



# Oregon

Tina Kotek, Governor

## Board of Parole and Post-Prison Supervision

1321 Tandem Ave. NE

Salem, OR 97301

(503) 945-0900

<http://egov.oregon.gov/BOPPPS>

TO: Senator Hayden

FROM: Dylan Arthur  
Executive Director, Oregon Board of Parole

DATE: February 12, 2025

RE: Oregon Sex Offender Notification Leveling History

## Sex Offender Notification Leveling History

(February 12, 2025)

### Introduction

This memorandum provides an overview of the sex offender registration system in Oregon, the history of the Sex Offender Notification Leveling Program (SONL), and the efforts the Oregon Board of Parole and Post-Prison Supervision (BOPPPS) has made to classify all individuals required to register as a sex offender in Oregon.

### **Background on Reporting Requirements**

Pursuant to ORS 163A.010 individuals convicted of certain crimes are required to register as sex offenders. The statute requires that **any registrant sentenced to a term of probation, local jail, or prison after conviction for a sexual crime listed in ORS 163A.005 (or its equivalent in another US jurisdiction) is required to register within 10 days of a change of residence, within 10 days of a legal change of name, within 10 days of the registrant's date of birth each year, and at various other times specified in statute.** ORS 163A.015 to ORS 163A.025 provides for similar reporting requirements depending on whether the individual was discharged or placed on probation by a court, moved to the state of Oregon, or as adjudicated by a juvenile court. The purpose of the sex offender registry is to assist law enforcement in preventing future sex offenses. ORS 163A.045. It is important to note that Oregon has historically operated largely as a lifetime registration state.<sup>1</sup> Accordingly, we can expect that most registrants will be on the sex offender registry for life and the registry to continue to grow. Most other states have had a system in place to remove registrants from their sex offender registries. For instance, a review of other state laws in 2018 demonstrated 37 states had an automatic drop off system that permitted the removal of registrants from the registry after a specified time.

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<sup>1</sup> While there was a process for a registrant to apply for relief from their obligation to register as a sex offender through a court process, the process was available only for a select number of registrants convicted of certain crimes.



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The Oregon State Police manages the sex offender registry. When the Oregon State Police notifies the BOPPPS that an individual is being added to the registry after moving into Oregon, the Board initiates the process to classify that registrant.

### Background on Classification Requirements

House Bill (HB) 2549, which passed in 2013, created the Sex Offender Notification Leveling Program. In 2015, HB 2320 moved the management of the program to the BOPPPS. HB 2549 and HB 2320 changed existing law to require the BOPPPS to classify registrants into one of three notification levels:

- Level 1 for registrants who present the lowest risk for reoffending sexually and require a limited range of notification.
- Level 2 for registrants who present a moderate risk for reoffending sexually and require a moderate range of notification.
- Level 3 for registrants who present the highest risk for reoffending sexually and require the widest range of notification.

In order to classify registrants into one of the three notification levels, the Board uses the Static99R (2014) risk assessment for the vast majority of registrants. The Static99R is one of the most widely used risk assessment tools in the world to assess risk for sexual offending. Completing the Static99R requires the collection of numerous documents including police reports, evaluations, supervision records and any other relevant records. Once all documents are collected (which can be time consuming) it takes anywhere from 2-8 hours to review all the records and score the Static99-R. Once scored the registrant is afforded 60 days to file an objection to the scoring of the assessment. If there is an objection it often takes several additional hours to review the objection and ensure the risk assessment was scored correctly.

**It is important to note that the notification leveling system is separate from the requirement of a registrant to have to register with law enforcement as required by ORS 163A.010. That is, a registrant will still have to register as a sex offender, even if that registrant has not been classified into one of the three notification levels.**

The bills in 2013 and 2015, required the Board to classify all existing registrants,<sup>2</sup> as well any new registrant sentenced to a term of incarceration in prison for a sex crime, or any registrant who moves into the state of Oregon. Registrants sentenced to a term of probation or a local custody sentence for a sex crime after January 1, 2014, are the responsibility of local community corrections agencies to classify into a notification level.

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<sup>2</sup> Existing registrants refers to those individuals whose registration obligation began prior to January 1, 2014.



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At the time of the passage of HB 2549 in 2013, it was believed there were approximately 20,000 existing registrants who the BOPPPS would need to classify into a notification level. BOPPPS planned to use the Static99 (2004) and the Static99R (2014) assessments already completed to classify existing registrants. The Board had 2 Board Assessment Specialists (BAS) to classify the existing registrants and registrants who had moved to the State of Oregon after January 1, 2014.

Then in 2015, the Board absorbed the requirement to also classify new registrants exiting the custody of the Department of Corrections pursuant to HB 2320 (2015). At that time, the Board had 2 permanent and 3 limited duration assessment specialists for the Board to continue to classify the existing registrants, new registrants, and registrants who had moved to the State of Oregon.

In June 2017, the BOPPPS discovered there was an error rate of 71% with the already completed assessments for some of the existing registrants, which would result in erroneous classification of registrants. In 2018, the BOPPPS began conducting new assessments for all existing registrants in order to ensure the BOPPPS was accurately classifying existing registrants into the correct notification level.

The need to complete new assessments on all existing registrants and the absorption of the Sex Offender Notification Leveling Program from DOC with no additional resources aside from 3 limited duration positions<sup>3</sup> has exacerbated the backlog. Through various reporting requirements to the legislature and during hearings on the Board's budget, the Board has noted its limited resources and staff to be able to meet the statutory deadline established by HB 2549 in 2013, which has prompted the legislature to adjust the deadline on four separate occasions to the current December 2026 deadline.

In March of 2023, at the direction of Governor Kotek, the Board submitted three potential plans to the Governor's office for how the BOPPPS could address the existing registrant backlog by the December 2026 deadline. Governor Kotek requested the legislature fund the program at \$6.7 million dollars for the 23-25 biennium. The legislature did not fund the Governor's request.

With current resources and staff, the Board is able to classify all new registrants every month and is able to make some small progress on classifying the existing registrants. The BOPPPS classifies approximately 132 new registrants a month (new registrants convicted of initial sex crimes, registrants who move into the State of Oregon and some exiting registrants). With 6 Board Assessment Specialists (BAS) each BAS is able to complete an average of 22 classifications per month. Here is the current workload of BOPPPS:

- 2023 and 2024 BAS Workload:

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<sup>3</sup> In 2019, the BOPPPS received 1 additional BAS, bringing the total to 6. In 2020, due to statewide budget reductions the BOPPPS was reduced to 4 total BAS. The 2 BAS were restored in late 2021.



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- 22 = average number of assessments that are completed per BAS in one month
- 2023 = 1,579 classifications completed
- 2024 = 1,476 classifications completed (BOPPPS was down 1 BAS for 6 months)

### Purpose of Classification Levels

As mentioned above, the requirement to register is for law enforcement to prevent future sexual offenses. Based on an individual being on the sex offender registry, a notifying agency or supervising agency shall release, upon request, "any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender." ORS 163A.215(1)(a). Additionally, a notifying or supervising agency may release "sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest (ORS 163A.215(1)(b)). These provisions are not based on an individual's assessed notification level and apply to *all* registered sex offenders.

The assessed notification level provided by BOPPPS provides guidance on who can be proactively notified. ORS 163A.215(2), (4), and (5).

- Level 3 - Registrants information placed on the Oregon State Police public website in addition to information being released to the person that resides with registrant, has a significant relationship, and residential neighbors or other places within the vicinity frequented by children or potential victims or long-term facility if the registrant is seeking admission to such facility.
- Level 2- Registrants information released to person that resides with registrant, has significant relationship with, and residential neighbors or other places within the vicinity frequented by children or potential victims or long-term facility if the registrant is seeking admission to such facility.
- Level 1 - Registrants information can be released to a person that resides with registrant.

Further, registrants who meet certain criteria can petition the BOPPPS for a hearing to determine whether they should be granted relief from their obligation to register as a sex offender in Oregon or reclassification to a lower notification level. Oregon law does not allow any registrant classified into a level 3 notification level from ever being removed from the sex offender registry.

### **Current Data on Registrants and Classification**

The data below shows the current number of registrants who are classified and their classification level, as well as the number of individuals needing to be classified. This includes new registrants





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who are required to register after January 1, 2014, those who recently moved to the State of Oregon, and existing registrants. The data is current as of February 1, 2025.

Please note that each month about 100 new registrants are added to the OSP Sex Offender Registry Unit, resulting in about 1,200 registrants added each year.

There are 15,458 registrants who have been classified into a notification level. The classification levels are as follows:

- Registrants currently classified in Notification Level 1 = 11,031
- Registrants currently classified in Notification Level 2 = 2,640
- Registrants currently classified in Notification Level 3 = 1,787

There are a total of 18,110 registrants who have not been classified into a level. There are approximately ~5,519 registrants who live out of state and will not be classified into a Notification level.<sup>4</sup> The numbers below do not include the out-of-state registrants. There are 12,591 who reside in the state of Oregon that will need to be classified by BOPPPS. Here is how that population further breaks down:

- Post January 1, 2014 registrants not classified into a Notification Level = 2,868
- Community Corrections responsibility to classify (placed on probation or Local Control for first registerable sex offense after 1.1.14) = ~1,567
- Existing registrants who are living in Oregon = 8,156
  - Registrants who will be under the age of 35 as of January 1, 2026, who are not yet classified into a Notification level = ~656
  - Registrants with multiple separate sex offense convictions not yet classified into a Notification level = 209

Dylan Arthur

Executive Director

John Bailey

Board Chair

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<sup>4</sup> BOPPPS does not classify registrants who have moved out of state, as they are subject to the laws of the state they have relocated to. BOPPPS will classify such individuals if they return to the State of Oregon and report their relocation as required by law.

# OREGON BOARD OF PAROLE

## OUR PRIORITIES AND SUCCESSES

### COMPASSIONATE & EFFECTIVE POLICIES

- Implementing new Early Medical Release Rules.
- Continually reviewing and updating Board policies and rules to meet the needs of the people of Oregon.

### BUILDING SUCCESS & INFORMED DECISIONS

- Revision and implementation of Early Medical Release Rules.
- Completed the "Board Road Show" resulting in the Board visiting 17 counties across the state, with 377 attendees representing 28 counties.
- Implemented a biannual "Q&A" meeting for the Board to receive feedback, and provide updates as well as answer frequently asked questions, from Community Corrections and other criminal justice professionals.

### TRAINING & PROFESSIONAL DEVELOPMENT

- Continual education focused on identifying innovative ways to support accountability and rehabilitation.
- Promoting best practices, reviewing evidence-based research and attending trainings related to parole, community supervision and victim services.



## 2024 NUMBERS

- ✓ Total Board registered victims: 7,400
- ✓ Total hearings: 505
  - Morrissey: 328
  - Board: 67
  - SONL R&R: 110
- ✓ SONL Assessments: 1,395 classified 15,404 overall.
- ✓ Warrants: over 500 per month
- ✓ Sanctions: over 1000 per month
- ✓ Orders of Supervision: 429 per month
- ✓ Under supervision: Approx 17,000 in community
- ✓ Release Authority: approx. 8% of AICs (872)

SONL  
assessments  
completed

1,395

Victims  
Registered  
with the Board

7400

Total hearings  
held by the  
Board

505



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## 2025 Session Board Sponsored Legislative Bills

### 1. **SB 819: SONL Decisions Decided Administratively** (Amend ORS 163A.125)

- a. **Summary:** Persons on the sex offender registry in Oregon can petition the Board, under specific circumstances, for relief from the obligation to register or to reduce their assigned risk level. This bill allows some decisions to be made administratively in lieu of a hearing. A hearing will be held if requested by a District Attorney or victim.
- b. **Reasons:** When a petitioner has met their statutory burden in the written record alone, and where no one has requested to appear in a formal hearing, it is inefficient to hold a full hearing. Like other Board cases, these types of cases can be decided administratively without a risk to public safety.

### 2. **SB 820: Historical Sex Offender Convictions** (Amend ORS 163A)

- a. **Summary:** This bill removes the requirement of leveling registrants whose crime occurred before 1/1/2014, with certain exceptions. Those exceptions include registrants who have multiple separate conviction dates for sex offenses (those who have recidivated sexually), who are under 35 years old as of 1/1/2026, who are releasing from DOC custody, or who apply for a Relief or Reclassification Hearing.
- b. **Reasons:** Sex offender registrants with conviction dates before 1/1/2014, not including those with multiple convictions, have a lower recidivism rate than the current Level 1 population (Per CJC data 2023). This is due to the registrants' 10-plus years of desistance from reoffending.

686  
209  
left  
435

### 3. **SB 821: SONL Assessment Deadline Removed** (Amend Sec. 7, Chapt. 708, 2013.)

- a. **Summary:** This bill removes the December 1, 2026, deadline for leveling registrants.
- b. **Reasons:**
  - i. Currently 12,636 registrants (who are not incarcerated and are living in Oregon) are not leveled. With current resources, this will likely take over 30 years to complete.
  - ii. This deadline cannot be met regardless of an influx of significant resources.
  - iii. The Board will continue assessing these registrants who have multiple registerable convictions, who are leaving custody, or who apply for a Relief or Reclassification Hearing.

## Sex Offender Notification Leveling Timeline

(February 12, 2025)

The following information is laid out chronologically and is meant to provide a more detailed overview of the history of the Sex Offender Notification Leveling Program, and the efforts that have been made by the BOPPPS to level all existing registrants.

- **1989-** Oregon implements a 5-year Sex Offender Registry administered by the Dept. of Corrections (DOC).
- **1995-** The legislature enacts a comprehensive sex offender registration law effectively making Oregon a lifetime registration state in most circumstances.
- **2011-** A legislative workgroup began meeting to evaluate Oregon's laws and practices regarding sex offender registration.
- **2013-** HB 2549 was adopted with the following provisions:
  - Replaced the previous Predatory/ Not Predatory designation system and implemented a 3-level system based on risk to sexually reoffend.
  - DOC was tasked with assessing all DOC Adults-in-Custody (AICs) prior to release.
  - Local community corrections agencies were to assess all persons sentenced to jail, discharged, or placed on probation within 60 days of release, discharge, or probation.
  - BOPPPS was to assess all out of state offenders and all existing registrants<sup>1</sup> by 12/1/2016.
  - HB2549 became effective on August 1, 2013.
  - At that time, it was believed there were ~20,000 current registrants. Of those, it was believed ~16,000 had a current Static-99 assessment that could be adopted to level a registrant, leaving around 4,000 individuals to complete full assessments on.
- **2015-** the legislature passed HB2320, which made significant modifications to HB2549 (2013). HB2320 adopted the following provisions:
  - The bill removed any assessment obligations from DOC. The responsibility for assessing all AIC's was moved to BOPPPS to level upon their release.
  - The deadline to level all registrants was moved to 12/1/2018.
- **2016-** The then Executive Director of the Board submitted a memo to the Legislative Fiscal Officer (LFO) explaining why there was discrepancy in the original numbers of

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<sup>1</sup> Existing registrants refers to those individuals whose registration obligation began prior to January 1, 2014.



- During the public hearings on HB2045 on January 20<sup>th</sup> and February 4<sup>th</sup>, 2019, several legislators questioned the deadline and acknowledged the BOPPPS was never adequately funded to meet the task given.
- During the 2019 Joint Ways and Means presentation the Board informed the legislature of the following:
  - There were ~31,000 registrants on the registry.
  - A total of 4,585 registrants had been leveled.
  - Oregon was adding ~100 new registrants every month who needed to be classified
  - With current resources it would take 43.57 years to classify the existing registrant population. The BOPPPS also provided information on how additional staffing would change that timeline.
    - With 2 additional BAS it would take 24.8 years.
    - With 11 additional BAS it would take 8.4 years.
    - With 30 additional staff it would take 3.5 years.
- At House Judiciary Chair Jennifer Williamson's request, BOPPPS submitted a memo regarding the estimated progress that could be made on the existing registrant population with an influx of 1-5 million dollars of "one time" money.
- **2020-** The BOPPPS' Budget was reduced due to the COVID19 pandemic. This resulted in the loss of 2 BAS, leaving the BOPPPS with a total of 4 BAS.
- **2021-** No legislation passed related to SONL
  - During the 2021 Joint Ways and Means presentation the BOPPPS informed the legislature of the following:
    - There were ~31,500 registrants on the registry.
    - That with current resources the BOPPPS could keep up with new registrants entering the system and make minimal progress on classifying the existing registrants, but the BOPPPS would not meet the December 2026 deadline to have all existing registrants classified.
      - LFO asked about additional positions for SONL and what type of progress the BOPPPS could make with 3 and 4 additional BAS. The Board provided LFO with an outline of the projected progress in those scenarios.
- **2022-** BOPPPS completed classifying all registrants previously designated as Predatory Offenders.
- **2023-** March- At the direction of Governor Kotek, the Board submitted three potential plans to the Governor's office for how the BOPP could address the existing registrant issue by the December 2026 deadline. Governor Kotek requested the legislature fund