

SB 1122 A STAFF MEASURE SUMMARY

House Committee On Judiciary

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Meeting Dates: 4/28

WHAT THE MEASURE DOES:

The measure allows the State Board of Parole and Post-Prison Supervision (BPPPs) 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. It 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. The measure clarifies that it 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.

SENATE VOTE: Ayes, 24; Nays, 4

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:

No amendment.

BACKGROUND:

The State Board of Parole and Post-Prison Supervision (BPPPS) is tasked with adopting a risk assessment methodology that determines a registrant's classification level, which governs both reporting obligations and public notification requirements, and assigning a classification level to the backlog of existing registrants. Under current Oregon law, level 3 sex offenders are permanently ineligible for relief from reporting obligations. Historically, when making these classifications, the Board assessed an offender's risk level at the time of classification but did not take into account how long the individual had remained offense-free in the community. However, in *Thomsen v. Board of Parole and Post-Prison Supervision* (2024), the Oregon Court of Appeals interpreted ORS 163A.100 to require that the Board consider offense-free time when determining an individual's risk level at the time of classification. As a result, two individuals who presented the same risk of reoffending at time of release may have different reporting obligations. For example, a person released from custody 20 years ago who has not yet been classified may now receive a lower risk level based on their offense-free time, potentially making them eligible to petition for relief from reporting obligations altogether. In contrast, an individual convicted of the same offense and released today would be classified immediately, without the benefit of any offense-free time, and could be assigned a level 3 classification, which under current law is never eligible for relief from reporting obligations. Senate Bill 1122 aims to clarify legislative intent. The bill authorizes BPPPS to adopt a risk assessment methodology that considers only the risk an offender posed at the time of their release from custody, sentencing, or discharge for the offense that triggered registration. This approach would apply the same standard at the time of release for all registrants, regardless of when their classification occurs while still

allowing for subsequent petitions to lower offender's classification levels. The bill also broadens public notification requirements to reflect the risk level the offender presented at the time of release and allows for reassessment of offenders classified after the Court of Appeals ruling.

PRELIMINARY