

Training Bulletin for Failure to Register

October 2023

ORS 163.040 Failure to Register as a sex offender – this statute sets forth 11 different ways you can violate the law, this bulletin focuses on two:

- 1) Failing to report a move to a new residence/address.
- 2) Failing to make an annual report.

1) FAILING TO REPORT A MOVE TO NEW ADDRESS

- It is a defense that they did report within 10 days of the change in residence in the county of the persons new residence. ORS 163A.040(2)(a)
- Venue (where the charges need to be filed) is in the new County (ie where they have moved to).
- Venue is not established just because they are present in your county.

KEY TAKEAWAY: You must determine that more than 10 days have gone by since the move and what County they now reside in.

2) FAILING TO MAKE ANNUAL REPORT

- Venue is the County where the offender is residing 10 days after birthdate. State v. Massei, 247 Or App 30 (2011).

KEY TAKEAWAY: Send the case to the County where they reside not the county of arrest.

Residence refers to the place where a person is settled and intends to return to but not someplace they are temporarily visiting. State v. Lafountain, 299 Or App 311 (2019).

PENALTIES

- Failing to report a move is a Class C Felony if the underlying sex offense is a Felony, otherwise a Class B Misdemeanor.
- Failing to file the annual report is a Class A Misdemeanor regardless of the underlying offense.