
38 persons or entities described in subsection (2)(b)(A) to (D) of this section.

39 (5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1)[,]:

40 (a) **The department shall release the sex offender's photograph and current city and zip  
41 code on the website maintained by the department.**

42 (b) The supervising agency or a notifying agency may release sex offender information to a  
43 person described in subsection (2)(b)(A) of this section.

44 (6) As used in this section:

45 (a) "Notifying agency" means the Department of State Police, a city police department, a county

1 sheriff's office or a police department established by a university under ORS 352.121.

2 (b) "Sex offender information" means information that the Department of State Police deter-  
3 mines by rule is appropriate for release to the public.

4 (c) "Supervising agency" means a governmental entity responsible for supervising a person re-  
5 quired to report as a sex offender under ORS 163A.010 or 163A.015.

6 **SECTION 4. In addition to and not in lieu of any other appropriation, there is appropri-**  
7 **ated to the State Board of Parole and Post-Prison Supervision, for the biennium beginning**  
8 **July 1, 2023, out of the General Fund, the amount of \$6,000,000, for the purpose of conducting**  
9 **sex offender risk reassessments requested by victims pursuant to the amendments to ORS**  
10 **163A.105 by section 2 of this 2023 Act.**

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