

## **SB 1122 A    STAFF MEASURE SUMMARY**

### **House Committee On Judiciary**

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**Prepared By:** Abby Shearer, LPRO Analyst

**Meeting Dates:** 4/28, 5/5

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#### **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 aligns the notification levels with the risk presented at the time of release, sentencing, or discharge. The measure authorizes BPPPS, 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. It applies to all sex offenders required to report, regardless of when or where they were released, sentenced, or discharged. The measure also authorizes BPPPS to reassess and reclassify individuals who were classified on or after July 10, 2024. An emergency is declared, making the measure effective upon passage.

SENATE VOTE: Ayes, 24; Nays, 4; Excused, 2

#### **ISSUES DISCUSSED:**

- Accuracy of risk assessments with and without considering offense-free time
- Efficiency impacts on BPPPS in assigning supervision levels
- Accountability and transparency in BPPPS decision-making

#### **EFFECT OF AMENDMENT:**

No amendment.

#### **BACKGROUND:**

The State Board of Parole and Post-Prison Supervision (BPPPS) is responsible for adopting a risk assessment methodology and assigning classification levels to registrants, which determine reporting and public notification requirements. Under current Oregon law, level 3 sex offenders are permanently ineligible for relief from reporting. Historically, BPPPS assessed risk at the time of classification without considering how long an individual had remained offense-free in the community. However, in *Thomsen v. BPPPS* (2024), the Oregon Court of Appeals interpreted ORS 163A.100 to require consideration of offense-free time in risk classification. As a result, individuals with identical offenses and risk at release may receive different classifications depending on how long they have remained offense-free prior to classification. Senate Bill 1122 seeks to clarify legislative intent by allowing BPPPS to assess risk based solely on the level of risk at the time of release, sentencing, or discharge. This would apply a consistent standard to all registrants regardless of when classification occurs, while still allowing petitions to reduce classification levels after initial classification.