

Oregon Board of Parole and Post-Prison Supervision
Exhibit Q-V

Offender _____

SID# _____

NOTICE OF RIGHTS – PREDATORY SEX OFFENDER DESIGNATION

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 it is found that you meet those criteria, the Board of Parole & Post-Prison Supervision may make the determination that you are a “predatory sex offender” within the meaning of that statute.

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

If you waive the hearing by conduct:

- You do not contest that the criteria set forth in ORS 181.585 apply to you, and
- The Board or the Hearings Officer and, if applicable, the Board, will make findings based on the available record. There may be no other hearing.

If you waive the hearing in writing:

- At the time you submit your written waiver, you may also submit a written statement setting forth substantial reasons why the Hearings Officer or Board should find that the criteria of ORS 181.585 do not apply to you, and
- The Board or the Hearings Officer and, if applicable, the Board, will make findings and conclusions based on the available record as supplemented by any information submitted to or brought before the Board or the Hearings Officer or, if applicable, the Board, to rebut your written statement. There will may be no other hearing.

Result of Hearing. Unless you waive your right to a hearing, ~~the Board or the a-Hearings Officer~~ will conduct the hearing and will make findings, and conclusions, ~~and recommendations to the Board.~~ If the Board or Hearings Officer finds that you meet the criteria in ORS 181.585, the Board may order that you are determined to be 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 relevant oral and written information;
- ~~Examine witnesses and information against you, unless the Hearings Officer finds that disclosure of the witness or informant could subject the witness or informant to risk of harm;~~
- ~~Request the appearance of witnesses who have relevant information regarding the alleged violations, unless the Hearings Officer finds good cause for not allowing confrontation;~~
- Represent yourself or obtain an attorney at your own expense.

Rights After Hearing. You have the right to:

- Within 10 days after the hearing, submit to the Board Chair written exceptions and arguments to the Hearings Officer's findings, conclusions and recommendations, or the Board's conclusions and findings.
- Appeal the ~~Hearings Officer's or~~ Board's final order within 45 days of the date you sign the order or the date the supervisory authority acknowledges that you received the order, using an Administrative Appeal Request form (Exhibit O) or by letter stating "This is an administrative review request pursuant to Division 80 of Board rules."
- If relief is denied, you may appeal to the Court of Appeals within 60 days of the response to your request for administrative review.

For further information see ORS Chapter 144 and OAR Chapter 255. - Page 1 -

Temporary Effective 08/30/06 thru 02/2/07
Permanently effective 10/30/06

Page 1 of 2

DECISIONS ABOUT RIGHTS

I understand the rights contained in this notice and I:

- [] do want a hearing [] do not want a hearing

I should be notified of my rights, the date, time, and place of the hearing and the allegations against me at least three days prior to the hearing, unless I:

- [] waive the three days from the date the Notice of Rights is served and when the hearing is held

When the Board Hearings Officer makes findings, and conclusions or the Hearings Officer makes findings, conclusions, and recommendations to the Board, I understand I have ten (10) days to submit written exceptions to the findings of the Hearings Officer's report to the Chairperson of the Board of Parole and Post-Prison Supervision 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 do want witnesses [] I do not want witnesses

Table with 4 columns: Allowed, Denied, Name, Address, Reason for Denial. Contains three rows of checkboxes and lines for input.

[] 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 am determined to be a predatory sex offender under ORS 181.585 even if that decision overrides the recommendation of a Hearings Officer.

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

Hearing Officer Date Offender Date

Oregon Board of Parole and Post-Prison Supervision
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If you waive the hearing by conduct:

- You do not contest that the criteria set forth in ORS 181.585 apply to you, and
- The Hearings Officer and, if applicable, the Board, will make findings based on the available record. There may be no other hearing.

If you waive the hearing in writing:

- At the time you submit your written waiver, you may also submit a written statement setting forth substantial reasons why the Hearings Officer or Board should find that the criteria of ORS 181.585 do not apply to you, and
- The Hearings Officer and, if applicable, the Board, will make findings based on the available record as supplemented by any information submitted to or brought before the Hearings Officer or, if applicable, the Board, to rebut your written statement. There may be no other hearing.

Result of Hearing. Unless you waive your right to a hearing, a Hearings Officer will conduct the hearing and will make findings, conclusions, and recommendations to the Board. If the Board finds that you meet the criteria in ORS 181.585, the Board may order that you are determined to be 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 relevant oral and written information;
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Temp Eff 3/20/06 thru 9/15/06
Perm Adopted 6/14/06
page 2 of 2

DECISIONS ABOUT RIGHTS

I understand the rights contained in this notice and I:

- [] do want a hearing [] do not want a hearing

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- [] 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 do want witnesses [] I do not want witnesses

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Hearing Officer Date Offender Date

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page 2 of 2