

SHORT TITLE: Sex Offenders Registration Act; requiring annual registration; making certain information available to the public; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 723

By: Smith

AS INTRODUCED

An act relating to the Sex Offenders Registration Act; amending 57 O.S. 1991, Sections 581, as amended by Section 1, Chapter 142, O.S.L. 1995, 582, as last amended by Section 2, Chapter 142, O.S.L. 1995, 583, 584, 585, 586, and 587, as amended by Sections 3, 4, 5, 6 and 7, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Sections 581, 582, 583, 584, 585, 586 and 587), which relate to the Sex Offenders Registration Act, persons and crimes to which act applies, registration duration, information required, duty to register, false or misleading information, penalty; modifying language; removing certain jurisdictional requirements; including deferred judgment in registration; requiring annual registration; expanding the information required on the registration form; providing for extension of mandatory registration by court order; removing treatment exception from mandatory registration period; allowing for name search from certain register; authorizing a fee for name search of certain registry; making certain information from local registry available to public upon written request; directing the Tax Commission to provide certain notice to tag agents; making attempt to

give false information a crime; referencing penalty; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 57 O.S. 1991, Section 581, as amended by Section 1, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 581), is amended to read as follows:

Section 581. ~~Sections~~ Section 581 et seq. of this title shall be known and may be cited as the "Sex Offenders Registration Act".

SECTION 2. AMENDATORY 57 O.S. 1991, Section 582, as last amended by Section 2, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 582), is amended to read as follows:

Section 582. The provisions of the Sex Offenders Registration Act, ~~Sections~~ Section 581 et seq. of this title, shall apply to any person who, ~~after November 1, 1989,~~ has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence for a crime or an attempt to commit a crime provided for in Sections 885, 888, 1021, except for a crime provided for in paragraph 1 of subsection A of Section 1021, 1021.2, 1021.3, 1087, 1088, 1114 or 1123 of Title 21 of the Oklahoma Statutes or to any person who enters this state ~~after November 1, 1989,~~ and who has been convicted or received a suspended sentence for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any of ~~said~~ the laws enumerated in this section. The provisions of the Sex Offenders Registration Act shall apply to any person who ~~enters this state on or~~ after September 1, 1993, ~~and who has received~~ receives a deferred judgment for a crime or attempted crime provided in this section or to any person entering

this state who has received a deferred judgment which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in Section 885, 888, 1021, except for a crime provided for in paragraph 1 of subsection A of Section 1021, 1021.2, 1021.3, 1087, 1088, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The provisions of the Sex Offenders Registration Act shall not apply to any ~~such~~ person while the person is incarcerated in a ~~correctional institution of the Department of Corrections~~ jail or state correctional facility.

SECTION 3. AMENDATORY 57 O.S. 1991, Section 583, as amended by Section 3, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 583), is amended to read as follows:

Section 583. A. Any person who becomes subject to the provisions of the Sex Offenders Registration Act, Section 581 et seq. of this title, ~~on or after November 1, 1989,~~ shall register as follows:

1. ~~With~~ Annually with the Department of Corrections and the initial registration shall be within ten (10) business days of:

- a. being convicted or receiving a suspended sentence if the person is not incarcerated, ~~or within ten (10) business days of~~
- b. the release of the person from a jail or correctional institution, ~~except as provided in subsection B of this section or~~
- c. receiving a deferred judgment, except after the successful completion of the deferred judgment period the person shall not be required to continue registration; and

2. ~~With~~ Annually with the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for more than seven (7) days. The registration pursuant

to this paragraph is required within seven (7) days after entering the jurisdiction of the law enforcement authority.

For purposes of this section, "local law enforcement authority" means the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state; or, the county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state.

B. Any person who has been convicted of an offense ~~on or after November 1, 1989,~~ in another jurisdiction, which offense, if committed or attempted in this state, would have been punishable as one or more of the offenses ~~listed~~ described in Section 582 of this title and who enters and remains in this state shall register as follows:

1. With the Department of Corrections when the person enters and intends to be in the state for thirty (30) days or longer. Such registration is required within thirty (30) days after entering the state and annually thereafter as provided in subsection A of this section if the person remains in this state; and

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for more than seven (7) days. The registration is required with local law enforcement within seven (7) days after entering the jurisdiction of the law enforcement authority and annually thereafter as provided in subsection A of this section if the person remains in the jurisdiction.

C. ~~The registration~~ Each offender subject to the provisions of this act shall be required to register as provided in this section with the Department of Corrections and the local law enforcement authority each year ~~required by this section shall be maintained by the Department of Corrections~~ for a period of not less than ten (10) years from the date of initial registration; ~~however, persons who~~

~~successfully complete the sex offender treatment program provided by the Department of Corrections, shall only be required to register with the Department for two (2) years after date of discharge. Repeat offenders after discharge shall be required to register for the full ten-year period. The number of years required for registration may be extended as provided by court order.~~

D. The registration with of each offender shall be maintained by the Department of Corrections and the local law enforcement authority required by this section shall be maintained by such authority in such a manner as to determine the number of years an offender has registered, is required to register, and reflect other pertinent information about the offender. The registration forms shall be kept for five (5) years following the conclusion of the mandatory registration period as provided in this section or by court order.

SECTION 4. AMENDATORY 57 O.S. 1991, Section 584, as amended by Section 4, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 584), is amended to read as follows:

Section 584. A. The registration with the Department of Corrections required by the Sex Offenders Registration Act, Section 581 et seq. of this title, shall be in a form approved by the Department of Corrections and shall include the following information about the person registering:

1. The person's name and all aliases used or under which the person has been known, date of birth, sex, race, height, weight, eye color, social security number, and driver license number;

2. A complete description of the person, including a photograph and fingerprints, and when requested by the Department of Corrections, such registrant shall submit to a blood test for purposes of a deoxyribonucleic acid (DNA) profile;

3. The offenses listed in Section 582 of this title of which the person has been convicted or for which the person received a

suspended or deferred sentence, where the offense was committed, where the person was convicted or received the suspended or deferred sentence, and the name under which the person was convicted or received the suspended or deferred sentence;

4. The name and location of each hospital, treatment center, or penal institution to which the person was committed for each offense listed in Section 582 of this title; and

5. Where the person resides, how long the person has resided there, how long the person expects to reside there, and how long the person expects to remain in the county and in ~~the State of Oklahoma~~ this state.

B. The registration with the local law enforcement authority required by this act shall be in a form approved by the local law enforcement authority and shall include the following information about the person registering:

1. The person's full name, alias, date of birth, sex, race, height, weight, eye color, social security number, driver license number, and home address; ~~and~~

2. A description of the offense for which the offender was convicted or received a suspended or deferred sentence, where the offense was committed, the date of the ~~conviction~~ sentence, ~~and the terms of the sentence imposed, if applicable,~~ and the court imposing the sentence; and

3. A photograph and fingerprints of the offender.

For purposes of this section, "local law enforcement authority" means the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state; or, the county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state.

C. Any person subject to the provisions of the Sex Offenders Registration Act who changes ~~an~~ his or her residential address shall

give written notification of the new address to the Department of Corrections ~~within~~ not later than ten (10) business days after the change of address and to the local law enforcement authority ~~within~~ not later than three (3) business days after the change of address.

D. The Department of Corrections shall maintain a current file of all sex offender registrations. The registration file shall be available to state, county and municipal law enforcement agencies. ~~Said~~ The registration file shall not be made available for public inspection and no person other than a law enforcement officer employed by a state, county or municipal law enforcement agency shall have access to ~~said~~ the file; provided, however, the Department may respond to written inquiries for a name verification against the registry. Written inquiries must provide the following information for a name search:

- a. the full name of the person believed to be subject to the provisions of this act,
- b. the person's current address, and
- c. the person's physical description.

The Department of Corrections may charge a fee for a name search from the sex offender registry. The Department shall provide all municipal police departments and all county sheriff departments a list of those sex offenders currently registered or required to register and living or presumed to be living in their respective jurisdictions for verification to the local registry.

E. Each local law enforcement agency ~~shall make its~~ is authorized to provide information from its sex offender registry ~~available~~ as follows:

1. To all public and private elementary schools within the jurisdiction;
2. To all childcare facilities licensed by the state within the jurisdiction;

3. To any state agency that licenses individuals to work with children;

4. To the State Office of Personnel Management to screen persons who may work with children; ~~and~~

5. To other entities that provide services to children ~~and request the registry;~~ and

6. To the public upon a written request for a name search.

The information available from the sex offender registry ~~available~~ to entities in paragraphs 2 ~~and~~, 5, and 6 of this subsection shall not contain the home address of any offender whose name appears on the registry. When a law enforcement agency sends a copy of or otherwise makes the information available from its sex offender registry ~~available~~ to any entity pursuant to this subsection, the agency shall provide a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense ~~against a child~~. Continuing to employ a person to work with children whose name appears on this registry may result in civil liability for the employer."

SECTION 5. AMENDATORY 57 O.S. 1991, Section 585, as amended by Section 5, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 585), is amended to read as follows:

Section 585. A. Each person in charge of a jail, hospital, treatment center, or correctional institution from which a person subject to the provisions of the Sex Offenders Registration Act, Section 581 et seq. of this title, is released and each judge who suspends or defers the sentence of a person subject to the provisions of the Sex Offenders Registration Act shall prior to discharge or release of ~~said~~ the person:

1. Explain to the person the duty to register pursuant to the Sex Offenders Registration Act;

2. Require the person to sign a written statement that the duty to register has been explained and the person understands the duty

to register, and that a criminal penalty may be imposed for failure to register as required by law;

3. Obtain the address at which the person is to reside upon discharge or release; and

4. Forward ~~said~~ the information obtained from paragraphs 1 through 3 of this subsection to the Department of Corrections within five (5) days.

B. The Department of Public Safety shall issue written notification of the registration requirements of the Sex Offenders Registration Act to any person who enters this state from another jurisdiction and makes an initial application for ~~an operator's or chauffeur's~~ a driver license to operate a motor vehicle in this state. The State Tax Commission shall provide a notice to all tag agents of this state which shall be posted at the place of business and shall contain the following or similar language: SEX OFFENDER REGISTRATION IS THE LAW. IF YOU HAVE BEEN ARRESTED FOR AND FOUND GUILTY OF A SEX OFFENSE YOU MUST REGISTER.

SECTION 6. AMENDATORY 57 O.S. 1991, Section 586, as amended by Section 6, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 586), is amended to read as follows:

Section 586. ~~It is unlawful for any~~ person subject to the provisions of the Sex Offenders Registration Act, Sections Section 581 et seq. of this title, shall to furnish or attempt to furnish any false or misleading information in the registration required by said act Section 583 of this title. Any person convicted of a violation of this section shall be punished as provided in Section 587 of this title.

SECTION 7. AMENDATORY 57 O.S. 1991, Section 587, as amended by Section 7, Chapter 142, O.S.L. 1995 (57 O.S. Supp. 1996, Section 587), is amended to read as follows:

Section 587. Any person required to register pursuant to the provisions of the Sex Offenders Registration Act, ~~Sections~~ Section

581 et seq. of this title, who violates any provision of ~~said~~ the act shall, upon conviction, be guilty of a misdemeanor punishable by incarceration in the county jail for not more than one (1) year, a fine not to exceed One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

SECTION 8. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-0086

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