



September 6, 2019

## **HB 2549 SEX OFFENDER NOTIFICATION LEVEL SYSTEM FACT SHEET**

**PLEASE NOTE: THIS IS FOR INFORMATIONAL USE ONLY. IT SHOULD NOT BE RELIED UPON AS LEGAL ADVICE OR FORMAL ADVICE FROM THE BOARD. IF YOU HAVE QUESTIONS ABOUT WHETHER YOU WILL BE ENTITLED TO RELIEF FROM SEX OFFENDER REGISTRATION, PLEASE SEEK LEGAL ADVICE.**

**THIS INFORMATION IS SUBJECT TO CHANGE AT ANY TIME.**

### **Classification**

Pursuant to the passing of House Bill 2549 in 2013 and HB 2320 in 2015, Oregon law requires all registered sex offenders in Oregon who have been found Guilty Except for Insanity be classified based on risk to reoffend. An assessment will determine each registrant's classification within the sex offender notification level system:

- Level I (1): Low Risk
- Level II (2): Moderate Risk
- Level III (3): High Risk

### **Reclassification/Relief from Registering**

As of January 1, 2019, pursuant to [ORS 163A.100-163A.215](#), the Board has implemented a reclassification and/or relief from registration process for those registrants who wish to avail themselves of it. Based on classification level, registrants may be eligible for the following:

- Relief from registration; or
- Reclassification to a lower notification level

### **Public Notification**

The PSRB may, and will only, release information to the public and law enforcement if there is a valid public safety justification. **Public notification is unlikely for individuals under PSRB jurisdiction who are psychiatrically stable and a low risk to others.** Examples of those the Board might notify include: persons who live in the same house as the registrant; neighbors; and law enforcement. In addition, the Board could place the registrant's name on a public sex offender registry. See also [ORS 163A.215\(1\) and 2\(b\)\(A\) to \(E\)](#).

## **Frequently Asked Questions**

### **What is the assessment?**

The Static-99R, the most widely used actuarial risk assessment tool in the world, is the adopted assessment tool used for most registrants. It relies upon static (or historical) information to estimate a registrant's risk to re-offend in the future. Trained staff members complete the Static-99R, and usually, it does not require the registrant's participation. The Static-99R can only be used on males 18 or over who have at least one arrest and/or conviction for a qualifying sexual offense.

For those registrants who do not qualify to be scored on the Static-99R, the Board orders an in-person interview with a qualified sex offender evaluator and the completion of a Level of Service/Case Management Inventory (LS/CMI) assessment to determine the registrant's classification level. The LS/CMI is a risk assessment tool that uses both static and dynamic (or changeable), risk factors to estimate general criminal recidivism.

### **Does the registrant pay for the assessment? No.**

### **How do I get an assessment?**

The registrant is not responsible for scheduling the assessment. In collaboration with the Board of Parole and Post-Prison Supervision (BOPPPS), the PSRB ensures that all GEI registrants have an assessment.

PSRB staff can complete most Static-99Rs using PSRB's exhibit file and criminal history; however, the Board may ask for additional information if the exhibit file does not contain the necessary information. This may include a questionnaire about previous relationships, previous arrests, or convictions. As mentioned above, if a registrant cannot be classified using the Static-99R, PSRB staff will contact the registrant to set up an in-person interview with a qualified LS/CMI evaluator.

### **When will I get an assessment?**

If you have not had an assessment or been notified of your level, PSRB staff will complete one for you no later than 90 days after your conditional release from the hospital.

### **How will I know my notification level?**

The Board will notify you of your notification level once it has completed its assessment. The Board will use the address you disclosed when you registered or re-registered with the Sex Offender Registry.

### **What if I disagree with the PSRB's classification decision?**

After notification of your classification, you may submit written objections to the PSRB outlining any mistakes you believe the agency made with respect to the facts associated with your case. Along with your notification, the PSRB will provide you with an "objections" form, a copy of the assessment, and information about how to object. Please be sure to comply with the timelines on the objection form.

## How do I petition for re-classification and/or relief from registration?

To petition for reclassification or relief under ORS 163A.120-150, you will need to fill out the reclassification/relief application in full. Please be aware that a completed application includes the results of a recent forensic mental health assessment to help the Board make its decision. Once PSRB staff receives your completed application, the Board will schedule a hearing with you, in Portland or Salem. During the hearing, most often the attorney general's office will represent the State, though on occasion, a district attorney for the appropriate county will do so. When it considers whether to grant your petition, the Board will look at whether it believes you have demonstrated, by clear and convincing evidence, that you: 1) are statistically unlikely to reoffend and; 2) do not pose a threat to public safety.

To help decide the case, the Board will consider factors surrounding your offense(s) such as: the nature of and degree of violence involved; the age and number of victims; your age at the time of the offense; the time you have been offense-free in the community; your performance on supervision for the relevant offense(s); whether you have participated in or successfully completed a court-approved sex offender treatment program or any other rehabilitative programs; whether you have had stable employment and housing; your community and personal support system; any criminal and relevant non-criminal behavior, before or after the offense; and any other factors relevant to the Board's questions about your likelihood to reoffend and the level to which you might present a threat to public safety.

For additional inquiries, please contact the Board at [psrb@psrb.oregon.gov](mailto:psrb@psrb.oregon.gov) or 503-229-5596.