

# INSTRUCTIONS FOR SEEKING RELIEF FROM SEX OFFENDER REGISTRATION UNDER ORS 163A.120\*

Persons residing in Oregon who are currently required to register as sex offenders can be relieved of that requirement under certain circumstances **by filing a petition in court**. Additional information on relief from registration under ORS 163A.120 can be found at <http://www.oregon.gov/OSP/SOR> under the *Relief* headings.

The instructions below are designed to aid you in determining if you may be eligible to file a petition in county court for registration relief under this law; however, nothing prohibits you from filing for registration relief.

***NOTE: Providing false information can lead to a charge of perjury (see forms).***

If you have any questions regarding these instructions to petition the court for registration relief under ORS 163A.120, please contact your attorney. The Oregon State Bar offers low cost legal services and legal information. Legal information about various topics is posted on the Oregon State Bar's website in over 75 languages. To access these services, visit the bar online at <http://www.osbar.org/> or call 1.800.452.7636 for lawyer referral services, or 1.800.452.4776 for recorded legal information on specific topics. More information is also provided by the Oregon Judicial Department at <http://courts.oregon.gov/OJD/selfhelp/pages/index.aspx>.

In order to seek relief from the registration requirement, a person (petitioner) must file a petition in court. Once you file, you will get a case number which will be stamped on all the copies of your petition. The petitioner must then serve a copy of these papers with the district attorney for that court.

For an in state conviction, the petitioner must file the petition in the county court where the petitioner was convicted or adjudicated. For out of state convictions or adjudications, the petitioner must file the petition in the county court where the petitioner resides, and if not a resident, then where petitioner attends school or works.

Before filing, the petitioner should pay all registration fees due to the Oregon State Police. An outstanding balance will be reported to the court where the offender is seeking relief. (Offenders in Oregon must pay an annual fee of \$70 for each year they are registered.)

NOTE: The petitioner should keep a copy of all documents for their records.

**To gain relief, you must file a petition in your county court.  
These instructions should only be used as information about relief.**

# Instructions\*

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## Get a petition from your court or use the petition on this website under “Relief Forms”

### **STEP 1:** File the petition in county court.

For an in state conviction, the petitioner must file the petition in the court where the petitioner was convicted or adjudicated. For out of state convictions or adjudications, the petitioner must file the petition in the court where the petitioner resides. The petitioner seeking relief must file in person or through their attorney. Bring identification with you and payment for fees (see below).

### **In-Person filing with the county court–**

Prior to arriving at the court, complete the *Motion for Relief* **and** the *Affidavit of Eligibility*. If you are filing without an attorney, you may also need to file a *Certificate of Document Preparation*.

If the petitioner intends to serve the documents on the district attorney by mail, or via a process server, make two (2) sets of copies of the completed forms to take to court. At the time of filing, the court clerk will stamp the case number on the copies.

If the petitioner or their attorney intends to serve the documents on the district attorney by FAX, a **COURT CERTIFIED COPY** of both forms will need to be obtained at the time of filing. The cost of a court certified copy is \$5.00, plus \$.25 per page.

To file, the petitioner must pay a civil filing fee of **\$265.00**. This amount may vary, court to court, so contact the court prior to filing to determine the exact amount and the types of payments accepted. If you are unable to pay this fee, you can file an ***Application & Declaration for Deferral or Waiver of Fees*** with the county court. A judge can waive or defer the fees if the judge or court administrator finds you are unable to pay all or any part of the fees. If fees are "waived," they do not ever have to be paid. If fees are "deferred," they must be paid at some later date.

### **STEP 2:** Serve the district attorney by mail or FAX.

Ask the court clerk how many days you have to complete service.

The petitioner or their attorney must serve, by mail or FAX, the *Motion for Relief* and *Affidavit of Eligibility* on the district attorney in the same county as the case was filed.

### Serving by Mail or via Process Server –

The petitioner or their attorney must write “**I certify that this is a true copy**” on the top of each copy and sign their name next to the statement.

### **Important Requirements for Mailing:**

- (a) One set of copies must go by first class mail;
- (b) The second set of copies must go by certified, registered or express mail with “Return receipt requested”.

The return receipt will come to you by mail. Keep the receipt so you can prove the copies were received by the district attorney.

### Process Server:

Alternatively, you can pay a process server to personally serve the papers on the district attorney. The process server will also file an affidavit of service with the court.

### Serving by Fax-

The petitioner or their attorney can FAX the **COURT CERTIFIED COPY** of the forms, obtained from the court clerk upon filing. Keep the FAX acknowledgement to show that the FAX was successfully transmitted to the district attorney.

### **STEP 3:** File an affidavit of service.

Once a copy of the documents is served on the district attorney, file the Petitioner's *Declaration of Service* form with the court (same court identified in STEP 1). This should be completed in-person by the petitioner or their attorney.

## **What happens next?**

The county court will notify the petitioner and district attorney that a hearing has been scheduled. This hearing should be more than 90 days from the date the petitioner filed the *Motion* and *Declaration of Eligibility*. The district attorney has 90 days to object to the petitioner's request for relief. If the district attorney objects, Oregon Revised Statute 163A.150(3)(c) requires the district attorney to notify the petitioner of the objection. The district attorney will then present their reason for the objection at the hearing on the date scheduled by the court. At the hearing the judge will decide whether the relief requested by the petitioner will be granted. If the district attorney does not object, an order for relief will be sent to the court with a request that the previously scheduled hearing be cancelled and the judge will just sign the request for relief.

## **Important Information:**

Once the judge signs the order relieving the petitioner of the requirement to report, the court may or may not automatically send a copy of the order for relief to the petitioner. It is recommended the petitioner call the court the day before the scheduled hearing. Ask the court clerk if the hearing is still scheduled. If advised the hearing has been cancelled, ask the court clerk if the order for relief has been signed. If the order has been signed, the petitioner or their attorney will need to go to the court (in person) and obtain two (2) certified copies of the order for relief. The cost of a court certified copy is \$5.00, plus \$.25 per page. The petitioner should keep a copy for their records.

## **Removal from the Oregon Sex Offender Registry:**

Removal from the Registry requires the petitioner to send one (1) certified court copy of the judge's relief order to:

Oregon State Police  
Sex Offender Registration Unit  
3565 Trelstad Ave SE  
Salem, OR 97317-9614

Once received, the Oregon State Police will remove the petitioner's information from the registry.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_  
Petitioner,

vs.

\_\_\_\_\_  
District Attorney, Respondent.

Case No. \_\_\_\_\_

**PETITIONER'S PETITION FOR  
RELIEF FROM SEX OFFENDER  
REGISTRATION REQUIREMENT  
FROM OUT OF STATE CONVICTION  
OR ADJUDICATION**

Pursuant to ORS 163A.150, the petitioner in the above captioned case requests relief from the requirement to report as a sex offender as previously ordered in:

Case Number \_\_\_\_\_ Name of Court \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

As set out in the attached Petitioner's Declaration of Eligibility, the petitioner meets the eligibility requirements for relief described in ORS 163A.140.

**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help
- I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner or Attorney for Petitioner Atty's OSB Number

\_\_\_\_\_  
Name of Petitioner or Attorney for Petitioner (printed or typed)

\_\_\_\_\_  
Mailing Address City State Zip

\_\_\_\_\_  
Phone Number Fax Number

\_\_\_\_\_  
Email

**Note:** Upon filing of the petition and declaration, the COURT must schedule a hearing more than ninety (90) days from the date of filing and notify the defendant and district attorney of this hearing date. The PETITIONER must serve the motion and declaration on the district attorney and file an declaration of service with the court. The DISTRICT ATTORNEY has ninety (90) days to contest the petitioner's request for relief.

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_,  
Petitioner,

Case No. \_\_\_\_\_

vs.

**PETITIONER'S DECLARATION OF  
ELIGIBILITY**

\_\_\_\_\_,  
District Attorney, Respondent.

I, the petitioner in this case, declare the all of the following are true:

1. I was **(check one from the following list)**

- convicted of
- found guilty except for insanity of
- found to be within the jurisdiction of the juvenile court for having committed an act that if committed by an adult constitutes

**(check all that apply from the following list)**

- sodomy in the third degree
- attempted sodomy in the third degree
- rape in the third degree
- attempted rape in the third degree
- sexual misconduct
- attempted sexual misconduct
- contributing to the sexual delinquency of a minor
- attempted contributing to the sexual delinquency of a minor

- 2. I am led than five (5) years older than \_\_\_\_\_, the victim of this crime;
- 3. The victim was fourteen (14) years of age or older at the time of the crime;
- 4. The victim's lack of consent was based solely in the fact that the victim was under specific age; and
- 5. At the time of the above offence or act, I had no prior conviction for an offense listed in ORS 181.594(5); adjudication for an act that if committed by an adult would constitute an offense listed in ORS 181.594(4); or no prior conviction of adjudication for conduct in another jurisdiction that if committed in Oregon by an adult would constitute an offense listed in ORS 181.594(4).

**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help
- I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner or Attorney for Petitioner Atty's OSB Number

\_\_\_\_\_  
Name of Petitioner or Attorney for Petitioner (printed or typed)

\_\_\_\_\_  
Mailing Address City State Zip

\_\_\_\_\_  
Phone Number Fax Number

\_\_\_\_\_  
Email

IN THE CIRCUIT COURT OF THE STATE OF OREGON  
FOR THE COUNTY OF MULTNOMAH  
1021 SW 4<sup>TH</sup> AVENUE, PORTLAND OR 97204

\_\_\_\_\_,  
Petitioner,

Case No. \_\_\_\_\_

vs.

**PETITIONER'S DECLARATION OF SERVICE**

\_\_\_\_\_,  
District Attorney, Respondent.

I, \_\_\_\_\_ state as follows (check one of the following):

On \_\_\_\_\_, 20\_\_\_\_, I mailed two sets of true copies of the Petitioner's Petition for Relief from Sex Offender Reporting Requirement and the Petitioner's Declaration of Eligibility to the respondent. One set was sent by first class mail and the other by certified or registered mail with return receipt requested, or by express mail. Both mailing were sent to the following address:

\_\_\_\_\_  
(respondent's mailing address)

On \_\_\_\_\_, 20\_\_\_\_, I faxed a court certified copy of the Petitioner's Petition for Relief from Sex Offender Reporting Requirement and the Petitioner's Declaration of Eligibility to the respondent at the following fax number \_\_\_\_\_ and received an acknowledgement that the fax was successfully transmitted.

**Certificate of Document Preparation.** Check all that apply:

- I chose this form for myself and completed it without paid help
- I paid (or will pay) \_\_\_\_\_ for help choosing, completing, or reviewing this form.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Petitioner or Attorney for Petitioner Atty's OSB Number

\_\_\_\_\_  
Name of Petitioner or Attorney for Petitioner (printed or typed)

\_\_\_\_\_  
Mailing Address City State Zip

\_\_\_\_\_  
Phone Number Fax Number

\_\_\_\_\_  
Email