

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO  
SENATE BILL 957**

1 On page 1 of the printed bill, line 2, after “offenses;” delete the rest of  
2 the line and insert “creating new provisions; amending ORS 163.465,  
3 163A.100, 163A.105, 163A.215 and 167.057; and declaring an emergency.”.

4 On page 2, after line 21, insert:

5 **“SECTION 3.** ORS 163A.100 is amended to read:

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

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

20 “(2) A level two sex offender who presents a moderate risk of reoffending  
21 and requires a moderate range of notification.

1 “(3) A level three sex offender who presents the highest risk of reoffend-  
2 ing and requires the widest range of notification.

3 **“SECTION 4.** ORS 163A.105 is amended to read:

4 “163A.105. (1) When a person convicted of a crime described in ORS  
5 163.355 to 163.427 is sentenced to a term of imprisonment in a Department  
6 of Corrections institution for that crime, the State Board of Parole and  
7 Post-Prison Supervision shall assess the person utilizing the risk assessment  
8 methodology described in ORS 163A.100. The board shall apply the results  
9 of the assessment to place the person in one of the levels described in ORS  
10 163A.100 before the person is released from custody.

11 “(2) When a person convicted of a sex crime is sentenced to a term of  
12 incarceration in a jail, or is discharged, released or placed on probation by  
13 the court, the supervisory authority as defined in ORS 144.087 shall assess  
14 the person utilizing the risk assessment methodology described in ORS  
15 163A.100 and apply the results of the assessment to place the person in one  
16 of the levels described in ORS 163A.100 no later than 90 days after the person  
17 is released from jail or discharged, released or placed on probation by the  
18 court.

19 “(3)(a) When a person is found guilty except for insanity of a sex crime,  
20 the Psychiatric Security Review Board shall assess the person utilizing the  
21 risk assessment methodology described in ORS 163A.100 and apply the results  
22 of the assessment to place the person in one of the levels described in ORS  
23 163A.100 no later than 90 days after the person is:

24 “(A) Placed on conditional release by the Psychiatric Security Review  
25 Board;

26 “(B) Discharged from the jurisdiction of the Psychiatric Security Review  
27 Board;

28 “(C) Placed on conditional release by the court pursuant to ORS 161.327;  
29 or

30 “(D) Discharged by the court pursuant to ORS 161.329.

1 “(b) If the State Board of Parole and Post-Prison Supervision previously  
2 completed a risk assessment and assigned a classification level described in  
3 ORS 163A.100 for a person described in paragraph (a) of this subsection, the  
4 Psychiatric Security Review Board need not complete a reassessment for an  
5 initial classification.

6 “(c) The court shall notify the Psychiatric Security Review Board when  
7 the court conditionally releases or discharges a person described in para-  
8 graph (a) of this subsection.

9 “(d) The Psychiatric Security Review Board shall notify the State Board  
10 of Parole and Post-Prison Supervision no later than seven days after the  
11 Psychiatric Security Review Board conditionally releases or discharges a  
12 person who has a prior sex crime conviction that obligates the person to  
13 report as a sex offender, unless the person has also been found guilty except  
14 for insanity of a sex crime that obligates the person to report as a sex  
15 offender.

16 “(4)(a) Within 90 days after receiving notice of a person’s obligation to  
17 report in this state from the Department of State Police, the State Board of  
18 Parole and Post-Prison Supervision shall assess the person utilizing the risk  
19 assessment methodology described in ORS 163A.100 and apply the results of  
20 the assessment to place the person in one of the levels described in ORS  
21 163A.100 if the person has been convicted in another United States court of  
22 a crime:

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

24 “(B) For which the person would have to register as a sex offender in that  
25 court’s jurisdiction, or as required under federal law, regardless of whether  
26 the crime would constitute a sex crime in this state.

27 “(b) If a person has been convicted of a sex crime and was sentenced to  
28 a term of imprisonment in a Department of Corrections institution for that  
29 sex crime, but was not subjected to a risk assessment utilizing the risk as-  
30 sessment methodology described in ORS 163A.100 before release under sub-

1 section (1) of this section, within 90 days after the person’s release the State  
2 Board of Parole and Post-Prison Supervision shall assess the person utilizing  
3 the risk assessment methodology described in ORS 163A.100 and apply the  
4 results of the assessment to place the person in one of the levels described  
5 in ORS 163A.100.

6 “(5) When the State Board of Parole and Post-Prison Supervision, the  
7 Psychiatric Security Review Board or a supervisory authority applies the  
8 results of a risk assessment to place a person in one of the levels described  
9 in ORS 163A.100, the agency shall notify the Department of State Police of  
10 the results of the risk assessment within three business days after the  
11 agency’s classification. Upon receipt, the Department of State Police shall  
12 enter the results of the risk assessment into the Law Enforcement Data  
13 System.

14 “(6) The State Board of Parole and Post-Prison Supervision, the Psychi-  
15 atric Security Review Board or a supervisory authority may reassess or re-  
16 classify a person placed in one of the levels described in ORS 163A.100 under  
17 this section if the classifying board or authority determines that a factual  
18 mistake caused an erroneous assessment or classification.

19 “(7)(a) A person classified under this section as a level two or level three  
20 sex offender as described in ORS 163A.100 may petition the classifying board  
21 or authority for review. Except for good cause shown, the petition may be  
22 filed no later than 60 days after the notice of the classification is provided  
23 to the person or, if the notice is mailed, no later than 60 days after the no-  
24 tice is sent.

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

28 “(c) Upon receipt of a petition described in this subsection, the classifying  
29 board or authority shall afford the person an opportunity to be heard as to  
30 all factual questions related to the classification.

1 “(d) After providing the person with notice and an opportunity to be  
2 heard in accordance with this subsection, the board or authority shall clas-  
3 sify the person in accordance with the classifications described in ORS  
4 163A.100, based on all of the information available to the classifying board  
5 or authority.

6 “(e) As used in this subsection, ‘good cause’ means that, due to a person’s  
7 transience, lack of housing, ongoing mental health concerns or other similar  
8 circumstances, a notice mailed to the person under paragraph (a) of this  
9 subsection was not received by the person.

10 “(8)(a) If the State Board of Parole and Post-Prison Supervision, the  
11 Psychiatric Security Review Board or a supervisory authority does not clas-  
12 sify a person under ORS 163A.100 because the person has failed or refused  
13 to participate in a sex offender risk assessment as directed by the board or  
14 authority, the classifying board or authority shall classify the person as a  
15 level three sex offender under ORS 163A.100 (3).

16 “(b) If person classified as a level three sex offender under this subsection  
17 notifies the classifying board or authority of the willingness to participate  
18 in a sex offender risk assessment, the classifying board or authority shall  
19 perform the assessment and classify the person in one of the levels described  
20 in ORS 163A.100.

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

25 **“(A) Within three years of the initial classification, a victim re-**  
26 **quests the reassessment; or**

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

1       **“(b) A victim may request a reassessment under this subsection by**  
2 **submitting a written request to the Department of State Police. Upon**  
3 **verifying that the request meets the criteria described in paragraph**  
4 **(a) of this subsection, the department shall provide the request to the**  
5 **appropriate classifying board or agency. The classifying board or**  
6 **agency shall provide the person with notice of the reassessment.**

7       **“(c) As used in this subsection, ‘victim’ means:**

8       **“(A) A victim of any sex crime of which the person has been con-**  
9 **victed; or**

10       **“(B) Any person against whom the person has admitted to com-**  
11 **mitting conduct constituting a sex crime, if the conduct was not the**  
12 **subject of a criminal prosecution due to the time limitations described**  
13 **in ORS 131.125.**

14       **“[(9)] (10) The State Board of Parole and Post-Prison Supervision, the**  
15 **Department of State Police** and the Psychiatric Security Review Board  
16 may adopt rules to carry out the provisions of this section.

17       **“SECTION 5. ORS 163A.215 is amended to read:**

18       **“163A.215. (1)(a) A notifying agency or a supervising agency shall release,**  
19 **upon request, any information that may be necessary to protect the public**  
20 **concerning sex offenders who reside in a specific area or concerning a spe-**  
21 **cific sex offender.**

22       **“(b) A notifying agency or a supervising agency may release sex offender**  
23 **information to a law enforcement agency if the notifying agency or super-**  
24 **vising agency determines that the release of information is in the public in-**  
25 **terest.**

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

30       **“(2) If the sex offender is classified as a level three sex offender under**

1 ORS 163A.100 (3):

2 “(a) The Department of State Police shall release sex offender information  
3 on a website maintained by the department, **which shall include the sex**  
4 **offender’s full address**; and

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

7 “(A) A person that resides with the sex offender;

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

9 “(C) Residential neighbors and churches, community parks, schools and  
10 child care centers, convenience stores, businesses and other places that  
11 children or other potential victims may frequent;

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

15 “(E) Local or regional media sources.

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

22 “(4) If the sex offender is classified as a level two sex offender under ORS  
23 163A.100 (2)[,]:

24 “(a) **The department shall release the sex offender’s photograph and**  
25 **current city and zip code on the website maintained by the depart-**  
26 **ment.**

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

30 “(5) If the sex offender is classified as a level one sex offender under ORS

1 163A.100 (1)[,]:

2 **“(a) The department shall release the sex offender’s photograph and**  
3 **current city and zip code on the website maintained by the depart-**  
4 **ment.**

5 **“(b) The supervising agency or a notifying agency may release sex**  
6 **offender information to a person described in subsection (2)(b)(A) of this**  
7 **section.**

8 **“(6) As used in this section:**

9 **“(a) ‘Notifying agency’ means the Department of State Police, a city po-**  
10 **lice department, a county sheriff’s office or a police department established**  
11 **by a university under ORS 352.121.**

12 **“(b) ‘Sex offender information’ means information that the Department**  
13 **of State Police determines by rule is appropriate for release to the public.**

14 **“(c) ‘Supervising agency’ means a governmental entity responsible for**  
15 **supervising a person required to report as a sex offender under ORS 163A.010**  
16 **or 163A.015.**

17 **“SECTION 6. In addition to and not in lieu of any other appropri-**  
18 **ation, there is appropriated to the State Board of Parole and Post-**  
19 **Prison Supervision, for the biennium beginning July 1, 2023, out of the**  
20 **General Fund, the amount of \$6,000,000, for the purpose of conducting**  
21 **sex offender risk reassessments requested by victims pursuant to the**  
22 **amendments to ORS 163A.105 by section 4 of this 2023 Act.”.**

23 In line 22, delete “3” and insert “7”.

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