

INSTRUCTIONS

RELIEF FROM SEX OFFENDER REPORTING



Important Contact Information

Oregon Judicial Department - <http://courts.oregon.gov>

Oregon State Bar Lawyer Referral Service - www.oregonstatebar.org

Phone: 503.684.3763 or toll-free in Oregon at 800.452.7636

ORS (Oregon Revised Statutes) - www.oregonlegislature.gov/bills_laws/ors/ors163A.html

If you are required to report as a sex offender in Oregon, you may be able to ask the court to remove that requirement. There are 3 types of reporters, and 3 sets of requirements for relief from reporting. Read the summaries below to see if you qualify. Talk to an attorney if you have any questions.

NOTE: If you have been classified as a level 1, 2, or 3 sex offender under ORS 163A.100, you must file your *Petition* with the State Board of Parole and Post-Prison Supervision, or the Psychiatric Review Board. The circuit court cannot remove the reporting requirement for you.

ELIGIBILITY

“Lack of Consent: Victim’s Age” Offenders (ORS 163A.140)

If you meet all of the following requirements, you can apply at any time:

- You were convicted¹ or found guilty except for insanity of:
 - Rape in the third degree*
 - Sodomy in the third degree*
 - Sexual abuse in the third degree
 - Contributing to the sexual delinquency of a minor
 - Sexual misconduct
 - Attempt to commit any of these offenses
- The lack of consent was based solely on the victim’s age
- The victim was at least 14 years old at the time of the act
- You are less than 5 years older than the victim
- There was only one victim

If you meet these requirements, use the forms that refer to “ORS 163A.140.” If you do not meet all of the above requirements, you may be able to file under another law depending on whether you were convicted as an adult or a juvenile. Continue reading for more information.

Adult Offenders (ORS 163A.120)

If you meet all of the following requirements, you can apply for relief if your supervision on probation, conditional release, parole, or post-prison supervision ended at least **10 years** ago:

¹ *If you were a juvenile, you were found within the jurisdiction of the juvenile court for an act that, if committed by an adult, would constitute rape (3rd degree) or sodomy (3rd degree). If you were convicted in another state, the conviction was for an offense that would constitute those crimes in Oregon. If it is unclear whether an offense in another state constitutes a listed crime in Oregon, the judge will decide.

- You were convicted of a misdemeanor or Class C felony in Oregon; if committed out of state, the conviction must qualify as a misdemeanor or Class C felony in Oregon
- You have only one such conviction
- You were not determined to be a ‘predatory sex offender’ before January 1, 2014

If you meet these requirements, use the forms that refer to “ORS 163A.120”

Juvenile Offenders² (ORS 163A.130-.135)

If you meet all of the following requirements, you can apply for relief according to the following restrictions:

If the act you are required to report for would (if committed by an adult) constitute a:

- Class A or B felony:
 - at least **2 years** after the end of juvenile court or Psychiatric Security Review Board (PSRB) jurisdiction (or equivalent jurisdiction in the state where you were ordered to report, if not Oregon)
- Class C felony:
 - **up to 30 days** before, and any time after, the end of juvenile court or Psychiatric Security Review Board (PSRB) jurisdiction (or equivalent jurisdiction in the state where you were ordered to report, if not Oregon)

If you meet these requirements, use the forms that refer to “ORS 163A.130”

PROCEDURES

Complete the Motion or Petition Form

- For the name and location of the court you will file in, see **Where to File**, below
- Who are the parties?
 - You are the “petitioner”
 - The District Attorney for the county where you file is the “respondent”

For “**Lack of Consent: Victim’s Age**” **Offenders (ORS 163A.140)** cases, the *Motion or Petition* includes an affidavit, which must be notarized before filing. **DO NOT** immediately sign the form! Bring the completed, unsigned form to a notary or to a court clerk with proper identification. You will sign in front of the notary or clerk.

Keep a copy of all documents for your records

Fees

Before filing, pay all registration fees due to the Oregon State Police. The Oregon State Police will report any unpaid balance to the court.

There is a filing fee for filing your *Motion* or *Petition* in circuit court. Go to www.courts.oregon.gov/Pages/fees.aspx to see the current fees.

If you are low income, you may ask the court to defer (postpone) or waive your filing fee. You must complete an *Application and Declaration for Deferral or Waiver of Fees* and an *Order Regarding Deferral or Waiver of Fees* and file them with your papers. If the fee is deferred, you will have to pay the fee later. If the fee is waived, you don’t have to pay it.

Where to File

² Applies to a person found within the jurisdiction of the juvenile court for committing an act which, if committed by an adult, would constitute a sex crime

- “Lack of Consent: Victim’s Age” Offenders (ORS 163A.140)
and
- Adult Offenders (ORS 163A.120)
 - Convicted in Oregon: File in the circuit court for the county where you were convicted or adjudicated
 - Convicted in another state: File in the circuit court for county where you live
- Juvenile Offenders (ORS 163A.130-.135)
 - Ordered to report by an Oregon court - file in the court that ordered you to report
 - Ordered to report by another state but you live in Oregon - file in the circuit court for the county where you live
 - Required to report in Oregon because you work or go to school in Oregon (but you live in another state)- file in the county where you work or go to school

What to File

Bring 2 copies of your forms to court with your filing fee. Court staff will fill in the case number.

You will need one copy to serve on the respondent. See **Service**, below. Keep a copy of all documents for your records.

Service

You must officially notify the respondent (the district attorney) that you have filed a case. This is called “service.”

You can serve by delivering a copy of the forms to the District Attorney’s office in person, by mail, or by fax

In person: give the papers to someone who works in the office. Make sure you get the person’s name for your *Certificate of Service*.

By Mail: mail a copy of the forms first class to the office of the District Attorney. Service by mail is considered “complete” when you put the envelope in the mailbox.

By Fax: make sure you have a current fax number for the office of the District Attorney. Keep the confirmation sheet for your records.

Complete the *Certificate of Service* and file it with the court. Your case will not proceed until the court receives proof of service. If you fail to provide proof of service within the time allowed by the court, your case may be dismissed and you will have to pay another filing fee to re-file. You can also pay a professional process server if you want to. The server will complete and file the *Certificate of Service*.

Court Hearings

The court may hold a hearing, depending on your case type. If so, the court will schedule the hearing after the *Certificate of Service* is filed. You will get a notice from the court with the hearing time, date, and location. If you do not attend the hearing, your request will be

denied. Be sure the court has correct contact information for you.

- **“Lack of Consent: Victim’s Age” Offenders (ORS 163A.140)**

The court will schedule a hearing at least 90 days from the date you file. The district attorney (DA) will review your case and decide whether to oppose relief.

DA does not oppose - If the district attorney does not oppose relief, the district attorney will submit an order to the circuit court removing the requirement to report. You will receive a *Notice of Entry of Judgment* from the court.

DA does oppose – The DA will notify you. The court will schedule a hearing and send you notice of the date, time, and location. If you do not appear at the hearing, your request will not be granted. At the hearing, you must prove that you meet the eligibility requirements. The victim may appear and may testify. The court’s decision after the hearing cannot be appealed

- **Adult Offenders: Completed Supervision 10 Years Ago (ORS 163A.120)**

The court will scheduled a hearing at least 90 days after you file. You must prove to the court by clear and convincing evidence that you are rehabilitated and are not a threat to public safety.

The court will consider a number of factors. You can read the factors at [ORS 163A.120\(2\)](#).

- **Juvenile Offenders (ORS 163A.130)**

A hearing will be scheduled at least 90 days after you file. The victim will be notified of the hearing. The victim may attend the hearing.

You must prove to the court by clear and convincing evidence that you are rehabilitated and are not a threat to public safety. You can present evidence, reports, and testimony at the hearing.

The court will consider a number of factors. You can read the factors at [ORS 163A.130\(4\)](#).

The court may not relieve you of the reporting requirement if you are still under the jurisdiction of the juvenile court or the PSRB until jurisdiction ends

The district attorney may require you to have a psychosexual evaluation. If so, you will receive notice. You have the right to object to the chosen evaluator if you have a good reason.

Removal from the Oregon Sex Offender Registry

To actually be removed from the Registry, you must send a certified court copy of the signed order to:

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

The court will give you a certified copy, but may charge a fee

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Petitioner

Case No: _____

DOB: _____
SID#: _____

**PETITION FOR RELIEF FROM
SEX OFFENDER REPORTING
REQUIREMENT**

(Juvenile Offender 163A.130-.135)

v.

District Attorney, Respondent

Filing fees at ORS 21.135

I request relief from the requirement to report as a sex offender as ordered in
Case # _____ from *(court location or jurisdiction)* _____

I am required to report as a sex offender because of an order

- in an Oregon juvenile court
 in another United States jurisdiction that does not require me to register for life

The act for which I am required to report, if committed by an adult, would constitute (in
Oregon): *(check all that apply)*

- a Class A or Class B felony sex crime. It has been at least 2 years since termination of
juvenile court jurisdiction; discharge from the jurisdiction of the Psychiatric Security
Review Board; or termination of jurisdiction by another United States jurisdiction.
 a Class C felony sex crime. Termination of jurisdiction by the juvenile court; discharge
from the jurisdiction of the Psychiatric Security Review Board; or termination of
jurisdiction by another United States jurisdiction has occurred or will occur within 30 days.

I am (or was within the past 3 years) under the jurisdiction of the juvenile court or the
Psychiatric Security Review Board

or

It has been 3 years or more since the jurisdiction of the juvenile court or board terminated

I am rehabilitated and do not pose a threat to the safety of the public because *(explain)*: _____

I satisfactorily completed a sex offender treatment program

**I hereby declare that the above statements are true to the best of my knowledge
and belief. I understand they are made for use as evidence in court and I am
subject to penalty for perjury.**

Date

Petitioner Signature

Name (printed)

Contact Address

City, State, Zip

Contact Phone

Certificate of Document Preparation. Check all that apply:

- I chose this form for myself and completed it without paid help
- A legal help organization helped me choose or complete this form, but I did not pay money to anyone
- Guide & File selected and completed this form and I did not pay anyone to review the completed form
- I paid(or will pay) _____ for help choosing, completing, or reviewing this form

I hereby declare that the above statements are true to the best of my knowledge and belief. I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Date

Petitioner Signature

Name (printed)

Contact Address

City, State, Zip

Contact Phone

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF _____

Case No. _____

Petitioner

v.

Respondent

**CERTIFICATE OF
SERVICE**

SORR

I certify that on *(date)* _____, I served a true copy of the *Petition* or *Motion for Relief from Sex Offender Reporting Requirement* on the District Attorney (DA) *(name)* _____

By the following method permitted by Oregon Rules of Civil Procedure Rule 9:

Personal delivery

to the DA **or** left with *(name)* _____

or

Mail to *(address)*: _____

Fax. The fax confirmation is attached.

I hereby declare that the above statements are true to the best of my knowledge and belief, and that I understand they are made for use as evidence in court and I am subject to penalty for perjury.

Submitted by: Petitioner

Date

Signature

Print Name

Contact Address

City, State, ZIP

Contact Phone