
Delete lines 4 through 18 and insert:

“SEX OFFENDER CLASSIFICATION

SECTION 1. ORS 181.800 is amended to read:

181.800. The [Department of Corrections shall] State Board of Parole and Post-Prison Supervision shall, in consultation with community corrections agencies, adopt by rule a sex offender risk assessment [tool] methodology for use in classifying sex offenders [based on the statistical likelihood that an individual sex offender will commit another sex crime]. Application of the risk assessment [tool] methodology to a sex offender must result in placing the sex offender in one of the following levels:

“(1) A level one sex offender who presents the lowest risk of reoffending and requires a limited range of notification.
“(2) A level two sex offender who presents a moderate risk of reoffending and requires a moderate range of notification.
“(3) A level three sex offender who presents the highest risk of reoffending and requires the widest range of notification.

SECTION 2. ORS 181.801 is amended to read:

181.801. (1) When a person convicted of a crime described in ORS 163.355 to 163.427 is sentenced to a term of imprisonment in a Department of Corrections institution for that crime, the [department] State Board of Parole and Post-Prison Supervision shall [conduct a risk assessment of] assess the person utilizing the risk assessment [tool] methodology described in ORS 181.800. The board shall apply the results of the assessment to place the person in one of the levels described in ORS 181.800 before the person is released from custody.

“(2) When a person convicted of a sex crime is sentenced to a term of incarceration in a jail, or is discharged, released or placed on probation by the court, the supervisory authority as defined in ORS 144.087 shall [conduct a risk assessment of] assess the person utilizing the risk assessment [tool] methodology described in ORS 181.800 and apply the results of the assessment to place the person in one of the levels described in ORS 181.800 no later than 60 days after the person is released from jail or discharged, released or placed on probation by the court.
“(3)(a) When a person is found guilty except for insanity of a sex crime, the [State Board of Parole and Post-Prison Supervision] Psychiatric Security Review Board or the Oregon Health Authority shall [conduct a risk assessment of] assess the person utilizing the risk assessment [tool] methodology described in ORS 181.800 and apply the results of the assessment to place the person in one of the levels described in ORS 181.800 [within] no later than 60 days after the person is:

“(A) Placed on conditional release by the Psychiatric Security Review Board or the Oregon Health Authority;

“(B) Discharged from the jurisdiction of the Psychiatric Security Review Board or the Oregon Health Authority;

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

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

“(b) [The Psychiatric Security Review Board or the Oregon Health Authority shall notify the State Board of Parole and Post-Prison Supervision when the Psychiatric Security Review Board or the authority conditionally releases or discharges a person described in paragraph (a) of this subsection.] If the State Board of Parole and Post-Prison Supervision previously completed a risk assessment and assigned a classification level described in ORS 181.800 for a person described in paragraph (a) of this subsection, the Psychiatric Security Review Board or the Oregon Health Authority need not complete a reassessment for an initial classification.

“(c) The court shall notify the [State Board of Parole and Post-Prison Supervision] Psychiatric Security Review Board when the court conditionally releases or discharges a person described in paragraph (a) of this subsection.

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

“(4) Within 60 days after the event triggering the obligation to make an initial report, the State Board of Parole and Post-Prison Supervision shall [conduct a risk assessment of] assess a person utilizing the risk assessment [tool] methodology described in ORS 181.800 and apply the results of the assessment to place the person in one of the levels described in ORS 181.800 if the person:

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

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

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

“(b) Has been convicted of a sex crime and was sentenced to a term of imprisonment in a Department of Corrections institution for that sex crime, but was not subjected to a risk assessment utilizing the risk assessment [tool] methodology described in ORS 181.800 before release under subsection (1) of this section.

“(5) When [the Department of Corrections,] the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board, the Oregon Health Authority or a supervisory authority [conducts a risk assessment under this section] applies the results of a risk as-
assessment to place a person in one of the levels described in ORS 181.800, the agency shall notify the Department of State Police of the results of the risk assessment within three business days after the agency’s classification. Upon receipt, the Department of State Police shall enter the results of the risk assessment into the Law Enforcement Data System.

“SECTION 3. ORS 181.803 is amended to read:

“181.803. Notwithstanding any other provision of law:

“(1) A person required to report as a sex offender under ORS 181.806, 181.807 or 181.808 is classified as a level three sex offender under ORS 181.800 (3) unless:

“(a) Following a risk assessment conducted under ORS 181.801, the person is classified as a level two sex offender under ORS 181.800 (2) or as a level one sex offender under ORS 181.800 (1); or

“(b) After filing a petition under ORS 181.821 (2), the person is reclassified as a level two sex offender under ORS 181.800 (2) by the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board.”

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

“(a) Must be classified as a level three sex offender under ORS 181.800 (3); and

“(b) Is not eligible for relief from the obligation to report as a sex offender or reclassification as a level two sex offender under ORS 181.800 (2), pursuant to a petition filed under ORS 181.821.

“(3) (2) A person who has been convicted or found guilty except for insanity of one of the following offenses is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 181.821 (1):

“(a) Rape in the first degree;

“(b) Sodomy in the first degree;

“(c) Unlawful sexual penetration in the first degree;

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

“(e) Burglary in the first degree when committed with the intent to commit any of the offenses listed in ORS 181.805 (5)(a) to (t).

“(3) A person classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013 is not eligible for relief from the obligation to report as a sex offender pursuant to a petition filed under ORS 181.821 (1).

“SECTION 4. ORS 181.821 is amended to read:

“181.821. (1)(a) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classified as a level one sex offender under ORS 181.800 (1) may petition the State Board of Parole and Post-Prison Supervision to relieve the person from the obligation to report as a sex offender under ORS 181.806, 181.807 or 181.808.

“(b) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level one sex offender under ORS 181.800 (1), may petition the Psychiatric Security Review Board to relieve the person from the obligation to report as a sex offender under ORS 181.806, 181.807 or 181.808.

“(c)(A) Except as otherwise provided in subparagraph (B) of this paragraph, a person described in paragraph (a) or (b) of this subsection may file the petition no sooner than five years after the date supervision for the sex crime is terminated or, if the person was not subject to supervision for the sex crime, five years after the date the person was discharged from the jurisdiction of the court, Psychiatric Security Review Board or Oregon Health Authority.
“(B) A person who was reclassified under subsection (2) of this section from a level two sex offender under ORS 181.800 (2) to a level one sex offender under ORS 181.800 (1) may file the petition no sooner than five years after the date of reclassification.

“(d) Notwithstanding paragraph (c) of this subsection, if a person is required to report because of a conviction or finding of guilty except for insanity from another United States court as that term is defined in ORS 181.805, the person may not petition for relief from reporting as a sex offender in Oregon unless the laws of the jurisdiction where the person was convicted or found guilty except for insanity would permit a petition for relief from reporting as a sex offender.

“(2)(a) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classified as a level three sex offender under ORS 181.800 (3) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level two sex offender under ORS 181.800 (2).

“(b) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level three sex offender under ORS 181.800 (3), may petition the Psychiatric Security Review Board to reclassify the person as a level two sex offender under ORS 181.800 (2).

“(c) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808 due to a conviction for a sex crime and is classified as a level two sex offender under ORS 181.800 (2) may petition the State Board of Parole and Post-Prison Supervision to reclassify the person as a level one sex offender under ORS 181.800 (1).

“(d) A person who is required to report as a sex offender under ORS 181.806, 181.807 or 181.808 due to being found guilty except for insanity under ORS 161.295 for a sex crime, and is classified as a level two sex offender under ORS 181.800 (2), may petition the Psychiatric Security Review Board to reclassify the person as a level one sex offender under ORS 181.800 (1).

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

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

“(b) The appropriate board shall deny a petition filed under subsection (2)(c) or (d) of this section if the board has previously reclassified the person as a level two sex offender under ORS 181.800 (2) as the result of a petition filed under subsection (2)(a) or (b) of this section.

“(4)(a) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (1) of this section, the State Board of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter an order relieving the person of the obligation to report as a sex offender under ORS 181.806, 181.807 or 181.808 if the board determines, by clear and convincing evidence, that the person:

“(A) Is statistically unlikely to reoffend; and

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

“(b)(A) Except as otherwise provided in subsection (3) of this section, if a person files a petition under subsection (2)(a) or (b) of this section, the State Board of Parole and Post-Prison Supervision
or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter
an order reclassifying the person as a level two sex offender under ORS 181.800 (2) if, after com-
pletion of a new risk assessment utilizing the risk assessment [tool] methodology described in ORS
181.800, the person is classified as presenting a low or moderate risk of reoffending and the board
determines that a lower level of notification is sufficient to protect public safety.

“(B) Except as otherwise provided in subsection (3) of this section, if a person files a petition
under subsection (2)(c) or (d) of this section, the State Board of Parole and Post-Prison Supervision
or the Psychiatric Security Review Board shall hold a hearing. At the hearing, the board shall enter
an order reclassifying the person as a level one sex offender under ORS 181.800 (1) if, after com-
pletion of a new risk assessment utilizing the risk assessment [tool] methodology described in ORS
181.800, the person is classified as presenting a low risk of reoffending and the board determines
that a lower level of notification is sufficient to protect public safety.

“(5) In making the determinations described in subsection (4) of this section, the State Board
of Parole and Post-Prison Supervision or the Psychiatric Security Review Board shall consider:
“(a) The nature of and degree of violence involved in the offense that requires reporting;
“(b) The age and number of victims of the offense that requires reporting;
“(c) The age of the person at the time of the offense that requires reporting;
“(d) The length of time since the offense that requires reporting and the time period during
which the person has not reoffended;
“(e) The person’s performance on supervision for the offense that requires reporting;
“(f) Whether the person has participated in or successfully completed a court-approved sex
offender treatment program or any other rehabilitative programs;
“(g) The person’s stability in employment and housing;
“(h) The person’s community and personal support system;
“(i) Other criminal and relevant noncriminal behavior of the person both before and after the
offense that requires reporting; and
“(j) Any other relevant factors.

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

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

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

“(7)(a) When the State Board of Parole and Post-Prison Supervision or the Psychiatric Security
Review Board enters an order under this section relieving a person of the obligation to report as
a sex offender under ORS 181.806, 181.807 or 181.808 or enters an order reclassifying a person as a
level two sex offender under ORS 181.800 (2) or as a level one sex offender under ORS 181.800 (1),
the board shall forward a copy of the order to the Department of State Police.

“(b) Upon receipt of an order relieving a person of the obligation to report, the department shall
remove from the Law Enforcement Data System the sex offender information obtained from the sex
offender registration form submitted under ORS 181.806, 181.807 or 181.808.
“(c) Upon receipt of an order reclassifying a person as a level two sex offender under ORS 181.800 (2) or as a level one sex offender under ORS 181.800 (1), the department shall update the Law Enforcement Data System to reflect the reclassification.

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

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

“SEX OFFENDER REPORTING

SECTION 5. ORS 181.806 is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(c) Notwithstanding paragraphs (a) and (b) of this subsection, a person required to re-
port under this subsection:

“(A) Who is a youth offender committed to the Oregon Youth Authority by order of the
juvenile court or placed in the physical custody of the authority under ORS 137.124 or an-
other provision of law may report to the authority.

“(B) Who is a youth offender or a young person, as defined in ORS 419A.004, and who is
under supervision to a juvenile department of a county may report to the juvenile depart-
ment.

“(d) The obligation to report under this subsection terminates if the conviction or adjudi-
cation that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

“(a) The person required to report shall:

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

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

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

“(A) Shall photograph the person when the person initially reports under this section and each
time the person reports annually under this section;

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

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

SECTION 6. ORS 181.807 is amended to read:

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

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

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

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

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

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

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

“(3) The court shall ensure that the person completes a form that documents the person’s obli-
gation to report under ORS 181.806 or this section. No later than three working days after the
person completes the form required by this subsection, the court shall ensure that the form is sent
to the Department of State Police.
“(4)(a) A person described in subsection (2) of this section shall report, in person, to the Department of State Police, a city police department or a county sheriff’s office, in the county to which the person was discharged or released or in which the person was placed on probation:

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

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

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

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

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

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

“(c) Notwithstanding paragraphs (a) and (b) of this subsection, a person required to report under this subsection:

“(A) Who is a youth offender committed to the Oregon Youth Authority by order of the juvenile court or placed in the physical custody of the authority under ORS 137.124 or another provision of law may report to the authority.

“(B) Who is a youth offender or a young person, as defined in ORS 419A.004, and who is under supervision to a juvenile department of a county may report to the juvenile department.

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

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

“(a) The person required to report shall:

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

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

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

“(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

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

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

“SECTION 7. ORS 181.808 is amended to read:

“181.808. (1)(a) When a person described in subsection (6) of this section moves into this state and is not otherwise required by ORS 181.806, 181.807 or 181.809 to report, the person shall report, in person, to the Department of State Police [in Marion County, Oregon], a city police department or a county sheriff’s office, in the county of the person’s residence:

“(A) No later than 10 days after moving into this state;
“(B) Within 10 days of a change of residence;
“(C) Once each year within 10 days of the person’s birth date, regardless of whether the person changed residence;
“(D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
“(E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
“(b) If a person required to report under this subsection has complied with the initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff’s office, in the county of the person’s last reported residence.
“(2)(a) When a person described in ORS 181.806 (2) or 181.807 (2) or subsection (6) of this section attends school or works in this state, resides in another state and is not otherwise required by ORS 181.806, 181.807 or 181.809 to report, the person shall report, in person, to the Department of State Police, a city police department or a county sheriff’s office, in the county in which the school or place of work is located, no later than 10 days after:
“(A) The first day of school attendance or the 14th day of employment in this state; and
“(B) A change in school enrollment or employment.
“(b) As used in this subsection, ‘attends school’ means enrollment in any type of school on a full-time or part-time basis.
“(3)(a) When a person described in subsection (6) of this section resides in this state at the time of the conviction or adjudication giving rise to the obligation to report, continues to reside in this state following the conviction or adjudication and is not otherwise required by ORS 181.806, 181.807 or 181.809 to report, the person shall report, in person, to the Department of State Police [in Marion County, Oregon], a city police department or a county sheriff’s office, in the county of the person’s residence:
“(A) Within 10 days following:
“(i) Discharge, release on parole or release on any form of supervised or conditional release, from a jail, prison or other correctional facility or detention facility; or
“(ii) Discharge, release or placement on probation, by another United States court;
“(B) Within 10 days of a change of residence;
“(C) Once each year within 10 days of the person’s birth date, regardless of whether the person has changed residence;
“(D) Within 10 days of the first day the person works at, carries on a vocation at or attends an institution of higher education; and
“(E) Within 10 days of a change in work, vocation or attendance status at an institution of higher education.
“(b) If a person required to report under this subsection has complied with the applicable initial reporting requirement under paragraph (a)(A) of this subsection, the person shall subsequently report, in person, in the circumstances specified in paragraph (a) of this subsection, as applicable, to the Department of State Police, a city police department or a county sheriff’s office, in the county of the person’s last reported residence.
“(4) When a person reports under this section, the agency to which the person reports shall complete a sex offender registration form concerning the person.
“(5) The obligation to report under this section terminates if the conviction or adjudication that gave rise to the obligation is reversed or vacated or if the registrant is pardoned.

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

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

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

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

“(a) The person required to report shall:

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

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

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

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

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

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

“SECTION 8. ORS 181.809 is amended to read:

“181.809. (1) Unless the juvenile court enters an order under ORS 181.823 or 181.826 relieving a person of the obligation to report as a sex offender, subsections (2) to (4) of this section apply to a person:

“[(a) Who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that if committed by an adult would constitute a felony sex crime; or]

“[(a) Who has been ordered under section 31 of this 2015 Act to report as a sex offender; or]

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

“(2) A person described in subsection (1) of this section who resides in this state shall make an initial report, in person, to the Department of State Police, a city police department or a county sheriff's office as follows:

“[(a) If, as a result of the juvenile adjudication for a felony sex crime, the person is discharged, released or placed on probation or any other form of supervised or conditional release by the juvenile court, the person shall make the initial report in the county in which the person is discharged, released or placed on probation or other form of supervised or conditional release, no later than 10 days after the date the person is discharged, released or placed on probation or other form of supervised or conditional release;]

“[(b) If, as a result of the juvenile adjudication for a felony sex crime, the person is confined in a correctional facility by the juvenile court, the person shall make the initial report in the county in which the person is discharged or otherwise released from the facility, no later than 10 days after the date
the person is discharged or otherwise released from the facility; or]

“(a) The person shall report no later than 10 days after the date of the termination of
juvenile court jurisdiction over the person or, if the person is placed under the jurisdiction
of the Psychiatric Security Review Board, no later than 10 days after the date the person is
discharged from the jurisdiction of the board; or

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

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

“(i) If the person is not a resident of this state at the time of the adjudication, the person shall
make the initial report to the Department of State Police in Marion County, Oregon, no later than
10 days after the date the person moves into this state; or

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

“(B) A Class C felony sex crime:

“(i) If the person is not a resident of this state at the time of the adjudication, the person shall
make the initial report to the Department of State Police in Marion County, Oregon, no later than
six months after the date the person moves into this state; or

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

“(3) After making the initial report described in subsection (2) of this section, the person shall
report, in person, to the Department of State Police, a city police department or a county sheriff’s
office, in the county of the person’s last reported residence:

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

“(b) 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.

“(4) When a person described in subsection (1) of this section attends school or works in this
state, resides in another state and is not otherwise required to report as a sex offender under this
section or ORS 181.806, 181.807 or 181.808, the person shall report, in person, to the Department of
State Police, a city police department or a county sheriff’s office, in the county in which the person
attends school or works, no later than 10 days after:

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

“(b) A change in school enrollment or employment.
“(5) The agency to which a person reports under this section shall complete a sex offender registration form concerning the person when the person reports under this section.

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

“(a) The person required to report shall:

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

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

“(b) The Department of State Police, Oregon Youth Authority, county juvenile department, [the] city police department or [the] county sheriff’s office:

“(A) Shall photograph the person when the person initially reports under this section and each time the person reports annually under this section;

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

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

“(7) The obligation to report under this section is terminated if the adjudication that gave rise to the obligation is reversed or vacated.

“(8) Notwithstanding subsections (2) and (3) of this section, a person required to report under this section:

“(a) Who is a youth offender committed to the Oregon Youth Authority by order of the juvenile court or placed in the physical custody of the authority under ORS 137.124 or another provision of law may report to the authority.

“(b) Who is a youth offender or a young person, as defined in ORS 419A.004, and who is under supervision to a juvenile department of a county may report to the juvenile department.

“SECTION 9. ORS 181.812 is amended to read:

“181.812. (1) A person who is required to report as a sex offender in accordance with the applicable provisions of ORS 181.806, 181.807, 181.808 or 181.809 and who has knowledge of the reporting requirement commits the crime of failure to report as a sex offender if the person:

“(a) Fails to make the initial report to an agency;

“(b) Fails to report when the person works at, carries on a vocation at or attends an institution of higher education;

“(c) Fails to report following a change of school enrollment or employment status, including enrollment, employment or vocation status at an institution of higher education;

“(d) Moves to a new residence and fails to report the move and the person’s new address;

“(e) Fails to make an annual report;

“(f) Fails to provide complete and accurate information;

“(g) Fails to sign the sex offender registration form as required; or

“(h) Fails to submit to fingerprinting or to having a photograph taken of the person’s face, identifying scars, marks or tattoos.

“(2)(a) It is an affirmative defense to a charge of failure to report under subsection (1)(d) of this
section by a person required to report under ORS 181.806 (3)(a)(B), 181.807 (4)(a)(B) or 181.809 (3)(a)
that the person reported, in person, within 10 days of a change of residence to the Department of
State Police, the Oregon Youth Authority, a county juvenile department, a city police depart-
ment or a county sheriff's office, in the county of the person's new residence, if the person otherwise
complied with all reporting requirements.

(b) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
section by a person required to report under ORS 181.808 (1)(a) or 181.809 [(2)(c)(A)(i)] (2)(b)(A)(i)
that the person reported, in person, to the Department of State Police, the Oregon Youth Au-
thority, a county juvenile department, a city police department or a county sheriff's office, in the
county of the person's new residence, within 10 days of moving into this state.

(c) It is an affirmative defense to a charge of failure to report under subsection (1)(a) of this
section by a person required to report under ORS 181.809 [(2)(c)(B)(i)] (2)(b)(B)(i) that the person
reported, in person, to the Department of State Police, the Oregon Youth Authority, a county
juvenile department, a city police department or a county sheriff's office, in the county of the
person's new residence, within six months of moving into this state.

(d) It is an affirmative defense to a charge of failure to report under subsection (1) of this
section by a person required to report under ORS 181.808 (3) or 181.809 [(2)(c)(A)(ii)] (2)(b)(A)(ii)
or (B)(ii) or (3) that the person reported, in person, to the Department of State Police, the Oregon
Youth Authority, a county juvenile department, a city police department or a county sheriff's office, in the county of the person's residence, if the person otherwise complied with all reporting
requirements.

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

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

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

(B) Subsection (1)(b), (c), (d) or (g) 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
181.810 (4) commits a violation.

**SECTION 10.** ORS 181.810 is amended to read:

“181.810. (1) Agencies [required to register] registering offenders under ORS 181.806, 181.807,
181.808 and 181.809 shall use forms [provided] and procedures adopted by the Department of State
Police by administrative rule. The department shall include places on the form to list all the names
used by the offender and the address of the offender. No later than three working days after regis-
tration, 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.] forward the
registration information to the department in the manner prescribed by the department.

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

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

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

“(5) The department shall assess a person who is required to report under ORS 181.806, 181.807, 181.808 or 181.809 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 181.800 to 181.845.

**SECTION 11.** ORS 181.817 is amended to read:

“181.817. (1) For those sex offenders classified as a level three sex offender under ORS 181.800 (3), or designated as a predatory sex offender [under ORS 181.838] prior to January 1, 2014, the agency making the classification or designation shall provide the Department of State Police, by electronic or other means, at the termination of supervision, with the following information for the purpose of offender profiling:

“(a) Presentence investigations;

“(b) Violation reports;

“(c) Parole and probation orders;

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

“(e) Sex offender risk [assessment tools] assessments; 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.

**SECTION 12.** ORS 181.820 is amended to read:

“181.820. (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 181.806, 181.807 or 181.808 may file a petition in circuit court for an order relieving the person of the duty to report. The person must pay the filing fee established under ORS 21.135. A petition may be filed under this section only if:

“(A) The person has only one conviction for a sex crime; and

“(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 181.838.]

“(b)(A) Except as otherwise provided in this paragraph, the petition must be filed in the circuit court of the county in which the person was convicted of the sex crime.

“(B) If the person was convicted of the sex crime in another state, the petition must be filed in
the circuit court of the county in which the person resides.

“(c) The district attorney of the county in which the petition is filed 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.

"OFFENDER INFORMATION AVAILABLE TO PUBLIC"

"SECTION 13. ORS 181.835 is amended to read:

"181.835. (1)(a) A notifying agency or a supervising agency shall release, upon request, any information that may be necessary to protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender.

“(b) A notifying agency or a supervising agency may release sex offender information to a law enforcement agency if the notifying agency or supervising agency determines that the release of information is in the public interest.

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

“(2) If the sex offender is classified as a level three sex offender under ORS 181.800 (3):

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

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

“(A) A person that resides with the sex offender;
“(B) A person with whom the sex offender has a significant relationship;
“(C) Residential neighbors and churches, community parks, schools and child care centers, convenience stores, businesses and other places that children or other potential victims may frequent;
“(D) A long term care facility, as defined in ORS 442.015, or a residential care facility, as defined in ORS 443.400, if the agency knows that the sex offender is seeking admission to the facility; and

“(E) Local or regional media sources.

“(3) Notwithstanding subsection (2)(a) of this section, the Department of State Police
may not use the Internet to make available to the public information concerning a sex
offender classified as a level three sex offender under ORS 181.800 (3) if the person is under
the supervision of the Psychiatric Security Review Board or the Oregon Health Authority.

"[(3)] (4) If the sex offender is classified as a level two sex offender under ORS 181.800 (2), the
supervising agency or a notifying agency may release sex offender information to the persons or
entities described in subsection (2)(b)(A) to (D) of this section.

"[(4)] (5) If the sex offender is classified as a level one sex offender under ORS 181.800 (1), the
supervising agency or a notifying agency may release sex offender information to a person described
in subsection (2)(b)(A) of this section.

"[(5)] (6) As used in this section:

(a) 'Notifying agency' means the Department of State Police, a city police department, a county
sheriff's office or a police department established by a university under ORS 352.383.
(b) 'Sex offender information' means information that the Department of State Police deter-
mines by rule is appropriate for release to the public.
(c) 'Supervising agency' means a governmental entity responsible for supervising a person re-
quired to report as a sex offender under ORS 181.806 or 181.807.

SECTION 14. ORS 181.837 is amended to read:

"181.837. (1)(a) Except as otherwise provided in [ORS 181.839 or] this section, when a sex
offender is under the supervision of the Oregon Youth Authority or a county juvenile department
for the first time as a result of committing an act that if committed by an adult would constitute a
sex crime, the Department of State Police, city police department or county sheriff's office shall
release, upon request, only:

(A) The sex offender's name and year of birth;
(B) The name and zip code of the city where the sex offender resides;
(C) The name and telephone number of a contact person at the agency that is supervising the
sex offender; and
(D) The name of institutions of higher education that the sex offender attends or at which the
sex offender works or carries on a vocation.

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

(2) Except as otherwise limited by subsection (1)(a) of this section regarding persons who are
under supervision for the first time as sex offenders, the Department of State Police, a city police
department or a county sheriff's office shall release, upon request, any information that may be
necessary to protect the public concerning sex offenders required to report under ORS 181.809 who
reside in a specific area or concerning a specific sex offender required to report under ORS 181.809.
However, the entity releasing the information may not release the identity of a victim of a sex
crime.

(3)(a) The Department of State Police may make the information described in subsections (1)
and (2) of this section available to the public, without the need for a request, by electronic or other
means. The Department of State Police shall make information about a person who is under super-
vision for the first time as a result of committing an act that if committed by an adult would con-
stitute a sex crime accessible only by the use of the sex offender's name. For all other sex offenders
required to report under ORS 181.809, the Department of State Police may make the information
accessible in any manner the department chooses.
“(b) Notwithstanding paragraph (a) of this subsection, the Department of State Police may not use the Internet to make information available to the public. [except as required by paragraph (c) of this subsection.]

“(c) Notwithstanding subsections (1) and (2) of this section, the Department of State Police shall make the information described in paragraph (d) of this subsection available to the public on the website described in ORS 181.835 (2)(a) if the information is about a person determined to be a predatory sex offender, as provided in ORS 181.838, 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.

“(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 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 supervising officer; and

“(I) If the person is not under supervision, contact information for the Department of State Police.

"TEMPORARY PROVISIONS RELATED TO HIGH-RISK OFFENDERS"

"SECTION 15. ORS 90.630 is amended to read:

"90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured dwelling or floating home by giving to the tenant not less than 30 days’ notice in writing before the date designated in the notice for termination if the tenant:

“(a) Violates a law or ordinance related to the tenant’s conduct as a tenant, including but not limited to a material noncompliance with ORS 90.740;

“(b) Violates a rule or rental agreement provision related to the tenant’s conduct as a tenant and imposed as a condition of occupancy, including but not limited to a material noncompliance with a rental agreement regarding a program of recovery in drug and alcohol free housing;

“(c) Is classified as a level three sex offender under ORS 181.800 (3) [or is determined to be a predatory sex offender under ORS 181.838]; or

“(d) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014, or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013; or

“(e) Fails to pay a:

“(A) Late charge pursuant to ORS 90.260;

“(B) Fee pursuant to ORS 90.302; or

“(C) Utility or service charge pursuant to ORS 90.534 or 90.536."
“(2) A violation making a tenant subject to termination under subsection (1) of this section includes a tenant’s failure to maintain the space as required by law, ordinance, rental agreement or rule, but does not include the physical condition of the dwelling or home. Termination of a rental agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS 90.632.

“(3) The notice required by subsection (1) of this section shall state facts sufficient to notify the tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination by correcting the violation as provided in subsection (4) of this section.

“(4) The tenant may avoid termination of the tenancy by correcting the violation within the 30-day period specified in subsection (1) of this section. However, if substantially the same act or omission that constituted a prior violation of which notice was given recurs within six months after the date of the notice, the landlord may terminate the tenancy upon at least 20 days’ written notice specifying the violation and the date of termination of the tenancy.

“(5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of termination under subsection (1)(c) of this section does not have a right to avoid the termination. A notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not have a right to avoid the termination.

“(6) This section does not limit a landlord’s right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

“(7) A tenancy terminates on the date designated in the notice and without regard to the expiration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless otherwise agreed, rent is uniformly apportionable from day to day.

“(8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the landlord may terminate the rental agreement for space for a manufactured dwelling or floating home because of repeated late payment of rent by giving the tenant not less than 30 days’ notice in writing before the date designated in that notice for termination and may take possession as provided in ORS 105.105 to 105.168 if:

“(a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b) in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of nonpayment;

“(b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within a 12-month period. The warning must be contained in at least two nonpayment of rent termination notices that precede the third notice within a 12-month period or in separate written notices that are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termination notices; and

“(c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for termination of the tenancy and is given to the tenant concurrent with or after the third or a subsequent nonpayment of rent termination notice.

“(9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of termination pursuant to subsection (8) of this section does not have a right to correct the cause for the notice.
“(10) The landlord may give a copy of the notice required by subsection (8) of this section to any lienholder of the manufactured dwelling or floating home by first class mail with certificate of mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice in good faith to a lienholder. A lienholder’s rights and obligations regarding an abandoned manufactured dwelling or floating home shall be as provided under ORS 90.675.

SECTION 16. ORS 144.641 is amended to read:

“144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

“(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

“(2) ‘Dwelling’ does not include a residential treatment facility or a halfway house.

“(3) ‘Halfway house’ means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

“(4) ‘Locations where children are the primary occupants or users’ includes, but is not limited to, public and private elementary and secondary schools and licensed child care centers.

“(5) ‘Sex offender’ means:

“(a) A sexually violent dangerous offender as defined in ORS 137.765;

“(b) A level three sex offender under ORS 181.800 (3); or

“(c) An unclassified adult sex offender designated as predatory prior to January 1, 2014, or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013.

“(6) ‘Transitional housing’ means housing intended to be occupied by a sex offender for 45 days or less immediately after release from incarceration.

SECTION 17. ORS 163.476 is amended to read:

“163.476. (1) A person commits the crime of unlawfully being in a location where children regularly congregate if the person:

“(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

“(B) Has been classified as a level three sex offender under ORS 181.800 (3) or designated a predatory sex offender under ORS 181.838; or

“(C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

“(D) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

“(b) Knowingly enters or remains in or upon premises where persons under 18 years of age regularly congregate.

“(2) As used in this section:

“(a) ‘Premises where persons under 18 years of age regularly congregate’ means schools, child care centers, playgrounds, other places intended for use primarily by persons under 18 years of age
and places where persons under 18 years of age gather for regularly scheduled educational and
recreational programs.

“(b) ‘Sex crime’ has the meaning given that term in ORS 181.805.

“(3) Unlawfully being in a location where children regularly congregate is a Class A
misdemeanor.

**SECTION 18.** ORS 163.479 is amended to read:

“163.479. (1) A person commits the crime of unlawful contact with a child if the person:

“(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

“(B) Has been classified as a level three sex offender under ORS 181.800 (3);

“(C) Has been designated a predatory sex offender under ORS 181.838;

“(E) Has been given a similar designation or been sentenced under a similar law of another ju-
risdiction; and

“(b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing
or satisfying the sexual desires of the person or another person.

“(2) As used in this section:

“(a) ‘Child’ means a person under 18 years of age.

“(b) ‘Contact’ means to communicate in any manner.

“(c) ‘Sex crime’ has the meaning given that term in ORS 181.805.

“(3) Unlawful contact with a child is a Class C felony.

**INTERAGENCY INFORMATION SHARING**

**SECTION 19.** (1) Notwithstanding ORS 179.505, the Psychiatric Security Review Board
and the Oregon Health Authority shall provide to the State Board of Parole and Post-Prison
Supervision any records that would assist the State Board of Parole and Post-Prison Super-
vision in:

“(a) Performing an initial classification of a person into one of the three levels described
in ORS 181.800, as required by ORS 181.801;

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

“(c) Conducting a risk assessment of a person who is an existing registrant to classify
the person into one of the three levels described in ORS 181.800, as required by section 7,
chapter 708, Oregon Laws 2013.

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

**SECTION 20.** (1) Notwithstanding ORS 179.505, the Oregon Health Authority shall pro-
vide to the Psychiatric Security Review Board any records that would assist the board in:
“(a) Performing an initial classification of a person into one of the three levels described in ORS 181.800, as required by ORS 181.801;

“(b) Deciding whether to reclassify a person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 181.821; or

“(c) Conducting a risk assessment of a person who is an existing registrant to classify the person into one of the three levels described in ORS 181.800, as required by section 7, chapter 708, Oregon Laws 2013.

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

“SECTION 21. Notwithstanding ORS 419A.257 or any other provision of law, the Oregon Youth Authority and the juvenile department may disclose and provide copies of reports and other materials relating to a child, ward, youth or youth offender’s history and prognosis to the State Board of Parole and Post-Prison Supervision in order for the board to determine whether to reclassify the person as a level one or a level two sex offender or relieve the person from the obligation to report as a sex offender, as described in ORS 181.821, or whether to classify a person who is an existing registrant into one of the three levels described in ORS 181.800, as required by section 7, chapter 708, Oregon Laws 2013.

“AMENDMENTS OPERATIVE ON JANUARY 1, 2019

“SECTION 22. ORS 90.630, as amended by section 15 of this 2015 Act, is amended to read:

“90.630. (1) Except as provided in subsection (4) of this section, the landlord may terminate a rental agreement that is a month-to-month or fixed term tenancy for space for a manufactured dwelling or floating home by giving to the tenant not less than 30 days’ notice in writing before the date designated in the notice for termination if the tenant:

“(a) Violates a law or ordinance related to the tenant’s conduct as a tenant, including but not limited to a material noncompliance with ORS 90.740;

“(b) Violates a rule or rental agreement provision related to the tenant’s conduct as a tenant and imposed as a condition of occupancy, including but not limited to a material noncompliance with a rental agreement regarding a program of recovery in drug and alcohol free housing;

“(c) Is classified as a level three sex offender under ORS 181.800 (3); or

“(d) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014, or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013; or]

“[(e)] (d) Fails to pay a:

“(A) Late charge pursuant to ORS 90.260;

“(B) Fee pursuant to ORS 90.302; or

“(C) Utility or service charge pursuant to ORS 90.534 or 90.536.

“(2) A violation making a tenant subject to termination under subsection (1) of this section includes a tenant’s failure to maintain the space as required by law, ordinance, rental agreement or rule, but does not include the physical condition of the dwelling or home. Termination of a rental agreement based upon the physical condition of a dwelling or home shall only be as provided in ORS 90.632.
“(3) The notice required by subsection (1) of this section shall state facts sufficient to notify the tenant of the reasons for termination of the tenancy and state that the tenant may avoid termination by correcting the violation as provided in subsection (4) of this section.

“(4) The tenant may avoid termination of the tenancy by correcting the violation within the 30-day period specified in subsection (1) of this section. However, if substantially the same act or omission that constituted a prior violation of which notice was given recurs within six months after the date of the notice, the landlord may terminate the tenancy upon at least 20 days’ written notice specifying the violation and the date of termination of the tenancy.

“(5) Notwithstanding subsection (3) or (4) of this section, a tenant who is given a notice of termination under subsection (1)(c) of this section does not have a right to avoid the violation. A notice given to a tenant under subsection (1)(c) of this section must state that the tenant does not have a right to avoid the termination.

“(6) This section does not limit a landlord’s right to terminate a tenancy for nonpayment of rent under ORS 90.394 or for other cause under ORS 90.380 (5)(b), 90.396, 90.398 or 90.632 by complying with ORS 105.105 to 105.168.

“(7) A tenancy terminates on the date designated in the notice and without regard to the expiration of the period for which, by the terms of the rental agreement, rents are to be paid. Unless otherwise agreed, rent is uniformly apportionable from day to day.

“(8) Notwithstanding any other provision of this section or ORS 90.394, 90.396 or 90.398, the landlord may terminate the rental agreement for space for a manufactured dwelling or floating home because of repeated late payment of rent by giving the tenant not less than 30 days’ notice in writing before the date designated in that notice for termination and may take possession as provided in ORS 105.105 to 105.168 if:

“(a) The tenant has not paid the monthly rent prior to the eighth day of the rental period as described in ORS 90.394 (2)(a) or the fifth day of the rental period as described in ORS 90.394 (2)(b) in at least three of the preceding 12 months and the landlord has given the tenant a nonpayment of rent termination notice pursuant to ORS 90.394 (2) during each of those three instances of nonpayment;

“(b) The landlord warns the tenant of the risk of a 30-day notice for termination with no right to correct the cause, upon the occurrence of a third nonpayment of rent termination notice within a 12-month period. The warning must be contained in at least two nonpayment of rent termination notices that precede the third notice within a 12-month period or in separate written notices that are given concurrent with, or a reasonable time after, each of the two nonpayment of rent termination notices; and

“(c) The 30-day notice of termination states facts sufficient to notify the tenant of the cause for termination of the tenancy and is given to the tenant concurrent with or after the third or a subsequent nonpayment of rent termination notice.

“(9) Notwithstanding subsection (4) of this section, a tenant who receives a 30-day notice of termination pursuant to subsection (8) of this section does not have a right to correct the cause for the notice.

“(10) The landlord may give a copy of the notice required by subsection (8) of this section to any lienholder of the manufactured dwelling or floating home by first class mail with certificate of mailing or by any other method allowed by ORS 90.150 (2) and (3). A landlord is not liable to a tenant for any damages incurred by the tenant as a result of the landlord giving a copy of the notice in good faith to a lienholder. A lienholder’s rights and obligations regarding an abandoned manu-
factured dwelling or floating home shall be as provided under ORS 90.675.

“SECTION 23. ORS 144.641, as amended by section 16 of this 2015 Act, is amended to read:

“144.641. As used in this section and ORS 144.642, 144.644 and 144.646:

“(1) ‘Dwelling’ has the meaning given that term in ORS 469B.100.

“(2) ‘Dwelling’ does not include a residential treatment facility or a halfway house.

“(3) ‘Halfway house’ means a publicly or privately operated profit or nonprofit residential facility that provides rehabilitative care and treatment for sex offenders.

“(4) ‘Locations where children are the primary occupants or users’ includes, but is not limited to, public and private elementary and secondary schools and licensed child care centers.

“(5) ‘Sex offender’ means:

“(a) A sexually violent dangerous offender as defined in ORS 137.765; or

“(b) A level three sex offender under ORS 181.800 (3); or

“(c) An unclassified adult sex offender designated as predatory prior to January 1, 2014, or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013.

“(6) ‘Transitional housing’ means housing intended to be occupied by a sex offender for 45 days or less immediately after release from incarceration.

“SECTION 24. ORS 163.476, as amended by section 17 of this 2015 Act, is amended to read:

“163.476. (1) A person commits the crime of unlawfully being in a location where children regularly congregate if the person:

“(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;

“(B) Has been classified as a level three sex offender under ORS 181.800 (3), an unclassified adult sex offender designated as predatory prior to January 1, 2014, or a person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b), chapter 708, Oregon Laws 2013, and does not have written approval from the State Board of Parole and Post-Prison Supervision or the person’s supervisory authority or supervising officer to be in or upon the specific premises; and

“(C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a sex crime; or

“(D) Has been given a similar designation or been sentenced under a similar law of another jurisdiction; and

“(b) Knowingly enters or remains in or upon premises where persons under 18 years of age regularly congregate.

“(2) As used in this section:

“(a) ‘Premises where persons under 18 years of age regularly congregate’ means schools, child care centers, playgrounds, other places intended for use primarily by persons under 18 years of age and places where persons under 18 years of age gather for regularly scheduled educational and recreational programs.

“(b) ‘Sex crime’ has the meaning given that term in ORS 181.805.

“(3) Unlawfully being in a location where children regularly congregate is a Class A misdemeanor.

“SECTION 25. ORS 163.479, as amended by section 18 of this 2015 Act, is amended to read:

“163.479. (1) A person commits the crime of unlawful contact with a child if the person:
“(a)(A) Has been designated a sexually violent dangerous offender under ORS 137.765;
“(B) Has been classified as a level three sex offender under ORS 181.800 (3);
“(C) Is an unclassified adult sex offender designated as predatory prior to January 1, 2014, or a
person whom the State Board of Parole and Post-Prison Supervision, the Psychiatric Security Review
Board or the Oregon Health Authority has classified as a level three sex offender under section 7 (2)(b),
chapter 708, Oregon Laws 2013;]
“(D) (C) Has been sentenced as a dangerous offender under ORS 161.725 upon conviction of a
sex crime; or
“(E) (D) Has been given a similar designation or been sentenced under a similar law of another
jurisdiction; and
“(b) Knowingly contacts a child with the intent to commit a crime or for the purpose of arousing
or satisfying the sexual desires of the person or another person.
“(2) As used in this section:
“(a) ‘Child’ means a person under 18 years of age.
“(b) ‘Contact’ means to communicate in any manner.
“(c) ‘Sex crime’ has the meaning given that term in ORS 181.805.
“(3) Unlawful contact with a child is a Class C felony.

SECTION 26. The amendments to ORS 90.630, 144.641, 163.476 and 163.479 by sections 22
to 25 of this 2015 Act become operative January 1, 2019.

2013 SESSION LAW AMENDMENTS

SECTION 27. Section 7, chapter 708, Oregon Laws 2013, is amended to read:

Sec. 7. (1) As used in this section and sections 19 to 21 of this 2015 Act:
“(a) ‘Event triggering the obligation to make an initial report’ has the meaning given that term in [section 3 of this 2013 Act] ORS 181.802.
“(b) ‘Existing registrant’ means a person for whom the event triggering the obligation to make
(1)(a)(A), (2)(a)(A) or (3)(a)(A) occurs before January 1, 2014.
“(2)(a) No later than December 1, [2016] 2018, the State Board of Parole and Post-Prison Super-
vision shall classify existing registrants in one of the levels described in [section 1 of this 2013 Act]
ORS 181.800. No later than February 1, [2017] 2019, the Department of State Police shall enter the
results of the classifications described in this section into the Law Enforcement Data System.
“(b) The board shall classify an existing registrant as a level three sex offender under [section
1 (3) of this 2013 Act] ORS 181.800 (3), if:
“(A) The person was previously designated a predatory sex offender and the designation was
made after the person was afforded notice and an opportunity to be heard as to all factual questions
at a meaningful time and in a meaningful manner; or
“(B) The person is a sexually violent dangerous offender under ORS 137.765.
“(c) The Psychiatric Security Review Board may complete the risk assessment of an ex-
isting registrant who is under the jurisdiction of the Psychiatric Security Review Board or
the Oregon Health Authority, regardless of whether the person has been found guilty except
for insanity of a sex crime or was previously convicted of a sex crime, if the State Board of
Parole and Post-Prison Supervision and the Psychiatric Security Review Board mutually
agree that the Psychiatric Security Review Board has adequate resources to perform the
assessment and that the performance of the assessment by the Psychiatric Security Review Board would assist in classifying the existing registrant in a more timely manner.

“(3) As soon as practicable following the classification of an existing registrant under this section, the classifying board shall notify the person of the classification by certified mail.

“(4) If, for any reason, the board does not classify an existing registrant under subsection (2) of this section, the person is, by operation of law, classified as a level three sex offender under section 1 (3) of this 2013 Act on January 1, 2017.”

“(5)(a) An existing registrant who seeks review of a classification made under this section may petition the classifying board for review. The petition may be filed no later than:

“(A) sixty 60 days after the board provides the notice described in subsection (3) of this section; or

“(B) Sixty days after the person receives actual notice of the classification, if the person is classified under subsection (4) of this section.

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

“(c) After providing the person with notice and an opportunity to be heard in accordance with this subsection, the board shall classify the person in accordance with the classifications described in [section 1 of this 2013 Act] ORS 181.800, based on all of the information available to the classifying board.

“(6) The boards shall adopt rules to carry out the provisions of this section.

“(7) An existing registrant may not petition for reclassification or relief from the obligation to report as a sex offender as provided in [section 5 of this 2013 Act] ORS 181.821 until either all existing registrants have been classified in one of the levels described in [section 1 of this 2013 Act] ORS 181.800 or December 1, 2018, whichever occurs first.

“(7) Notwithstanding ORS 181.837 or any other provision of law, the Department of State Police may until December 1, 2018, continue to use the Internet to make information available to the public concerning any adult sex offender designated as predatory as authorized by the law in effect on December 31, 2013.

“SECTION 28. Section 34, chapter 708, Oregon Laws 2013, is amended to read:

“Sec. 34. (1) ORS 181.587 and 181.588 are repealed on January 1, 2014.


“SECTION 29. Section 37, chapter 708, Oregon Laws 2013, is amended to read:


“JUVENILE REGISTRATION HEARINGS

“SECTION 30. Section 31 of this 2015 Act is added to and made a part of ORS 181.800 to 181.845.

“SECTION 31. (1)(a) The juvenile court shall hold a hearing on the issue of reporting as a sex offender by a person who has been found to be within the jurisdiction of the juvenile court under ORS 419C.005, or found by the juvenile court to be responsible except for insanity under ORS 419C.411, for having committed an act that if committed by an adult would constitute a felony sex crime.
“(b) The hearing described in paragraph (a) of this subsection must be held during the six-month period before:

“(A) The termination of juvenile court jurisdiction over the person; or

“(B) The person is discharged from the jurisdiction of the Psychiatric Security Review Board, if the person was placed under the jurisdiction of the board.

“(2) The district attorney shall notify the victim prior to the hearing of the right to appear and the right to be heard under ORS 419C.273.

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

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

“(b) The person filing the petition has the burden of proving by clear and convincing evidence that the person is rehabilitated and does not pose a threat to the safety of the public. If the court finds that the person has not met the burden of proof, the court shall enter an order requiring the person to report as a sex offender under ORS 181.809.

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

“(A) The nature of the offense giving rise to the obligation to report as a sex offender;

“(B) Input from or recommendations by or on behalf of the victim or the parents of the victim; and

“(C) Whether the person has participated in and satisfactorily completed a sex offender treatment program or any other treatment program.

“(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 evidence related to the determination and findings required under this section. As used in this subsection, ‘relevant evidence’ has the meaning given that term in ORS 40.150.

“(5) The court shall consider all available polygraph examination preparation materials and examination reports, including but not limited to the person’s full sexual history disclosure polygraph examination preparation materials and corresponding full sexual history disclosure polygraph examination report, prior to determining the issue of reporting as a sex offender under this section. Unless produced as a result of the court’s own motion, all polygraph examination reports and preparation materials shall be released and disclosed to the court, district attorney, person’s attorney and juvenile department no less than 15 days prior to any hearing held under this section.

“(6) When the juvenile court enters an order described in subsection (3)(b) of this section, the court shall ensure that the person completes a form that documents the person’s obligation to report under ORS 181.809. 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.

“(7) A person who is the subject of a hearing described in subsection (1) of this section has the right to be represented by suitable legal counsel possessing skills and experience commensurate with the nature and complexity of the case, to consult with counsel prior to the hearing, if financially eligible, to have suitable counsel appointed at state expense.

“(8) Notwithstanding ORS 419C.005 (4)(e), the juvenile court retains jurisdiction over a person for purposes of this section.
"SECTION 32. ORS 137.225 is amended to read:

"137.225. (1)(a) At any time after the lapse of three years from the date of pronouncement of judgment, any defendant who has fully complied with and performed the sentence of the court and whose conviction is described in subsection (5) of this section by motion may apply to the court where the conviction was entered for entry of an order setting aside the conviction; or

"(b) At any time after the lapse of one year from the date of any arrest, if no accusatory instrument was filed, or at any time after an acquittal or a dismissal of the charge, the arrested person may apply to the court that would have jurisdiction over the crime for which the person was arrested, for entry of an order setting aside the record of the arrest. For the purpose of computing the one-year period, time during which the arrested person has secreted himself or herself within or without this state is not included.

"(2)(a) A copy of the motion and a full set of the defendant's fingerprints shall be served upon the office of the prosecuting attorney who prosecuted the crime or violation, or who had authority to prosecute the charge if there was no accusatory instrument filed, and opportunity shall be given to contest the motion. The fingerprint card with the notation 'motion for setting aside conviction,' or 'motion for setting aside arrest record' as the case may be, shall be forwarded to the Department of State Police. Information resulting from the fingerprint search along with the fingerprint card shall be returned to the prosecuting attorney.

"(b) When a prosecuting attorney is served with a copy of a motion to set aside a conviction under this section, the prosecuting attorney shall provide a copy of the motion and notice of the hearing date to the victim, if any, of the crime by mailing a copy of the motion and notice to the victim's last-known address.

"(c) When a person makes a motion under subsection (1)(a) of this section, the person must pay a fee of $80 to the Department of State Police. The person shall attach a certified check payable to the Department of State Police in the amount of $80 to the fingerprint card that is served upon the prosecuting attorney. The office of the prosecuting attorney shall forward the check with the fingerprint card to the Department of State Police.

"(d) In addition to the fee established under paragraph (c) of this subsection, when a person makes a motion under subsection (1)(a) of this section the person must pay the filing fee established under ORS 21.135.

"(3) Upon hearing the motion, the court may require the filing of such affidavits and may require the taking of such proofs as the court deems proper. The court shall allow the victim to make a statement at the hearing. Except as otherwise provided in subsection (13) of this section, if the court determines that the circumstances and behavior of the applicant from the date of conviction, or from the date of arrest as the case may be, to the date of the hearing on the motion warrant setting aside the conviction, or the arrest record as the case may be, the court shall enter an appropriate order that shall state the original arrest charge and the conviction charge, if any and if different from the original, date of charge, submitting agency and disposition. The order shall further state that positive identification has been established by the Department of State Police and further identified as to Department of State Police number or submitting agency number. Upon the entry of the order, the applicant for purposes of the law shall be deemed not to have been previously convicted, or arrested as the case may be, and the court shall issue an order sealing the record of conviction and other official records in the case, including the records of arrest whether or not the arrest resulted.
in a further criminal proceeding.

“(4) The clerk of the court shall forward a certified copy of the order to such agencies as directed by the court. A certified copy must be sent to the Department of Corrections when the person has been in the custody of the Department of Corrections. Upon entry of the order, the conviction, arrest or other proceeding shall be deemed not to have occurred, and the applicant may answer accordingly any questions relating to its occurrence.

“(5) The provisions of subsection (1)(a) of this section apply to a conviction of:

“(a) A Class B felony, except for a violation of ORS 166.429 or any crime classified as a person felony as that term is defined in the rules of the Oregon Criminal Justice Commission.

“(b) A Class C felony, except for criminal mistreatment in the first degree under ORS 163.205 when it would constitute child abuse as defined in ORS 419B.005 or any sex crime.

“(c) The crime of possession of the narcotic drug marijuana when that crime was punishable as a felony only.

“(d) A crime punishable as either a felony or a misdemeanor, in the discretion of the court, except for:

“(A) Any sex crime; or

“(B) The following crimes when they would constitute child abuse as defined in ORS 419B.005:

“(i) Criminal mistreatment in the first degree under ORS 163.205; and

“(ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

“(e) A misdemeanor, including a violation of a municipal ordinance, for which a jail sentence may be imposed, except for endangering the welfare of a minor under ORS 163.575 (1)(a) when it would constitute child abuse as defined in ORS 419B.005 or any sex crime.

“(f) A violation, whether under state law or local ordinance.

“(g) An offense committed before January 1, 1972, that if committed after that date would be:

“(A) A Class C felony, except for any sex crime or for the following crimes when they would constitute child abuse as defined in ORS 419B.005:

“(i) Criminal mistreatment in the first degree under ORS 163.205; and

“(ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

“(B) A crime punishable as either a felony or a misdemeanor, in the discretion of the court, except for any sex crime or for the following crimes when they would constitute child abuse as defined in ORS 419B.005:

“(i) Criminal mistreatment in the first degree under ORS 163.205; and

“(ii) Endangering the welfare of a minor under ORS 163.575 (1)(a).

“(C) A misdemeanor, except for endangering the welfare of a minor under ORS 163.575 (1)(a) when it would constitute child abuse as defined in ORS 419B.005 or any sex crime.

“(D) A violation.

“(6) Notwithstanding subsection (5) of this section, the provisions of subsection (1) of this section do not apply to:

“(a) A conviction for a state or municipal traffic offense.

“(b) A person convicted, within the 10-year period immediately preceding the filing of the motion pursuant to subsection (1) of this section, of any other offense, excluding motor vehicle violations, whether or not the other conviction is for conduct associated with the same criminal episode that caused the arrest or conviction that is sought to be set aside. Notwithstanding subsection (1) of this section, a conviction that has been set aside under this section shall be considered for the purpose of determining whether this paragraph is applicable.
“(c) A person who at the time the motion authorized by subsection (1) of this section is pending before the court is under charge of commission of any crime.

“(7) Notwithstanding subsection (5) of this section, the provisions of subsection (1)(a) of this section do not apply to:

“(a) Criminal mistreatment in the second degree under ORS 163.200 if the victim at the time of the crime was 65 years of age or older.

“(b) Criminal mistreatment in the first degree under ORS 163.205 if the victim at the time of the crime was 65 years of age or older.

“(c) Criminally negligent homicide under ORS 163.145, when that offense was punishable as a Class C felony.

“(8) Notwithstanding subsection (5) of this section, the provisions of subsection (1)(a) of this section apply to a conviction for:

“(a) A Class B felony described in subsection (5)(a) of this section only if:

“(A) Twenty years or more have elapsed from the date of the conviction sought to be set aside or of the release of the person from imprisonment for the conviction sought to be set aside, whichever is later; and

“(B) The person has not been convicted of or arrested for any other offense, excluding motor vehicle violations, after the date the person was convicted of the offense sought to be set aside. Notwithstanding subsection (1) of this section, a conviction or arrest that has been set aside under this section shall be considered for the purpose of determining whether this subparagraph is applicable.

“(b) A sex crime listed in ORS 181.830 (1)(a) if:

“(A) The person has been relieved of the obligation to report as a sex offender pursuant to a court order entered under ORS 181.832 or 181.833; and

“(B) The person has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on, a crime that a court is prohibited from setting aside under this section.

“(c) A sex crime constituting a Class C felony, if:

“(A) The person was under 16 years of age at the time of the offense;

“(B) The person is:

“(i) Less than [three years] two years and 180 days older than the victim; or

“(ii) At least two years and 180 days older, but less than three years and 180 days older, than the victim and the court finds that setting aside the conviction is in the interests of justice and of benefit to the person and the community;

“(C) The victim’s lack of consent was due solely to incapacity to consent by reason of being less than a specified age;

“(D) The victim was at least 12 years of age at the time of the offense;

“(E) The person has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime that a court is prohibited from setting aside under this section; and

“(F) Each conviction or finding described in this paragraph involved the same victim.

“(9) The provisions of subsection (1)(b) of this section do not apply to:

“(a) A person arrested within the three-year period immediately preceding the filing of the motion for any offense, excluding motor vehicle violations, and excluding arrests for conduct associated with the same criminal episode that caused the arrest that is sought to be set aside. An arrest that
has been set aside under this section may not be considered for the purpose of determining whether this paragraph is applicable.

“(b) An arrest for driving while under the influence of intoxicants if the charge is dismissed as a result of the person’s successful completion of a diversion agreement described in ORS 813.200.

“(10) The provisions of subsection (1) of this section apply to convictions and arrests that occurred before, as well as those that occurred after, September 9, 1971. There is no time limit for making an application.

“(11) For purposes of any civil action in which truth is an element of a claim for relief or affirmative defense, the provisions of subsection (3) of this section providing that the conviction, arrest or other proceeding be deemed not to have occurred do not apply and a party may apply to the court for an order requiring disclosure of the official records in the case as may be necessary in the interest of justice.

“(12) Upon motion of any prosecutor or defendant in a case involving records sealed under this section, supported by affidavit showing good cause, the court with jurisdiction may order the reopening and disclosure of any records sealed under this section for the limited purpose of assisting the investigation of the movant. However, such an order has no other effect on the orders setting aside the conviction or the arrest record.

“(13) Unless the court makes written findings by clear and convincing evidence that granting the motion would not be in the best interests of justice, the court shall grant the motion and enter an order as provided in subsection (3) of this section if the defendant has been convicted of one of the following crimes and is otherwise eligible for relief under this section:

“(a) Abandonment of a child, ORS 163.535.
“(b) Attempted assault in the second degree, ORS 163.175.
“(c) Assault in the third degree, ORS 163.165.
“(d) Coercion, ORS 163.275.
“(e) Criminal mistreatment in the first degree, ORS 163.205.
“(f) Attempted escape in the first degree, ORS 162.165.
“(g) Incest, ORS 163.525, if the victim was at least 18 years of age.
“(h) Intimidation in the first degree, ORS 166.165.
“(i) Attempted kidnapping in the second degree, ORS 163.225.
“(j) Attempted robbery in the second degree, ORS 164.405.
“(k) Robbery in the third degree, ORS 164.395.
“(L) Supplying contraband, ORS 162.185.
“(m) Unlawful use of a weapon, ORS 166.220.
“(n) Sex crime, ORS 181.805.

SECTION 33. ORS 419A.262 is amended to read:

“419A.262. (1) An expunction proceeding shall be commenced in the county where the subject person resided at the time of the most recent termination.

“(2) Upon application of either a person who is the subject of a record or a juvenile department, or upon its own motion, the juvenile court shall order expunction if, after a hearing when the matter is contested, it finds that:

“(a) At least five years have elapsed since the date of the person’s most recent termination;
“(b) Since the date of the most recent termination, the person has not been convicted of a felony or a Class A misdemeanor;
“(c) No proceedings seeking a criminal conviction or an adjudication in a juvenile court are
pending against the person;
“(d) The person is not within the jurisdiction of any juvenile court on the basis of a petition alleging an act or behavior as defined in ORS 419B.100 (1)(a) to (c) and (f) or 419C.005; and
“(e) The juvenile department is not aware of any pending investigation of the conduct of the person by any law enforcement agency.
“(3)(a) Notwithstanding subsection (2) of this section, upon application of a person who is the subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter is contested under subsection (13) of this section, shall order expunction if it finds that:
“(A) The application requests expunction of only that part of the person’s record that involves a charge, allegation or adjudication based on conduct that if done by an adult would constitute the crime of prostitution under ORS 167.007; and
“(B) The person was under 18 years of age at the time of the conduct.
“(b) Except as provided in subsections (13) and (14) of this section, there is no waiting period required before the juvenile court orders expunction under this subsection.
“(4) In the case of an application by the juvenile department or of the court acting upon its own motion, expunction shall not be ordered if actual notice of expunction has not been given to the person in accordance with subsection (12) of this section unless the person has reached 21 years of age.
“(5) When a person who is the subject of a record kept by a juvenile court or juvenile department reaches 18 years of age, the juvenile court, after a hearing when the matter is contested, shall order expunction if:
“(a) The person never has been found to be within the jurisdiction of the court; or
“(b) The conditions of subsection (2) or (3) of this section have been met.
“(6) Expunction shall not be ordered under this section if actual notice of expunction has not been given to the person in accordance with subsection (12) of this section unless the person has reached 21 years of age.
“(7) Subsections (5) and (6) of this section apply only to cases resulting in termination after September 13, 1975.
“(8) Notwithstanding subsections (2), (3) and (5) to (7) of this section, upon application of a person who is the subject of a record kept by a juvenile court or juvenile department, upon application of the juvenile department, or upon its own motion, the juvenile court, after a hearing when the matter is contested, may order expunction of all or any part of the person’s record if it finds that to do so would be in the best interests of the person and the public. In the case of an application by the juvenile department or of the court acting upon its own motion, expunction shall not be ordered if actual notice of expunction has not been given to the person in accordance with subsection (12) of this section unless the person has reached 21 years of age.
“(9) Notwithstanding ORS 419A.260 (1)(d)(J)(xii), (xiii), (xiv), (xvii) or (xviii), a person who has been found to be within the jurisdiction of the juvenile court based on an act that if committed by an adult would constitute:
“(a) Rape in the third degree under ORS 163.355, sodomy in the third degree under ORS 163.385 or sexual abuse in the third degree under ORS 163.415, or an attempt to commit those crimes, may apply for an order of expunction under this section. The court shall order expunction of the records in the case if, after a hearing when the matter is contested, the court finds that the person:
“(A) Meets the requirements of subsection (2) of this section;
“(B) Has been relieved of the obligation to report as a sex offender pursuant to a court order entered under ORS 181.832 or 181.833; and

“(C) Has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J), other than the adjudication that is the subject of the motion.

“(b) A sex crime that is a Class C felony may apply for an order of expunction under this section. The court shall order expunction of the records in the case if, after a hearing when the matter is contested, the court finds that:

“(A) The person meets the requirements of subsection (2) of this section;

“(B) The person was under 16 years of age at the time of the offense;

“(C) The person is:

“(i) Less than [three years] two years and 180 days older than the victim; or

“(ii) At least two years and 180 days older, but less than three years and 180 days older, than the victim and the expunction is in the interests of justice and of benefit to the person and the community;

“(D) The victim’s lack of consent was due solely to incapacity to consent by reason of being less than a specified age;

“(E) The victim was at least 12 years of age at the time of the offense;

“(F) Each finding described in this paragraph involved the same victim; and

“(G) The person has not been convicted of, found guilty except for insanity of or found to be within the jurisdiction of the juvenile court based on a crime listed in ORS 419A.260 (1)(d)(J) or an offense the court is prohibited from setting aside under ORS 137.225, other than the adjudication that is the subject of the motion.

“(10) When an expunction proceeding is commenced by application of the person whose records are to be expunged, the person shall set forth as part of the application the names of the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that the person has reason to believe possess an expungible record of the person. The juvenile department shall provide the names and addresses of the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that a reasonable search of department files indicates have expungible records.

“(11) When an expunction proceeding is commenced by application of the juvenile department or upon the court’s own motion, the application or motion shall set forth the names and addresses of the juvenile courts, juvenile departments, institutions and law enforcement and other agencies that a reasonable search of department files indicates have expungible records and those provided by the subject person.

“(12)(a) Notice and a copy of an application for expunction under subsections (2) to (8) of this section shall be given to:

“(A) The district attorney of the county in which the expunction proceeding is commenced and the district attorney of each county in which the record sought to be expunged is kept; and

“(B) The person who is the subject of the record if the person has not initiated the expunction proceeding.

“(b) A district attorney who receives notice under this subsection shall notify the victim of the acts that resulted in the disposition that is the subject of the application for expunction and shall mail a copy of the application for expunction to the victim’s last known address.

“(13)(a) Within 30 days of receiving the notice of application for expunction under subsection
(12) of this section, a district attorney shall give written notice of any objection and the grounds therefor to the person whose records are to be expunged and to the juvenile court.

“(b) Except as provided in subsection (14)(c) of this section, if no objection is filed the court may decide the issue of expunction either without a hearing or after full hearing under subsections (14) to (17) of this section.

“(14) When an expunction is pending under subsections (2) to (8) of this section, the court may proceed with or without a hearing, except that:

“(a) The court may not enter an expunction judgment without a hearing if a timely objection to expunction has been filed under subsection (13) of this section;

“(b) The court may not deny an expunction without a hearing if the proceeding is based on an application of the subject; and

“(c) The court shall proceed without a hearing if:

“(A) No objection is filed under subsection (13) of this section;

“(B) The application requests expunction of only that part of the person's record that involves a charge, allegation or adjudication based on conduct that if done by an adult would constitute the crime of prostitution under ORS 167.007; and

“(C) The person was under 18 years of age at the time of the conduct.

“(15)(a) Notice of a hearing on a pending expunction shall be served on the subject and any district attorney filing a timely objection under subsection (13) of this section.

“(b) When a district attorney receives notice of a hearing for expunction of a record concerning a youth or youth offender proceeding under ORS chapter 419C, if the victim of the acts that resulted in the disposition that is the subject of the application for expunction requests, the district attorney shall mail notice of the hearing to the victim's last-known address.

“(16) The court shall conduct a hearing on a pending expunction in accord with the provisions of ORS 419B.195, 419B.198, 419B.201, 419B.205, 419B.208, 419B.310, 419B.812 to 419B.839 and 419B.908. Rules of evidence shall be as in a hearing to establish juvenile court jurisdiction and as defined in ORS 419B.310 (3) and 419C.400 (2). The burden of proof shall be with the party contesting expunction.

“(17) At the conclusion of a hearing on a pending expunction, the court shall issue judgment granting or denying expunction.

“(18) The juvenile court or juvenile department shall send a copy of an expunction judgment to each agency subject to the judgment. Upon receipt of a copy of the judgment, the agency shall comply and, within 21 days of the date of receipt, return the copy to the juvenile court or juvenile department with an indorsement indicating compliance.

“(19) When all agencies subject to an expunction judgment have indicated their compliance or in any event no later than six weeks following the date the judgment was delivered as required by subsection (18) of this section, the juvenile court shall provide the person who is the subject of the record with a copy of the expunction judgment, a list of complying and noncomplying agencies, and a written notice of rights and effects of expunction. The juvenile court and juvenile department then shall expunge forthwith all records which they possess and which are subject to the judgment, except the original expunction judgment and the list of complying and noncomplying agencies which must be preserved under seal.

“(20) In addition to those agencies identified in ORS 419A.260 (1)(d), the juvenile, circuit, municipal and justice courts, and the district and city attorneys of this state, are bound by an expunction judgment of any juvenile court of appropriate jurisdiction in this state issuing an
expunction judgment.

“(21) Upon entry of an expunction judgment, the contact that is the subject of the expunged record shall not be disclosed by any agency. An agency that is subject to an expunction judgment shall respond to any inquiry about the contact by indicating that no record or reference concerning the contact exists.

“(22) A person who is the subject of a record that has been expunged under this section may assert that the record never existed and that the contact, which was the subject of the record, never occurred without incurring a penalty for perjury or false swearing under the laws of this state.

“(23) Juvenile courts, by court rule or by order related to a particular matter, may direct that records concerning a subject person be destroyed. No records shall be destroyed until at least three years have elapsed after the date of the subject’s most recent termination. In the event the record has been expunged, the expunction judgment and list of complying and noncomplying agencies may not be destroyed, but shall be preserved under seal. The destruction of records under this subsection does not constitute expunction.

“(24) An expunction judgment and list of complying and noncomplying agencies shall be released from confidentiality only on order of the court originating the expunction judgment, based on a finding that review of a particular case furthers compliance with the expunction provisions of this chapter.

“(25) A subject has a right of action against any person who intentionally violates the confidentiality provisions of this section. In the proceeding, punitive damages up to an amount of $1,000 may be sought in addition to any actual damages. The prevailing party shall be entitled to costs and reasonable attorney fees.

“(26) Intentional violation of the confidentiality provisions of this section by a public employee is cause for dismissal.

“(27) A person who intentionally releases all or part of an expunged record commits a Class C misdemeanor.

“MISCELLANEOUS PROVISIONS

“SECTION 34. ORS 144.102 is amended to read:

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

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

“(a) Comply with the conditions of post-prison supervision as specified by the board or supervisory authority.

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

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

“(d) Report to the parole officer as directed by the board, the department or the supervisory authority.

“(e) Not own, possess or be in control of any weapon.
“(f) Respect and obey all municipal, county, state and federal laws.

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

“(h) Attend a victim impact treatment session in a county that has a victim impact program. If the board or supervisory authority requires attendance under this paragraph, the board or supervisory authority may require the person, as an additional condition of post-prison supervision, to pay a reasonable fee to the victim impact program to offset the cost of the person’s participation. The board or supervisory authority may not order a person to pay a fee in excess of $5 under this paragraph.

“(3) If the person is required to report as a sex offender under ORS 181.806, the board or supervisory authority shall include as a condition of post-prison supervision that the person report, as appropriate, with the Department of State Police, the Oregon Youth Authority, a county juvenile department, a city police department, a county sheriff’s office or the supervising agency:

“(a) When supervision begins;

“(b) Within 10 days of a change in residence;

“(c) Once each year within 10 days of the person’s date of birth;

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

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

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

“(b) If the person is on post-prison supervision following conviction of a sex crime, as defined in ORS 181.805, the board or supervisory authority shall include all of the following as special conditions of the person’s post-prison supervision:

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

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

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

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

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

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

“(G) A prohibition against direct or indirect contact with the victim, unless approved by the victim, the person’s treatment provider and the board, supervisory authority or supervising officer.
“(H) Unless otherwise indicated for the treatment required under subparagraph (F) of this paragraph, a prohibition against viewing, listening to, owning or possessing sexually stimulating visual or auditory materials that are relevant to the person’s deviant behavior.

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

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

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

“(L) A prohibition against using a post-office box unless approved by the board, supervisory authority or supervising officer.

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

“(c)(A) If the person is on post-prison supervision following conviction of a sex crime, as defined in ORS 181.805, or an assault, as defined in ORS 163.175 or 163.185, and the victim was under 18 years of age, the board or supervisory authority, if requested by the victim, shall include as a special condition of the person’s post-prison supervision that the person not reside within three miles of the victim unless:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

“(b) If the person was not on active supervision as an adult for a felony at the time of the offense that resulted in the imprisonment, the board shall order as a condition of post-prison supervision that the person reside for the first six months after release in the county where the person resided at the time of the offense that resulted in the imprisonment.

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

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

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

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

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

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

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

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

“(B) If the person did not have an identifiable address at the time of the offense, or the address cannot be determined, the person is considered to have resided in the county where the offense occurred.

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

“(D) In determining the person’s county of residence, the board may not consider offenses committed by the person while the person was incarcerated in a Department of Corrections facility.

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

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

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

“(C) The person has a spouse or biological or adoptive family residing in a county other than
the county of residence who will be materially significant in aiding in the rehabilitation of the per-
son and in the success of the post-prison supervision;
“(D) As another condition of post-prison supervision, the person is required to participate in a
treatment program that is not available in the county of residence;
“(E) The person requests release to another state; or
“(F) The board finds other good cause for the waiver.
“(8) As used in this section:
“(a) ‘Attends,’ ‘carries on a vocation,’ ‘institution of higher education’ and ‘works’ have the
meanings given those terms in ORS 181.805.
“(b)(A) ‘Dwelling’ has the meaning given that term in ORS 469B.100.
“(B) ‘Dwelling’ does not mean a residential treatment facility or a halfway house.
“(c) ‘Halfway house’ means a residential facility that provides rehabilitative care and treatment
for sex offenders.
“(d) ‘Labor dispute’ has the meaning given that term in ORS 662.010.
“SECTION 35. ORS 181.823 is amended to read:
“181.823. (1) A person required to report as a sex offender under ORS 181.809 (1)(a), or required
to report as a sex offender under the laws of another state as a result of an adjudication in
an Oregon juvenile court, may file a petition for an order relieving the person of the [duty] obli-
gation to report. The person must pay the filing fee established under ORS 21.135. If the person
resides:
“(a) In this state and is required to report under ORS 181.809 (2) or (3), the petition must be filed
in the juvenile court in which the person was adjudicated for the act that requires reporting.
“(b) In another state and is required to report under ORS 181.809 (4), the petition must be filed
in the juvenile court in the county in which the person attends school or works.
“(c) In another state and is required to report under the laws of the other state, the
petition must be filed in the juvenile court in which the person was adjudicated for the act
that requires reporting.
“(2) If the act giving rise to the obligation to report would constitute:
“(a) A Class A or Class B felony sex crime if committed by an adult, the petition may be filed
no sooner than two years after the termination of juvenile court jurisdiction over the person or, if
the person is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than
two years after the person is discharged from the jurisdiction of the board.
“(b) A Class C felony sex crime if committed by an adult, the petition may be filed no sooner
than 30 days before the termination of juvenile court jurisdiction over the person or, if the person
is placed under the jurisdiction of the Psychiatric Security Review Board, no sooner than 30 days
before the person is discharged from the jurisdiction of the board.
“(3)(a) The juvenile court in which a petition under this section is filed may transfer the matter
to the juvenile court of the county that last supervised the person if the court determines that the
convenience of the parties, the victim and witnesses require the transfer.
“(b) The juvenile court has exclusive original jurisdiction in any proceeding under this section.
“(c) The person, the district attorney and the juvenile department are parties to a hearing on
a petition filed under this section.
“(4) The person filing the petition has the burden of proving by clear and convincing evidence
that the person is rehabilitated and does not pose a threat to the safety of the public. In determining
whether the person has met the burden of proof, the juvenile court may consider but need not be
limited to considering:

“(a) The extent and impact of any physical or emotional injury to the victim;
“(b) The nature of the act that subjected the person to the [duty] **obligation** of reporting as a
sex offender;
“(c) Whether the person used or threatened to use force in committing the act;
“(d) Whether the act was premeditated;
“(e) Whether the person took advantage of a position of authority or trust in committing the
act;
“(f) The age of any victim at the time of the act, the age difference between any victim and the
person and the number of victims;
“(g) The vulnerability of the victim;
“(h) Other acts committed by the person that would be crimes if committed by an adult and
criminal activities engaged in by the person before and after the adjudication;
“(i) Statements, documents and recommendations by or on behalf of the victim or the parents
of the victim;
“(j) The person’s willingness to accept personal responsibility for the act and personal account-
ability 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 treat-
ment 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 treat-
ment; and
“(D) The quality and thoroughness of the treatment program;
“(m) The person’s academic and employment history;
“(n) The person’s use of drugs or alcohol before and after the adjudication;
“(o) The person’s history of public or private indecency;
“(p) The person’s compliance with and success in completing the terms of supervision;
“(q) The results of psychological examinations of the person;
“(r) The protection afforded the public by the continued existence of the records; and
“(s) Any other relevant factors.
“(5) In a hearing under this section, the juvenile court may receive testimony, reports and other
evidence without regard to whether the evidence is admissible under ORS 40.010 to 40.210 and
40.310 to 40.585 if the evidence is relevant to the determination and findings required under this
section. As used in this subsection, ‘relevant evidence’ has the meaning given that term in ORS
40.150.
“(6) When a petition is filed under this section, the state has the right to have a psychosexual
evaluation of the person conducted. The state shall file notice with the juvenile court of its intention
to have the person evaluated. If the person objects to the evaluator chosen by the state, the juvenile
court for good cause shown may direct the state to select a different evaluator.
“(7) As soon as practicable after a petition has been filed under this section, the district attor-
ney or juvenile department shall make a reasonable effort to notify the victim of the crime that the
person has filed a petition seeking relief under this section and, if the victim has requested, to in-
form the victim of the date, time and place of a hearing on the petition in advance of the hearing.

“(8)(a) When a petition filed under this section is filed:

“(A) While the person is under the jurisdiction of the juvenile court or the Psychiatric Security Review Board or less than three years after the date the jurisdiction is terminated, the court shall hold a hearing no sooner than 60 days and no later than 120 days after the date of filing.

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

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

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

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

“(10) When a juvenile court enters an order relieving a person of the requirement to report under ORS 181.809, the person shall send a certified copy of the juvenile court order to the Department of State Police.

“(11) If a person commits an act 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.

“(12) When a petition is filed under subsection (2)(b) of this section before the termination of juvenile court or board jurisdiction, if the person, or the parent or guardian of the person if the person is less than 18 years of age, requests counsel and is without sufficient financial means to employ suitable counsel to represent the person, for purposes of the petition described in this section, the court shall appoint suitable counsel to represent the person. Appointment of counsel under this subsection is subject to ORS 419C.200, 419C.203, 419C.206 and 419C.209.

“SECTION 36. ORS 181.838, 181.839 and 181.840 are repealed.

“SECTION 37. The unit captions used in this 2015 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2015 Act.

“SECTION 38. This 2015 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2015 Act takes effect on its passage.”.