

West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.005

Formerly cited as OR ST § 181.517; OR ST § 181.594; OR ST § 181.805

163A.005. Definitions

Currentness

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

As used in ORS 163A.005 to 163A.235:

(1) "Another United States court" means a federal court, a military court, the tribal court of a federally recognized Indian tribe or a court of:

(a) A state other than Oregon;

(b) The District of Columbia;

(c) The Commonwealth of Puerto Rico;

(d) Guam;

(e) American Samoa;

(f) The Commonwealth of the Northern Mariana Islands; or

(g) The United States Virgin Islands.

(2) "Attends" means is enrolled on a full-time or part-time basis.

(3)(a) "Correctional facility" means any place used for the confinement of persons:

(A) Charged with or convicted of a crime or otherwise confined under a court order.

- (B) Found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a crime.
- (b) "Correctional facility" applies to a state hospital or a secure intensive community inpatient facility only as to persons detained therein charged with or convicted of a crime, or detained therein after being found guilty except for insanity under ORS 161.290 to 161.373 or responsible except for insanity under ORS 419C.411.
- (4) "Institution of higher education" means a public or private educational institution that provides a program of post-secondary education.
- (5) "Sex crime" means:
- (a) Rape in any degree;
 - (b) Sodomy in any degree;
 - (c) Unlawful sexual penetration in any degree;
 - (d) Sexual abuse in any degree;
 - (e) Incest with a child victim;
 - (f) Using a child in a display of sexually explicit conduct;
 - (g) Encouraging child sexual abuse in any degree;
 - (h) Transporting child pornography into the state;
 - (i) Paying for viewing a child's sexually explicit conduct;
 - (j) Compelling prostitution;
 - (k) Promoting prostitution;
- (L) Kidnapping in the first degree if the victim was under 18 years of age;
- (m) Contributing to the sexual delinquency of a minor;

- (n) Sexual misconduct if the offender is at least 18 years of age;
- (o) Possession of materials depicting sexually explicit conduct of a child in the first degree;
- (p) Kidnapping in the second degree if the victim was under 18 years of age, except by a parent or by a person found to be within the jurisdiction of the juvenile court;
- (q) Online sexual corruption of a child in any degree if the offender reasonably believed the child to be more than five years younger than the offender;
- (r) Luring a minor, if:
 - (A) The offender reasonably believed the minor or, in the case of a police officer or agent of a police officer posing as a minor, the purported minor to be more than five years younger than the offender or under 16 years of age; and
 - (B) The court designates in the judgment that the offense is a sex crime;
- (s) Sexual assault of an animal;
- (t) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection;
- (u) Trafficking in persons as described in ORS 163.266 (1)(b) or (c);
- (v) Purchasing sex with a minor if the court designates the offense as a sex crime pursuant to ORS 163.413 (3)(d), or the offense is the defendant's second or subsequent conviction under ORS 163.413 (3)(b)(B);
- (w) Invasion of personal privacy in the first degree, if the court designates the offense as a sex crime pursuant to ORS 163.701 (3);
- (x) Sexual abuse by fraudulent representation;
- (y) Abuse of a corpse in the first degree as described in ORS 166.087 (1)(a);
- (z) Any attempt to commit any of the crimes listed in paragraphs (a) to (y) of this subsection;
- (aa) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to (y) of this subsection; or

(bb) Criminal conspiracy if the offender agrees with one or more persons to engage in or cause the performance of an offense listed in paragraphs (a) to (y) of this subsection.

(6) “Sex offender” means a person who:

(a) Has been convicted of a sex crime;

(b) Has been found guilty except for insanity of a sex crime;

(c) Has been convicted in another United States court of a crime:

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

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

(d) Is described in ORS 163A.025 (1).

(7) “Works” or “carries on a vocation” means full-time or part-time employment for more than 14 days within one calendar year whether financially compensated, volunteered or for the purpose of governmental or educational benefit.

Credits

Renumbered from 181.805 in 2015 by the Legislative Counsel. Amended by Laws 2023, c. 200, § 4, eff. June 7, 2023; Laws 2024, c. 63, § 1, eff. March 27, 2024, operative Jan. 1, 2025.

O. R. S. § 163A.005, OR ST § 163A.005

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West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.010

Formerly cited as OR ST § 181.518; OR ST § 181.595; OR ST § 181.806

163A.010. Reporting requirements for sex offender discharged, paroled or released on supervised release; procedure for change of residence

Currentness

(1) The agency to which a person reports under subsection (3) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (3) of this section.

(2) Subsection (3) of this section applies to a person who:

(a) Is discharged, paroled or released on any form of supervised or conditional release from a jail, prison or other correctional facility or detention facility in this state at which the person was confined as a result of:

(A) Conviction of a sex crime or a crime for which the person would have to register as a sex offender under federal law; or

(B) Having been found guilty except for insanity of a sex crime;

(b) Is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime:

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

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

(c) Is discharged by the court under ORS 161.329 after having been found guilty except for insanity of a sex crime.

(3)(a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged, paroled or released or in which the person was otherwise placed:

(A) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release;

- (B) Within 10 days of a change of residence;
- (C) Within 10 days of a legal change of name;
- (D) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;
- (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education;
- (F) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and
- (G) At least 21 days prior to any intended travel outside of the United States.

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(c) Notwithstanding paragraphs (a) and (b) of this subsection, during the period of supervision or custody authorized by law, the Oregon Youth Authority may authorize an adjudicated youth committed to its supervision and custody by order of the juvenile court or a person placed in its physical custody under ORS 137.124 or any other provision of law to report to the authority regardless of the adjudicated youth's or the person's last reported residence.

(d) In the event that a person reports to the authority under this subsection, the authority shall register the person.

(e) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(4) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

- (A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and
- (B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, Oregon Youth Authority, city police department or county sheriff's office:

- (A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;
- (B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and
- (C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

Credits

Renumbered from 181.806 in 2015 by the Legislative Counsel. Amended by Laws 2016, c. 95, § 4, eff. April 4, 2016; Laws 2019, c. 430, § 11, eff. June 20, 2019, operative Jan. 1, 2021; Laws 2021, c. 489, § 13, eff. Jan. 1, 2022.

O. R. S. § 163A.010, OR ST § 163A.010

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Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.015

Formerly cited as OR ST § 181.519; OR ST § 181.596; OR ST § 181.807

163A.015. Report by sex offender released or discharged; procedure for change of residence

Currentness

(1) The agency to which a person reports under subsection (4) of this section shall complete a sex offender registration form concerning the person when the person reports under subsection (4) of this section.

(2) Subsection (4) of this section applies to a person who is discharged, released or placed on probation:

(a) By the court after being convicted in this state of a sex crime;

(b) By a federal court after being convicted of a crime for which the person would have to register as a sex offender under federal law, regardless of whether the crime would constitute a sex crime in this state; or

(c) To or in this state under ORS 144.610 after being convicted in another United States court of a crime:

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

(B) For which the person would have to register as a sex offender in that court's jurisdiction, regardless of whether the crime would constitute a sex crime in this state.

(3) The court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.010 or this section. No later than three working days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

(4)(a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county to which the person was discharged or released or in which the person was placed on probation:

(A) Within 10 days following discharge, release or placement on probation;

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

- (C) Within 10 days of a legal change of name;
- (D) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;
- (E) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education;
- (F) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and
- (G) At least 21 days prior to any intended travel outside of the United States.

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(c) The obligation to report under this subsection terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(5) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

- (A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and
- (B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, the city police department or the county sheriff's office:

- (A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;
- (B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and
- (C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

Credits

Renumbered from 181.807 in 2015 by the Legislative Counsel. Amended by Laws 2019, c. 430, § 12, eff. June 20, 2019, operative Jan. 1, 2021.

O. R. S. § 163A.015, OR ST § 163A.015

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Chapter 163A. Sex Offender Reporting and Classification

Reporting

O.R.S. § 163A.020

Formerly cited as OR ST § 181.597; OR ST § 181.808

163A.020. Reporting requirement for certain persons moving into state; certain nonresidents required to report

Currentness

(1)(a) When a person described in subsection (6) of this section moves into this state and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence:

(A) No later than 10 days after moving into this state;

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

(C) Within 10 days of a legal change of name;

(D) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

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

(F) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and

(G) At least 21 days prior to any intended travel outside of the United States.

(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(2)(a) When a person described in ORS 163A.010 (2) or 163A.015 (2) or subsection (6) of this section attends school or works in this state, resides in another state and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county in which the school or place of work is located, no later than 10 days after:

(A) The first day of school attendance or the 14th day of employment in this state;

(B) A change in school enrollment or employment; and

(C) A legal change of name.

(b) As used in this subsection, "attends school" means enrollment in any type of school on a full-time or part-time basis.

(3)(a) When a person described in subsection (6) of this section resides in this state at the time of the conviction or adjudication giving rise to the obligation to report, continues to reside in this state following the conviction or adjudication and is not otherwise required by ORS 163A.010, 163A.015 or 163A.025 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence:

(A) Within 10 days following:

(i) Discharge, release on parole or release on any form of supervised or conditional release, from a jail, prison or other correctional facility or detention facility; or

(ii) Discharge, release or placement on probation, by another United States court;

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

(C) Within 10 days of a legal change of name;

(D) Once each year within 10 days of the person's birth date, regardless of whether the person has changed residence;

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

(F) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and

(G) At least 21 days prior to any intended travel outside of the United States.

(b) If a person required to report under this subsection has complied with the applicable initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence.

(4) When a person reports under this section, the agency to which the person reports shall complete a sex offender registration form concerning the person.

(5) The obligation to report under this section terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

(6) Subsections (1) to (5) of this section apply to a person convicted in another United States court of a crime:

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

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

(7) As part of the registration and reporting requirements of this section:

(a) The person required to report shall:

(A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and

(B) Submit to the requirements described in paragraph (b) of this subsection.

(b) The Department of State Police, the city police department or the county sheriff's office:

(A) Shall photograph the person when the person initially reports under this section, each time the person reports annually under subsection (1)(a)(D) or (3)(a)(D) of this section and each time the person reports under subsection (2)(a)(B) of this section;

(B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and

(C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.

Credits

Renumbered from 181.808 in 2015 by the Legislative Counsel. Amended by Laws 2019, c. 430, § 13, eff. June 20, 2019, operative Jan. 1, 2021.

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Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.025

Formerly cited as OR ST § 181.609; OR ST § 181.809

163A.025. Sex offender reporting; juvenile adjudication of felony sex crimes

Currentness

(1) A person found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that, if committed by an adult, would constitute a felony sex crime shall report as a sex offender as described in subsections (2) to (4) of this section, unless the juvenile court enters an order under ORS 163A.130 or 163A.135 relieving the person of the obligation to report, if:

(a) The person has been ordered under ORS 163A.030 to report as a sex offender;

(b) The person was adjudicated, and the jurisdiction of the juvenile court or the Psychiatric Security Review Board over the person ended, prior to August 12, 2015;

(c) The person was adjudicated prior to August 12, 2015, and the jurisdiction of the juvenile court or the Psychiatric Security Review Board over the person ended after August 12, 2015, and before April 4, 2016; or

(d) The person has been found in a juvenile adjudication in another United States court to have committed an act while the person was under 18 years of age that would constitute a felony sex crime if committed in this state by an adult.

(2) A person described in subsection (1)(a) or (d) of this section, or a person described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, who resides in this state shall make an initial report, in person, to the Department of State Police, a city police department or a county sheriff's office as follows:

(a) The person shall report no later than 10 days after the date of the court order requiring the person to report under ORS 163A.030;

(b) If the person is adjudicated for the act giving rise to the obligation to report in another United States court and the person is found to have committed an act that if committed by an adult in this state would constitute:

(A) A Class A or Class B felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility.

(B) A Class C felony sex crime:

(i) If the person is not a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than six months after the date the person moves into this state; or

(ii) If the person is a resident of this state at the time of the adjudication, the person shall make the initial report to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, no later than 10 days after the date the person is discharged, released or placed on probation or any other form of supervised or conditional release by the other United States court or, if the person is confined in a correctional facility by the other United States court, no later than 10 days after the date the person is discharged or otherwise released from the facility; or

(c) For persons described in subsection (1)(c) of this section who did not make an initial report prior to April 4, 2016, the person shall report no later than 120 days after April 4, 2016.

(3) After making the initial report described in subsection (2) of this section or, for a person described in subsection (1)(c) of this section who made an initial report prior to April 4, 2016, or a person described in subsection (1)(b) of this section, beginning after April 4, 2016, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's last reported residence:

(a) Within 10 days of a change of residence;

(b) Within 10 days of a legal change of name;

(c) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence;

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

(e) Within 10 days of a change in work, vocation or attendance status at an institution of higher education; and

- (f) At least 21 days prior to any intended travel outside of the United States.
- (4) When a person described in subsection (1) of this section attends school or works in this state, resides in another state and is not otherwise required to report as a sex offender under this section or ORS 163A.010, 163A.015 or 163A.020, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county in which the person attends school or works, no later than 10 days after:
- (a) The first day of school attendance or the 14th day of employment in this state;
- (b) A change in school enrollment or employment; and
- (c) A legal change of name.
- (5) The agency to which a person reports under this section shall complete a sex offender registration form concerning the person when the person reports under this section.
- (6) As part of the registration and reporting requirements of this section:
- (a) The person required to report shall:
- (A) Provide the information necessary to complete the sex offender registration form and sign the form as required; and
- (B) Submit to the requirements described in paragraph (b) of this subsection.
- (b) The Department of State Police, Oregon Youth Authority, county juvenile department, city police department or county sheriff's office:
- (A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;
- (B) May photograph the person or any identifying scars, marks or tattoos located on the person when the person reports under any of the circumstances described in this section; and
- (C) Shall fingerprint the person if the person's fingerprints are not included in the record file of the Department of State Police.
- (7) The obligation to report under this section is terminated if the adjudication that gave rise to the obligation is reversed or vacated.

(8) Notwithstanding subsections (2) and (3) of this section:

- (a) The Oregon Youth Authority may authorize an adjudicated youth committed to its custody and supervision by order of the juvenile court, or a person placed in its physical custody under ORS 137.124 or any other provision of law, to report to the authority regardless of the adjudicated youth's or the person's last reported residence.
- (b) A county juvenile department may authorize an adjudicated youth or young person, as those terms are defined in ORS 419A.004, to report to the department, regardless of the county of the adjudicated youth's or the young person's last reported residence.
- (c) In the event that a person reports to the authority or the department under this subsection, the authority or the department shall register the person.

Credits

Renumbered from 181.809 in 2015 by the Legislative Counsel. Amended by Laws 2016, c. 95, § 1, eff. April 4, 2016; Laws 2019, c. 430, § 14, eff. June 20, 2019, operative Jan. 1, 2021; Laws 2021, c. 489, § 14, eff. Jan. 1, 2022.

O. R. S. § 163A.025, OR ST § 163A.025

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Chapter 163A. Sex Offender Reporting and Classification

Reporting

O.R.S. § 163A.030

163A.030. Juvenile sex offenders; hearing on issue of reporting as sex offender

Currentness

(1)(a) Except as provided in subsection (6) of this section, the juvenile court shall hold a hearing on the issue of reporting as a sex offender by a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that if committed by an adult would constitute a felony sex crime if:

(A) The person was adjudicated on or after August 12, 2015; or

(B) The person was adjudicated before August 12, 2015, and was still under the jurisdiction of the juvenile court or the Psychiatric Security Review Board on April 4, 2016.

(b) Unless the court continues the hearing described in this section for good cause, the hearing must be held:

(A) During the six-month period before the termination of juvenile court jurisdiction over the person; or

(B) During the six-month period after the court receives the notice described in subsection (2) of this section from the Psychiatric Security Review Board, if the person was placed under the jurisdiction of the board.

(c) The court shall notify the person of the person's right to a hearing under this section upon finding the person within the jurisdiction of the juvenile court under ORS 419C.005.

(2)(a) The county or state agency responsible for supervising the person shall notify the person and the juvenile court when the agency determines that termination of jurisdiction is likely to occur within six months.

(b) If the Psychiatric Security Review Board discharges a person prior to the end of the board's jurisdiction over the person, the board shall notify the juvenile court within three business days after the discharge date.

(3) Upon receipt of the notice described in subsection (2) of this section, the court shall:

(a) Appoint an attorney for the person as described in subsection (4) of this section;

- (b) Set an initial hearing date; and
 - (c) Notify the parties and the juvenile department or the Psychiatric Security Review Board, if the department or board is supervising or has jurisdiction over the person, of the hearing at least 60 days before the hearing date.
- (4)(a) A person who is the subject of a hearing under this section has the right to be represented by a suitable attorney possessing skills and experience commensurate with the nature and complexity of the case, to consult with the attorney prior to the hearing and to have a suitable attorney appointed at state expense.
- (b) In order to comply with the right to counsel under paragraph (a) of this subsection, the court may:
- (A) Continue the appointment of the attorney appointed under ORS 419C.200 at the time of disposition;
 - (B) Set a date prior to the hearing under this section in order to reappoint the attorney appointed under ORS 419C.200; or
 - (C) Appoint or reappoint an attorney at any time in response to a request by the person who is the subject of a hearing under this section.
- (5)(a) The district attorney shall notify the victim prior to the hearing of the right to appear and the right to be heard under ORS 419C.273.
- (b) If the person is under the jurisdiction of the Psychiatric Security Review Board, the board shall notify the following of the hearing:
- (A) The mental health agency providing services to the person, if any;
 - (B) The person's board defense attorney; and
 - (C) The assistant attorney general representing the state at board hearings.
- (6)(a) A person may waive the right to the hearing described in this section only after receiving the notice described in subsection (2)(a) of this section and after consultation with the person's attorney. If the court finds that the person has knowingly waived the right to a hearing, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.
- (b) If a person fails to appear at a hearing described in this section, the court may enter an order requiring the person to report as a sex offender under ORS 163A.025.

(7) At the hearing described in subsection (1) of this section:

(a) The district attorney, the victim, the person and the juvenile department or a representative of the Oregon Youth Authority shall have an opportunity to be heard.

(b) The person who is the subject of the hearing has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public. If the court finds that the person has not met the burden of proof, the court shall enter an order requiring the person to report as a sex offender under ORS 163A.025.

(8) In determining whether the person has met the burden of proof, the juvenile court may consider but need not be limited to considering:

(a) The extent and impact of any physical or emotional injury to the victim;

(b) The nature of the act that subjected the person to the duty of reporting as a sex offender;

(c) Whether the person used or threatened to use force in committing the act;

(d) Whether the act was premeditated;

(e) Whether the person took advantage of a position of authority or trust in committing the act;

(f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;

(g) The vulnerability of the victim;

(h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;

(i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;

(j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;

(k) The person's ability and efforts to pay the victim's expenses for counseling and other trauma-related expenses or other efforts to mitigate the effects of the act;

(L) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other intervention, and if so the juvenile court may also consider:

- (A) The availability, duration and extent of the treatment activities;
 - (B) Reports and recommendations from the providers of the treatment;
 - (C) The person's compliance with court, board or supervision requirements regarding treatment; and
 - (D) The quality and thoroughness of the treatment program;
- (m) The person's academic and employment history;
- (n) The person's use of drugs or alcohol before and after the adjudication;
- (o) The person's history of public or private indecency;
- (p) The person's compliance with and success in completing the terms of supervision;
- (q) The results of psychological examinations of the person;
- (r) The protection afforded the public by records of sex offender registration; and
- (s) Any other relevant factors.

(9) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence, without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585, if the evidence is relevant evidence related to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.

(10)(a) In a hearing under this section, the Oregon Youth Authority or the juvenile department, if either agency is supervising the person, or the Psychiatric Security Review Board, if the board has jurisdiction over the person, shall file with the juvenile court the following records and materials in the possession of the agency or board at least 45 days prior to the hearing unless good cause is shown:

- (A) Evaluations and treatment records concerning the person conducted by a clinician or program operating under the standards of practice for the evaluation and treatment of juvenile sex offenders adopted by the Sexual Offense Treatment

Board under ORS 675.400, and recommendations contained therein regarding the need for the person to register in order to protect the public from future sex crimes;

(B) All examination preparation material and examination records from polygraph examinations conducted by or for the treatment provider, juvenile department or Oregon Youth Authority; and

(C) The Psychiatric Security Review Board exhibit file.

(b) Any records and materials filed with the court under this subsection shall be made available to the parties in accordance with ORS 419A.255.

(11)(a) When the juvenile court enters an order described in subsection (6)(a) or (7)(b) of this section, the court shall ensure that the person completes a form that documents the person's obligation to report under ORS 163A.025. No later than three business days after the person completes the form required by this subsection, the court shall ensure that the form is sent to the Department of State Police.

(b) If the court enters an order under this section, no later than three business days after entry of the order, the court shall ensure that the order is sent to the Department of State Police.

(12) Notwithstanding ORS 419C.005 (4)(c), (d) and (e), the juvenile court retains jurisdiction over a person for purposes of this section.

(13) As used in this section, "parties" means the person, the state as represented by the district attorney or the juvenile department, and the Oregon Youth Authority or other child care agency, if the person is temporarily committed to the authority or agency.

Credits

Added by Laws 2015, c. 820, § 31, eff. Aug. 12, 2015. Amended by Laws 2016, c. 95, § 2, eff. April 4, 2016; Laws 2019, c. 430, § 17, eff. June 20, 2019; Laws 2019, c. 68, § 13, eff. Sept. 29, 2019, operative Jan. 1, 2020; Laws 2021, c. 597, § 33, eff. Sept. 25, 2021, operative Jan. 1, 2022.

O. R. S. § 163A.030, OR ST § 163A.030

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.035

Formerly cited as OR ST § 181.598; OR ST § 181.810

163A.035. Registration forms and procedures

Currentness

(1) Agencies registering offenders under ORS 163A.010, 163A.015, 163A.020 and 163A.025 shall use forms and procedures adopted by the Department of State Police by administrative rule. The department shall include places on the form to list all the names used by the offender and the address of the offender. No later than three working days after registration, the agency or official completing the form shall forward the registration information to the department in the manner prescribed by the department.

(2) The department shall enter into the Law Enforcement Data System the sex offender information obtained from the sex offender registration forms. If a conviction or adjudication that gave rise to the registration obligation is reversed or vacated or if the registrant is pardoned, the department shall remove from the Law Enforcement Data System the sex offender information obtained from the form.

(3) The Law Enforcement Data System may send sex offender information to the National Crime Information Center as part of the national sex offender registry in accordance with appropriate state and federal procedures.

(4) If the person is no longer under supervision, the department shall verify the residence address of a person determined to be a sexually violent dangerous offender as defined in ORS 137.765 every 90 days by mailing a verification form to the person at the person's last reported residence address. No later than 10 days after receiving the form, the person shall sign and return the form to the department.

(5) The department shall assess a person who is required to report under ORS 163A.010, 163A.015 or 163A.020 and who is not under supervision a fee of \$70 each year. Moneys received by the department under this subsection are continuously appropriated to the department for the purpose of carrying out the department's duties under ORS 163A.005 to 163A.235.

Credits

Renumbered from 181.810 in 2015 by the Legislative Counsel. Amended by Laws 2021, c. 597, § 34, eff. Sept. 25, 2021, operative Jan. 1, 2022.

O. R. S. § 163A.035, OR ST § 163A.035

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification
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O.R.S. § 163A.040

Formerly cited as OR ST § 181.599; OR ST § 181.812

163A.040. Crime of failure to report as sex offender

Currentness

(1) A person who is required to report as a sex offender in accordance with the applicable provisions of ORS 163A.010, 163A.015, 163A.020 or 163A.025 and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person:

- (a) Fails to make the initial report to an agency;
- (b) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;
- (c) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;
- (d) Moves to a new residence and fails to report the move and the person's new address;
- (e) Fails to report a legal change of name;
- (f) Fails to make an annual report;
- (g) Fails to provide complete and accurate information;
- (h) Fails to sign the sex offender registration form as required;
- (i) Fails or refuses to participate in a sex offender risk assessment as directed by the State Board of Parole and Post-Prison Supervision, Psychiatric Security Review Board, Oregon Health Authority or supervisory authority;
- (j) Fails to submit to fingerprinting or to having a photograph taken of the person's face, identifying scars, marks or tattoos; or
- (k) Fails to report prior to any intended travel outside of the United States.

(2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this section by a person required to report under ORS 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person reported, in person, within 10 days of a change of residence to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's new residence, if the person otherwise complied with all reporting requirements.

(b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(i) that the person reported, in person, to the Department of State Police in Marion County, Oregon, within 10 days of moving into this state.

(c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this section by a person required to report under ORS 163A.025 (2)(b)(B)(i) that the person reported, in person, to the Department of State Police in Marion County, Oregon, within six months of moving into this state.

(d) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2)(b)(A)(ii) or (B)(ii) that the person reported, in person, to the Department of State Police in Marion County, Oregon, if the person otherwise complied with all reporting requirements.

(e) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (3) that the person reported, in person, to the Department of State Police, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting requirements.

(f) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.010 (3) that the person reported to the Oregon Youth Authority if the person establishes that the authority registered the person under ORS 163A.010 (3)(c).

(g) It is an affirmative defense to a charge of failure to report under subsection (1) of this section by a person required to report under ORS 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority or a county juvenile department if the person establishes that the authority or department registered the person under ORS 163A.025 (8).

(3)(a) Except as otherwise provided in paragraph (b) of this subsection, failure to report as a sex offender is a Class A misdemeanor.

(b) Failure to report as a sex offender is a Class C felony if the person violates:

(A) Subsection (1)(a) of this section; or

(B) Subsection (1)(b), (c), (d), (e) or (h) of this section and the crime for which the person is required to report is a felony.

(4) A person who fails to sign and return an address verification form as required by ORS 163A.035 (4) commits a violation.

Credits

Renumbered from 181.812 in 2015 by the Legislative Counsel. Amended by Laws 2016, c. 95, § 4a, eff. April 4, 2016; Laws 2017, c. 418, § 1, eff. June 22, 2017; Laws 2017, c. 418, § 2, eff. June 22, 2017, operative Jan. 1, 2022; Laws 2019, c. 430, § 16, eff. June 20, 2019, operative Jan. 1, 2022.

O. R. S. § 163A.040, OR ST § 163A.040

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.045

Formerly cited as OR ST § 181.602; OR ST § 181.814

163A.045. Sex offender reporting requirement purpose

Currentness

(1) The purpose of ORS 163A.005 to 163A.235 is to assist law enforcement agencies in preventing future sex offenses.

(2) The Department of State Police may adopt rules to carry out the responsibilities of the department under ORS 163A.005 to 163A.235.

Credits

Renumbered from 181.814 in 2015 by the Legislative Counsel.

O. R. S. § 163A.045, OR ST § 163A.045

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification
Reporting

O.R.S. § 163A.050

Formerly cited as OR ST § 181.603; OR ST § 181.815

163A.050. Notice of reporting obligation

Currentness

(1) When the court imposes sentence upon a person convicted of a sex crime or finds a person guilty except for insanity of a sex crime, the court shall notify the person of the obligation to report as a sex offender under ORS 163A.010 and 163A.015.

(2) At the initial intake for incarceration or release on any type of supervised release, the sex offender shall complete a form that documents the offender's obligation to report under ORS 163A.010 or 163A.015 and the effect described in ORS 163A.115 of failing to submit to a sex offender risk assessment. The Department of State Police shall develop and provide the form. No later than three working days after the sex offender completes the form, the person responsible for the intake process shall send the form to the Department of State Police.

Credits

Renumbered from 181.815 in 2015 by the Legislative Counsel. Amended by Laws 2017, c. 233, § 1, eff. Jan. 1, 2018.

O. R. S. § 163A.050, OR ST § 163A.050

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification

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O.R.S. § 163A.055

Formerly cited as OR ST § 181.604; OR ST § 181.816

163A.055. Notice requirement upon moving to another state

Currentness

When the Department of State Police learns that a person required to report under ORS 163A.010, 163A.015, 163A.020 or 163A.025 is moving to another state, the department shall notify the appropriate criminal justice agency of that state of that fact. The department is not responsible for registering and tracking a person once the person has moved from this state.

Credits

Renumbered from 181.816 in 2015 by the Legislative Counsel.

O. R. S. § 163A.055, OR ST § 163A.055

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification
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O.R.S. § 163A.060

Formerly cited as OR ST § 181.605; OR ST § 181.817

163A.060. Profile of offender

Currentness

(1) For those sex offenders classified as a level three sex offender under ORS 163A.100 (3), or designated as a predatory sex offender prior to January 1, 2014, the supervising agency or the agency making the classification or designation shall provide the Department of State Police, by electronic or other means, at the termination of supervision, with the following information for the purpose of offender profiling:

(a) Presentence investigations;

(b) Violation reports;

(c) Parole and probation orders;

(d) Conditions of parole and probation and other corrections records;

(e) Sex offender risk assessments; and

(f) Any other information that the supervising agency or the agency making the classification or designation determines is appropriate disclosure of which is not otherwise prohibited by law.

(2) The Oregon Youth Authority and county juvenile departments shall provide access to information in their files to the Oregon State Police for the purpose of offender profiling.

(3)(a) Except as otherwise provided by law, the Oregon State Police may not disclose information received under subsection (1) or (2) of this section.

(b) The Department of State Police may release information on the methodology of offenses and behavior profiles derived from information received under subsection (1) or (2) of this section to local law enforcement agencies.

Credits

Renumbered from 181.817 in 2015 by the Legislative Counsel.

O. R. S. § 163A.060, OR ST § 163A.060

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification
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O.R.S. § 163A.065

Formerly cited as OR ST § 181.606; OR ST § 181.818

163A.065. Agency immunity

Currentness

A public agency and its employees are immune from liability, both civil and criminal, for the good faith performance of the agency's or employee's duties under ORS 163A.005 to 163A.235.

Credits

Renumbered from 181.818 in 2015 by the Legislative Counsel.

O. R. S. § 163A.065, OR ST § 163A.065

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification

Classification

O.R.S. § 163A.100

Formerly cited as OR ST § 181.800

163A.100. Sex offender classification; adoption of risk assessment methodology

Currentness

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

The State Board of Parole and Post-Prison Supervision shall, in consultation with community corrections agencies, adopt by rule a sex offender risk assessment methodology for use in classifying sex offenders. The methodology 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. Application of the risk assessment methodology to a sex offender must result in placing the sex offender in one of the following levels:

- (1) A level one sex offender who presents, or presented at the time of release, sentencing or discharge, the lowest risk of reoffending and requires a limited range of notification.
- (2) A level two sex offender who presents, or presented at the time of release, sentencing or discharge, a moderate risk of reoffending and requires a moderate range of notification.
- (3) A level three sex offender who presents, or presented at the time of release, sentencing or discharge, the highest risk of reoffending and requires the widest range of notification.

Credits

Renumbered from 181.800 in 2015 by the Legislative Counsel; Laws 2025, c. 187, § 1, eff. May 27, 2025.

O. R. S. § 163A.100, OR ST § 163A.100

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification

Classification

O.R.S. § 163A.105

Formerly cited as OR ST § 181.801

163A.105. Time for conducting risk assessment; notice of results and entry into
Law Enforcement Data System; reassessment or reclassification; petition for review

Currentness

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) The State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or a supervisory authority may reassess or reclassify a person placed in one of the levels described in ORS 163A.100 under this section if:

(a) The classifying board or authority determines that a factual mistake caused an erroneous assessment or classification; or

(b) The person has committed a sexually motivated rule violation while in custody, has committed a sexually motivated violation of a condition of probation, parole or post-prison supervision or has been arrested for or charged with a sex crime.

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

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

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

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

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

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

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

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

Credits

Renumbered from 181.801 in 2015 by the Legislative Counsel. Amended by Laws 2017, c. 488, § 2, eff. Jan. 1, 2018; Laws 2017, c. 442, § 30, eff. June 22, 2017, operative July 1, 2018; Laws 2019, c. 430, § 19, eff. June 20, 2019; Laws 2025, c. 187, § 2, eff. May 27, 2025.

O. R. S. § 163A.105, OR ST § 163A.105

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Chapter 163A. Sex Offender Reporting and Classification

Classification

O.R.S. § 163A.110

Formerly cited as OR ST § 181.802

163A.110. Application of risk assessment provisions; “event triggering the obligation to make an initial report” defined

Currentness

(1) ORS 163A.105 applies to persons for whom the event triggering the obligation to make an initial report under ORS 163A.010 (3)(a)(A), 163A.015 (4)(a)(A) or 163A.020 (1)(a)(A), (2)(a)(A) or (3)(a)(A) occurs on or after January 1, 2014.

(2) As used in this section, “event triggering the obligation to make an initial report” means:

(a) If the initial report is described in ORS 163A.010 (3)(a)(A):

(A) Discharge, parole or release on any form of supervised or conditional release from a jail, prison or other correctional facility in this state;

(B) Parole to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute a sex crime if committed in this state; or

(C) Discharge by the court under ORS 161.329.

(b) If the initial report is described in ORS 163A.015 (4)(a)(A), discharge, release or placement on probation:

(A) By the court; or

(B) To or in this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute a sex crime if committed in this state.

(c) If the initial report is described in ORS 163A.020 (1)(a)(A), moving into this state.

(d) If the initial report is described in ORS 163A.020 (2)(a)(A), the first day of school attendance or the 14th day of employment in this state.

(e) If the initial report is described in ORS 163A.020 (3)(a)(A):

(A) Discharge, release on parole or release on any form of supervised or conditional release, from a jail, prison or other correctional facility or detention facility; or

(B) Discharge, release or placement on probation, by another United States court.

Credits

Renumbered from 181.802 in 2015 by the Legislative Counsel. Amended by Laws 2017, c. 488, § 5, eff. Jan. 1, 2018.

O. R. S. § 163A.110, OR ST § 163A.110

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Classification

(Existing Registrants)

O.R.S. T. 16, Ch. 163A, Refs & Annos

Currentness

O. R. S. T. 16, Ch. 163A, Refs & Annos, OR ST T. 16, Ch. 163A, Refs & Annos

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Classification

O.R.S. § 163A.115

Formerly cited as OR ST § 181.803

163A.115. Persons not eligible for relief from reporting requirements

Currentness

<Text subject to final change by the Oregon Office of the Legislative Counsel.>

Notwithstanding any other provision of law:

(1) A person who is a sexually violent dangerous offender under ORS 137.765:

(a) Must be classified as a level three sex offender under ORS 163A.100 (3); and

(b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as a level two sex offender under ORS 163A.100 (2), pursuant to a petition filed under ORS 163A.125.

(2) A person who has been convicted or found guilty except for insanity of one of the following offenses is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 163A.125 (1):

(a) Rape in the first degree;

(b) Sodomy in the first degree;

(c) Unlawful sexual penetration in the first degree;

(d) Kidnapping in the first degree as described in ORS 163.235 (1)(e) or when the victim is under 18 years of age; or

(e) Burglary in the first degree when committed with the intent to commit any of the offenses listed in ORS 163A.005 (5) (a) to (y).

(3) A person classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013, is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 163A.125 (1).

Credits

Renumbered from 181.803 in 2015 by the Legislative Counsel. Amended by Laws 2023, c. 200, § 5, eff. June 7, 2023; Laws 2024, c. 63, § 2, eff. March 27, 2024, operative Jan. 1, 2025.

O. R. S. § 163A.115, OR ST § 163A.115

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.120

163A.120. Repealed by Laws 2017, c. 488, § 3, eff. Jan. 1, 2023

Currentness

O. R. S. § 163A.120, OR ST § 163A.120

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.125

Formerly cited as OR ST § 181.821

163A.125. Reclassification and relief hearings

Currentness

(1)(a) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to a conviction for a sex crime and is classified as a level one sex offender under ORS 163A.100 (1) may petition the State Board of Parole and Post-Prison Supervision to relieve the person from the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020.

(b) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level one sex offender under ORS 163A.100 (1), may petition the Psychiatric Security Review Board to relieve the person from the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020.

(c)(A) Except as otherwise provided in subparagraph (B) of this paragraph, a person described in paragraph (a) or (b) of this subsection may file the petition no sooner than five years after the date supervision for the sex crime is terminated or, if the person was not subject to supervision for the sex crime, five years after the date the person was discharged from the jurisdiction of the court, Psychiatric Security Review Board or Oregon Health Authority.

(B) A person who was reclassified under subsection (2) of this section from a level two sex offender under ORS 163A.100 (2) to a level one sex offender under ORS 163A.100 (1) may file the petition no sooner than five years after the date of reclassification.

(d) Notwithstanding paragraph (c) of this subsection, if a person is required to report because of a conviction or finding of guilty except for insanity from another United States court as that term is defined in ORS 163A.005, the person may not petition for relief from reporting as a sex offender in Oregon unless the laws of the jurisdiction where the person was convicted or found guilty except for insanity would permit a petition for relief from reporting as a sex offender.

(2)(a) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to a conviction for a sex crime and is classified as a level three sex offender under ORS 163A.100 (3) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level two sex offender under ORS 163A.100 (2).

(b) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level three sex offender under ORS

163A.100 (3), may petition the Psychiatric Security Review Board to reclassify the person as a level two sex offender under ORS 163A.100 (2).

(c) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to a conviction for a sex crime and is classified as a level two sex offender under ORS 163A.100 (2) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level one sex offender under ORS 163A.100 (1).

(d) A person who is required to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level two sex offender under ORS 163A.100 (2), may petition the Psychiatric Security Review Board to reclassify the person as a level one sex offender under ORS 163A.100 (1).

(e) The petition described in this subsection may be filed no sooner than 10 years after the date supervision for the sex crime is terminated or, if the person was not subject to supervision for the sex crime, 10 years after the date the person was discharged from the jurisdiction of the court, Psychiatric Security Review Board or Oregon Health Authority.

(3)(a) The State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall deny a petition filed under this section if, at any time after the person is convicted or found guilty except for insanity of a sex crime, the person is convicted of or found guilty except for insanity of a person felony or a person Class A misdemeanor, as those terms are defined in the rules of the Oregon Criminal Justice Commission.

(b) The appropriate board shall deny a petition filed under subsection (2)(c) or (d) of this section if the board has previously reclassified the person as a level two sex offender under ORS 163A.100 (2) as the result of a petition filed under subsection (2)(a) or (b) of this section.

(4)(a) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (1) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an order relieving the person of the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 if the board determines, by clear and convincing evidence, that the person:

(A) Is statistically unlikely to reoffend; and

(B) Does not pose a threat to the safety of the public.

(b)(A) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (2)(a) or (b) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an order reclassifying the person as a level two sex offender under ORS 163A.100 (2) if, after completion of a new risk assessment utilizing the risk assessment methodology described in ORS 163A.100, the person is classified as presenting a low or moderate risk of reoffending and the board determines that a lower level of notification is sufficient to protect public safety.

(B) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (2)(c) or (d) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an order reclassifying the person as a level one sex offender under ORS 163A.100 (1) if, after completion of a new risk assessment utilizing the risk assessment methodology described in ORS 163A.100, the person is classified as presenting a low risk of reoffending and the board determines that a lower level of notification is sufficient to protect public safety.

(5) In making the determinations described in subsection (4) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall consider:

- (a) The nature of and degree of violence involved in the offense that requires reporting;
- (b) The age and number of victims of the offense that requires reporting;
- (c) The age of the person at the time of the offense that requires reporting;
- (d) The length of time since the offense that requires reporting and the time period during which the person has not reoffended;
- (e) The person's performance on supervision for the offense that requires reporting;
- (f) Whether the person has participated in or successfully completed a court-approved sex offender treatment program or any other rehabilitative programs;
- (g) The person's stability in employment and housing;
- (h) The person's community and personal support system;
- (i) Other criminal and relevant noncriminal behavior of the person both before and after the offense that requires reporting; and
- (j) Any other relevant factors.

(6)(a) The Attorney General may represent the state at a hearing conducted under this section unless the district attorney of the county in which the person was convicted or, if the conviction for which the person is required to report as a sex offender was entered in another United States court, the district attorney of the county in which the person resides, elects to represent the state.

(b) If a district attorney elects to represent the state, the district attorney shall give timely written notice of the election to the Attorney General, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board and the person who is the subject of the hearing.

(c) If the district attorney declines to represent the state, the district attorney shall cooperate with the Attorney General in securing the material necessary to represent the state.

(7)(a) When the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board enters an order under this section relieving a person of the obligation to report as a sex offender under ORS 163A.010, 163A.015 or 163A.020 or enters an order reclassifying a person as a level two sex offender under ORS 163A.100 (2) or as a level one sex offender under ORS 163A.100 (1), the board shall forward a copy of the order to the Department of State Police.

(b) Upon receipt of an order relieving a person of the obligation to report, the department shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 163A.010, 163A.015 or 163A.020.

(c) Upon receipt of an order reclassifying a person as a level two sex offender under ORS 163A.100 (2) or as a level one sex offender under ORS 163A.100 (1), the department shall update the Law Enforcement Data System to reflect the reclassification.

(8) The State Board of Parole and Post-Prison Supervision and the Psychiatric Security Review Board shall adopt rules to carry out the provisions of this section. The rules may include a filing fee in an amount determined by the appropriate board. All fees paid under this subsection shall be deposited into the General Fund and credited to the account of the appropriate board.

(9) As used in this section, “supervision” means probation, parole, post-prison supervision or any other form of supervised or conditional release.

Credits

Renumbered from 181.821 in 2015 by the Legislative Counsel.

O. R. S. § 163A.125, OR ST § 163A.125

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.130

Formerly cited as OR ST § 181.607; OR ST § 181.823

163A.130. Juvenile offender relief from reporting requirement

Currentness

(1) A person required to report as a sex offender under ORS 163A.025 (1)(a), (b) or (c), or required to report as a sex offender under the laws of another state as a result of an adjudication in an Oregon juvenile court, may file a petition for an order relieving the person of the obligation to report. If the person resides:

(a) In this state and is required to report under ORS 163A.025 (2) or (3), the petition must be filed in the juvenile court in which the person was adjudicated for the act that requires reporting.

(b) In another state and is required to report under ORS 163A.025 (4), the petition must be filed in the juvenile court in the county in which the person attends school or works.

(c) In another state and is required to report under the laws of the other state, the petition must be filed in the juvenile court in which the person was adjudicated for the act that requires reporting.

(2) If the act giving rise to the obligation to report would constitute:

(a) A Class A or Class B felony sex crime if committed by an adult, the petition may be filed no sooner than two years after the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than two years after the person is discharged from the jurisdiction of the board.

(b) A Class C felony sex crime if committed by an adult, the petition may be filed no sooner than 30 days before the termination of juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than 30 days before the person is discharged from the jurisdiction of the board.

(3)(a) The juvenile court in which a petition under this section is filed may transfer the matter to the juvenile court of the county that last supervised the person if the court determines that the convenience of the parties, the victim and witnesses require the transfer.

(b) The juvenile court has exclusive original jurisdiction in any proceeding under this section.

- (c) The person, the district attorney and the juvenile department are parties to a hearing on a petition filed under this section.
- (4) The person filing the petition has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public. In determining whether the person has met the burden of proof, the juvenile court may consider but need not be limited to considering:
- (a) The extent and impact of any physical or emotional injury to the victim;
 - (b) The nature of the act that subjected the person to the obligation of reporting as a sex offender;
 - (c) Whether the person used or threatened to use force in committing the act;
 - (d) Whether the act was premeditated;
 - (e) Whether the person took advantage of a position of authority or trust in committing the act;
 - (f) The age of any victim at the time of the act, the age difference between any victim and the person and the number of victims;
 - (g) The vulnerability of the victim;
 - (h) Other acts committed by the person that would be crimes if committed by an adult and criminal activities engaged in by the person before and after the adjudication;
 - (i) Statements, documents and recommendations by or on behalf of the victim or the parents of the victim;
 - (j) The person's willingness to accept personal responsibility for the act and personal accountability for the consequences of the act;
 - (k) The person's ability and efforts to pay the victim's expenses for counseling and other trauma-related expenses or other efforts to mitigate the effects of the act;
- (L) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other intervention, and if so the juvenile court may also consider:
- (A) The availability, duration and extent of the treatment activities;
 - (B) Reports and recommendations from the providers of the treatment;

- (C) The person's compliance with court, board or supervision requirements regarding treatment; and
 - (D) The quality and thoroughness of the treatment program;
 - (m) The person's academic and employment history;
 - (n) The person's use of drugs or alcohol before and after the adjudication;
 - (o) The person's history of public or private indecency;
 - (p) The person's compliance with and success in completing the terms of supervision;
 - (q) The results of psychological examinations of the person;
 - (r) The protection afforded the public by the continued existence of the records; and
 - (s) Any other relevant factors.
- (5) In a hearing under this section, the juvenile court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, "relevant evidence" has the meaning given that term in ORS 40.150.
- (6) When a petition is filed under this section, the state has the right to have a psychosexual evaluation of the person conducted. The state shall file notice with the juvenile court of its intention to have the person evaluated. If the person objects to the evaluator chosen by the state, the juvenile court for good cause shown may direct the state to select a different evaluator.
- (7) As soon as practicable after a petition has been filed under this section, the district attorney or juvenile department shall make a reasonable effort to notify the victim of the crime that the person has filed a petition seeking relief under this section and, if the victim has requested, to inform the victim of the date, time and place of a hearing on the petition in advance of the hearing.
- (8)(a) When a petition filed under this section is filed:
 - (A) While the person is under the jurisdiction of the juvenile court or the Psychiatric Security Review Board or less than three years after the date the jurisdiction is terminated, the court shall hold a hearing no sooner than 60 days and no later than 120 days after the date of filing.

(B) Three years or more after the date the juvenile court or board jurisdiction is terminated, the court shall hold a hearing no sooner than 90 days and no later than 150 days after the date of filing.

(b) Notwithstanding paragraph (a) of this subsection, upon a showing of good cause, the court may extend the period of time in which a hearing on the petition must be held.

(9)(a) When the person proves by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public, the court shall grant the petition.

(b) Notwithstanding paragraph (a) of this subsection, the court may not grant a petition filed under this section before the date the juvenile court or board jurisdiction over the person is terminated.

(10) When a juvenile court enters an order relieving a person of the requirement to report under ORS 163A.025, the person shall send a certified copy of the juvenile court order to the Department of State Police.

(11) If a person commits an act for which the person could be waived under ORS 419C.349 (1)(a) and the person is 15, 16 or 17 years of age at the time the act is committed, the state and the person may stipulate that the person may not petition for relief under this section as part of an agreement that the state not file a motion requesting waiver under ORS 419C.349 (1)(a).

(12) When a petition is filed under subsection (2)(b) of this section before the termination of juvenile court or board jurisdiction, the court shall appoint suitable counsel to represent the person for purposes of the petition described in this section if the appointment of counsel is requested by the person or, if the person is under 18 years of age, by the parent or guardian of the person. Appointment of counsel under this subsection is subject to ORS 419C.200, 419C.206 and 419C.209.

Credits

Renumbered from 181.823 in 2015 by the Legislative Counsel. Amended by Laws 2016, c. 95, § 5, eff. April 4, 2016; Laws 2019, c. 634, § 9, eff. Sept. 29, 2019, operative Jan. 1, 2020; Laws 2021, c. 597, § 35, eff. Sept. 25, 2021, operative Jan. 1, 2022.

O. R. S. § 163A.130, OR ST § 163A.130

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.135

Formerly cited as OR ST § 181.608; OR ST § 181.826

163A.135. Juvenile offender relief from reporting requirement; foreign adjudications

Currentness

(1) Except as provided in subsection (7) of this section, a person required to report under ORS 163A.025 (1)(d) may file a petition in the juvenile court for an order relieving the person of the duty to report. If the person resides:

(a) In this state and is required to report under ORS 163A.025 (2) or (3), the petition must be filed in the juvenile court of the county in which the person resides.

(b) In another state and is required to report under ORS 163A.025 (4), the petition must be filed in the juvenile court of the county in which the person attends school or works.

(2) If the act giving rise to the obligation to report would constitute:

(a) A Class A or Class B felony sex crime if committed in this state by an adult, the petition may be filed no sooner than two years after the termination of the other United States court's jurisdiction over the person.

(b) A Class C felony sex crime if committed in this state by an adult, the petition may be filed no sooner than 30 days before the termination of the other United States court's jurisdiction over the person.

(3) The person filing the petition must submit with the petition all releases and waivers necessary to allow the district attorney for the county in which the petition is filed to obtain the following documents from the jurisdiction in which the person was adjudicated for the act for which reporting is required:

(a) The juvenile court petition;

(b) The dispositional report to the court;

(c) The order of adjudication or jurisdiction;

(d) Any other relevant court documents;

- (e) The police report relating to the act for which reporting is required;
 - (f) The order terminating jurisdiction for the act for which reporting is required; and
 - (g) The evaluation and treatment records or reports of the person that are related to the act for which reporting is required.
- (4) A person filing a petition under this section has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public.
- (5) Unless the court finds good cause for a continuance, the court shall hold a hearing on the petition no sooner than 90 days and no later than 150 days after the date the petition is filed.
- (6) If a person who files a petition under this section is required to report as a sex offender for having committed an act that if committed in this state could have subjected the person to waiver under ORS 419C.349 (1)(a), the court may not grant the petition notwithstanding the fact that the person has met the burden of proof established in subsection (4) of this section unless the court determines that to do so is in the interest of public safety.
- (7) This section does not apply to a person who is required to register as a sex offender for life in the jurisdiction in which the offense occurred.
- (8) In a hearing under this section, the court may receive testimony, reports and other evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and 40.310 to 40.585 if the evidence is relevant to the determination and findings required under this section. As used in this subsection, “relevant evidence” has the meaning given that term in ORS 40.150.
- (9) If the court is satisfied by clear and convincing evidence that the person is rehabilitated and that the person does not pose a threat to the safety of the public, the court shall enter an order relieving the person of the duty to report. When the court enters an order under this subsection, the person shall send a certified copy of the court order to the Department of State Police.

Credits

Renumbered from 181.826 in 2015 by the Legislative Counsel. Amended by Laws 2016, c. 95, § 6, eff. April 4, 2016; Laws 2019, c. 634, § 10, eff. Sept. 29, 2019, operative Jan. 1, 2020; Laws 2021, c. 597, § 36, eff. Sept. 25, 2021, operative Jan. 1, 2022.

O. R. S. § 163A.135, OR ST § 163A.135

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.140

Formerly cited as OR ST § 181.830

163A.140. Sex offender reporting; when not required

Currentness

A person otherwise required to report under ORS 163A.010, 163A.015, 163A.020 or 163A.025 is not required to report, and if currently reporting is no longer required to report, if:

(1)(a) The person has been convicted of:

- (A) Rape in the third degree as defined in ORS 163.355;
- (B) Sodomy in the third degree as defined in ORS 163.385;
- (C) Sexual abuse in the third degree as defined in ORS 163.415;
- (D) Sexual abuse in the second degree as defined in ORS 163.425;
- (E) Contributing to the sexual delinquency of a minor as defined in ORS 163.435;
- (F) Sexual misconduct as defined in ORS 163.445; or

(G) An attempt to commit an offense listed in subparagraphs (A) to (F) of this paragraph;

(b) The person has been found guilty except for insanity of an offense listed in paragraph (a) of this subsection;

(c) The person has been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute an offense listed in paragraph (a)(A), (B) or (D) of this subsection; or

(d) The person is paroled to this state under ORS 144.610 after being convicted in another United States court of a crime that would constitute an offense listed in paragraph (a) of this subsection;

- (2)(a) The person is less than five years older than the victim;
- (b) The victim's lack of consent was due solely to incapacity to consent by reason of being less than a specified age;
- (c) The victim was at least 14 years of age at the time of the offense or act;
- (d) Except for the convictions or findings described in subsection (1) of this section, the person has not been convicted of, found guilty except for insanity of, or found to be within the jurisdiction of the juvenile court based on, a sex crime or an offense, in another United States court, for conduct that if committed in this state would constitute a sex crime; and
- (e) Each conviction or finding described in subsection (1) of this section involved the same victim; and
- (3) The court enters an order relieving the person of the requirement to report under ORS 163A.145 or 163A.150.

Credits

Renumbered from 181.830 in 2015 by the Legislative Counsel. Amended by Laws 2021, c. 410, § 2, eff. Jan. 1, 2022.

O. R. S. § 163A.140, OR ST § 163A.140

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

West's Oregon Revised Statutes Annotated

Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.145

Formerly cited as OR ST § 181.832

163A.145. Determination of reporting requirement eligibility

Currentness

(1) When a person is convicted of an offense or adjudicated for an act described in ORS 163A.140 (1), the court shall determine whether the person is required to report under ORS 163A.010 or 163A.015.

(2) The court shall enter an order relieving the person of the requirement to report, unless:

(a) The court finds by a preponderance of the evidence that the person does not meet the eligibility requirements described in ORS 163A.140; or

(b) The district attorney and the person stipulate that the person is required to report.

(3) The state has the burden of proving that the person does not meet the eligibility requirements described in ORS 163A.140.

(4) If the court relieves the person from the requirement to report, the person shall send a certified copy of the court order to the Department of State Police.

Credits

Renumbered from 181.832 in 2015 by the Legislative Counsel.

O. R. S. § 163A.145, OR ST § 163A.145

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Reclassification and Relief from Reporting

O.R.S. § 163A.150

Formerly cited as OR ST § 181.833

163A.150. Relief from reporting requirement; hearing; order

Currentness

(1) A person who meets the criteria described in ORS 163A.140 and seeks relief from the requirement to report under ORS 163A.010, 163A.015 or 163A.020 shall:

(a) If the person was convicted in this state of the offense or adjudicated in this state for the act giving rise to the obligation to report, file a petition for relief from the requirement to report with the circuit court of the county in which the person was convicted or adjudicated and serve a copy of the petition on the district attorney for that county.

(b) If the person was convicted in another United States court of the offense or adjudicated in another United States court for the act giving rise to the obligation to report, file a petition for relief from the requirement to report and declaration of eligibility under penalty of perjury in the form required by ORCP 1 E with the circuit court of the county in which the person resides and serve a copy of the petition and declaration on the district attorney for that county.

(2) A person filing a petition under subsection (1) of this section must pay the filing fee established under ORS 21.135. The court shall schedule a hearing more than 90 days from the date of the filing. The court shall notify the person and the district attorney of the date of the hearing.

(3)(a) Upon receipt of the petition described in subsection (1)(a) of this section, or the receipt of petition and declaration described in subsection (1)(b) of this section, the district attorney shall determine whether the district attorney contests the request for relief.

(b) If the district attorney does not contest the request for relief, the district attorney shall submit an order to the court relieving the person of the reporting requirements described in ORS 163A.010, 163A.015 or 163A.020. The court shall grant the petition.

(c) If the district attorney contests the request for relief, the district attorney shall notify the person of that determination within 90 days after receipt of the petition and, if required under subsection (1)(b) of this section, the declaration.

(4) At the hearing, the person has the burden of proving that the person meets the eligibility requirements described in ORS 163A.140.

(5)(a) At the hearing, the victim of the offense or act giving rise to the obligation to report:

(A) May testify voluntarily upon request.

(B) May be compelled by the person to testify only if the court issues an order allowing a subpoena upon the motion of the person.

(b) A copy of the motion for a subpoena under this subsection must be served on the district attorney.

(c) The court may not issue an order allowing a subpoena under this subsection unless the person can demonstrate good cause by showing that the victim's testimony is material and favorable to the person's request for relief.

(d) If the court grants an order allowing a subpoena under this subsection, the court may allow the victim to appear by telephone or other communication device approved by the court.

(6)(a) If the court finds, by a preponderance of the evidence, that the person meets the eligibility requirements described in ORS 163A.140, the court shall enter an order granting the request for relief from the requirement to report.

(b) If the court does not make the finding described in paragraph (a) of this subsection, the court shall enter an order denying the request for relief.

(7)(a) If the court relieves the person from the requirement to report, the person shall send a certified copy of the court order to the Department of State Police.

(b) Upon receipt of the order, the Department of State Police shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 163A.010, 163A.015 or 163A.020.

(8) The order entered under subsection (6) of this section is not subject to appeal.

(9) The Oregon Evidence Code and the Oregon Rules of Civil Procedure do not apply to the hearing described in subsection (2) of this section.

Credits

Renumbered from 181.833 in 2015 by the Legislative Counsel; Laws 2021, c. 274, § 2, eff. Sept. 25, 2021.

O. R. S. § 163A.150, OR ST § 163A.150

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Provision of Records by Agencies

O.R.S. § 163A.200

163A.200. Sex offenders; records to be provided to State Board of Parole and Post-Prison Supervision

Currentness

(1) Notwithstanding ORS 179.505, the Psychiatric Security Review Board and the Oregon Health Authority shall provide to the State Board of Parole and Post-Prison Supervision any records that would assist the State Board of Parole and Post-Prison Supervision in:

(a) Performing an initial classification of a person into one of the three levels described in ORS 163A.100, as required by ORS 163A.105;

(b) Deciding whether to reclassify a person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125; or

(c) Conducting a risk assessment of a person who is an existing registrant to classify the person into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

(2) The State Board of Parole and Post-Prison Supervision may not release any records obtained pursuant to this section to any other agency or person unless authorized by law to do so.

Credits

Added by Laws 2015, c. 820, § 19, eff. Aug. 12, 2015.

O. R. S. § 163A.200, OR ST § 163A.200

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Provision of Records by Agencies

O.R.S. § 163A.205

163A.205. Sex offenders; records to be provided to Psychiatric Security Review Board

Currentness

(1) Notwithstanding ORS 179.505, the Oregon Health Authority shall provide to the Psychiatric Security Review Board any records that would assist the board in:

(a) Performing an initial classification of a person into one of the three levels described in ORS 163A.100, as required by ORS 163A.105;

(b) Deciding whether to reclassify a person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125; or

(c) Conducting a risk assessment of a person who is an existing registrant to classify the person into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

(2) The board may not release any records obtained pursuant to this section to any other agency or person unless authorized by law to do so.

Credits

Added by Laws 2015, c. 820, § 20, eff. Aug. 12, 2015.

O. R. S. § 163A.205, OR ST § 163A.205

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Provision of Records by Agencies

O.R.S. § 163A.210

163A.210. Juvenile sex offenders; disclosure of reports and other materials

Currentness

Notwithstanding ORS 419A.257 or any other provision of law, the Oregon Youth Authority and the juvenile department may disclose and provide copies of reports and other materials relating to a child, ward, youth or adjudicated youth's history and prognosis to the Psychiatric Security Review Board or the State Board of Parole and Post-Prison Supervision in order for the boards to determine whether to reclassify the person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 163A.125, or whether to classify a person who is an existing registrant into one of the three levels described in ORS 163A.100, as required by section 7, chapter 708, Oregon Laws 2013.

Credits

Added by Laws 2015, c. 820, § 21, eff. Aug. 12, 2015. Amended by Laws 2017, c. 488, § 6, eff. Jan. 1, 2018; Laws 2017, c. 442, § 32, eff. June 22, 2017, operative July 1, 2018; Laws 2021, c. 489, § 15, eff. Jan. 1, 2022.

O. R. S. § 163A.210, OR ST § 163A.210

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Release of Information

O.R.S. § 163A.215

Formerly cited as OR ST § 181.835

163A.215. Release of sex offender information

Currentness

(1)(a) A notifying agency or a 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.

(b) A notifying agency or a 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.

(c) In addition to the release of information described in this subsection and ORS 137.540, 144.260 and 441.373, a notifying agency or a supervising agency may release sex offender information to the public in accordance with subsections (2) to (4) of this section.

(2) If the sex offender is classified as a level three sex offender under ORS 163A.100 (3):

(a) The Department of State Police shall release sex offender information on a website maintained by the department; and

(b) The supervising agency or a notifying agency may release sex offender information to:

(A) A person that resides with the sex offender;

(B) A person with whom the sex offender has a significant relationship;

(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;

(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

(E) Local or regional media sources.

(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police may not use the Internet to make available to the public information concerning a sex offender classified as a level three sex offender under ORS 163A.100 (3) while the person is under the supervision of the Psychiatric Security Review Board, unless the department is authorized to do so by a request of the supervising agency.

(4) If the sex offender is classified as a level two sex offender under ORS 163A.100 (2), the supervising agency or a notifying agency may release sex offender information to the persons or entities described in subsection (2)(b)(A) to (D) of this section.

(5) If the sex offender is classified as a level one sex offender under ORS 163A.100 (1), the supervising agency or a notifying agency may release sex offender information to a person described in subsection (2)(b)(A) of this section.

(6) As used in this section:

(a) "Notifying agency" means the Department of State Police, a city police department, a county sheriff's office or a police department established by a university under ORS 352.121.

(b) "Sex offender information" means information that the Department of State Police determines by rule is appropriate for release to the public.

(c) "Supervising agency" means a governmental entity responsible for supervising a person required to report as a sex offender under ORS 163A.010 or 163A.015.

Credits

Renumbered from 181.835 in 2015 by the Legislative Counsel. Amended by Laws 2017, c. 442, § 33, eff. June 22, 2017, operative July 1, 2018.

O. R. S. § 163A.215, OR ST § 163A.215

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Release of Information

O.R.S. § 163A.220

Formerly cited as OR ST § 181.593; OR ST § 181.836

163A.220. Sex offender website; contracting with private vendor; links to other websites

Currentness

The Department of State Police shall consider:

- (1) Contracting with a private vendor to build and maintain the website required by ORS 163A.215 (2)(a).
- (2) Adding links on the website required by ORS 163A.215 (2)(a) that connect to other sex offender websites run by Oregon counties and by the federal government.

Credits

Renumbered from 181.836 in 2015 by the Legislative Counsel.

O. R. S. § 163A.220, OR ST § 163A.220

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Release of Information

O.R.S. § 163A.225

Formerly cited as OR ST § 181.592; OR ST § 181.837

163A.225. Sex offender information; public access

Currentness

(1)(a) Except as otherwise provided in this section, when a sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department for the first time as a result of committing an act that if committed by an adult would constitute a sex crime, the Department of State Police, city police department or county sheriff's office shall release, upon request, only:

(A) The sex offender's name and year of birth;

(B) The name and zip code of the city where the sex offender resides;

(C) The name and telephone number of a contact person at the agency that is supervising the sex offender; and

(D) The name of institutions of higher education that the sex offender attends or at which the sex offender works or carries on a vocation.

(b) Notwithstanding paragraph (a) of this section, the Oregon Youth Authority or a county juvenile department shall release, upon request, any information that may be necessary to protect the public concerning a sex offender under the supervision of the authority or department.

(2) Except as otherwise limited by subsection (1)(a) of this section regarding persons who are under supervision for the first time as sex offenders, the Department of State Police, a city police department or a county sheriff's office shall release, upon request, any information that may be necessary to protect the public concerning sex offenders required to report under ORS 163A.025 who reside in a specific area or concerning a specific sex offender required to report under ORS 163A.025. However, the entity releasing the information may not release the identity of a victim of a sex crime.

(3)(a) The Department of State Police may make the information described in subsections (1) and (2) of this section available to the public, without the need for a request, by electronic or other means. The Department of State Police shall make information about a person who is under supervision for the first time as a result of committing an act that if committed by an adult would constitute a sex crime accessible only by the use of the sex offender's name. For all other sex offenders required to report under ORS 163A.025, the Department of State Police may make the information accessible in any manner the department chooses.

(b) Notwithstanding paragraph (a) of this subsection, the Department of State Police may not use the Internet to make information available to the public.

Credits

Renumbered from 181.837 in 2015 by the Legislative Counsel.

O. R. S. § 163A.225, OR ST § 163A.225

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Title 16. Crimes and Punishments

Chapter 163A. Sex Offender Reporting and Classification

Release of Information

O.R.S. § 163A.230

Formerly cited as OR ST § 181.601; OR ST § 181.843

163A.230. Access to sex offender information for victims

Currentness

(1)(a) When information about a person is first entered into the Law Enforcement Data System under ORS 163A.035, the person will be assigned a registry identification number.

(b) A victim shall be issued a victim identification number and shall be given the registry identification number of the person who committed the crime against the victim:

(A) At any time, upon request by the victim; and

(B) Upon verification of the identification of the victim.

(2) The Department of State Police shall establish a toll-free telephone number to provide victims with updates on the prison status, release information, parole status and any other information authorized for release under ORS 163A.005 to 163A.235 regarding the person who committed the crime against the victim. The telephone line shall be operational within the state during normal working hours.

(3) Access of the victim to the telephone line shall be revoked if the victim makes public, or otherwise misuses, information received.

(4) When a victim receives notification under ORS 144.750 of upcoming parole release hearings, or at any other time that the victim is notified concerning the offender, the victim shall be provided a notice of rights under this section and information about the toll-free telephone number.

Credits

Renumbered from 181.843 in 2015 by the Legislative Counsel.

O. R. S. § 163A.230, OR ST § 163A.230

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.

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Chapter 163A. Sex Offender Reporting and Classification

Release of Information

O.R.S. § 163A.235

Formerly cited as OR ST § 181.590; OR ST § 181.845

163A.235. Agreements for resolution of concerns about community notification

Currentness

Upon the request of the Department of State Police, a city police department, a county sheriff's office or a supervising agency, a supervising agency or an agency having responsibility for community notification shall enter into agreements to resolve concerns regarding community notification. As used in this section:

- (1) "Community notification" means the disclosure of information to the public as provided in ORS 163A.005 to 163A.235.
- (2) "Supervising agency" means a governmental entity responsible for supervising a person required to report under ORS 163A.010, 163A.015 or 163A.025.

Credits

Renumbered from 181.845 in 2015 by the Legislative Counsel.

O. R. S. § 163A.235, OR ST § 163A.235

Current through laws of the 2025 Regular Session of the 83rd Legislative Assembly, which convened January 21, 2025, and adjourned sine die June 27, 2025, in effect through May 27, 2025, pending classification of undesignated material and text revision by the Oregon Reviser. See ORS 173.160. Some statute sections may be more current, see credits for details.