

Requested by SENATE COMMITTEE ON JUDICIARY

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 4074**

1 On page 1 of the printed A-engrossed bill, line 2, after “163A.030,” insert
2 “163A.040,”.

3 On page 2, line 21, delete “in Marion County, Oregon,” and insert “, a
4 city police department or a county sheriff’s office, in the county of the
5 person’s residence,”.

6 In line 24, delete “in Marion County, Oregon,” and insert “, a city police
7 department or a county sheriff’s office, in the county of the person’s resi-
8 dence,”.

9 In line 31, delete “in Marion County, Oregon,” and insert “, a city police
10 department or a county sheriff’s office, in the county of the person’s resi-
11 dence,”.

12 In line 34, delete “in Marion County, Oregon,” and insert “, a city police
13 department or a county sheriff’s office, in the county of the person’s resi-
14 dence,”.

15 On page 6, delete lines 30 and 31 and insert “to the parties in accordance
16 with ORS 419A.255.”.

17 On page 9, line 20, after “419A.255” delete the rest of the line and delete
18 line 21 and insert a period.

19 On page 11, after line 5, insert:

20 **“SECTION 4a.** ORS 163A.040 is amended to read:

21 “163A.040. (1) A person who is required to report as a sex offender in

1 accordance with the applicable provisions of ORS 163A.010, 163A.015,
2 163A.020 or 163A.025 and who has knowledge of the reporting requirement
3 commits the crime of failure to report as a sex offender if the person:

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

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

7 “(c) Fails to report following a change of school enrollment or employ-
8 ment status, including enrollment, employment or vocation status at an in-
9 stitution of higher education;

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

12 “(e) Fails to make an annual report;

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

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

15 “(h) Fails or refuses to participate in a sex offender risk assessment as
16 directed by the State Board of Parole and Post-Prison Supervision, Psychi-
17 atric Security Review Board, Oregon Health Authority or supervisory au-
18 thority; or

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

21 “(2)(a) It is an affirmative defense to a charge of failure to report under
22 subsection (1)(d) of this section by a person required to report under ORS
23 163A.010 (3)(a)(B), 163A.015 (4)(a)(B) or 163A.025 (3)(a) that the person re-
24 ported, in person, within 10 days of a change of residence to the Department
25 of State Police, a city police department or a county sheriff’s office, in the
26 county of the person’s new residence, if the person otherwise complied with
27 all reporting requirements.

28 “(b) It is an affirmative defense to a charge of failure to report under
29 subsection (1)(a) of this section by a person required to report under ORS
30 163A.025 (2)(b)(A)(i) that the person reported, in person, to the Department

1 of State Police[, *a city police department or a county sheriff's office, in the*
2 *county of the person's new residence*] **in Marion County, Oregon**, within 10
3 days of moving into this state.

4 “(c) It is an affirmative defense to a charge of failure to report under
5 subsection (1)(a) of this section by a person required to report under ORS
6 163A.025 (2)(b)(B)(i) that the person reported, in person, to the Department
7 of State Police[, *a city police department or a county sheriff's office, in the*
8 *county of the person's new residence*] **in Marion County, Oregon**, within six
9 months of moving into this state.

10 “(d) It is an affirmative defense to a charge of failure to report under
11 subsection (1) of this section by a person required to report under ORS
12 163A.025 (2)(b)(A)(ii) or (B)(ii) [*or (3)*] that the person reported, in person, to
13 the Department of State Police[, *a city police department or a county sheriff's*
14 *office, in the county of the person's residence*] **in Marion County, Oregon**,
15 if the person otherwise complied with all reporting requirements.

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

22 “[*e*] (f) It is an affirmative defense to a charge of failure to report under
23 subsection (1) of this section by a person required to report under ORS
24 163A.010 (3) that the person reported to the Oregon Youth Authority if the
25 person establishes that the authority registered the person under ORS
26 163A.010 (3)(c).

27 “[*f*] (g) It is an affirmative defense to a charge of failure to report under
28 subsection (1) of this section by a person required to report under ORS
29 163A.025 (2) or (3) that the person reported to the Oregon Youth Authority
30 or a county juvenile department if the person establishes that the authority

1 or department registered the person under ORS 163A.025 (8).

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

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

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

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

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

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