

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. 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

Limited Circumstances – Victim’s Age (ORS 163A.140)

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

- You were convicted 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.

If you were a juvenile you can apply if:

- 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 the act occurred in another state and was for an act that would be considered a crime listed above in Oregon. If it is unclear whether an act in another state would be considered a listed crime in Oregon, the judge will decide.

Juvenile Offenders¹ (ORS 163A.130-.135)

You can apply for relief if the act you are required to report for would (if committed by an adult) be considered 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”

Adult Offenders (ORS 163A.120)

If you meet the following requirements, **do not use these forms**. You can file for reporting relief with the State Board of Parole and Post-Prison Supervision, or the Psychiatric Review Board – do not file with the court.

- Your supervision on probation, conditional release, parole, or post-prison supervision ended at least **10 years** ago
- 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

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”

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.

Go to www.courts.oregon.gov/Pages/fees.aspx to see the current filing fee for this *Petition*

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

- Limited Circumstances - Victim’s Age Offenders (ORS 163A.140)
Convicted in Oregon: File in the circuit court for the county where you were convicted or adjudicated

¹ 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

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 a copy of 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.

● **Limited Circumstances - 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

- **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 judgment 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**

(ORS 163A.140)

Filing fees at ORS 21.135

v.

District Attorney, Respondent

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

Declaration in Support of Petition

- In Oregon, I was convicted or found guilty except for insanity of:
- I am paroled in Oregon under ORS 144.610 (*out of state supervision of parolees*) after being convicted in another United States jurisdiction for an act that would, in Oregon, constitute:
(check all that apply)

- | | |
|------------------------------------|--|
| <input type="checkbox"/> attempted | <input type="checkbox"/> sodomy in the third degree |
| <input type="checkbox"/> attempted | <input type="checkbox"/> rape in the third degree |
| <input type="checkbox"/> attempted | <input type="checkbox"/> sexual abuse in the third degree |
| <input type="checkbox"/> attempted | <input type="checkbox"/> sexual misconduct |
| <input type="checkbox"/> attempted | <input type="checkbox"/> contributing to the sexual delinquency of a minor |

or (for juvenile offenders only)

I was found to be within the jurisdiction of the juvenile court for committing an act which, if committed by an adult, would constitute:

- Rape in the third degree
 - Sodomy in the third degree

- This case involved only one victim
- I am less than five (5) years older than the victim
- The victim was fourteen (14) years of age or older at the time of the crime
- I believe that the victim's lack of consent was based solely on the fact that the victim was under a specified age
- I have not been convicted, found guilty except for insanity, or found within the jurisdiction of the juvenile court for any other sex crime (or an offense which, if committed in Oregon, or committed by an adult, would constitute a sex crime)

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

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 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. 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