

House Bill 3873

Sponsored by Representative DRAZAN; Representative HELFRICH, Senator SMITH DB (at the request of Danielle Tudor, Tiffany Edens)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act changes laws related to sex offenders. The Act takes effect when the Governor signs it. (Flesch Readability Score: 73.7).

Requires that the sex offender risk assessment methodology take into consideration victim input and other specified information.

Directs the State Board of Parole and Post-Prison Supervision to conduct a study on the implementation of changes to the sex offender risk assessment methodology. Directs the board to submit the results of the study to the interim committees of the Legislative Assembly related to the judiciary no later than February 15, 2026, and September 15, 2026.

Provides that a victim may request the reassessment and reclassification of a sex offender into a risk level within three years of the initial classification, or within five years when certain circumstances exist. Authorizes a victim to make a request notwithstanding the time limits within two years of the effective date of the Act.

Requires as a condition of supervision for certain sex offenders a prohibition on residing within 1,000 feet of locations where children are the primary occupants or users.

Declares an emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to sex offenders; creating new provisions; amending ORS 144.641, 144.642, 144.644, 163A.100
3 and 163A.105; and declaring an emergency.

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

5 **SECTION 1.** ORS 163A.100 is amended to read:

6 163A.100. The State Board of Parole and Post-Prison Supervision shall, in consultation with
7 community corrections agencies, adopt by rule a sex offender risk assessment methodology for use
8 in classifying sex offenders. **The risk assessment methodology must take into consideration**
9 **input from any victim as defined in ORS 163A.105 of criminal conduct committed by the sex**
10 **offender, and all other relevant information concerning the sex offender that is available or**
11 **able to be obtained, including but not limited to any court documents, presentence reports,**
12 **psychological evaluations, criminal conduct reported or admitted by the sex offender re-**
13 **gardless of whether the conduct was criminally prosecuted and any other information avail-**
14 **able from the office of the prosecuting attorney or previous court proceedings.** Application
15 of the risk assessment methodology to a sex offender must result in placing the sex offender in one
16 of the following levels:

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

19 (2) A level two sex offender who presents a moderate risk of reoffending and requires a moder-
20 ate range of notification.

21 (3) A level three sex offender who presents the highest risk of reoffending and requires the
22 widest range of notification.

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 **SECTION 2.** (1) The State Board of Parole and Post-Prison Supervision shall conduct a
 2 study on the changes to the sex offender risk assessment methodology that are necessary
 3 to implement the amendments to ORS 163A.100 by section 1 of this 2025 Act. The study shall
 4 include:

5 (a) The formulation of a plan for the board to take into account victim input when con-
 6 ducting risk assessments;

7 (b) The establishment of procedures for the board to obtain additional information con-
 8 cerning sex offenders for each risk assessment; and

9 (c) An analysis of what additional information may be needed to perform meaningful sex
 10 offender risk assessments.

11 (2) In conducting the study, the board:

12 (a) Shall consult with community corrections agencies, district attorneys, victim advo-
 13 cates, victim service providers and at least two sexual assault survivors; and

14 (b) May consult with any other person or entity the board deems helpful or relevant in
 15 conducting the study.

16 (3)(a) The board shall submit a report on the study that includes a sex offender risk as-
 17 sessment methodology implementation plan in the manner provided by ORS 192.245 to the
 18 interim committees of the Legislative Assembly related to the judiciary no later than Feb-
 19 ruary 15, 2026.

20 (b) The board shall submit a second report with the final results of the study, with rec-
 21 ommendations for any necessary legislation, in the manner provided by ORS 192.245 to the
 22 interim committees of the Legislative Assembly related to the judiciary no later than Sep-
 23 tember 15, 2026.

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

25 163A.105. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sen-
 26 tenced to a term of imprisonment in a Department of Corrections institution for that crime, the
 27 State Board of Parole and Post-Prison Supervision shall assess the person utilizing the risk assess-
 28 ment methodology described in ORS 163A.100. The board shall apply the results of the assessment
 29 to place the person in one of the levels described in ORS 163A.100 before the person is released from
 30 custody.

31 (2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or
 32 is discharged, released or placed on probation by the court, the supervisory authority as defined in
 33 ORS 144.087 shall assess the person utilizing the risk assessment methodology described in ORS
 34 163A.100 and apply the results of the assessment to place the person in one of the levels described
 35 in ORS 163A.100 no later than 90 days after the person is released from jail or discharged, released
 36 or placed on probation by the court.

37 (3)(a) When a person is found guilty except for insanity of a sex crime, the Psychiatric Security
 38 Review Board shall assess the person utilizing the risk assessment methodology described in ORS
 39 163A.100 and apply the results of the assessment to place the person in one of the levels described
 40 in ORS 163A.100 no later than 90 days after the person is:

41 (A) Placed on conditional release by the Psychiatric Security Review Board;

42 (B) Discharged from the jurisdiction of the Psychiatric Security Review Board;

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

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

45 (b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-

1 assessment and assigned a classification level described in ORS 163A.100 for a person described in
 2 paragraph (a) of this subsection, the Psychiatric Security Review Board need not complete a reas-
 3 sessment for an initial classification.

4 (c) The court shall notify the Psychiatric Security Review Board when the court conditionally
 5 releases or discharges a person described in paragraph (a) of this subsection.

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

11 (4)(a) Within 90 days after receiving notice of a person's obligation to report in this state from
 12 the Department of State Police, the State Board of Parole and Post-Prison Supervision shall assess
 13 the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the re-
 14 sults of the assessment to place the person in one of the levels described in ORS 163A.100 if the
 15 person has been convicted in another United States court of a crime:

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

17 (B) For which the person would have to register as a sex offender in that court's jurisdiction,
 18 or as required under federal law, regardless of whether the crime would constitute a sex crime in
 19 this state.

20 (b) If a person has been convicted of a sex crime and was sentenced to a term of imprisonment
 21 in a Department of Corrections institution for that sex crime, but was not subjected to a risk as-
 22 sessment utilizing the risk assessment methodology described in ORS 163A.100 before release under
 23 subsection (1) of this section, within 90 days after the person's release the State Board of Parole and
 24 Post-Prison Supervision shall assess the person utilizing the risk assessment methodology described
 25 in ORS 163A.100 and apply the results of the assessment to place the person in one of the levels
 26 described in ORS 163A.100.

27 (5) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
 28 Board or a supervisory authority applies the results of a risk assessment to place a person in one
 29 of the levels described in ORS 163A.100, the agency shall notify the Department of State Police of
 30 the results of the risk assessment within three business days after the agency's classification. Upon
 31 receipt, the Department of State Police shall enter the results of the risk assessment into the Law
 32 Enforcement Data System.

33 (6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
 34 Board or a supervisory authority may reassess or reclassify a person placed in one of the levels
 35 described in ORS 163A.100 under this section if the classifying board or authority determines that
 36 a factual mistake caused an erroneous assessment or classification.

37 (7)(a) A person classified under this section as a level two or level three sex offender as de-
 38 scribed in ORS 163A.100 may petition the classifying board or authority for review. Except for good
 39 cause shown, the petition may be filed no later than 60 days after the notice of the classification is
 40 provided to the person or, if the notice is mailed, no later than 60 days after the notice is sent.

41 (b) When good cause is shown, the time for filing a petition under this subsection may not be
 42 extended more than 60 days beyond the date of the person's next annual report under ORS 163A.010,
 43 163A.015 or 163A.020.

44 (c) Upon receipt of a petition described in this subsection, the classifying board or authority
 45 shall afford the person an opportunity to be heard as to all factual questions related to the classi-

1 fication.

2 (d) After providing the person with notice and an opportunity to be heard in accordance with
 3 this subsection, the board or authority shall classify the person in accordance with the classifica-
 4 tions described in ORS 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 transience, lack of
 7 housing, ongoing mental health concerns or other similar circumstances, a notice mailed to the
 8 person under paragraph (a) of this subsection was not received by the person.

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

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

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

21 **(A) Within three years of the initial classification, a victim requests the reassessment;**
 22 **or**

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

26 **(b) A victim may request a reassessment under this subsection by submitting a written**
 27 **request to the Department of State Police. Upon verifying that the request meets the cri-**
 28 **teria described in paragraph (a) of this subsection, the department shall provide the request**
 29 **to the appropriate classifying board or agency. The classifying board or agency shall provide**
 30 **the person with notice of the reassessment.**

31 **(c) As used in this subsection, “victim” means:**

32 **(A) A victim of any sex crime of which the person has been convicted; or**

33 **(B) Any person against whom the person has admitted to committing conduct constitut-**
 34 **ing a sex crime, if the conduct was not the subject of a criminal prosecution due to the time**
 35 **limitations described in ORS 131.125.**

36 **[(9)] (10) The State Board of Parole and Post-Prison Supervision, the Department of State**
 37 **Police and the Psychiatric Security Review Board may adopt rules to carry out the provisions of**
 38 **this section.**

39 **SECTION 4. (1) Notwithstanding the time limits described in ORS 163A.105 (9)(a), a victim**
 40 **may request the reassessment and reclassification of a sex offender who has been placed in**
 41 **one of the levels described in ORS 163A.100 by submitting a written request to the Depart-**
 42 **ment of State Police at any time within two years after the effective date of this 2025 Act.**
 43 **Upon receipt of a request, the department shall provide the request to the appropriate clas-**
 44 **sifying board or agency.**

45 **(2) Upon receipt of the request, the State Board of Parole and Post-Prison Supervision,**

1 **the Psychiatric Security Review Board or a supervisory authority shall reassess and, as**
 2 **necessary, reclassify the sex offender into one of the levels described in ORS 163A.100. The**
 3 **classifying board or agency shall provide the sex offender with notice of the reassessment.**

4 (3) As used in this section, “victim” has the meaning given that term in ORS 163A.105.

5 **SECTION 5. Section 4 of this 2025 Act is repealed on January 2, 2030.**

6 **SECTION 6.** ORS 144.641 is amended to read:

7 144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

8 (1) “Dwelling” has the meaning given that term in ORS 469B.100.

9 (2) “Dwelling” does not include a residential treatment facility or a halfway house.

10 (3) “Halfway house” means a publicly or privately operated profit or nonprofit residential facil-
 11 ity that provides rehabilitative care and treatment for sex offenders.

12 (4) “Locations where children are the primary occupants or users” includes, but is not limited
 13 to, public and private elementary and secondary schools and licensed child care centers.

14 (5) “Sex offender” means:

15 (a) A sexually violent dangerous offender as defined in ORS 137.765; or

16 (b) A level three sex offender under ORS 163A.100 (3).

17 (6) “Transitional housing” means housing intended to be occupied by a sex offender for 45 days
 18 or less immediately after release from incarceration.

19 (7) **“Within 1,000 feet” means a straight line measurement in a radius extending for the**
 20 **specified number of feet or less in every direction from a specified location or from any point**
 21 **on the boundary line of a specified unit of property.**

22 **SECTION 7.** ORS 144.642 is amended to read:

23 144.642. (1) The Department of Corrections, in consultation with the State Board of Parole and
 24 Post-Prison Supervision and community corrections agencies, shall adopt rules establishing criteria
 25 to be considered in determining the permanent residence requirements for a sex offender released
 26 on post-prison supervision or parole. Transitional housing is not subject to permanent residence re-
 27 quirements. The department shall include in the rules:

28 (a) A general prohibition against allowing a sex offender to reside [*near*] **within 1,000 feet of**
 29 locations where children are the primary occupants or users;

30 (b) The bases upon which exceptions to the general prohibition required by paragraph (a) of this
 31 subsection are authorized;

32 (c) A prohibition against allowing a sex offender to reside in any dwelling in which another sex
 33 offender on probation, parole or post-prison supervision resides unless authorized as provided in ORS
 34 144.102 (4)(b)(M); and

35 (d) A process that allows communities and community corrections agencies that would be af-
 36 fected by a decision about the location of a sex offender’s residence to be informed of the decision
 37 making process before the offender is released.

38 (2) Based upon the rules adopted under subsection (1) of this section, the department shall de-
 39 velop a decision matrix to be used in determining the permanent residence requirements for a sex
 40 offender.

41 **SECTION 8.** ORS 144.644 is amended to read:

42 144.644. (1) The State Board of Parole and Post-Prison Supervision, in consultation with the
 43 Department of Corrections and community corrections agencies, shall adopt rules establishing cri-
 44 teria to be considered:

45 (a) In reviewing the proposed residence of a sex offender in a release plan under ORS 144.096

1 or a parole plan under ORS 144.125; and

2 (b) In determining the residence of a sex offender in a release plan under ORS 144.096, as a
3 condition of post-prison supervision under ORS 144.102 or as a condition of parole under ORS
4 144.270.

5 (2) The board shall include in the rules:

6 (a) A general prohibition against allowing a sex offender to reside [*near*] **within 1,000 feet of**
7 locations where children are the primary occupants or users;

8 (b) The bases upon which exceptions to the general prohibition required by paragraph (a) of this
9 subsection are authorized;

10 (c) A prohibition against allowing a sex offender to reside in any dwelling in which another sex
11 offender on probation, parole or post-prison supervision resides unless authorized as provided in ORS
12 144.102 (4)(b)(M); and

13 (d) A process that allows communities and community corrections agencies that would be af-
14 fected by a decision about the location of a sex offender's residence to be informed of the decision
15 making process before the offender is released.

16 (3) Based upon the rules adopted under subsections (1) and (2) of this section, the board shall
17 develop a decision matrix to be used in determining the specific residence for a sex offender.

18 **SECTION 9. This 2025 Act being necessary for the immediate preservation of the public**
19 **peace, health and safety, an emergency is declared to exist, and this 2025 Act takes effect**
20 **on its passage.**

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