

Senate Bill 1096

Sponsored by Senator SMITH DB (at the request of Rick Christian)

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 requires a GPS tracker that notifies the victim for a person charged with or convicted of a DV crime. (Flesch Readability Score: 68.6).

Requires that a person on pretrial release for a crime constituting domestic violence wear a location tracking device that provides real-time location alerts to the victim and law enforcement agencies. Specifies an exception.

Requires as a supervision condition of probation or post-prison supervision that the defendant wear a location tracking device that provides real-time location alerts to the victim and law enforcement agencies for the first 90 days of supervision. Specifies an exception.

A BILL FOR AN ACT

1
2 Relating to the protection of domestic violence victims; creating new provisions; and amending ORS
3 135.250, 135.260, 137.540 and 144.102.

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

5 **SECTION 1. Section 3 of this 2025 Act shall be known and may be cited as Angela's Law.**

6 **SECTION 2. Section 3 of this 2025 Act is added to and made a part of ORS 135.230 to**
7 **135.290.**

8 **SECTION 3. (1) If a defendant is charged with a crime constituting domestic violence and**
9 **is released before judgment, in addition to the release conditions described in ORS 135.250,**
10 **the court shall order that the defendant:**

11 (a) **Wear a tamper-resistant location tracking device secured to the defendant's person**
12 **at all times while the defendant is released; and**

13 (b) **Not enter within 1,000 feet of the victim's home, place of work and any other location**
14 **frequented by the victim and designated by the court.**

15 (2) **The location tracking device required under this section:**

16 (a) **Must have the capability to notify the victim and law enforcement agencies in real**
17 **time if the defendant enters within 1,000 feet of the victim's home, place of work or any**
18 **other location designated by the court.**

19 (b) **Must have the capability to immediately notify the victim and law enforcement**
20 **agencies if the device is removed or tampered with.**

21 (c) **May require the use by the victim of a cell phone application or a paired receptor**
22 **device.**

23 (3) **The court may require that the defendant pay a fee for the location tracking device**
24 **described in this section.**

25 (4) **The court may enter an order waiving or modifying the condition described in this**
26 **section if:**

27 (a) **The victim petitions the court for a waiver; and**

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 **(b) The court finds, after a hearing on the petition, that the defendant does not pose a**
 2 **threat to the victim and that waiving or modifying the condition is in the best interests of**
 3 **the parties and the community.**

4 **(5) When a defendant subject to a release condition described in this section violates the**
 5 **condition, the court:**

6 **(a) Shall cause the defendant to be taken back into custody; and**

7 **(b) May not authorize any form of release except as required by the Oregon or United**
 8 **States Constitution.**

9 **(6) As used in this section, “location tracking device” means an electronic device that**
 10 **permits the real-time tracking of a person by means of global positioning system coordinates.**

11 **SECTION 4.** ORS 135.250 is amended to read:

12 135.250. (1) If a defendant is released before judgment, the conditions of the release agreement
 13 shall be that the defendant will:

14 (a) Appear to answer the charge in the court having jurisdiction on a day certain and thereafter
 15 as ordered by the court until the defendant is discharged or the judgment is entered;

16 (b) Submit to the orders and process of the court;

17 (c) Not depart this state without leave of the court; and

18 (d) Comply with such other conditions as the court may impose.

19 (2)(a) In addition to the conditions listed in subsection (1) of this section, if the defendant is
 20 charged with an offense that also constitutes domestic violence, the court shall include as a condi-
 21 tion of the release agreement that the defendant not contact the victim of the violence.

22 (b) Notwithstanding paragraph (a) of this subsection, the court may enter an order waiving the
 23 condition that the defendant have no contact with the victim if:

24 (A) The victim petitions the court for a waiver; and

25 (B) The court finds, after a hearing on the petition, that **the defendant does not pose a threat**
 26 **to the victim and that** waiving the condition is in the best interests of the parties and the com-
 27 munity.

28 (c) If the defendant was provided notice and an opportunity to be heard, the court shall also
 29 include in the agreement, when appropriate, terms and findings sufficient under 18 U.S.C. 922 (d)(8)
 30 and (g)(8) to affect the defendant’s ability to possess firearms and ammunition or engage in activities
 31 involving firearms.

32 (d) ORS 107.720 applies to release agreements executed by defendants charged with an offense
 33 that constitutes domestic violence, except that proof of service of the release agreement is not re-
 34 quired and the agreement may not be terminated at the request of the victim without a hearing.

35 **(e) If a defendant subject to the release condition described in paragraph (a) of this sub-**
 36 **section violates the condition, the court:**

37 **(A) Shall cause the defendant to be taken back into custody; and**

38 **(B) May not authorize any form of release except as required by the Oregon or United**
 39 **States Constitution.**

40 **SECTION 5.** ORS 135.260 is amended to read:

41 135.260. (1) Conditional release may include one or more of the following conditions:

42 (a) Release of the defendant into the care of a qualified person or organization responsible for
 43 supervising the defendant and assisting the defendant in appearing in court. The supervisor shall
 44 not be required to be financially responsible for the defendant, nor to forfeit money in the event the
 45 defendant fails to appear in court. The supervisor, however, shall notify the court immediately in the

1 event that the defendant breaches the conditional release.

2 (b) Reasonable regulations on the activities, movements, associations and residences of the de-
 3 fendant, including, if the court finds it appropriate, restriction of the defendant to the defendant's
 4 own residence or to the premises thereof.

5 (c) Release of the defendant from custody during working hours.

6 (d) Any other reasonable restriction designed to assure the defendant's appearance.

7 (2) Except as otherwise provided in ORS 135.250 (2)(b), conditional release shall include, [*a*
 8 *prohibition against contacting the victim*] if the defendant is charged with an offense that also con-
 9 stitutes domestic violence:

10 (a) **A prohibition against contacting the victim; and**

11 (b) **The release conditions described in section 3 of this 2025 Act.**

12 **SECTION 6.** ORS 137.540 is amended to read:

13 137.540. (1) The court may sentence the defendant to probation subject to the following general
 14 conditions unless specifically deleted by the court. The probationer shall:

15 (a) Pay fines, restitution or fees ordered by the court.

16 (b) Submit to testing for controlled substance, cannabis or alcohol use if the probationer has a
 17 history of substance abuse or if there is a reasonable suspicion that the probationer has illegally
 18 used controlled substances.

19 (c) Participate in a substance abuse evaluation as directed by the supervising officer and follow
 20 the recommendations of the evaluator if there are reasonable grounds to believe there is a history
 21 of substance abuse.

22 (d) Remain in the State of Oregon until written permission to leave is granted by the Depart-
 23 ment of Corrections or a county community corrections agency.

24 (e) Not change residence without prior permission from the Department of Corrections or a
 25 county community corrections agency and inform the parole and probation officer of any change in
 26 employment.

27 (f) Permit the parole and probation officer to visit the probationer or the probationer's work site
 28 or residence and to conduct a walk-through of the common areas and of the rooms in the residence
 29 occupied by or under the control of the probationer.

30 (g) Consent to the search of person, vehicle or premises upon the request of a representative
 31 of the supervising officer if the supervising officer has reasonable grounds to believe that evidence
 32 of a violation will be found, and submit to fingerprinting or photographing, or both, when requested
 33 by the Department of Corrections or a county community corrections agency for supervision pur-
 34 poses.

35 (h) Obey all laws, municipal, county, state and federal, and in circumstances in which state and
 36 federal law conflict, obey state law.

37 (i) Promptly and truthfully answer all reasonable inquiries by the Department of Corrections or
 38 a county community corrections agency.

39 (j) Not possess weapons, firearms or dangerous animals.

40 (k) Report as required and abide by the direction of the supervising officer.

41 (L) If recommended by the supervising officer, successfully complete a sex offender treatment
 42 program approved by the supervising officer and submit to polygraph examinations at the direction
 43 of the supervising officer if the probationer:

44 (A) Is under supervision for a sex crime as defined in ORS 163A.005 or harassment under ORS
 45 166.065 (4)(a)(A);

1 (B) Was previously convicted of a sex crime as defined in ORS 163A.005; or

2 (C) Was previously convicted in another jurisdiction of an offense that would constitute a sex
 3 crime as defined in ORS 163A.005 if committed in this state.

4 (m) Participate in a mental health evaluation as directed by the supervising officer and follow
 5 the recommendation of the evaluator.

6 (n) If required to report as a sex offender under ORS 163A.015, report with the Department of
 7 State Police, a city police department, a county sheriff's office or the supervising agency:

8 (A) When supervision begins;

9 (B) Within 10 days of a change in residence;

10 (C) Once each year within 10 days of the probationer's date of birth;

11 (D) Within 10 days of the first day the person works at, carries on a vocation at or attends an
 12 institution of higher education; and

13 (E) Within 10 days of a change in work, vocation or attendance status at an institution of higher
 14 education.

15 (o) Submit to a risk and needs assessment as directed by the supervising officer and follow
 16 reasonable recommendations resulting from the assessment.

17 (2) In addition to the general conditions, the court may impose any special conditions of pro-
 18 bation that are reasonably related to the crime of conviction or the needs of the probationer for the
 19 protection of the public or reformation of the probationer, or both, including, but not limited to, that
 20 the probationer shall:

21 (a) For crimes committed prior to November 1, 1989, and misdemeanors committed on or after
 22 November 1, 1989, be confined to the county jail or be restricted to the probationer's own residence
 23 or to the premises thereof, or be subject to any combination of such confinement and restriction,
 24 such confinement or restriction or combination thereof to be for a period not to exceed one year
 25 or one-half of the maximum period of confinement that could be imposed for the offense for which
 26 the defendant is convicted, whichever is the lesser.

27 (b) For felonies committed on or after November 1, 1989:

28 (A) Be confined in the county jail, or be subject to other custodial sanctions under community
 29 supervision, or both, as provided by rules of the Oregon Criminal Justice Commission; and

30 (B) Comply with any special conditions of probation that are imposed by the supervising officer
 31 in accordance with subsection (9) of this section.

32 (c) For crimes committed on or after December 5, 1996, sell any assets of the probationer as
 33 specifically ordered by the court in order to pay restitution.

34 (d) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS
 35 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence,
 36 as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text
 37 message services.

38 (e) Not use or possess controlled substances except pursuant to a medical prescription.

39 (3)(a) If a person is released on probation following conviction of stalking under ORS 163.732
 40 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the court may include
 41 as a special condition of the person's probation reasonable residency restrictions.

42 (b) If the court imposes the special condition of probation described in this subsection and if at
 43 any time during the period of probation the victim moves to a location that causes the probationer
 44 to be in violation of the special condition of probation, the court may not require the probationer
 45 to change the probationer's residence in order to comply with the special condition of probation.

1 (4)(a) When a person who is a sex offender is released on probation, the court shall impose as
 2 a special condition of probation that the person not reside in any dwelling in which another sex
 3 offender who is on probation, parole or post-prison supervision resides, without the approval of the
 4 person's supervising parole and probation officer, or in which more than one other sex offender who
 5 is on probation, parole or post-prison supervision resides, without the approval of the director of the
 6 probation agency that is supervising the person or of the county manager of the Department of
 7 Corrections, or a designee of the director or manager. As soon as practicable, the supervising parole
 8 and probation officer of a person subject to the requirements of this subsection shall review the
 9 person's living arrangement with the person's sex offender treatment provider to ensure that the
 10 arrangement supports the goals of offender rehabilitation and community safety. As used in this
 11 [subsection] **paragraph:**

12 [(a)] (A) "Dwelling" has the meaning given that term in ORS 469B.100.

13 [(b)] (B) "Dwelling" does not include a residential treatment facility or a halfway house.

14 [(c)] (C) "Halfway house" means a publicly or privately operated profit or nonprofit residential
 15 facility that provides rehabilitative care and treatment for sex offenders.

16 [(d)] (D) "Sex offender" has the meaning given that term in ORS 163A.005.

17 **(b)(A) If a person is released on probation following conviction of a crime constituting**
 18 **domestic violence as defined in ORS 135.230, the court shall impose as a special condition of**
 19 **probation a requirement that the person:**

20 (i) **Wear a tamper-resistant location tracking device secured to the person at all times**
 21 **for at least the first 90 days of probation; and**

22 (ii) **Not enter within 1,000 feet of the victim's home, place of work and any other location**
 23 **frequented by the victim and designated by the court.**

24 **(B) The location tracking device must meet the requirements described in section 3 (2)**
 25 **of this 2025 Act.**

26 **(C) The court may waive the requirement described in this paragraph if the victim re-**
 27 **quests waiver and the court finds that the person does not pose a threat to the victim.**

28 (5)(a) If the person is released on probation following conviction of a sex crime, as defined in
 29 ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
 30 years of age, the court, if requested by the victim, shall include as a special condition of the person's
 31 probation that the person not reside within three miles of the victim unless:

32 (A) The victim resides in a county having a population of less than 130,000 and the person is
 33 required to reside in that county;

34 (B) The person demonstrates to the court by a preponderance of the evidence that no mental
 35 intimidation or pressure was brought to bear during the commission of the crime;

36 (C) The person demonstrates to the court by a preponderance of the evidence that imposition
 37 of the condition will deprive the person of a residence that would be materially significant in aiding
 38 in the rehabilitation of the person or in the success of the probation; or

39 (D) The person resides in a halfway house. As used in this subparagraph, "halfway house" means
 40 a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative
 41 care and treatment for sex offenders.

42 (b) A victim may request imposition of the special condition of probation described in this sub-
 43 section at the time of sentencing in person or through the prosecuting attorney.

44 (c) If the court imposes the special condition of probation described in this subsection and if at
 45 any time during the period of probation the victim moves to within three miles of the probationer's

1 residence, the court may not require the probationer to change the probationer's residence in order
2 to comply with the special condition of probation.

3 (6) When a person who is a sex offender, as defined in ORS 163A.005, is released on probation,
4 the Department of Corrections or the county community corrections agency, whichever is appropri-
5 ate, shall notify the city police department, if the person is going to reside within a city, and the
6 county sheriff's office of the county in which the person is going to reside of the person's release
7 and the conditions of the person's release.

8 (7) Failure to abide by all general and special conditions of probation may result in arrest,
9 modification of conditions, revocation of probation or imposition of structured, intermediate sanc-
10 tions in accordance with rules adopted under ORS 137.595.

11 (8) The court may order that probation be supervised by the court.

12 (9)(a) The court may at any time modify the conditions of probation.

13 (b) When the court orders a defendant placed under the supervision of the Department of Cor-
14 rections or a community corrections agency, the supervising officer may file with the court a pro-
15 posed modification to the special conditions of probation. The supervising officer shall provide a
16 copy of the proposed modification to the district attorney and the probationer, and shall notify the
17 probationer of the right to file an objection and have a hearing as described in subparagraph (A)
18 of this paragraph. The notice requirement may be satisfied by providing the probationer with a copy
19 of a form developed in accordance with rules adopted under ORS 137.595 (2)(b) that describes the
20 right to a hearing. If the district attorney or probationer:

21 (A) Files an objection to the proposed modification less than five judicial days after the proposed
22 modification was filed, the court shall schedule a hearing no later than 10 judicial days after the
23 proposed modification was filed, unless the court finds good cause to schedule a hearing at a later
24 time.

25 (B) Does not file an objection to the proposed modification less than five judicial days after the
26 proposed modification was filed, the proposed modification becomes effective five judicial days after
27 the proposed modification was filed.

28 (10) A court may not order revocation of probation as a result of the probationer's failure to
29 pay restitution unless the court determines from the totality of the circumstances that the purposes
30 of the probation are not being served.

31 (11) If the court ordered as a special condition of probation that the probationer find and
32 maintain employment, it is not a cause for revocation of probation that the probationer failed to
33 apply for or accept employment at any workplace where there is a labor dispute in progress. As used
34 in this subsection, "labor dispute" has the meaning for that term provided in ORS 662.010.

35 (12) As used in this section, "attends," "institution of higher education," "works" and "carries
36 on a vocation" have the meanings given those terms in ORS 163A.005.

37 **SECTION 7.** ORS 144.102 is amended to read:

38 144.102. (1) The State Board of Parole and Post-Prison Supervision or local supervisory authority
39 responsible for correctional services for a person shall specify in writing the conditions of post-
40 prison supervision imposed under ORS 144.096. A copy of the conditions must be given to the person
41 upon release from prison or jail.

42 (2) The board or the supervisory authority shall determine, and may at any time modify, the
43 conditions of post-prison supervision, which may include, among other conditions, that the person
44 shall:

45 (a) Comply with the conditions of post-prison supervision as specified by the board or supervi-

1 sory authority.

2 (b) Be under the supervision of the Department of Corrections and its representatives or other
3 supervisory authority and abide by their direction and counsel.

4 (c) Answer all reasonable inquiries of the board, the department or the supervisory authority.

5 (d) Report to the parole officer as directed by the board, the department or the supervisory au-
6 thority.

7 (e) Not own, possess or be in control of any weapon.

8 (f) Respect and obey all municipal, county, state and federal laws, and in circumstances in which
9 state and federal law conflict, obey state law.

10 (g) Understand that the board or supervisory authority may, at its discretion, punish violations
11 of post-prison supervision.

12 (h) Attend a victim impact treatment session in a county that has a victim impact program.

13 (i) For crimes constituting delivery of a controlled substance, as those terms are defined in ORS
14 475.005, or for telephonic harassment under ORS 166.090, or for crimes involving domestic violence,
15 as defined in ORS 135.230, be prohibited from using Internet websites that provide anonymous text
16 message services.

17 (3)(a) If [the] a person is required to report as a sex offender under ORS 163A.010, the board
18 or supervisory authority shall include as a condition of post-prison supervision that the person re-
19 port with the Department of State Police, a city police department, a county sheriff's office or the
20 supervising agency:

21 [(a)] (A) When supervision begins;

22 [(b)] (B) Within 10 days of a change in residence;

23 [(c)] (C) Once each year within 10 days of the person's date of birth;

24 [(d)] (D) Within 10 days of the first day the person works at, carries on a vocation at or attends
25 an institution of higher education; and

26 [(e)] (E) Within 10 days of a change in work, vocation or attendance status at an institution of
27 higher education.

28 **(b)(A) If a person is on post-prison supervision following a sentence for a conviction**
29 **constituting domestic violence as defined in ORS 135.230, the board or supervisory authority**
30 **shall include as a condition of post-prison supervision a requirement that the person:**

31 **(i) Wear a secure tamper-resistant location tracking device secured to the person at all**
32 **times for at least the first 90 days of supervision; and**

33 **(ii) Not enter within 1,000 feet of the victim's home, place of work and any other location**
34 **frequented by the victim and designated by the board or supervisory authority.**

35 **(B) The location tracking device must meet the requirements described in section 3 (2)**
36 **of this 2025 Act.**

37 **(C) The board or supervisory authority may waive the requirement described in this**
38 **paragraph if the victim requests waiver and the board or supervisory authority finds that the**
39 **person does not pose a threat to the victim.**

40 (4)(a) The board or supervisory authority may establish special conditions that the board or su-
41 pervisory authority considers necessary because of the individual circumstances of the person on
42 post-prison supervision.

43 (b) If the person is on post-prison supervision following conviction of a sex crime, as defined in
44 ORS 163A.005, the board or supervisory authority shall include all of the following as special con-
45 ditions of the person's post-prison supervision:

1 (A) Agreement to comply with a curfew set by the board, the supervisory authority or the
2 supervising officer.

3 (B) A prohibition against contacting a person under 18 years of age without the prior written
4 approval of the board, supervisory authority or supervising officer.

5 (C) A prohibition against being present more than one time, without the prior written approval
6 of the board, supervisory authority or supervising officer, at a place where persons under 18 years
7 of age regularly congregate.

8 (D) In addition to the prohibition under subparagraph (C) of this paragraph, a prohibition
9 against being present, without the prior written approval of the board, supervisory authority or
10 supervising officer, at, or on property adjacent to, a school, child care center, playground or other
11 place intended for use primarily by persons under 18 years of age.

12 (E) A prohibition against working or volunteering at a school, child care center, park, play-
13 ground or other place where persons under 18 years of age regularly congregate.

14 (F) Entry into and completion of or successful discharge from a sex offender treatment program
15 approved by the board, supervisory authority or supervising officer. The program may include
16 polygraph and plethysmograph testing. The person is responsible for paying for the treatment pro-
17 gram.

18 (G) A prohibition against direct or indirect contact with the victim, unless approved by the
19 victim, the person's treatment provider and the board, supervisory authority or supervising officer.

20 (H) Unless otherwise indicated for the treatment required under subparagraph (F) of this para-
21 graph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual
22 or auditory materials that are relevant to the person's deviant behavior.

23 (I) Agreement to consent to a search of the person or the vehicle or residence of the person
24 upon the request of a representative of the board or supervisory authority if the representative has
25 reasonable grounds to believe that evidence of a violation of a condition of post-prison supervision
26 will be found.

27 (J) Participation in random polygraph examinations to obtain information for risk management
28 and treatment. The person is responsible for paying the expenses of the examinations. The results
29 of a polygraph examination under this subparagraph may not be used in evidence in a hearing to
30 prove a violation of post-prison supervision.

31 (K) Maintenance of a driving log and a prohibition against driving a motor vehicle alone unless
32 approved by the board, supervisory authority or supervising officer.

33 (L) A prohibition against using a post-office box unless approved by the board, supervisory au-
34 thority or supervising officer.

35 (M) A prohibition against residing in a dwelling in which another sex offender who is on pro-
36 bation, parole or post-prison supervision resides unless approved by the board, supervisory authority
37 or supervising officer, or in which more than one other sex offender who is on probation, parole or
38 post-prison supervision resides unless approved by the board or the director of the supervisory au-
39 thority, or a designee of the board or director. As soon as practicable, the supervising officer of a
40 person subject to the requirements of this subparagraph shall review the person's living arrange-
41 ment with the person's sex offender treatment provider to ensure that the arrangement supports the
42 goals of offender rehabilitation and community safety.

43 (c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined
44 in ORS 163A.005, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18
45 years of age, the board or supervisory authority, if requested by the victim, shall include as a special

1 condition of the person's post-prison supervision that the person not reside within three miles of the
2 victim unless:

3 (i) The victim resides in a county having a population of less than 130,000 and the person is
4 required to reside in that county under subsection (7) of this section;

5 (ii) The person demonstrates to the board or supervisory authority by a preponderance of the
6 evidence that no mental intimidation or pressure was brought to bear during the commission of the
7 crime;

8 (iii) The person demonstrates to the board or supervisory authority by a preponderance of the
9 evidence that imposition of the condition will deprive the person of a residence that would be
10 materially significant in aiding in the rehabilitation of the person or in the success of the post-prison
11 supervision; or

12 (iv) The person resides in a halfway house.

13 (B) A victim may request imposition of the special condition of post-prison supervision described
14 in this paragraph at the time of sentencing in person or through the prosecuting attorney. A victim's
15 request may be included in the judgment document.

16 (C) If the board or supervisory authority imposes the special condition of post-prison supervision
17 described in this paragraph and if at any time during the period of post-prison supervision the victim
18 moves to within three miles of the person's residence, the board or supervisory authority may not
19 require the person to change the person's residence in order to comply with the special condition
20 of post-prison supervision.

21 (d)(A) If a person is on post-prison supervision following conviction of stalking under ORS
22 163.732 (2)(b) or violating a court's stalking protective order under ORS 163.750 (2)(b), the board or
23 supervisory authority may include as a special condition of the person's post-prison supervision
24 reasonable residency restrictions.

25 (B) If the board or supervisory authority imposes the special condition of post-prison supervision
26 described in this paragraph and if at any time during the period of post-prison supervision the victim
27 moves to a location that causes the person to be in violation of the special condition of post-prison
28 supervision, the board or supervisory authority may not require the person to change the person's
29 residence in order to comply with the special condition of post-prison supervision.

30 (5)(a) The board or supervisory authority may require the person to pay, as a condition of
31 post-prison supervision, compensatory fines, restitution or attorney fees:

32 (A) As determined, imposed or required by the sentencing court; or

33 (B) When previously required as a condition of any type of supervision that is later revoked.

34 (b) The board may require a person to pay restitution as a condition of post-prison supervision
35 imposed for an offense other than the offense for which the restitution was ordered if the person:

36 (A) Was ordered to pay restitution as a result of another conviction; and

37 (B) Has not fully paid the restitution by the time the person has completed the period of post-
38 prison supervision imposed for the offense for which the restitution was ordered.

39 (6) A person's failure to apply for or accept employment at a workplace where there is a labor
40 dispute in progress does not constitute a violation of the conditions of post-prison supervision.

41 (7)(a) When a person is released from imprisonment on post-prison supervision, the board shall
42 order as a condition of post-prison supervision that the person reside for the first six months after
43 release in the county that last supervised the person, if the person was on active supervision as an
44 adult for a felony at the time of the offense that resulted in the imprisonment.

45 (b) If the person was not on active supervision as an adult for a felony at the time of the offense

1 that resulted in the imprisonment, the board shall order as a condition of post-prison supervision
2 that the person reside for the first six months after release in the county where the person resided
3 at the time of the offense that resulted in the imprisonment.

4 (c) For purposes of paragraph (b) of this subsection:

5 (A) The board shall determine the county where the person resided at the time of the offense
6 by examining records such as:

7 (i) An Oregon driver license, regardless of its validity;

8 (ii) Records maintained by the Department of Revenue;

9 (iii) Records maintained by the Department of State Police;

10 (iv) Records maintained by the Department of Human Services;

11 (v) Records maintained by the Department of Corrections; and

12 (vi) Records maintained by the Oregon Health Authority.

13 (B) If the person did not have an identifiable address at the time of the offense, or the address
14 cannot be determined, the person is considered to have resided in the county where the offense oc-
15 curred.

16 (C) If the person is serving multiple sentences, the county of residence is determined according
17 to the date of the last arrest resulting in a conviction.

18 (D) In determining the person's county of residence, the board may not consider offenses com-
19 mitted by the person while the person was incarcerated in a Department of Corrections facility.

20 (d) Upon motion of the board, the supervisory authority, the person, a victim or a district at-
21 torney, the board may waive the residency condition under paragraph (b) of this subsection only
22 after making a finding that one of the following conditions has been met:

23 (A) The person provides proof of employment with no set ending date in a county other than the
24 county of residence determined under paragraph (c) of this section;

25 (B) The person is found to pose a significant danger to a victim of the person's crime residing
26 in the county of residence, or a victim or victim's family residing in the county of residence is found
27 to pose a significant danger to the person;

28 (C) The person has a spouse or biological or adoptive family residing in a county other than the
29 county of residence who will be materially significant in aiding in the rehabilitation of the person
30 and in the success of the post-prison supervision;

31 (D) As another condition of post-prison supervision, the person is required to participate in a
32 treatment program that is not available in the county of residence;

33 (E) The person requests release to another state; or

34 (F) The board finds other good cause for the waiver.

35 (e) The board shall consider eligibility for transitional housing programs and residential treat-
36 ment programs when determining whether to waive the residency condition under paragraph (b) of
37 this subsection, and the acceptance of the person into a transitional housing program or a residen-
38 tial treatment program constitutes good cause as described in paragraph (d)(F) of this subsection.

39 (8) As used in this section:

40 (a) "Attends," "carries on a vocation," "institution of higher education" and "works" have the
41 meanings given those terms in ORS 163A.005.

42 (b)(A) "Dwelling" has the meaning given that term in ORS 469B.100.

43 (B) "Dwelling" does not mean a residential treatment facility or a halfway house.

44 (c) "Halfway house" means a residential facility that provides rehabilitative care and treatment
45 for sex offenders.

1 (d) "Labor dispute" has the meaning given that term in ORS 662.010.

2
