

# Senate Bill 952

Sponsored by COMMITTEE ON JUDICIARY

## 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**.

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

1  
2 Relating to sex offender information; amending ORS 163A.215.

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

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

5 163A.215. (1)(a) A notifying agency or a supervising agency shall release, upon request, any in-  
6 formation that may be necessary to protect the public concerning sex offenders who reside in a  
7 specific area or concerning a specific sex offender.

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

11 (c) In addition to the release of information described in this subsection and ORS 137.540,  
12 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information  
13 to the public in accordance with subsections (2) to (4) of this section.

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

15 (a) The Department of State Police shall release sex offender information on a website main-  
16 tained by the department; and

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

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

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

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

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

24 (E) Local or regional media sources.

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

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

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

5 **(6) Nothing in subsections (2) to (5) of this section precludes a notifying agency or a**  
6 **supervising agency from releasing information in accordance with ORS 192.311 to 192.478,**  
7 **concerning a sex offender who has not been classified under ORS 163A.100, if the agency**  
8 **determines that the release of information is in the public interest.**

9 **(7) A notifying agency or a supervising agency, acting in good faith, is immune from**  
10 **criminal and civil liability when releasing information in accordance with this section unless**  
11 **the disclosure is affirmatively prohibited by state or federal law or by a court with jurisdic-**  
12 **tion over the notifying agency or the supervising agency.**

13 [(6)] (8) As used in this section:

14 (a) **“Authorized agency” means the Department of State Police or another governmental**  
15 **agency designated by this state to report, receive or disseminate criminal offender informa-**  
16 **tion, including but not limited to the Department of Human Services.**

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

19 (c) **“Qualified entity” means a community mental health program, a community devel-**  
20 **opmental disabilities program, a local health department, the government of a Native**  
21 **American tribe or an agency of a Native American tribe responsible for child welfare, or an**  
22 **individual, business or organization, whether public, private, for-profit, nonprofit or volun-**  
23 **tary, that provides care, placement services or organized activities for children, elderly per-**  
24 **sons or dependent persons, including a business or organization that licenses, certifies or**  
25 **registers others to provide care, placement services or organized activities for children, el-**  
26 **derly persons or dependent persons, and includes but is not limited to the Department of**  
27 **Human Services.**

28 [(b)] (d) **“Sex offender information” means information that the Department of State Police de-**  
29 **termines by rule is appropriate for release to the public.**

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

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