

# **2013 Legislative Summaries**

## **HB 3253, HB 3327, HB 2549, SB 30**

### **HB 3253**

**SUMMARY:** Requires sex offender who is released into Oregon, who is placed on probation in Oregon or who moves into Oregon, to register as sex offender if jurisdiction of conviction or federal law requires registration, regardless of whether conviction would be sex crime in this state.

**Change From Existing Law:** Modifies definition language of “Sex Offender,” as it relates to persons who move into Oregon from out of state. Removes “...*after being convicted in another United States court of a crime that would constitute a sex crime if committed in this state....*” Replaces prior language with “...*convicted in another United States court of a crime that would constitute a sex crime in this state or 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....*”

*Effective June 18, 2013*

### **HB 3327**

**SUMMARY:** Authorizes court to set aside conviction for certain sex crimes under certain circumstances. Authorizes juvenile court to expunge records related to certain sex crimes under certain circumstances. Declares emergency, effective on passage.

**Change From Existing Law:** Now allows the setting aside of convictions and expunction of juvenile records primarily for persons who were convicted of juvenile sexual offenses in which the act in question was consensual and no coercion or force occurred. The person must first have been relieved of the obligation to report as a sex offender. The law states that any person under the age of 16, who was convicted of a sex crime that is a Class C felony, may have their conviction set aside and juvenile record expunged as long as the victim of the crime was less than three years younger than the suspect; the victim’s lack of consent was due solely to incapacity to consent by being under the specified age of consent; the victim was at least 12 years of age at the time of offense; each conviction or offense by the person involved the same victim, and the person has not been convicted of any other crime excluding motor vehicle violations.

*Effective June 13, 2013*

## **HB 2549**

**SUMMARY:** Directs Department of Corrections to adopt a risk assessment tool applicable to sex offenders. Establishes general rules regarding community notification based on results of risk assessment.

Authorizes State Board of Parole and Post-Prison Supervision and Psychiatric Security Review Board to conduct hearings to reclassify certain sex offenders and to relieve certain sex offenders of obligation to report. Specifies factors boards must consider and standards boards must apply when reclassifying sex offenders or relieving sex offenders of obligation to report.

Adds reclassification hearings to list of proceedings of which victims must be notified.

Applies to **recent offenders** on January 1, 2014, and **remaining offenders** on January 1, 2017.

Specifies that certain sex offenders must be on active supervision after serving prison sentences.

Appropriates moneys to State Board of Parole and Post-Prison Supervision for implementing the provisions of this act.

**Change From Existing Law:** Requires the Department of Corrections to adopt by rule a sex offender risk assessment tool for use in classifying sex offenders based upon the statistical likelihood that an individual offender will commit another sex crime. The assessment will result the offender being placed in one of three levels:

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

These assessments shall be completed prior to release from imprisonment or no later than 60 days after an offender is released from Jail or discharged, released or placed on probation by the court. This 60 day rule also applies to those offenders moving into the state.

“**Recent Offenders**”- are those persons whose event, triggering the obligation to report, occurs on or after January 1, 2014. All offenders obligated to make initial reports, due to events triggering such obligation on or after January 1, 2014, will automatically be classified as a level three sex offender unless otherwise assessed as level one or two offenders by a Department of Corrections Institution. Reclassification petitions may be submitted, by persons required to report as sex offenders, to the State Board of Parole and Post-Prison Supervision. Those offenders, found guilty except for insanity for a sex crime, may petition the Psychiatric Security Review Board for reclassification.

CURRENT SEX OFFENDERS (Existing Registrants) i.e.-“**Remaining Offenders**” - are those whose event triggering the obligation to make an initial report occurs prior to January 1, 2014. The State Board of Parole and Post-Prison Supervision shall classify existing registrants in one of the three designated levels no later than December 1, 2016. The Department of State Police shall enter the results of those classifications into the Law Enforcement Data System no later than February 1, 2017.

Those existing registrants whom the State Board of Parole and Post-Prison Supervision do not classify in one of the designated levels described, by December 1, 2016, will be classified as a level three sex offender on January 1, 2017.

*Effective August 1, 2013*

## **SB 30A**

**SUMMARY: Authorizes court to designate crime of luring a minor as sex crime in certain circumstances.** Adds crimes to list of sex crimes requiring person convicted of sex crime or adjudicated for act that constitutes sex crime to register as sex offender after being discharged, paroled or released from correctional or detention facility. Declares emergency, effective on passage.

**Change From Existing Law:** Adds Section 6 to ORS 167.057, which reads:

(6)(a) The court may designate **luring a minor** as a **sex crime** under ORS 181.594 if the court determines that:

(A) The offender reasonably believed the child to be more than five years younger than the offender or under 16 years of age; and

(B) Given the nature of the offense, the age or purported age of the minor and the person’s criminal history, designation of the offense as a sex crime is necessary for the safety of the community.

(b) The court shall indicate the designation and the findings supporting the designation in the judgment.

Also adds “Criminal Conspiracy” as a sex crime if the offender agrees with one or more persons to engage in or cause the performance of an offense listed as a sex crime.

*Effective June 4, 2013*