

Exhibit PSO-5

NOTICE OF RIGHTS – PREDATORY SEX OFFENDER DESIGNATION HEARING

Offender Name

SID#

Purpose of Hearing. You are entitled to a hearing to determine whether you meet the criteria of a “predatory sex offender” under ORS 181.585. If you do meet those criteria, the Board of Parole & Post-Prison Supervision (Board) may designate you a “predatory sex offender.”

Waiver of Hearing. You may waive the hearing in two ways: (1) by checking the appropriate box and signing the back of this form; or (2) by failing or refusing to appear for or participate in your hearing.

If you waive the hearing by not attending your hearing:

- You will be unable to contest that the predatory sex offender criteria in ORS 181.585 apply to you, and
- The hearings officer and/or the Board will make findings based on the available record. There will be no other hearing.

If you waive the hearing in writing:

- At the time you submit your waiver, you may also submit a written statement of substantial reasons why the hearings officer and/or Board should NOT find that the criteria of ORS 181.585 apply to you; and
 - The hearings officer and/or the Board will make findings based on the available record, including your statement and written submissions from interested parties. No hearing will be held.
-

Result of Hearing. If you do not waive your right to a hearing, and are currently on supervision, a hearings officer will hold a hearing and will make findings and recommendations to the Board. If you are currently incarcerated, the Board will hold a hearing. If the Board finds that you meet the criteria in ORS 181.585, the Board may order that you be designated a predatory sex offender based upon the record of the hearing **without another hearing or personal appearance.**

Rights During Hearing. You have the right to:

- Present oral and written information to show that you are not a predatory sex offender;
 - Present witnesses who have relevant information regarding the purpose of the hearing;
 - Represent yourself or obtain an attorney to represent you at your own expense.
-

Rights After Hearing. You have the right to:

- Appeal the Board's final order designating you a predatory sex offender. The request *must be received* within 45 days of the mailing date on the order. See OAR 255-080-0005 and 0008. It is important to follow the Board's rules on administrative review requests.
 - If relief is denied by the Board, you may ask the Court of Appeals to review the Board's decision within 60 days of the mailing date on Board's response to your request for administrative review.
-

For further information see ORS Chapter 144 and OAR Chapter 255, Divisions 60 and 80.

Exhibit PSO-5

DECISIONS ABOUT RIGHTS – PREDATORY SEX OFFENDER DESIGNATION HEARING

I understand the rights contained in this notice and I:

do want a hearing

do not want a hearing

If I do not waive my hearing:

If I am on parole or post-prison supervision (PPS), I will be notified of my rights, the date, time, and place of the hearing and the information to be considered at the hearing at least three days before the hearing, unless I:

Waive the three days from the date the Notice of Rights is served to the date the hearing is held.

If I am incarcerated, the hearing will be scheduled and I will be notified of my rights, the date, time, and place of the hearing, and the information to be considered at the hearing at least 14 days before the hearing.

If I am on parole or PPS, and have a hearing, I understand I have ten days after I receive the report to **submit written exceptions** to the findings of the hearings officer's report to the Board and I:

Do waive the 10-day waiting period to submit exceptions and arguments before the final Board decision.

Do not waive the 10-day waiting period.

I understand that the ten-day period does not apply if I am incarcerated and meet with the Board in person.

Witnesses. I understand that it is my responsibility to make arrangements for my witnesses to attend my hearing.

If I am on parole or post-prison supervision (PPS), I will notify the hearings officer of the witnesses I expect to attend.

If I am incarcerated, I will have my witnesses contact the Board to arrange to attend my hearing.

If I waive my hearing:

Having waived my right to a hearing, I understand that the Board, in the exercise of its authority, and based on the available record, may order that I be designated a predatory sex offender under ORS 181.585, without a hearing, or even if that decision overrides the recommendation of a hearings officer. *Initial*

I have read, or have had read to me, and fully understand this Notice of Rights and the Decisions.

Printed Name/Signature of Witness _____ Date _____

Offender Signature _____ Date _____