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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 255  
BOARD OF PAROLE AND POST-PRISON SUPERVISION

**FILED**

03/04/2025 8:57 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Procedure for certain persons to get approval to be in a place where children congregate

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/22/2025 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Filed By:

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Rules Coordinator

**NEED FOR THE RULE(S)**

Under Oregon law, persons classified as sexually violent dangerous offenders, Level 3 sex offender registrants, certain dangerous offenders and other similarly designated persons are prohibited from knowingly entering or remaining in or upon premises where persons under 18 years of age regularly congregate; unless said persons have written approval from the State Board of Parole and Post-Prison Supervision.

This rule adoption is needed to improve transparency and provide a procedure to apply for approval by these persons to enter a premises where persons under 18 regularly congregate.

This new rule provides the procedure for getting approval from the Board of Parole for permission to enter such premises and requirements to obtain the permission under ORS 163.476. It outlines the information and safety plan that must be provided to the Board of Parole. In addition, the rule provides that the Board may withdraw or revoke any approval at any time.

**DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE**

Oregon Revised Statutes 163.476 - "Unlawfully being in a location where children regularly congregate."

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors163.html](https://www.oregonlegislature.gov/bills_laws/ors/ors163.html)

**STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE**

This amendment is establishing a procedure for certain persons already designated and is not likely to have an effect on racial equity.

**FISCAL AND ECONOMIC IMPACT:**

No fiscal or economic impact is expected.

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**COST OF COMPLIANCE:**

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No cost of compliance is anticipated.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

There is no effect on small businesses.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

Rule was drafted in agency with advice from counsel.

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ADOPT: 255-085-0070

**RULE SUMMARY:** Under ORS 163.476, persons classified as sexually violent dangerous offenders, Level 3 sex offender registrants, certain dangerous offenders and other similarly designated persons are prohibited from knowingly entering or remaining in or upon premises where persons under 18 years of age regularly congregate; unless said persons have written approval from the State Board of Parole and Post-Prison Supervision.

This new rule provides the procedure for getting approval from the Board of Parole for permission to enter such premises and requirements to obtain the permission under ORS 163.476. It outlines the information and safety plan that must be provided to the Board of Parole. In addition, the rule provides that the Board may withdraw or revoke any approval at any time.

**CHANGES TO RULE:**

**255-085-0070**

**Permission to be in premises where persons under 18 regularly congregate**

**(1) A registrant classified as a Notification Level 3 sex offender may request the Board for permission to be in or upon premises where persons under 18 years of age regularly congregate. The phrase "premises where persons under 18 years of age regularly congregates" has the meaning provided in ORS 163.476. A request from a registrant who is currently on probation, post-prison supervision, or parole supervision must request permission to be in or upon premises where persons under 18 years of age regularly congregate from their supervisory authority or supervising officer.¶**

**(2) In a request under this section, the registrant must provide the following information:¶**

**(a) A list of the specific premises (with addresses where applicable) the registrant wants permission to be in, upon, enter, or remain.¶**

**(b) The specific reasons why the registrant is seeking permission to be in, upon, enter, or remain on the specific premises.¶**

**(c) A prepared safety plan from the registrant which includes the following information:¶**

**(i) The name of the premises (with addresses where applicable) the registrant is seeking permission to be in, upon, enter, or remain.¶**

**(ii) The dates and times the registrant is seeking permission to be in, upon, enter, or remain on the premises. If seeking permission that covers multiple days or times, the general days of the week and timeframe shall be included.¶**

**(iii) the specific steps the registrant will take to demonstrate the registrant can safely be upon, in, enter, or remain on the premises.¶**

**(iv) information on who the registrant proposes will chaperone the registrant's conduct and compliance with the proposed safety plan; and¶**

(v) signatures of both the registrant and the proposed chaperone attesting to agreement to comply with the proposed safety plan.¶

(3) A request that does not contain the information required or described in subsection (2) of this rule may be denied.¶

(4) Upon reviewing a request that contains the necessary information specified in subsection (2) of this rule, the Board may, in its discretion, approve or deny the request, in part or in full. As a condition to approving any part of a request, the Board may include appropriate or necessary conditions, restrictions or limitations on the Board's approval, the violation of which may result in withdrawal of the approval. The Board may grant, deny or modify the request by signing the proposed safety plan, or by otherwise informing the registrant of the Board's decision via other written notice. The Board may specify additional conditions the registrant is expected to comply with when granting a request under this rule. ¶

(5) An additional condition may include that the registrant shall keep the safety plan and approval letter on their person anytime they are in or upon specific premises where persons under 18 years of age regularly congregate that have been approved by the Board.¶

(6) The Board, in its discretion, may withdraw or revoke any approval described in this rule at any time.

Statutory/Other Authority: ORS 137.765, 161.725, 163.476, 163.479, 163A.005, 163A.100

Statutes/Other Implemented: 163.476