

Oregon Statutes Annotated - 2006

O.R.S. § 181.585

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Predatory Sex Offender Notice Procedure

Formerly cited as OR ST § 181.507

181.585. "Predatory sex offender" defined

(1) For purposes of ORS 181.585 to 181.587, a person is a predatory sex offender if the person exhibits characteristics showing a tendency to victimize or injure others and has been convicted of a sex crime listed in ORS 181.594 (4)(a) to (d), has been convicted of attempting to commit one of those crimes or has been found guilty except for insanity of one of those crimes.

(2) In determining whether a person is a predatory sex offender, an agency shall use a sex offender risk assessment scale approved by the Department of Corrections or a community corrections agency.

Formerly 181.507; Laws 1997, c. 538, § 10; Laws 2005, c. 567, § 16.

CROSS REFERENCES Definitions, see ORS 144.641.Locations where children congregate, see ORS 163.476.Unlawful contact with a child, see ORS 163.479.LIBRARY REFERENCES2007 Main VolumeMental Health 433(2), 453, 469.Westlaw Topic No. 257A.C.J.S. Mental Health §§ 235 to 237, 241, 248.RESEARCH REFERENCES 2007 Main VolumeALR LibraryState Statutes Or Ordinances Requiring Persons Previously Convicted Of Crime To Register With Authorities, 36 ALR 5th 161.NOTES OF DECISIONS

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Validity 1

1. ValidityNotice provided by Board of Parole and Post-Prison Supervision, of its preliminary decision to designate convicted sex offender as predatory sex offender, did not satisfy offender's due process rights, where board merely stated it based its decision on offender's "history of sex crimes," without telling offender what sex crimes he allegedly had committed, when those crimes allegedly occurred, or with whom, and Board did not provide offender with reasonable opportunity, before it required him to file his written objections, to discover factual basis for its preliminary determination. Long v. Board of Parole and Post-Prison Supervision (2003) 73 P.3d 934, 189 Or.App. 56. Constitutional Law 255(5); Mental Health 458Designation of petitioner as predatory sex offender under predatory sex offender notice statute by Board of Parole and Post-Prison Supervision did not violate prohibitions against double jeopardy or cruel and unusual punishment, under either State or Federal Constitution; statute was not punitive in nature for purposes of ex post facto analysis, and thus likewise did not involve "punishment" for purposes of state and federal double jeopardy and cruel and unusual punishment analyses. U.S.C.A. Const. Art. 1, § 10, cl. 1; U.S.C.A. Const.Amends. 5, 8; Const. Art. 1, §§ 12, 16, 21; ORS 181.585 et seq. Meadows v. Board of Parole and Post-Prison Supervision (2002) 47 P.3d 506, 181 Or.App. 565, review denied 67 P.3d 937, 335 Or. 355. Double Jeopardy 22; Mental Health 433(2); Sentencing And Punishment 1601Petitioner's retroactive designation as predatory sex offender by Board of Parole and Post-Prison Supervision, in conjunction with community notification of this designation, under predatory sex offender notice statute, did not violate ex post facto provisions of State or Federal Constitutions; legislative purpose of statute was not punitive, but focused at crime prevention, and nature and effects of statute were not so punitive as to negate legislature's non-punitive intentions in enacting statute. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 et

seq. Meadows v. Board of Parole and Post-Prison Supervision (2002) 47 P.3d 506, 181 Or.App. 565, review denied 67 P.3d 937, 335 Or. 355. Constitutional Law 203; Mental Health 433(2)Board of Parole and Post-Prison Supervision's designation of prisoner as "predatory sex offender" did not constitute punishment, and thus designation did not violate prohibitions against ex post facto laws, double jeopardy, cruel and unusual punishment, or bills of attainder. U.S.C.A. Const. Art. 1, § 10, cl. 1; Amends. 5, 8; Const. Art. 1, § 21; ORS 181.585-181.589. Hibbard v. Board of Parole and Post-Prison Supervision (1996) 925 P.2d 910, 144 Or.App. 82, review denied 931 P.2d 99, 324 Or. 560, reconsideration granted, opinion withdrawn 934 P.2d 1127, 325 Or. 80, on reconsideration 965 P.2d 1022, 327 Or. 594. Constitutional Law 82.5; Constitutional Law 203; Sentencing And Punishment 1574; Double Jeopardy 31; Mental Health 433(2)Test for determining whether designation as predatory sex offender was in itself punishment under ex post facto clause was first, whether legislative purpose in enacting predatory sex offender law was punitive, and second, if nonpunitive, whether designation was so punitive in nature or effect as to negate nonpunitive intention. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Constitutional Law 203; Mental Health 433(2)Designating offender as predatory sex offender was not in itself "punishment" under ex post facto clauses of State and Federal Constitutions; such designation served regulatory, nonpunitive purpose of identifying offenders requiring special treatment or other attention, there was no basis for believing that designation was traditionally regarded as punishment or that legislature actually intended it as punishment, and there was no reason on record to believe that identifying petitioner as predatory sex offender had impermissible punitive effects. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Constitutional Law 203; Mental Health 433(2)2. Determination of statusUnder the sex offender community notification law designating a prisoner as a predatory sex offender, the Board of Parole and Post-Prison Supervision may not reasonably use a risk assessment scale that relies solely on objective and easily ascertainable aspects of the offender's crime or crimes, and excludes other evidence of the offender's current behavior and characteristics, as the sole basis for determining that the offender presently exhibits characteristics showing a tendency to victimize or injure others; the board's designation of anyone as a predatory sex offender must speak to that person's present condition, and any party facing such a designation, whatever the reasons for that designation, must be accorded the basics of due process, which, at a minimum, include notice and the opportunity to be heard as to all factual questions at a meaningful time and in a meaningful manner. V. L. Y. v. Board of Parole And Post-Prison Supervision (2005) 106 P.3d 145, 338 Or. 44. Constitutional Law 255(5); Mental Health 469(3); Mental Health 469(4)Board of Parole and Post-Prison Supervision acted within its discretion in determining that parolee was "predatory sex offender" under statutes requiring community notice about discharged or paroled "predatory sex offender"; Board relied on Department of Corrections sex offender assessment which gave parolee a high risk level. ORS 181.507(1), 181.508, 181.509, 183.482(8). Schuch v. Board of Parole and Post-Prison Supervision (1996) 912 P.2d 403, 139 Or.App. 327, review denied 921 P.2d 967, 324 Or. 78. Mental Health 469(3)3. HearingsAny error in Board of Parole and Post-Prison Supervision's denial of in-person evidentiary hearing to petitioner before designating him a predatory sex offender under predatory sex offender notice statute was harmless, as it made no difference to ultimate outcome because Board necessarily would have imposed designation on petitioner, given that petitioner's conduct satisfied requisites of automatic override factor for "men who molest boys." ORS 181.585 et seq. Meadows v. Board of Parole and Post-Prison Supervision (2002) 47 P.3d 506, 181 Or.App. 565, review denied 67 P.3d 937, 335 Or. 355. Mental Health 462; Mental Health 467Sex offender was not entitled under Oregon Administrative Procedures Act (APA) to notice and hearing before Board of Parole and Post-Prison Supervision designated him as "predatory sex offender" under community notification statute. ORS 181.585 et seq., 183.310(2)(a), 183.315(1), 183.415. Noble v. Board of Parole and Post-Prison Supervision (1998) 964 P.2d 990, 327 Or. 485. Mental Health 458; Mental Health 462Sex offender is entitled as matter of due process to notice and hearing prior to when Board of Parole and Post-Prison Supervision designates him as "predatory sex offender" under community notification statute; Board's decision to designate person as predatory sex offender implicates due process interest in liberty, private interests affected by community notification statute were significant, risk of erroneous decision was significant under circumstances, and requiring state to afford predeprivation hearing would not impose significant procedural burden. U.S.C.A. Const. Amend. 14; ORS 181.585 et seq. Noble v. Board of Parole and Post-Prison Supervision (1998) 964 P.2d 990, 327 Or.

485. Constitutional Law 255(5); Mental Health 469(4); Mental Health 462Parolee failed to demonstrate that due process clause of the Fourteenth Amendment required Board of Parole and Post-Prison Supervision to grant a hearing before finding him to be predatory sex offender; success of parolee's argument depended on whether the act of labeling him predatory sex offender constituted punishment and it did not and parolee did not articulate any other reasons why such an act implicated his liberty interests. U.S.C.A. Const. Amend. 14; ORS 181.507. Schuch v. Board of Parole and Post-Prison Supervision (1996) 912 P.2d 403, 139 Or.App. 327, review denied 921 P.2d 967, 324 Or. 78. Constitutional Law 272.5; Mental Health 4624. ReviewOn sex offender's appeal from order of Board of Parole and Post-Prison Supervision designating him as "predatory sex offender" under community notification statute, offender's arguments pertaining to community notification were ripe and justiciable, though community notification statute contemplated bifurcated structure in which Board made initial designation decision and then community corrections agency determined whether to notify community and what notification to provide; both steps of bifurcated process were directed at goal of community notification. ORS 181.585 et seq. Noble v. Board of Parole and Post-Prison Supervision (1998) 964 P.2d 990, 327 Or. 485. Mental Health 469(6)Only issue ripe for judicial review was whether designation of offender as predatory sex offender was in itself punishment under ex post facto clause, where State Board of Parole and Post-Prison Supervision found offender was predatory sex offender, but had not taken any steps towards notifying anyone of that determination or other information concerning offender. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Mental Health 469(4)

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Oregon Statutes Annotated - 2006

O.R.S. § 181.586

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Predatory Sex Offender Notice Procedure

Formerly cited as OR ST § 181.508

181.586. Notice to supervisor of predatory sex offender

(1)(a) If the State Board of Parole and Post-Prison Supervision for a person on parole or post-prison supervision or the Department of Corrections or a community corrections agency for a person on probation makes a determination that the person under its supervision is a predatory sex offender, the agency supervising the person shall notify:

(A) Anyone whom the agency determines is appropriate that the person is a predatory sex offender; and

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

(b) When a predatory sex offender has been subsequently convicted of another crime and is on supervision for that crime, the agency supervising the person, regardless of the nature of the crime for which the person is being supervised:

(A) May notify anyone whom the agency determines is appropriate that the person is a predatory sex offender; and

(B) Shall notify a long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, that the person is a predatory sex offender if the agency knows that the person is seeking admission to the facility.

(2) In making a determination under subsection (1) of this section, the agency shall consider notifying:

(a) The person's family;

(b) The person's sponsor;

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

(d) Any prior victim of the offender.

(3) When an agency determines that notification is necessary, the agency may use any method of communication that the agency determines is appropriate. The notification:

(a) May include, but is not limited to, distribution of the following information:

(A) The person's name and address;

(B) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;

(C) The type of vehicle that the person is known to drive;

(D) Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;

(E) A description of the person's primary and secondary targets;

(F) A description of the person's method of offense;

(G) A current photograph of the person; and

(H) The name or telephone number of the person's parole and probation officer.

(b) Shall include, if the notification is required under subsection (1)(a)(B) or (b)(B) of this section, the information described in paragraph (a)(D), (F) and (H) of this subsection.

(4) Not later than 10 days after making its determination that a person is a predatory sex offender, the agency supervising the person shall:

(a) Notify the Department of State Police of the person's status as a predatory sex offender;

(b) Enter into the Law Enforcement Data System the fact that the person is a predatory sex offender; and

(c) Send to the Department of State Police, by electronic or other means, all of the information listed in subsection (3) of this section that is available.

(5) When the Department of State Police receives information regarding a person under subsection (4) of this section, the Department of State Police, upon request, may make the information available to the public.

(6) Upon termination of its supervision of a person determined to be a predatory sex offender, the agency supervising the person shall:

(a) Notify the Department of State Police:

(A) Of the person's status as a predatory sex offender;

(B) Whether the agency made a notification regarding the person under this section; and

(C) Of the person's level of supervision immediately prior to termination of supervision; and

(b) Send to the Department of State Police, by electronic or other means, the documents relied upon in determining that the person is a predatory sex offender and in establishing the person's level of supervision.

(7) The agency supervising a person determined to be a predatory sex offender shall verify the residence address of the person every 90 days.

Formerly 181.508; Laws 1997, c. 538, § 11; Laws 1999, c. 626, § 10; Laws 1999, c. 843, § 2; amendments by Laws 1999, c. 626, § 33 and Laws 1999, c. 843, § 3 repealed by Laws 2001, c. 884, § 1; Laws 2001, c. 884, § 11; Laws 2005, c. 671, § 11.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2005, c. 671, §§ 14, 15, eff. July 29, 2005, provides:“SECTION 14. (1) Section 13 of this 2005 Act and the amendments to ORS 181.586 and 181.588 by sections 11 and 12 of this 2005 Act become operative on January 1, 2006.“(2) The amendments to ORS 181.586 and 181.588 by sections 11 and

12 of this 2005 Act apply to persons determined to be predatory sex offenders before, on or after January 1, 2006.“(3) Section 13 of this 2005 Act applies to persons applying for admission to a long term care facility or a residential care facility on or after January 1, 2006.“SECTION 15. The Department of Human Services may take any action before January 1, 2006, that is necessary to enable the department to exercise, on or after January 1, 2006, the duties, powers and functions of the department pursuant to section 13 of this 2005 Act.”CROSS REFERENCES Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880.LIBRARY REFERENCES2007 Main VolumeMental Health  469.Westlaw Topic No. 257A.RESEARCH REFERENCES 2007 Main VolumeALR LibraryValidity, Construction, And Application Of State Statutes Authorizing Community Notification Of Release Of Convicted Sex Offender, 78 ALR 5th 489.NOTES OF DECISIONS

Determination of status 1

Review 2

1. Determination of statusBoard of Parole and Post-Prison Supervision acted within its discretion in determining that parolee was “predatory sex offender” under statutes requiring community notice about discharged or paroled “predatory sex offender”; Board relied on Department of Corrections sex offender assessment which gave parolee a high risk level. ORS 181.507(1), 181.508, 181.509, 183.482(8). Schuch v. Board of Parole and Post-Prison Supervision (1996) 912 P.2d 403, 139 Or.App. 327, review denied 921 P.2d 967, 324 Or. 78. Mental Health  469(3)2. ReviewPetitioner's attacks on notification provisions of statute governing designation of predatory sex offenders was not ripe for review until supervising agency decided whether to notify anyone of petitioner's designation. ORS 144.104, 181.586(1). Gress v. Board of Parole and Post-Prison Supervision (1996) 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Mental Health  469(4)

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Oregon Statutes Annotated - 2006

O.R.S. § 181.587

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Predatory Sex Offender Notice Procedure

Formerly cited as OR ST § 181.509

181.587. Access to supervised predatory sex offender information

(1) Unless the agency determines that release of the information would substantially interfere with the treatment or rehabilitation of the supervised person, an agency that supervises a predatory sex offender shall make any information regarding the person that the agency determines is appropriate, including, but not limited to, the information listed in ORS 181.586 (3), available to any other person upon request.

(2) Notwithstanding subsection (1) of this section, the agency shall make the information listed in ORS 181.586 (3), or any other information regarding the supervised person that the agency determines is appropriate, available to any other person upon request if the person under supervision:

- (a) Is a predatory sex offender; and
- (b) Is neglecting to take treatment or participate in rehabilitation.

Formerly 181.509.

CROSS REFERENCES Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880. LIBRARY REFERENCES 2007 Main Volume Mental Health  469. Westlaw Topic No. 257A. NOTES OF DECISIONS

Determination of status 1

1. Determination of status Board of Parole and Post-Prison Supervision acted within its discretion in determining that parolee was "predatory sex offender" under statutes requiring community notice about discharged or paroled "predatory sex offender"; Board relied on Department of Corrections sex offender assessment which gave parolee a high risk level. ORS 181.507(1), 181.508, 181.509, 183.482(8). Schuch v. Board of Parole and Post-Prison Supervision (1996) 912 P.2d 403, 139 Or.App. 327, review denied 921 P.2d 967, 324 Or. 78. Mental Health  469(3)

Current through End of the 2005 Reg. Sess.

Oregon Statutes Annotated - 2006

O.R.S. § 181.588

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Predatory Sex Offender Notice Procedure

181.588. Notice to public of unsupervised predatory sex offender

(1) Notwithstanding any other provision of law, when a person who has been under supervision by the Department of Corrections or a community corrections agency is no longer under supervision, the Department of State Police, the chief of police of a city police department or a county sheriff may notify the public that the person is a predatory sex offender if:

(a) While the person was under supervision, the person was determined to be a predatory sex offender as provided in ORS 181.585 and notification under ORS 181.586 was made to someone other than the person's family; and

(b) The person's last primary supervising authority has notified the Department of State Police that the person was under a high level of supervision at the termination of the person's most recent period of supervision.

(2) The Department of State Police, the chief of police of a city police department or a county sheriff may notify the public that a person is a predatory sex offender if:

(a) The Department of State Police, the chief of police or the county sheriff determines that the person is a predatory sex offender as provided in ORS 181.585; and

(b) The person was not under supervision in this state or for some other reason was not subject to a determination under ORS 181.586.

(3) When the circumstances authorizing notification to the public of a person's status as a predatory sex offender under subsection (1) or (2) of this section exist, the Department of State Police, chief of police or county sheriff shall notify a long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, that the person is a predatory sex offender if the department, chief of police or county sheriff knows that the person is seeking admission to the facility.

(4) Notification under subsection (1), (2) or (3) of this section may include distribution of any information listed in ORS 181.586 (3)(a). Notification under subsection (3) of this section shall include distribution of the information listed in ORS 181.586 (3)(b).

Laws 1995, c. 429, § 11; Laws 1997, c. 538, § 12; Laws 1999, c. 626, § 14; amendments by Laws 1999, c. 626, § 37 repealed by Laws 2001, c. 884, § 1; Laws 2001, c. 884, § 10; Laws 2005, c. 671, § 12.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in

another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2001, c. 884, § 12, provided:“Notwithstanding ORS 181.588 (1), the Department of State Police, the chief of police of a city police department or a county sheriff may notify the public that a person who is no longer under supervision is a predatory sex offender if the department, chief of police or sheriff has determined, prior to the effective date of this 2001 Act [July 31, 2001], that the person is a predatory sex offender as provided in ORS 181.585.”Laws 2005, c. 671, §§ 14, 15, eff. July 29, 2005, provides:“SECTION 14. (1) Section 13 of this 2005 Act and the amendments to ORS 181.586 and 181.588 by sections 11 and 12 of this 2005 Act become operative on January 1, 2006.“(2) The amendments to ORS 181.586 and 181.588 by sections 11 and 12 of this 2005 Act apply to persons determined to be predatory sex offenders before, on or after January 1, 2006.“(3) Section 13 of this 2005 Act applies to persons applying for admission to a long term care facility or a residential care facility on or after January 1, 2006.“SECTION 15. The Department of Human Services may take any action before January 1, 2006, that is necessary to enable the department to exercise, on or after January 1, 2006, the duties, powers and functions of the department pursuant to section 13 of this 2005 Act.”CROSS REFERENCES Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880.LIBRARY REFERENCES2007 Main VolumeMental Health  469.Westlaw Topic No. 257A.

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Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Predatory Sex Offender Notice Procedure

181.589. Notice to public of unsupervised juvenile predatory sex offender

(1) Notwithstanding any other provision of law, the Department of State Police, the chief of police of a city police department or a county sheriff may notify the public that a person is a predatory sex offender if:

(a) The person is required to report under ORS 181.595, 181.596 or 181.597 after being found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a sex crime;

(b) The person is not under the supervision of the juvenile court; and

(c) The Department of State Police, chief of police or sheriff, after consulting with the person's last primary supervising agency, determines that the person is a predatory sex offender as provided in ORS 181.585.

(2) Notification under subsection (1) of this section may include any of the following information:

(a) The person's name and address;

(b) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;

(c) The type of vehicle the person is known to drive;

(d) Any conditions or restrictions upon the person's release;

(e) A description of the person's primary and secondary victims of choice;

(f) A description of the person's method of offense;

(g) A current photograph of the person; and

(h) The name or work telephone number of the person's parole and probation officer.

Laws 1995, c. 422, §§ 62,62a; Laws 1997, c. 538, § 15; Laws 1999, c. 626, § 15; amendments by Laws 1999, c. 626, § 38 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 264, § 19, eff. June 20, 2005.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent

crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”CROSS REFERENCES Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880.LIBRARY REFERENCES2007 Main VolumeInfants 227(2).Mental Health 469.Westlaw Topic Nos. 211, 257A.C.J.S. Infants §§ 24 to 25, 41, 43, 46 to 48, 71 to 95.NOTES OF DECISIONS

Review 2

Validity 1

1. ValidityBoard of Parole and Post-Prison Supervision's designation of prisoner as “predatory sex offender” did not constitute punishment, and thus designation did not violate prohibitions against ex post facto laws, double jeopardy, cruel and unusual punishment, or bills of attainder. U.S.C.A. Const. Art. 1, § 10, cl. 1; Amends. 5, 8; Const. Art. 1, § 21; ORS 181.585-181.589. Hibbard v. Board of Parole and Post-Prison Supervision (1996) 925 P.2d 910, 144 Or.App. 82, review denied 931 P.2d 99, 324 Or. 560, reconsideration granted, opinion withdrawn 934 P.2d 1127, 325 Or. 80, on reconsideration 965 P.2d 1022, 327 Or. 594. Constitutional Law 82.5; Constitutional Law 203; Sentencing And Punishment 1574; Double Jeopardy 31; Mental Health 433(2)Designating offender as predatory sex offender was not in itself “punishment” under ex post facto clauses of State and Federal Constitutions; such designation served regulatory, nonpunitive purpose of identifying offenders requiring special treatment or other attention, there was no basis for believing that designation was traditionally regarded as punishment or that legislature actually intended it as punishment, and there was no reason on record to believe that identifying petitioner as predatory sex offender had impermissible punitive effects. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Constitutional Law 203; Mental Health 433(2)Test for determining whether designation as predatory sex offender was in itself punishment under ex post facto clause was first, whether legislative purpose in enacting predatory sex offender law was punitive, and second, if nonpunitive, whether designation was so punitive in nature or effect as to negate nonpunitive intention. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Constitutional Law 203; Mental Health 433(2)2. ReviewOnly issue ripe for judicial review was whether designation of offender as predatory sex offender was in itself punishment under ex post facto clause, where State Board of Parole and Post-Prison Supervision found offender was predatory sex offender, but had not taken any steps towards notifying anyone of that determination or other information concerning offender. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Mental Health 469(4)

Current through End of the 2005 Reg. Sess.

Oregon Statutes Annotated - 2006

O.R.S. § 181.590

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Predatory Sex Offender Notice Procedure

181.590. Agreements for resolution of concerns about community notification

Upon the request of the Department of State Police, a chief of police, a county sheriff 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 181.585 to 181.587, 181.588 and 181.589.

(2) "Supervising agency" means a governmental entity responsible for supervising a person required to report under ORS 181.595 or 181.596.

Laws 1999, c. 626, § 22.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”LIBRARY REFERENCES2007 Main VolumeMental Health  469. Westlaw Topic No. 257A.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.592

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.592. Sex offender information; public access

(1) The Department of State Police shall enter into the Law Enforcement Data System the sex offender information obtained from the sex offender registration forms submitted under ORS 181.595, 181.596 and 181.597. The department shall remove from the Law Enforcement Data System the sex offender information obtained from the sex offender registration form submitted under ORS 181.595, 181.596 or 181.597 if the conviction or adjudication that gave rise to the registration obligation is reversed or vacated or if the registrant is pardoned.

(2)(a) When a person is under supervision for the first time as a result of a conviction for an offense requiring reporting as a sex offender, the department, a chief of police or a county sheriff shall release, upon request, only the following information about the sex offender:

- (A) The sex offender's name and date of birth;
- (B) A physical description of the sex offender and a photograph, if applicable;
- (C) The name and zip code of the city where the sex offender resides;
- (D) The name and telephone number of a contact person at the agency that is supervising the sex offender; and
- (E) 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 subsection, if the sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department, the Department of State Police, chief or police or county sheriff shall release 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.

(c) An agency that supervises a sex offender shall release, upon request, any information that may be necessary to protect the public concerning the sex offender.

(3) Except as otherwise limited by subsection (2)(a) and (b) of this section regarding persons who are under supervision for the first time as sex offenders, the Department of State Police, a chief of police or a county sheriff 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. However, the entity releasing the information may not release the identity of a victim of a sex crime.

(4)(a) The department may make the information described in subsections (2) and (3) of this section available to the public, without the need for a request, by electronic or other means. The department shall make information about a person who is under supervision for the first time as a result of a conviction for an offense that requires reporting as a sex offender accessible only by the use of the sex offender's name. For all other sex offenders, the department may make the information accessible in any manner the department chooses.

(b) Notwithstanding paragraph (a) of this subsection, the department may not use the Internet to make information available to the public except as required by paragraph (c) of this subsection.

(c) Notwithstanding subsections (2) and (3) of this section, the department shall use the Internet to make the information described in paragraph (d) of this subsection available to the public if the information is about a person:

(A) Determined to be a predatory sex offender, as provided in ORS 181.585, who has also been determined, pursuant to rules of the agency making the predatory sex offender determination, to present the highest risk of reoffending and to require the widest range of notification; or

(B) Found to be a sexually violent dangerous offender under ORS 144.635.

(d) The information required to be made available under paragraph (c) of this subsection is:

- (A) The person's name and address;
- (B) A physical description of the person including, but not limited to, the person's age, height, weight and eye and hair color;
- (C) The type of vehicle that the person is known to drive;
- (D) Any conditions or restrictions upon the person's probation, parole, post-prison supervision or conditional release;
- (E) A description of the person's primary and secondary targets;
- (F) A description of the person's method of offense;
- (G) A current photograph of the person;
- (H) If the person is under supervision, the name or telephone number of the person's parole and probation officer; and
- (I) If the person is not under supervision, contact information for the Department of State Police.

(5) 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.

(6) As used in this section:

(a) "Attends," "institution of higher education," "sex crime," "works" and "carries on a vocation" have the meanings given those terms in ORS 181.594.

(b) "Sex offender" means a person who is required to report under ORS 181.595, 181.596 or 181.597.

Laws 1999, c. 626, § 1; Laws 2001, c. 884, § 2; Laws 2005, c. 567, § 13; Laws 2005, c. 812, § 1, eff. July 1, 2006.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2005, c. 567, § 17, provides:“The amendments to ORS 137.540, 144.102, 144.270, 181.592, 181.594, 181.595, 181.596, 181.599 and 423.478 by sections 5 to 13 of this 2005 Act apply to persons who

are required to report as sex offenders on or after the effective date of this 2005 Act.” Laws 2005, c. 812, § 4, eff. Jan. 1, 2006, provides: “The Department of State Police may take any action before the operative date of the amendments to ORS 181.592 by section 1 of this 2005 Act that is necessary to enable the department to exercise, on and after that date, the duties imposed on the department by the amendments to ORS 181.592 by section 1 of this 2005 Act.” CROSS REFERENCES Definitions, notices required by court, see ORS 419A.260. LAW REVIEW AND JOURNAL COMMENTARIES Making outcasts out of outlaws: The unconstitutionality of sex offender registration and criminal alien detention. 117 Harv. L. Rev. 2731 (2004). LIBRARY REFERENCES 2007 Main Volume Mental Health  469. Westlaw Topic No. 257A. UNITED STATES SUPREME COURT Application, Ex post facto laws, retroactive application of sex offender registration laws, nonpunitive governmental objectives, see Smith v. Doe, 2003, 123 S.Ct. 1140. Due Process, Due process, sex offender registration, right to hearing on dangerousness, public notification provisions, see Connecticut Dept. of Public Safety v. Doe, 2003, 123 S.Ct. 1160.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.593

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.593. Sex offender website; contracting with private vendor; links to other websites

The Department of State Police shall consider:

(1) Contracting with a private vendor to build and maintain the Internet website required by ORS 181.592 (4)(c).

(2) Adding links on the website required by ORS 181.592 (4)(c) that connect to other sex offender websites run by Oregon counties and by the federal government.

Laws 2005, c. 812, § 2.

LIBRARY REFERENCES2007 Main VolumeMental Health  469. Westlaw Topic No. 257A.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.594

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

Formerly cited as OR ST § 181.517

181.594. Definitions

As used in ORS 181.595, 181.596, 181.597 and 181.603:

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

(2)(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 161.370.

(3) "Institution of higher education" means a public or private educational institution that provides a program of post-secondary education.

(4) "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) Any attempt to commit any of the crimes set forth in paragraphs (a) to (p) of this subsection;
 - (r) Burglary, when committed with intent to commit any of the offenses listed in paragraphs (a) to (p) or (s) of this subsection; or
 - (s) Public indecency or private indecency, if the person has a prior conviction for a crime listed in this subsection.
- (5) "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 found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a sex crime; or
 - (d) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a crime that would constitute a sex crime if committed in this state.

(6) "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.

Formerly 181.517; Laws 1997, c. 538, § 2; Laws 1997, c. 709, § 4; Laws 1999, c. 626, §§ 2,2a; amendments by Laws 1999, c. 626, §§ 25 and 26 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 483, § 1; Laws 2005, c. 567, § 5; Laws 2005, c. 685, § 11, eff. Aug. 2, 2005.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2005, c. 567, § 17, provides:“The amendments to ORS 137.540, 144.102, 144.270,

181.592, 181.594, 181.595, 181.596, 181.599 and 423.478 by sections 5 to 13 of this 2005 Act apply to persons who are required to report as sex offenders on or after the effective date of this 2005 Act.”**CROSS REFERENCES** Amendment of petition, dismissal, see ORS 419C.261. Availability of mediation for criminal charges, factors, see ORS 135.951. Conditions of parole, see ORS 144.270. Conditions of post-prison supervision, see ORS 144.102. Conditions of probation, violation of conditions, modification, see ORS 137.540. Fingerprinting, convicted felons and certain misdemeanants, see ORS 137.074. Locations where children congregate, see ORS 163.476. Notice of prospective release on parole or post-prison supervision, see ORS 144.260. Order setting aside conviction or record of arrest, see ORS 137.225. Power to modify or set aside orders, see ORS 419C.610. Presumptive sentence for certain sex offenses, see ORS 137.719. Probation, custody, requirements, sex offenders, see ORS 419C.446. Protective orders, in camera proceedings, sealing records, see ORS 135.873. Release or discharge, notification 423.478. Duties of Department and county, sanctions other than incarceration, see ORS 420A.122. Unlawful contact with a child, see ORS 163.479.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.595

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

Formerly cited as OR ST § 181.518

181.595. Reporting requirements for sex offender discharged, paroled or released on supervised release; procedure for change of residence (first version)

<Text of section effective until 07-01-2007. See also following version of this section, effective 07-01-2007.>

(1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or official to whom 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.

(b) When a person who is under supervision reports to the agency supervising the person, the supervising agency may require the person to report instead to the Department of State Police, a chief of police or a county sheriff and provide the supervising agency with proof of the completed registration.

(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;

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

(C) Having been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a sex crime;

(b) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a crime that would constitute a sex crime if committed in this state;

(c) Is paroled to or otherwise placed in this state after having been found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult; or

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

(3)(a) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release, the person shall report, in person, to the Department of State Police, a chief of police or a county sheriff or to the supervising agency, if any.

(b) After making the report required by paragraph (a) of this subsection, the person shall report, in person:

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

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

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

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

(c) The person shall make the reports required by paragraph (b) of this subsection to the department, a chief of police, a county sheriff or the supervising agency, if any.

(d) If the person required to report under this subsection is a youth offender, as defined in ORS 419A.004, who is under supervision, the person shall make the reports required by paragraphs (a) and (b) of this subsection to the agency supervising 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 requirement under this section, the Department of State Police, the chief of police, the county sheriff or the supervising agency:

(a) Shall photograph the person and obtain the signature of the person; and

(b) May fingerprint the person.

Formerly 181.518; Laws 1997, c. 538, § 3; Laws 1997, c. 709, § 1; Laws 1999, c. 626, § 3; amendments by Laws 1999, c. 626, § 27 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 567, § 6.

Current through End of the 2005 Reg. Sess.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.595

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

Formerly cited as OR ST § 181.518

181.595. Reporting requirements for sex offender discharged, paroled or released
on supervised release; procedure for change of residence (second version)

<Text of section effective 07-01-2007. See also preceding version of this section, effective until 07-01-2007.>

(1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or official to whom 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.

(b) When a person who is under supervision reports to the agency supervising the person, the supervising agency may require the person to report instead to the Department of State Police, a chief of police or a county sheriff and provide the supervising agency with proof of the completed registration.

(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;

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

(C) Having been found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a sex crime;

(b) Is paroled to this state under ORS 144.610 after being convicted in another jurisdiction of a crime that would constitute a sex crime if committed in this state;

(c) Is paroled to or otherwise placed in this state after having been found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult;

(d) Is discharged or placed on conditional release by the juvenile panel of the Psychiatric Security Review Board after having been found to be responsible except for insanity under ORS 419C.411 for an act that would constitute a sex crime if committed by an adult; or

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

(3)(a) Within 10 days following discharge, release on parole, post-prison supervision or other supervised or conditional release, the person shall report, in person, to the Department of State Police, a chief of police or a county sheriff or to the supervising agency, if any.

(b) After making the report required by paragraph (a) of this subsection, the person shall report, in person:

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

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

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

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

(c) The person shall make the reports required by paragraph (b) of this subsection to the department, a chief of police, a county sheriff or the supervising agency, if any.

(d) If the person required to report under this subsection is a youth offender or young person, as defined in ORS 419A.004, who is under supervision, the person shall make the reports required by paragraphs (a) and (b) of this subsection to the agency supervising 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 requirement under this section, the Department of State Police, the chief of police, the county sheriff or the supervising agency:

(a) Shall photograph the person and obtain the signature of the person; and

(b) May fingerprint the person.

Formerly 181.518; Laws 1997, c. 538, § 3; Laws 1997, c. 709, § 1; Laws 1999, c. 626, § 3; amendments by Laws 1999, c. 626, § 27 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 843, § 34, eff. July 1, 2007.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2005, c. 567, § 17, provides:“The amendments to ORS 137.540, 144.102, 144.270, 181.592, 181.594, 181.595, 181.596, 181.599 and 423.478 by sections 5 to 13 of this 2005 Act apply to persons who are required to report as sex offenders on or after the effective date of this 2005 Act.”**CROSS REFERENCES**
Department of Corrections, authority of county supervisory authority, see ORS 423.478.Incidents not material facts to real property transaction, legislative finding, see ORS 93.275.Parole, conditions, sex offender reporting, see ORS 144.270.Post-prison supervision, conditions, sex offender reporting, see ORS 144.102.Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880.**LAW REVIEW AND JOURNAL COMMENTARIES**
Singled Out: Oregon's Punitively Under-Inclusive Sex Offender Registration and Notification Provisions. Sean D. Schrock, 35 Willamette L. Rev. 83 (1999).**LIBRARY REFERENCES** 2007 Main VolumeKey NumbersMental Health 469.Westlaw Key Number Search: 257Ak469.**NOTES OF DECISIONS**

Construction and application 2

Habeas corpus 3

Sufficiency of evidence 4

Validity 1

1. ValiditySex offender registration requirement did not impose any significant detriment, restraint, or deprivation on defendant, and thus was not form of increased punishment prohibited by ex post facto clause of state constitution, where time and physical demands of complying with annual registration and change of address reporting requirements were minimal, registration requirement did not subject offender to undue restraint in form of comprehensive or intrusive police scrutiny, control, or monitoring, and, to extent that offender was deterred by registration requirement from committing future crimes, deterrent effect was secondary or ancillary one. Const. Art. 1, § 21; ORS 181.596(3) (1995). State v. MacNab (2002) 51 P.3d 1249, 334 Or. 469. Constitutional Law 203; Mental Health 433(2)Sex offender registration law requiring sex offenders to apprise law enforcement officials of basic identifying information, including their whereabouts, had regulatory purpose, and was not so punitive in effect that it negated legislature's regulatory intent, and thus did not violate ex post facto clause of the United States Constitution, where registration requirement did not subject offender to undue restraint in form of comprehensive or intrusive police scrutiny, control, or monitoring, and, to extent that offender was deterred by registration requirement from committing future crimes, deterrent effect was secondary or ancillary one. U.S.C.A. Const. Art. 1, § 9, cl. 3; ORS 181.596(3) (1995). State v. MacNab (2002) 51 P.3d 1249, 334 Or. 469. Constitutional Law 203; Mental Health 433(2)Designation of petitioner as predatory sex offender under predatory sex offender notice statute by Board of Parole and Post-Prison Supervision did not violate prohibitions against double jeopardy or cruel and unusual punishment, under either State or Federal Constitution; statute was not punitive in nature for purposes of ex post facto analysis, and thus likewise did not involve "punishment" for purposes of state and federal double jeopardy and cruel and unusual punishment analyses. U.S.C.A. Const. Art. 1, § 10, cl. 1; U.S.C.A. Const. Amends. 5, 8; Const. Art. 1, §§ 12, 16, 21; ORS 181.585 et seq. Meadows v. Board of Parole and Post-Prison Supervision (2002) 47 P.3d 506, 181 Or.App. 565, review denied 67 P.3d 937, 335 Or. 355. Double Jeopardy 22; Mental Health 433(2); Sentencing And Punishment 1601Petitioner's retroactive designation as predatory sex offender by Board of Parole and Post-Prison Supervision, in conjunction with community notification of this designation, under predatory sex offender notice statute, did not violate ex post facto provisions of State or Federal Constitutions; legislative purpose of statute was not punitive, but focused at crime prevention, and nature and effects of statute were not so punitive as to negate legislature's non-punitive intentions in enacting statute. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 et seq. Meadows v. Board of Parole and Post-Prison Supervision (2002) 47 P.3d 506, 181 Or.App. 565, review denied 67 P.3d 937, 335 Or. 355. Constitutional Law 203; Mental Health 433(2)Application of sex offender registration statute to defendant, a convicted sex offender who committed offenses before statute's effective date, did not violate ex post facto clause; intended purpose of statute was not punitive, and registration requirement did not constitute additional punishment. U.S.C.A. Const. Art. 1, § 10; Const. Art. 1, § 21; ORS 181.518 (1993). State v. Matthews (1999) 978 P.2d 423, 159 Or.App. 580. Constitutional Law 203; Mental Health 433(2)Board of Parole and Post-Prison Supervision's designation of prisoner as "predatory sex offender" did not constitute punishment, and thus designation did not violate prohibitions against ex post facto laws, double jeopardy, cruel and unusual punishment, or bills of attainder. U.S.C.A. Const. Art. 1, § 10, cl. 1; Amends. 5, 8; Const. Art. 1, § 21; ORS 181.585-181.589. Hibbard v. Board of Parole and Post-Prison Supervision (1996) 925 P.2d 910, 144 Or.App. 82, review denied 931 P.2d 99, 324 Or. 560, reconsideration granted, opinion withdrawn 934 P.2d 1127, 325 Or. 80, on reconsideration 965 P.2d 1022, 327 Or. 594. Constitutional Law 82.5; Constitutional Law 203; Sentencing And Punishment 1574; Double Jeopardy 31; Mental Health 433(2)Test for determining whether designation as predatory sex offender was in itself punishment under ex post facto clause was first, whether legislative purpose in enacting predatory sex offender law was punitive, and second, if nonpunitive, whether designation was so punitive in nature or effect as to negate nonpunitive intention. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Constitutional Law 203; Mental Health 433(2)Designating offender as predatory sex offender was not in itself "punishment" under ex post facto clauses of State and Federal Constitutions; such designation served regulatory, nonpunitive purpose of identifying offenders requiring special treatment or other attention, there was no basis for believing that

designation was traditionally regarded as punishment or that legislature actually intended it as punishment, and there was no reason on record to believe that identifying petitioner as predatory sex offender had impermissible punitive effects. U.S.C.A. Const. Art. 1, § 10, cl. 1; Const. Art. 1, § 21; ORS 181.585 to 181.589. Gress v. Board of Parole and Post-Prison Supervision (1996) 924 P.2d 329, 143 Or.App. 7, opinion adhered to as modified on reconsideration 927 P.2d 138, 144 Or.App. 375, review allowed 931 P.2d 796, 324 Or. 654, review dismissed 950 P.2d 892, 326 Or. 68, on remand 950 P.2d 418, 152 Or.App. 491. Constitutional Law 203; Mental Health 433(2)Any deleterious effect of community notification statutes providing for assessment of offender convicted of certain sexual offenses did not constitute "punishment" within meaning of state or federal ex post facto clauses; statutes did not relate to length or nature of incarceration or constructive custody and allowed appropriate persons in the community to protect themselves or others from persons who had victimized or injured others. U.S.C.A. Const. Art. 1, § 9, cl. 3; Const. Art. 1, § 21. Williford v. Board of Parole and Post-Prison Supervision (1995) 904 P.2d 1074, 137 Or.App. 254, review denied 911 P.2d 1231, 322 Or. 613. Constitutional Law 203; Mental Health 433(2)2. Construction and applicationOrder setting aside juvenile's dispositional order which was entered following youth's admission to conduct that would constitute first-degree rape had effect of vacating adjudication, and thus did not conflict with sex offender registration statutes, whose requirements are inapplicable to persons whose convictions have been vacated. ORS 181.595, 181.596; ORS 419C.610 (2000). State ex rel. Juvenile Dept. of Multnomah County v. Tyree (2001) 33 P.3d 729, 177 Or.App. 187. Infants 221; Infants 232Intended purpose of the sex offender registration requirement was to assist law enforcement in protecting the community from future sex crimes. ORS 181.518 (1993). State v. Matthews (1999) 978 P.2d 423, 159 Or.App. 580. Mental Health 469(1)As a matter of statutory construction, statute requiring convicted sex offenders, following discharge or release, to register new address with police within 30 days of changing residence applied retroactively to convicted sex offender who committed his offenses and was released from incarceration prior to statute's effective date. ORS 181.518 (1993). State v. Matthews (1999) 978 P.2d 423, 159 Or.App. 580. Mental Health 433(2)Statute requiring convicted sex offenders, after release from supervised release, to notify state police of all address changes would not apply to defendants unless they were released from incarceration after statute's effective date; if offender was released before law became effective, statute imposed no duty on officials to enter information concerning offender into law enforcement data system (LEDS), and there was, therefore, no corresponding obligation for offender to update that information after discharge from supervised release, but if agency had duty to enter relevant information into LEDS at time of offender's release from incarceration, statute applied regardless of when offender committed underlying crime. ORS 181.518 (1995). State v. Driver (1996) 923 P.2d 1272, 143 Or.App. 17, review denied 927 P.2d 600, 324 Or. 395. Mental Health 433(2)3. Habeas corpusOregon's sex offender registration statute does not place an offender in "custody" for purposes of a federal habeas corpus petition since sex offenders subject to registration are free to move to a new place of residence so long as they notify law enforcement officials of their new address. 28 U.S.C.A. § 2254(a); ORS 181.595, 181.596. McNab v. Kok (1999) 170 F.3d 1246. Habeas Corpus 2534. Sufficiency of evidenceState's failure to prove that the state police and all the state's police chiefs and county sheriffs had an official duty to report a sex offender's registration to the law enforcement data system (LEDS) precluded state from relying on statutory presumption that an official duty was performed, and thus, evidence that defendant did not register as a sex offender with city police bureau was insufficient to prove that defendant did not register with the state police, a chief of police, or a county sheriff, as required by statute, even if LEDS revealed no registration. Rules of Evid., Rule 311(1)(j); ORS 181.595, ORS 181.599 (1998). State v. Baker (2002) 40 P.3d 569, 179 Or.App. 486. Mental Health 469(7)

Current through End of the 2005 Reg. Sess.

Oregon Statutes Annotated - 2006

O.R.S. § 181.596

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

Formerly cited as OR ST § 181.519

181.596. Report by sex offender released or discharged; procedure for change of residence

(1)(a) Except as otherwise provided in paragraph (b) of this subsection, the agency or official to whom 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.

(b) When a person who is under supervision reports to the agency supervising the person, the supervising agency may require the person to report instead to the Department of State Police, a chief of police or a county sheriff and provide the supervising agency with proof of the completed registration.

(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 the juvenile court after being found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult would constitute a sex crime;

(c) To this state under ORS 144.610 after being convicted in another jurisdiction of a crime that would constitute a sex crime if committed in this state; or

(d) To this state after having been found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult.

(3) The court shall ensure that the person completes a form that documents the person's obligation to report under ORS 181.595 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) Within 10 days following discharge or release, the person shall report, in person, to the Department of State Police, chief of police or county sheriff or to the supervising agency, if any.

(b) After making the report required by paragraph (a) of this subsection, the person shall report, in person:

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

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

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

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

(c) The person shall make the reports required by paragraph (b) of this subsection to the department, a chief of police, a county sheriff or the supervising agency, if any.

(d) If the person required to report under this subsection is a youth offender, as defined in ORS 419A.004, who is under supervision, the person shall make the reports required by paragraphs (a) and (b) of this subsection to the agency supervising 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.

(5) As part of the registration requirement under this section, the Department of State Police, the chief of police, the county sheriff or the supervising agency:

(a) Shall photograph the person and obtain the signature of the person; and

(b) May fingerprint the person.

Formerly 181.519; Laws 1997, c. 538, § 4; Laws 1997, c. 709, § 2; Laws 1997, c. 727, § 13; Laws 1999, c. 626, § 4; amendments by Laws 1999, c. 626, § 28 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 567, § 7.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.”(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).”(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2005, c. 567, § 17, provides:“The amendments to ORS 137.540, 144.102, 144.270, 181.592, 181.594, 181.595, 181.596, 181.599 and 423.478 by sections 5 to 13 of this 2005 Act apply to persons who are required to report as sex offenders on or after the effective date of this 2005 Act.”CROSS REFERENCES Incidents not material facts to real property transaction, legislative finding, see ORS 93.275.Probation, conditions, sex offender reporting, see ORS 137.540.Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880.LIBRARY REFERENCES2007 Main VolumeMental Health 469.Westlaw Topic No. 257A.NOTES OF DECISIONS

Construction and application 2

Habeas corpus 3

Validity 1

1. ValiditySex offender registration requirement did not impose any significant detriment, restraint, or deprivation on defendant, and thus was not form of increased punishment prohibited by ex post facto clause of state constitution, where time and physical demands of complying with annual registration and change of address reporting requirements were minimal, registration requirement did not subject offender to undue restraint in form of comprehensive or intrusive police scrutiny, control, or monitoring, and, to extent that offender was deterred by registration requirement from committing future crimes, deterrent effect

was secondary or ancillary one. Const. Art. 1, § 21; ORS 181.596(3) (1995). State v. MacNab (2002) 51 P.3d 1249, 334 Or. 469. Constitutional Law 203; Mental Health 433(2)Sex offender registration law requiring sex offenders to apprise law enforcement officials of basic identifying information, including their whereabouts, had regulatory purpose, and was not so punitive in effect that it negated legislature's regulatory intent, and thus did not violate ex post facto clause of the United States Constitution, where registration requirement did not subject offender to undue restraint in form of comprehensive or intrusive police scrutiny, control, or monitoring, and, to extent that offender was deterred by registration requirement from committing future crimes, deterrent effect was secondary or ancillary one. U.S.C.A. Const. Art. 1, § 9, cl. 3; ORS 181.596(3) (1995). State v. MacNab (2002) 51 P.3d 1249, 334 Or. 469. Constitutional Law 203; Mental Health 433(2)2. Construction and applicationOrder setting aside juvenile's dispositional order which was entered following youth's admission to conduct that would constitute first-degree rape had effect of vacating adjudication, and thus did not conflict with sex offender registration statutes, whose requirements are inapplicable to persons whose convictions have been vacated. ORS 181.595, 181.596; ORS 419C.610 (2000). State ex rel. Juvenile Dept. of Multnomah County v. Tyree (2001) 33 P.3d 729, 177 Or.App. 187. Infants 221; Infants 232Statute requiring officials to enter information about convicted sex offenders given sentence of discharge or placed on probation into law enforcement database system (LEDS) did not apply to defendants who were originally sentenced to terms of incarceration. ORS 181.519 (1995). State v. Driver (1996) 923 P.2d 1272, 143 Or.App. 17, review denied 927 P.2d 600, 324 Or. 395. Mental Health 469(2)3. Habeas corpusOregon's sex offender registration statute does not place an offender in "custody" for purposes of a federal habeas corpus petition since sex offenders subject to registration are free to move to a new place of residence so long as they notify law enforcement officials of their new address. 28 U.S.C.A. § 2254(a); ORS 181.595, 181.596. McNab v. Kok (1999) 170 F.3d 1246. Habeas Corpus 253

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Oregon Statutes Annotated - 2006

O.R.S. § 181.597

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.597. Reporting requirement for certain persons moving into state; certain nonresidents required to report

(1)(a) When a person listed in subsection (2) of this section moves into this state and is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff's office:

- (A) No later than 10 days after moving into this state;
- (B) Within 10 days of a change of residence; and
- (C) Once each year within 10 days of the person's birth date, regardless of whether the person changed residence.

(b) When a person listed in subsection (2) of this section attends school or works in this state, resides in another state and is not otherwise required by ORS 181.595 or 181.596 to report, the person shall report, in person, to the department, a city police department or a county sheriff's office no later than 10 days after:

- (A) The first day of school attendance or the 14th day of employment in this state; and
- (B) A change in school enrollment or employment.

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

(d) When a person reports under paragraph (a) of this subsection, the agency or official to whom the person reports shall complete a sex offender registration form concerning the person.

(e) 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.

(2) Subsection (1) of this section applies to:

- (a) A person convicted in another jurisdiction of a crime if the elements of the crime would constitute a sex crime;
- (b) A person found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult; and
- (c) A person required to register in another state for having committed a sex offense in that state regardless of whether the crime would constitute a sex crime in this state.

(3) As part of the registration required under this section, the Department of State Police, a city police department or a sheriff's office:

- (a) Shall photograph the person and obtain the signature of the person; and
- (b) May fingerprint the person.

Laws 1995, c. 429, §§ 2,4; Laws 1997, c. 538, § 5; Laws 1997, c. 709, § 3; Laws 1999, c. 626, § 5; amendments by Laws 1999, c. 626, § 29 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 567, § 15.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”**CROSS REFERENCES** Incidents not material facts to real property transaction, legislative finding, see ORS 93.275. Real estate agents, obligation to disclose information to potential buyer, proximity of registered sex offender, see ORS 696.880.**LIBRARY REFERENCES**2007 Main VolumeMental Health 469. Westlaw Topic No. 257A.**NOTES OF DECISIONS**

Construction and application 2

Review 3

Validity 1

1. ValidityProvision of sex offender registration law requiring sex offenders to notify authorities within ten days of leaving state did not violate defendant's constitutional right to free travel, in prosecution for failure to register as a sex offender, given that defendant failed to show that his right to free travel was burdened by requirement that he notify authorities of his change of residence. *State v. Wigglesworth* (2003) 63 P.3d 1185, 186 Or.App. 374. Constitutional Law 83(4.1); Mental Health 433(2)2. Construction and applicationProvision of sex offender registration law requiring sex offenders to notify authorities within ten days of leaving state, as applied to defendant, who was prosecuted for failing to register as a sex offender, did not implicate constitutional state sovereignty principles; effect of provision was not to regulate conduct outside of state, and statute, as applied, was triggered by defendant's action in state, and, as such, had no extraterritorial effect. *State v. Wigglesworth* (2003) 63 P.3d 1185, 186 Or.App. 374. Mental Health 433(2); States 5(1)Sex offender registration law imposed obligation on defendant, who left state, to notify authorities within ten days, in prosecution for failure to report as a sex offender. *State v. Wigglesworth* (2003) 63 P.3d 1185, 186 Or.App. 374. Mental Health 469(7)3. ReviewDefendant could not, for the first time on appeal, raise an “as applied” vagueness challenge to provision of sex offender registration law requiring him to notify authorities within ten days of leaving state, as such challenge, if successful, would not vitiate statute in its entirety, or establish that his indictment for failure to register as a sex offender never constituted an offense. *State v. Wigglesworth* (2003) 63 P.3d 1185, 186 Or.App. 374. Mental Health 469(7)

Current through End of the 2005 Reg. Sess.

Oregon Statutes Annotated - 2006

O.R.S. § 181.598

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.598. Registration forms

(1) Agencies and officials required to register offenders under ORS 181.595, 181.596 and 181.597 shall use forms provided by the Department of State Police. 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:

(a) Send the original copy of the registration form to the department; or

(b) Forward the registration information to the department by any means and, within 10 working days after registration, send the original copy of the registration form to the department.

(2) 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.

(3) The department shall assess a person who is required to report under ORS 181.595, 181.596 or 181.597 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 181.585 to 181.587, 181.588, 181.589, 181.594 to 181.601, 181.602, 181.603, 181.604, 181.605 and 181.606.

Laws 1995, c. 429, § 3; Laws 1999, c. 626, §§ 6,7; amendments by Laws 1999, c. 626, § 30 repealed by Laws 2001, c. 884, § 1.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”LIBRARY REFERENCES2007 Main VolumeMental Health 469. Westlaw Topic No. 257A.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.599

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.599. Crime of failure to report as sex offender

(1) A person who is required to report as a sex offender and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person fails, as required by ORS 181.595, 181.596 or 181.597, to:

- (a) Make the initial report to the appropriate agency or official;
 - (b) Report when the person works at, carries on a vocation at or attends an institution of higher education;
 - (c) Report following a change of residence, school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;
 - (d) Make an annual report; or
 - (e) Provide complete and accurate information.
- (2) Except as otherwise provided in subsection (3) of this section, failure to report as a sex offender is a Class A misdemeanor.
- (3) 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) or (c) 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 181.598 (2) commits a violation.

Laws 1991, c. 389, § 4; Laws 1995, c. 429, § 5; Laws 1997, c. 538, § 6; Laws 1999, c. 626, § 8; amendments by Laws 1999, c. 626, § 31 repealed by Laws 2001, c. 884, § 1; Laws 2005, c. 567, § 11.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime

listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”Laws 2005, c. 567, § 17, provides:“The amendments to ORS 137.540, 144.102, 144.270, 181.592, 181.594, 181.595, 181.596, 181.599 and 423.478 by sections 5 to 13 of this 2005 Act apply to persons who are required to report as sex offenders on or after the effective date of this 2005 Act.”CROSS REFERENCES Circumstances for disclosure of actual address, see ORS 192.848.Felonies, fines, see ORS 161.625.Felonies, prison terms, see ORS 161.605.Misdemeanors, fines, see ORS 161.635.Misdemeanors, prison terms, see ORS 161.615.Receiving evidence and testimony, see ORS 132.320 LIBRARY REFERENCES2007 Main VolumeMental Health 469.Westlaw Topic No. 257A.NOTES OF DECISIONS

Construction and application 1

Search warrants 2

Sufficiency of evidence 3

1. Construction and applicationSex offender registration law imposed obligation on defendant, who left state, to notify authorities within ten days, in prosecution for failure to report as a sex offender. State v. Wigglesworth (2003) 63 P.3d 1185, 186 Or.App. 374. Mental Health 469(7)Intended purpose of the sex offender registration requirement was to assist law enforcement in protecting the community from future sex crimes. ORS 181.518 (1993). State v. Matthews (1999) 978 P.2d 423, 159 Or.App. 580. Mental Health 469(1)2. Search warrantsAffidavit lacked facts from which a judge could find probable cause to justify issuance of search warrant; proffered reasons to search defendant's apartment were premised on conduct of defendant's friend, information in affidavit indicated that the friend lived elsewhere, affidavit failed to identify what 9mm handgun police were seeking or why there was reason to think it might be in the apartment, and friend had already admitted to police that he no longer resided at address at which he was registered as a sex offender under Oregon law. U.S. v. Sartin (2003) 262 F.Supp.2d 1154. Searches And Seizures 1143. Sufficiency of evidenceState's failure to prove that the state police and all the state's police chiefs and county sheriffs had an official duty to report a sex offender's registration to the law enforcement data system (LEDS) precluded state from relying on statutory presumption that an official duty was performed, and thus, evidence that defendant did not register as a sex offender with city police bureau was insufficient to prove that defendant did not register with the state police, a chief of police, or a county sheriff, as required by statute, even if LEDS revealed no registration. Rules of Evid., Rule 311(1)(j); ORS 181.595, ORS 181.599 (1998). State v. Baker (2002) 40 P.3d 569, 179 Or.App. 486. Mental Health 469(7)

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Oregon Statutes Annotated - 2006

O.R.S. § 181.600

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.600. Relief from sex offender reporting requirement

(1)(a) No sooner than 10 years after termination of supervision on probation, conditional release, parole or post-prison supervision, a person required to report under ORS 181.595, 181.596 or 181.597 may file a petition in the circuit court of the county in which the person resides for an order relieving the person of the duty to report if:

- (A) The person has only one conviction for, or juvenile court finding of jurisdiction based on, a sex crime;
- (B) The sex crime was a misdemeanor or Class C felony or, if committed in another state, would have been a misdemeanor or Class C felony if committed in this state; and
- (C) The person has not been determined to be a predatory sex offender as described in ORS 181.585.

(b) The district attorney of the county shall be named and served as the respondent in the petition.

(2) The court shall hold a hearing on the petition. In determining whether to grant the relief requested, the court shall consider:

- (a) The nature of the offense that required reporting;
- (b) The age and number of victims;
- (c) The degree of violence involved in the offense;

(d) Other criminal and relevant noncriminal behavior of the petitioner both before and after the conviction that required reporting;

(e) The period of time during which the petitioner has not reoffended;

(f) Whether the petitioner has successfully completed a court-approved sex offender treatment program; and

(g) Any other relevant factors.

(3) If the court is satisfied by clear and convincing evidence that the petitioner is rehabilitated and that the petitioner does not pose a threat to the safety of the public, the court shall enter an order relieving the petitioner of the duty to report. When the court enters an order under this subsection, the petitioner shall send a certified copy of the court order to the Department of State Police.

Laws 1991, c. 389, § 5; Laws 1993, c. 147, § 4; Laws 1995, c. 422, §§ 63,63a; Laws 1999, c. 626, § 18; amendments by Laws 1999, c. 626, § 41 repealed by Laws 2001, c. 884, § 1; Laws 2001, c. 884, § 3; Laws 2005, c. 567, § 1.

2007 Main VolumeLaws 2005, c. 567, § 4, provides: "The amendments to ORS 181.600, 181.607 and 181.608 by sections 1 to 3 of this 2005 Act apply to court orders entered on or after the effective date of this 2005 Act." Laws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided: "(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter

626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;““(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or““(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”CROSS REFERENCES Felonies, fines, see ORS 161.625.Felonies, prison terms, see ORS 161.605.Misdemeanors, fines, see ORS 161.635.Misdemeanors, prison terms, see ORS 161.615.LIBRARY REFERENCES2007 Main VolumeMental Health  469.Westlaw Topic No. 257A.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.601

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.601. Access to sex offender information for victims

(1)(a) When information about a person is first entered into the Law Enforcement Data System under ORS 181.592, 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 in ORS 181.592 (2) and (3) 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 144.120 (7) 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.

Laws 1991, c. 389, § 6; Laws 1995, c. 429, § 7; Laws 1997, c. 538, § 7; Laws 1999, c. 626, § 9; amendments by Laws 1999, c. 626, § 32 repealed by Laws 2001, c. 884, § 1.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on

or after the September 1, 1999.”LIBRARY REFERENCES2007 Main VolumeCriminal Law 1226(2).Mental Health 469.Westlaw Topic Nos. 110, 257A.C.J.S. Criminal Law § 1734.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.602

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.602. Sex offender reporting requirement purpose

The purpose of ORS 181.594 to 181.601 is to assist law enforcement agencies in preventing future sex offenses.

Laws 1991, c. 389, § 7; Laws 1995, c. 429, § 8.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.603

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.603. Notice of reporting requirement

(1) When the court imposes sentence upon a person convicted of a sex crime the court shall notify the person of the requirement to report as a sex offender under ORS 181.595 and 181.596.

(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 181.595 or 181.596. 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.

Laws 1997, c. 538, § 1; Laws 1999, c. 626, § 19; amendments by Laws 1999, c. 626, § 42 repealed by Laws 2001, c. 884, § 1.

2007 Main VolumeLaws 1999, c. 626, §§ 23, 23a, amended by Laws 2005, c. 567, § 14, provided:“(1) Except as otherwise provided in subsection (2) of this section, ORS 181.590 and 181.592 and the amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons convicted of crimes before, on or after September 1, 1999.“(2) The amendments to ORS 137.540, 144.102, 144.270, 181.586, 181.588, 181.589, 181.594, 181.595, 181.596, 181.597, 181.598, 181.599, 181.600, 181.601, 181.603, 181.604, 181.606, 419A.260 and 423.478 by sections 2 to 21, chapter 626, Oregon Laws 1999, apply to persons who, on or after September 1, 1999 are:“(a) Convicted of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s) or convicted of an equivalent crime in another jurisdiction;“(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 listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s); or“(c) Found by a court in another jurisdiction to have committed an act while the person was under 18 years of age that if committed by an adult would constitute the equivalent of a crime listed in ORS 181.594 (4)(L) to (p) or (s), an attempt to commit a crime listed in ORS 181.594 (4)(L) to (p) or burglary if committed with the intent to commit a crime listed in ORS 181.594 (4)(L) to (p) or (s).“(3) The amendments to ORS 163.345 by section 24, chapter 626, Oregon Laws 1999, apply to offenses committed on or after the September 1, 1999.”LIBRARY REFERENCES2007 Main VolumeMental Health  465(1).Westlaw Topic No. 257A.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.605

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.605. Profile of offender

(1) For those sex offenders designated as a predatory sex offender by a community corrections agency, the Department of Corrections and any other agency that is responsible for supervising or treating sex offenders, the agency or department 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 assessment tools; and

(f) Any other information that the agency 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.

Laws 1997, c. 538, § 9.

LIBRARY REFERENCES2007 Main VolumeCriminal Law 1226(2).Infants 227(2).Mental Health 469.Westlaw Topic Nos. 110, 211, 257A.C.J.S. Criminal Law § 1734.C.J.S. Infants §§ 24 to 25, 41, 43, 46 to 48, 71 to 95.

Current through End of the 2005 Reg. Sess.

Oregon Statutes Annotated - 2006

O.R.S. § 181.607

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.607. Juvenile offender relief from reporting requirement (first version)

<Text of section effective until 07-01-2007. See also following version of this section, effective 07-01-2007.>

(1)(a) No sooner than two years, but no later than five years, after the termination of juvenile court jurisdiction over a person required to report under ORS 181.595, 181.596 or 181.597, the person may file a petition for relief from the duty to report. The person must file the petition in the juvenile court in which the person was adjudicated for the act that requires reporting.

(b) 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.

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

(d) The person, the district attorney and the juvenile department are parties to a hearing on a petition filed under this section.

(2) When a person files a petition under this section and the petition was filed:

(a) No later than three years after the termination of juvenile court jurisdiction, the state has the burden of proving by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to the safety of the public.

(b) More than three years, but no later than five years, after the termination of juvenile court jurisdiction, the person 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.

(3) In determining whether the state or the person has met the burden of proof established in subsection (2) of this section, 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 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.

(4) 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.

(5) 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.

(6) As soon as practicable after a petition has been filed under this section, the district attorney shall make a reasonable effort to notify the victim of the crime that the person has filed a petition seeking relief under this section.

(7)(a) When a petition has been filed under this section and the petition was filed:

(A) No later than three years after the termination of juvenile court jurisdiction, the court shall hold a hearing on the petition no sooner than 60 days and no later than 120 days after the date of filing.

(B) More than three years, but no later than five years, after the termination of juvenile court jurisdiction, 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.

(8) When the state has the burden of proof under subsection (2) of this section and proves by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to the safety of the public, the court shall deny the petition.

When the person has the burden of proof under subsection (2) of this section and 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.

(9) When a juvenile court enters an order relieving a person of the requirement to report under ORS 181.595, 181.596 or 181.597, the person shall send a certified copy of the juvenile court order to the Department of State Police.

(10) If a person commits an act that could be charged as a sex crime listed in ORS 137.707 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 person be subject to the jurisdiction of the juvenile court rather than being prosecuted as an adult under ORS 137.707.

Laws 2001, c. 884, § 3a; Laws 2003, c. 530, § 1; Laws 2005, c. 567, § 2.

Current through End of the 2005 Reg. Sess.

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Oregon Statutes Annotated - 2006

O.R.S. § 181.607

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.607. Juvenile offender relief from reporting requirement (second version)

<Text of section effective 07-01-2007. See also preceding version of this section, effective until 07-01-2007.>

(1)(a) No sooner than two years, but no later than five years, after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction over a person required to report under ORS 181.595, 181.596 or 181.597, the person may file a petition for relief from the duty to report. The person must file the petition in the juvenile court in which the person was adjudicated for the act that requires reporting.

(b) 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.

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

(d) The person, the district attorney and the juvenile department are parties to a hearing on a petition filed under this section.

(2) When a person files a petition under this section and the petition was filed:

(a) No later than three years after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction, the state has the burden of proving by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to the safety of the public.

(b) More than three years, but no later than five years, after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction, the person 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.

(3) In determining whether the state or the person has met the burden of proof established in subsection (2) of this section, 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 the continued existence of the records; and

(s) Any other relevant factors.

(4) 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.

(5) 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.

(6) As soon as practicable after a petition has been filed under this section, the district attorney shall make a reasonable effort to notify the victim of the crime that the person has filed a petition seeking relief under this section.

(7)(a) When a petition has been filed under this section and the petition was filed:

(A) No later than three years after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction, the court shall hold a hearing on the petition no sooner than 60 days and no later than 120 days after the date of filing.

(B) More than three years, but no later than five years, after the termination of juvenile court jurisdiction or, if the person was placed under the jurisdiction of the Psychiatric Security Review Board under ORS 419C.529, board jurisdiction, 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.

(8) When the state has the burden of proof under subsection (2) of this section and proves by clear and convincing evidence that the person is not rehabilitated and continues to pose a threat to the safety of the public, the court shall deny the petition. When the person has the burden of proof under subsection (2) of this section and 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.

(9) When a juvenile court enters an order relieving a person of the requirement to report under ORS 181.595, 181.596 or 181.597, the person shall send a certified copy of the juvenile court order to the Department of State Police.

(10) If a person commits an act that could be charged as a sex crime listed in ORS 137.707 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 person be subject to the jurisdiction of the juvenile court rather than being prosecuted as an adult under ORS 137.707.

Laws 2001, c. 884, § 3a; Laws 2003, c. 530, § 1; Laws 2005, c. 567, § 2; Laws 2005, c. 843, § 30, eff. July 1, 2007.

2007 Main VolumeLaws 2003, c. 530, § 3, provides:“Section 3. (1) Notwithstanding ORS 181.607 (2), a person required to report under ORS 181.595, 181.596 or 181.597 for whom juvenile court jurisdiction was terminated more than five years before the effective date of this 2003 Act may file a petition under ORS 181.607 if the person files the petition no later than two years after the effective date of this 2003 Act.”(2) 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.”Laws 2003, c. 530, § 5, amended by Laws 2003, c. 737, § 109, eff. Aug. 29, 2003, provides:“The clerk of the court shall collect the sum of \$300 as a flat and uniform filing fee from the petitioner in a proceeding under section 3, chapter 530, Oregon Laws 2003 (Enrolled House Bill 2756), at the time the petition is filed. Fees collected under this section shall be deposited into the Judicial Department Operating Account established in section 83 of this 2003 Act.”Laws 2003, c. 530, § 6, eff. Jan. 1, 2004, provides:“(1) Section 5 of this 2003 Act and the amendments to ORS 21.110 and 181.607 by sections 1 and 4 of this 2003 Act apply to petitions filed on and after the effective date of this 2003 Act.”(2) Section 2 of this 2003 Act applies to persons who are registered as sex offenders in this state before, on or after the effective date of this 2003 Act.”Laws 2005, c. 567, § 4, provides:“The amendments to ORS 181.600, 181.607 and 181.608 by sections 1 to 3 of this 2005 Act apply to court orders entered on or after the effective date of this 2005 Act.”Laws 2001, c. 884, § 3c, provided:“Section 3c. Section 3a of this 2001 Act [ORS 181.607] and the amendments to ORS 419A.260 by section 3b of this 2001 Act apply only to persons found to be within the jurisdiction of the juvenile court for having committed, on or after the operative date of this section [January 1, 2002], an act that requires reporting under ORS 181.595, 181.596 or 181.597.”CROSS REFERENCES Definitions, notices required by court, see ORS 419A.260.Filing and appearance fees generally, see ORS 21.110.Public records, see ORS 192.001 et seq.LIBRARY REFERENCES2007 Main VolumeInfants  227(2).Mental Health  469.Westlaw Topic Nos. 211, 257A.C.J.S. Infants §§ 24 to 25, 41, 43, 46 to 48, 71 to 95.

Current through End of the 2005 Reg. Sess.

Oregon Statutes Annotated - 2006

O.R.S. § 181.608

West's Oregon Revised Statutes Annotated Currentness (Refs & Annos)

Title 18. Executive Branch; Organization

Chapter 181. State Police; Crime Reporting and Records; Public Safety Standards and Training (Refs & Annos)

Sex Offender Registration

181.608. Juvenile offender relief from reporting requirement; foreign adjudications

(1) Except as provided in subsection (6) of this section, when a person is required to report under ORS 181.595, 181.596 or 181.597 as a result of having been found in a juvenile adjudication in another jurisdiction to have committed an act while the person was under 18 years of age that would constitute a sex crime if committed in this state by an adult, the person may file a petition in the circuit court of the county in which the person resides for an order relieving the person of the duty to report if:

- (a) The person has been registered as a sex offender in this state for at least two years;
- (b) At least two years, but not more than five years, have elapsed since the termination of supervision on probation or parole; and
- (c) The person submits 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 sex crime:
 - (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 sex crime for which reporting is required;
 - (F) The order terminating jurisdiction for the sex crime for which reporting is required; and
 - (G) The evaluation and treatment records or reports of the person that are related to the sex crime for which reporting is required.

(2) 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.

(3) 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.

(4) Notwithstanding subsection (1)(b) of this section, if a person has not been registered as a sex offender in this state for two years until more than five years have elapsed since the termination of supervision on probation or parole, the person may file a petition seeking relief under this section if the person files the petition no later than 90 days after the date on which the person has been registered as a sex offender in this state for two years.

(5) 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 prosecution as an adult under ORS 137.707, the court may not grant the petition notwithstanding the fact that the person has met the burden of proof established in subsection (2) of this section unless the court determines that to do so is in the interest of public safety.

(6) 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.

(7) 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.

(8) 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.

Laws 2003, c. 530, § 2; Laws 2005, c. 567, § 3.

2007 Main VolumeLaws 2003, c. 530, § 6, eff. Jan. 1, 2004, provides:“(1) Section 5 of this 2003 Act and the amendments to ORS 21.110 and 181.607 by sections 1 and 4 of this 2003 Act apply to petitions filed on and after the effective date of this 2003 Act.”(2) Section 2 of this 2003 Act applies to persons who are registered as sex offenders in this state before, on or after the effective date of this 2003 Act.”Laws 2005, c. 567, § 4, provides:“The amendments to ORS 181.600, 181.607 and 181.608 by sections 1 to 3 of this 2005 Act apply to court orders entered on or after the effective date of this 2005 Act.”CROSS REFERENCES Filing and appearance fees generally, see ORS 21.110.LIBRARY REFERENCES2007 Main VolumeInfants
KEY227(2).Westlaw Topic No. 211.C.J.S. Infants §§ 24 to 25, 41, 43, 46 to 48, 71 to 95.

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