

SB 1122 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 3/6, 3/24

WHAT THE MEASURE DOES:

The measure allows the State Board of Parole and Post-Prison Supervision to adopt a risk assessment methodology that considers only the risk a sex offender presented at the time of release, sentencing, or discharge from custody and broadens the sex offender notification levels to include the risk level presented at the time of release, sentencing, or discharge. It also authorizes the Board, the Psychiatric Security Review Board, and supervisory authorities to reassess or reclassify a person's risk level if they commit, or are charged with, a sexually motivated rule violation while in custody, a sex crime, or a violation of probation, parole, or post-prison supervision conditions.

Fiscal: Minimal impact

Revenue: No impact

ISSUES DISCUSSED:

- Clarification of legislative intent
- Initial leveling of sex offenders at the moment they were riskiest
- Resources needed to ensure classification of offenders

EFFECT OF AMENDMENT:

-1 The amendment clarifies that the measure applies to all sex offenders required to report, notwithstanding the jurisdiction in which they were released, sentenced, or discharged, and regardless of whether those actions occurred before, on, or after the effective date of the Act. It also authorizes the State Board of Parole and Post-Prison Supervision to reassess and reclassify individuals who were classified on or after July 10, 2024. The amendment declares an emergency, making the measure effective upon passage.

BACKGROUND:

Oregon law requires the State Board of Parole and Post-Prison Supervision (BPPPS) to adopt by rule, a sex offender risk methodology to determine their reporting obligations and public notification status. In *Thomsen v. Board of Parole and Post-Prison Supervision* (2024), the Oregon Court of Appeals held that the Board, according to ORS 163A.100, must consider an offender's risk level at the time of assessment, and according to the Board's adopted methodology, this includes time spent offense-free in the community. Senate Bill 1122 authorizes BPPPS to adopt a methodology that considers exclusively the risk the sex offender presented at the time they were released from custody, sentenced, or otherwise discharged for the crime or act for which they are required to report and broadens the notification levels to include the risk the offender presented at the time of release, sentencing, or discharge.