



**TO: Sen. Floyd Prozanski, Chair
Sen. Kim Thatcher, Vice-Chair
Members of Senate Committee On Judiciary**

FR: Oregon District Attorneys Association

RE: SB 1122 – Strongly Support

March 22, 2025

Thank you for the opportunity to offer our support in regard to SB 1122.

ODAA had previously provided both written and in-person testimony opposing the language under Section 1 of the bill. ODAA has always supported the language in Section 2. After conversations with stakeholders, review of case law, and further consideration of why this bill is important, ODAA now strongly supports SB 1122 in its entirety.

SB 1122 allows for an important change to the methodology the State Board of Parole and Post-Prison Supervision may consider when classifying sex offenders. Under Section 1, the new language provides that the Parole Board “may consider exclusively the risk the sex offender presented at the time the sex offender was released from custody, sentenced or otherwise discharged from the jurisdiction of a court of this state, or another United States court, for the crime or act for which the sex offender is required to report.” This bill is in response to the Oregon Court of Appeals decision in *Thomsen v. Board of Parole*, 333 Or App 703 (2024), where the court reasoned the Legislature could amend ORS 163.100 to clarify their statutory intent.

The language in Section 1 is important to specify for the Board of Parole and Post-Prison Supervision exactly when registered sex offenders should be initially classified as Level 1 (low risk to reoffend), Level 2 (moderate risk to reoffend), or Level 3 (highest risk to reoffend), and under what timeframe critical information should be considered. The Court’s ruling in *Thomsen* relies solely on when the registrant was released as the window for the information used in the process. Since most sex offenders were released at different times, this causes assessment information to be based on different periods for similarly situated offenders.

When all sex offenders are not procedurally assessed for initial classification from a similar timeframe, there is a significant risk that different criteria could be applied, and similarly situated individuals could receive different results, which is very concerning for many reasons. Especially as it applies to sex offenders moving into our state from other jurisdictions. Sex offenders with identical Static99-R risk factors could be classified into different notification levels based on this problematic process.

The proposed language in Section 1 provides the clarification needed for the Parole Board by identifying the timeframe(s) under which they can assess risk for an initial sex offender classification level. This is purported to be the best time for this process, because the Static 99-R risk assessment tool will capture the most complete information and classify offenders when they present the most risk. These individuals can always later apply for re-classification to a lower level, or to eliminate the requirement to register, but Level 3 offenders can never be removed from their obligation to register.

If SB 1122 does not pass, then the Parole Board will continue to follow the *Thomsen* decision without any clarification from the Legislature. This will result in inconsistent and inaccurate outcomes for initial sex offender risk assessment scores, which is not fair, and will potentially allow serious sex offenders to slip through the system because they were not assessed properly.

Under Section 2, the bill also provides language under ORS 163A.105(6)(b) that allows the Parole Board to consider any sexually motivated rule violations that may have occurred while in custody, on probation, parole or post-prison supervision, or if the offender has been arrested for or charged with a sex crime. ODAA agrees this language is extremely helpful and important to the Parole Board's assessment of sex offender registration classification and should be added.

ODAA believes all the information contemplated by the language in Section 1 and Section 2 of this legislation is critical to the serious and important decisions the Parole Board is required to make when assessing registered sex offenders, their risk to reoffend, and the impact this has on victims and the community. For these reasons, we strongly support SB 1122.