

# Senate Bill 1068

Sponsored by Senators HAYDEN, THATCHER

## 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 tells the parole board to use a sex offender's previous risk level from outside this state. (Flesch Readability Score: 71.0).

Directs the State Board of Parole and Post-Prison Supervision to classify a sex offender who has previously been placed into a risk level in another jurisdiction into the corresponding risk level in this state.

## A BILL FOR AN ACT

1  
2 Relating to sex offender classification; amending ORS 163A.105.

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

4 **SECTION 1.** ORS 163A.105 is amended to read:

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

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

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

- 21 (A) Placed on conditional release by the Psychiatric Security Review Board;  
22 (B) Discharged from the jurisdiction of the Psychiatric Security Review Board;  
23 (C) Placed on conditional release by the court pursuant to ORS 161.327; or  
24 (D) Discharged by the court pursuant to ORS 161.329.

25 (b) If the State Board of Parole and Post-Prison Supervision previously completed a risk as-  
26 sessment and assigned a classification level described in ORS 163A.100 for a person described in  
27 paragraph (a) of this subsection, the Psychiatric Security Review Board need not complete a reas-  
28 sessment for an initial classification.

29 (c) The court shall notify the Psychiatric Security Review Board when the court conditionally

**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 releases or discharges a person described in paragraph (a) of this subsection.

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

7 (4)(a) Within 90 days after receiving notice of a person's obligation to report in this state from  
8 the Department of State Police, the State Board of Parole and Post-Prison Supervision shall *[assess*  
9 *the person utilizing the risk assessment methodology described in ORS 163A.100 and apply the results*  
10 *of the assessment to]* place the person in one of the levels described in ORS 163A.100 **as described**  
11 **in paragraph (b) or (c) of this subsection** if the person has been convicted in another United  
12 States court of a crime:

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

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

17 **(b) If the other court's jurisdiction uses sex offender risk assessments and the person**  
18 **has previously been placed in a risk level in that jurisdiction, the board shall place the person**  
19 **in the level described in ORS 163A.100 that either corresponds to or most closely resembles**  
20 **the person's previous risk level in the other jurisdiction.**

21 **(c) If the other court's jurisdiction does not use a sex offender risk assessment or if the**  
22 **person has not previously been placed in a risk level in the other jurisdiction, the board shall**  
23 **assess the person utilizing the risk assessment methodology described in ORS 163A.100 and**  
24 **apply the results of the assessment to place the person in one of the levels described in ORS**  
25 **163A.100.**

26 *[(b)]* (5) If a person has been convicted of a sex crime and was sentenced to a term of  
27 imprisonment in a Department of Corrections institution for that sex crime, but was not subjected  
28 to a risk assessment utilizing the risk assessment methodology described in ORS 163A.100 before  
29 release under subsection (1) of this section, within 90 days after the person's release the State Board  
30 of Parole and Post-Prison Supervision shall assess the person utilizing the risk assessment method-  
31 ology described in ORS 163A.100 and apply the results of the assessment to place the person in one  
32 of the levels described in ORS 163A.100.

33 *[(5)]* (6) When the State Board of Parole and Post-Prison Supervision, the Psychiatric Security  
34 Review Board or a supervisory authority *[applies the results of a risk assessment to place]* **places** a  
35 person in one of the levels described in ORS 163A.100, the agency shall notify the Department of  
36 State Police of the results of the risk assessment within three business days after the agency's  
37 classification. Upon receipt, the Department of State Police shall enter the results of the risk as-  
38 sessment into the Law Enforcement Data System.

39 *[(6)]* (7) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review  
40 Board or a supervisory authority may reassess or reclassify a person placed in one of the levels  
41 described in ORS 163A.100 under this section if the classifying board or authority determines that  
42 a factual mistake caused an erroneous assessment or classification.

43 *[(7)(a)]* (8)(a) A person classified under this section as a level two or level three sex offender  
44 as described in ORS 163A.100 may petition the classifying board or authority for review. Except for  
45 good cause shown, the petition may be filed no later than 60 days after the notice of the classifica-

1 tion is provided to the person or, if the notice is mailed, no later than 60 days after the notice is  
2 sent.

3 (b) When good cause is shown, the time for filing a petition under this subsection may not be  
4 extended more than 60 days beyond the date of the person's next annual report under ORS 163A.010,  
5 163A.015 or 163A.020.

6 (c) Upon receipt of a petition described in this subsection, the classifying board or authority  
7 shall afford the person an opportunity to be heard as to all factual questions related to the classi-  
8 fication. **If the person has been classified under subsection (4)(b) of this section, the person**  
9 **must be heard on the issue of whether the risk level described in ORS 163A.100 into which**  
10 **the person was placed corresponds to or most closely resembles the person's previous risk**  
11 **level in the other jurisdiction.**

12 (d) After providing the person with notice and an opportunity to be heard in accordance with  
13 this subsection, the board or authority shall classify the person in accordance with the classifica-  
14 tions described in ORS 163A.100, based on all of the information available to the classifying board  
15 or authority.

16 (e) As used in this subsection, "good cause" means that, due to a person's transience, lack of  
17 housing, ongoing mental health concerns or other similar circumstances, a notice mailed to the  
18 person under paragraph (a) of this subsection was not received by the person.

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

24 (b) If person classified as a level three sex offender under this subsection notifies the classifying  
25 board or authority of the willingness to participate in a sex offender risk assessment, the classifying  
26 board or authority shall perform the assessment and classify the person in one of the levels de-  
27 scribed in ORS 163A.100.

28 [(9)] **(10)** The State Board of Parole and Post-Prison Supervision and the Psychiatric Security  
29 Review Board may adopt rules to carry out the provisions of this section.

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