

Enrolled House Bill 3486

Sponsored by Representative KRUMMEL, Senator COURTNEY; Representatives ACKERMAN, ANDERSON, AVAKIAN, BARKER, BOONE, BOQUIST, BROWN, BRUUN, BUCKLEY, BUTLER, DALLUM, ESQUIVEL, FARR, FLORES, GARRARD, GILMAN, GREENLICK, HANNA, HUNT, KITTS, KOMP, KROPP, LIM, MORGAN, NELSON, OLSON, RICHARDSON, RILEY, ROBLAN, SCHAUFLE, SCOTT, G SMITH, P SMITH, SUMNER, THATCHER, WHISNANT, WITT, Senators ATKINSON, BEYER, FERRIOLI, GEORGE, JOHNSON, KRUSE, NELSON, B STARR, C STARR, WESTLUND, WINTERS

CHAPTER

AN ACT

Relating to sex offenders; creating new provisions; and amending ORS 181.592.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 181.592 is amended to read:

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

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

- (A) The sex offender’s name and date of birth;
- (B) A physical description of the sex offender and a photograph, if applicable;
- (C) The name and zip code of the city where the sex offender resides; and
- (D) The name and telephone number of a contact person at the agency that is supervising the sex offender.

(b) Notwithstanding paragraph (a) of this subsection, if the sex offender is under the supervision of the Oregon Youth Authority or a county juvenile department, the Department of State Police, chief or police or county sheriff shall release only:

- (A) The sex offender’s name and year of birth;
- (B) The name and zip code of the city where the sex offender resides; and
- (C) The name and telephone number of a contact person at the agency that is supervising the sex offender.

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

(3) Except as otherwise limited by subsection (2)(a) and (b) of this section regarding persons who are under supervision for the first time as sex offenders, the Department of State Police, a chief of police or a county sheriff shall release, upon request, any information that may be necessary to

protect the public concerning sex offenders who reside in a specific area or concerning a specific sex offender. However, the entity releasing the information may not release the identity of a victim of a sex crime.

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

[(b) Notwithstanding paragraph (a) of this subsection, the department may use the Internet to make the information described in subsections (2) and (3) of this section available to the public only if the information is about a person determined to be a predatory sex offender as provided in ORS 181.585 or found to be a sexually violent dangerous offender under ORS 144.635.]

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

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

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

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

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

(A) The person's name and address;

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

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

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

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

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

(G) A current photograph of the person;

(H) If the person is under supervision, the name or telephone number of the person's parole and probation officer; and

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

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

(6) As used in this section:

(a) "Sex crime" has the meaning given that term in ORS 181.594.

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

SECTION 2. The Department of State Police shall consider:

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

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

SECTION 3. The amendments to ORS 181.592 by section 1 of this 2005 Act become operative on July 1, 2006.

SECTION 4. The Department of State Police may take any action before the operative date of the amendments to ORS 181.592 by section 1 of this 2005 Act that is necessary to enable the department to exercise, on and after that date, the duties imposed on the department by the amendments to ORS 181.592 by section 1 of this 2005 Act.

Passed by House June 27, 2005

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Chief Clerk of House

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Speaker of House

Passed by Senate August 4, 2005

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President of Senate

Received by Governor:

.....M.,....., 2005

Approved:

.....M.,....., 2005

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Governor

Filed in Office of Secretary of State:

.....M.,....., 2005

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Secretary of State