Board of Parole and Post-Prison Supervision

Annual Report Regarding Temporary Rules
(ORS 183.403)

Report contains rules filed during calendar year January 01, 2025 through December 31, 2025

Rules Adopted, Amended, or Repealed [ORS 183.335(2) and (3)]

Adopted	1
Amended	12
Repealed	0

Temporary Rules Adopted, Amended, or Suspended [ORS 183.335(5)]

Adopted	3
Amended	4
Suspended	3

PAR 2-2025	Filed: 01/22/2025 9:21 AM
255-085-0005	Amend
255-085-0020	Amend
255-085-0021	Adopt

Statement of Need

The Oregon Court of Appeals in Thomsen v Board of Parole (2025) ruled that when the Board conducts risk assessments of sex offenders, it must consider the registrants time of desistance from crime as part of the assessment. Currently, the Board assesses a registrant as they would be at the time of release or sentencing, which does not consider desistance time. This court ruling causes the Board to have to immediately adopt a temporary rule incorporating this decision.

Justification

An Oregon Court of Appeals ruling directs the Board to use desistance when performing risk assessments on sex offenders. This overrules current methodology and must be adopted immediately.

Failure to adopt this as a temporary rule would hide the process that the Board is using due to the court ruling. Individuals who are being assessed would not have current knowledge of how assessments are conducted.

Temporary action will provide transparency to the process the Board has adopted.

PAR 3-2025	Filed: 01/30/2025 9:42 AM
255-085-0021	Adopt

Statement of Need

This amends a previously adopted temporary filing.
The Oregon Court of Appeals in Thomsen v Board of Parole (2025) ruled that when the Board conducts risk assessments of sex offenders, it must consider the registrants time of desistance from crime as part of the assessment. Currently, the Board assesses a registrant as they would be at the time of release or sentencing, which does not consider desistance time. This court ruling causes the Board to have to immediately adopt a temporary rule

incorporating this decision.

Justification

An Oregon Court of Appeals ruling directs the Board to use desistance when performing risk assessments on sex offenders. This overrules current methodology and must be adopted immediately.
Failure to adopt this as a temporary rule would hide the process that the Board is using due to the court ruling. Individuals who are being assessed would not have current knowledge of how assessments are conducted.
Temporary action will provide transparency to the process the Board has adopted. This amends a previously adopted temporary filing.

PAR 4-2025 **Filed: 03/31/2025 3:15 PM**

255-062-0040 Adopt

Statement of Need

Adoption of this rule is needed to allow Board to request that the Department of Corrections give an adult in custody who was deferred for release, counseling services.

Justification

This rule would specify that after deferral of an adult in custody's (AIC) release, denial of an AIC's re-release onto parole after a future disposition hearing, or after deferral of an AIC's right to petition the Board for a hearing under OAR 255-032 and OAR 255-033, the Board may request DOC to consider providing correctional rehabilitative services to that AIC. This rule is needed for creating a new process to request from the Department of Corrections that those AICs be considered for correctional rehabilitative services consistent with the Department's administrative rules and policies. So, this is an urgent issue. The longer this takes to be implemented, the more AICs deferred by the Board may not receive consideration for additional correctional counseling services provided by this request.

PAR 5-2025 **Filed: 05/28/2025 10:22 AM**

255-085-0021 Suspend

Statement of Need

Repeal due to change in law from Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge.

These definitions are no longer used.

Justification

Repeal due to change in law from Senate Bill 1122, effective 05/27/2025.

These definitions are no longer used.

PAR 6-2025 **Filed: 05/28/2025 2:37 PM**

255-085-0030 Amend

Statement of Need

Need due to change in law from Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment

methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge.

Justification

These amendments must be made in a temporary filing because Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge, is effective upon passage and makes these rule no longer valid.

By amending the rules immediately, the public is provided with transparency and clarity on the methodology used to perform risk assessments on individuals who are on the Oregon sex offender registry.

PAR 7-2025	Filed: 05/28/2025 2:48 PM
255-085-0005	Suspend
255-085-0020	Suspend

Statement of Need

Need due to change in law from Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge.

Justification

These amendments must be made in a temporary filing because Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge, is effective upon passage and makes these rule no longer valid.

By amending the rules immediately, the public is provided with transparency and clarity on the methodology used to perform risk assessments on individuals who are on the Oregon sex offender registry.

PAR 8-2025	Filed: 05/28/2025 5:23 PM
255-085-0020	Amend

Statement of Need

Repeal due to change in law from Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge.

Justification

These amendments must be made in a temporary filing because Senate Bill 1122, 05/27/2025, which provides that the sex offender risk assessment methodology used to classify sex offenders into risk levels may exclusively consider a sex offender's risk of reoffending at the time of release, sentencing or discharge, is effective upon passage and makes these rule no longer valid.

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