

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 1432

By: Smith of the Senate

and

Thornbrugh of the House

( Sex Offenders Registration Act - requiring  
supervision - promulgation of rules and  
procedures -

effective date )

AUTHORS: Add the following House Coauthors: Wells and Webb

AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

“( Sex Offenders Registration Act - requiring  
supervision - promulgation of rules and  
procedures -

effective date )

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 583.1 of Title 57, unless there  
is created a duplication in numbering, reads as follows:

Every person required to register pursuant to the Sex Offenders  
Registration Act shall be subject to supervision by the Department  
of Corrections for life, notwithstanding the expiration of the term  
of the sentence or the period required to be actively registered on  
the registry. In conjunction with supervision, the Department of  
Corrections is authorized to conduct periodic polygraph examinations  
to screen for high-risk sexual behaviors relating to children or

general public safety. The results of any polygraph examination are confidential and shall be used by the Department to evaluate the level of supervision necessary to protect the public from re-offending. Polygraph examinations shall be conducted by licensed polygraph examiners and the examiners shall be immune from liability for results of any examination given to a sex offender.

Every person registered on the sex offender registry on the effective date of this act shall be notified by mail of the supervision requirement of this act. Any person previously registered on the sex offender registry, but not required by law to be actively registered on the effective date of this act, shall be notified by mail at the last-known address of the person. The Department of Corrections shall promulgate rules and procedures for carrying out the intent of this act.

SECTION 2. AMENDATORY 70 O.S. 1991, Section 5-142, as last amended by Section 1, Chapter 81, O.S.L. 1997 (70 O.S. Supp. 1999, Section 5-142), is amended to read as follows:

Section 5-142. A. ~~The provisions of this section shall apply to a school district with an average daily membership of thirty thousand (30,000) students or less.~~ For purposes of employment, a local board of education ~~may~~ shall request in writing from the State Board of Education information concerning any felony offense conviction of any employee of the school or any person seeking employment with the school. ~~The request shall specify whether the felony record search is to be based only on the name submitted by the employee or prospective employee or on the basis of fingerprints to be required of the employee or prospective employee. The request shall further specify whether the search is to be a state or national search. If a national search is requested, the search shall be based on fingerprints, and the Oklahoma State Bureau of Investigation shall obtain fingerprints of the employee or prospective employee and require that said person pay a search fee~~

not to exceed Fifty Dollars (\$50.00) or the cost of the search, whichever is the lesser amount. The fees shall be deposited in the OSBI Revolving Fund. School districts are hereby authorized to reimburse employees for the cost of the search. The State Board of Education shall contact the Oklahoma State Bureau of Investigation for any felony record of said person within fourteen (14) working days of receiving a written request from the board of education.

B. The Oklahoma State Bureau of Investigation shall provide the felony record requested by the State Board of Education within fourteen (14) working days from the receipt of said request. The Bureau ~~may~~ shall contact the Federal Bureau of Investigation as regards the information requested, to obtain any felony convictions of the person involved. The felony record provided by the Oklahoma State Bureau of Investigation shall include the name of the person, whether or not said person has been convicted of any felony offense, a list of any felony convictions, and the dates of such convictions. The Oklahoma State Bureau of Investigation shall reference the Oklahoma Sex Offender Registry to determine if the person seeking employment is subject to the registration requirements of the Oklahoma Sex Offenders Registration Act.

C. The State Board of Education shall provide the information received from the Oklahoma State Bureau of Investigation to the local board of education within fourteen (14) days from the receipt of said information.

D. For the purpose of this section, "board of education" includes both public and private boards of education within or outside this state.

E. Each public board of education within this state shall promulgate a statement of that school districts' policy regarding felony record searches. ~~If the policy requires felony record searches, the~~ The policy may permit employment for not to exceed sixty (60) days pending receipt of results of felony search

requests. ~~If the policy requires a search based on fingerprints,~~  
~~prospective~~ Prospective employees shall be notified of the  
fingerprint requirement, the fee and the reimbursement policy when  
first interviewed concerning employment. The school district's  
reimbursement policy shall provide, at the minimum, that employees  
shall be promptly reimbursed in full for the fee if employed by the  
district at the time the felony search request is made unless the  
person was employed pending receipt of results as set forth above.

F. Any person applying for employment ~~as a substitute teacher~~  
shall only be required to have one such felony record search for the  
school year. Upon request of the ~~substitute teacher~~ applicant, that  
felony record search may be sent to any other school district in  
which the ~~substitute teacher~~ individual is applying to teach.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 150.9, as  
amended by Section 2, Chapter 259, O.S.L. 1994 (74 O.S. Supp. 1999,  
Section 150.9), is amended to read as follows:

Section 150.9 A. The Oklahoma State Bureau of Investigation  
shall procure, file and maintain criminal history records for each  
person subject to the mandatory reporting provisions of this act,  
including photographs, descriptions, fingerprints, measurements and  
other pertinent information relating to such persons. It shall be  
the duty of law enforcement officers and agencies, sheriffs, police,  
courts, judicial officials, district attorneys, and the persons in  
charge of any state correctional facility or institution to furnish  
criminal history records to the Bureau as required by this act. The  
Oklahoma State Bureau of Investigation shall cooperate with and  
assist the sheriffs, chiefs of police and other law enforcement  
officers of the state by maintaining a complete criminal history  
record on each person subject to the mandatory reporting  
requirements of this act, and shall have on file the fingerprint  
impressions of all such persons together with other pertinent  
information as may from time to time be received from the law

enforcement officers of this and other states or as may be required by law.

B. The Oklahoma Department of Consumer Credit, the Oklahoma State Insurance Commission, the Oklahoma Horse Racing Commission, or any other state agency, board, department or commission or any other person or entity requesting a criminal history record or an analysis of fingerprints for commercial, licensing or other purposes, except law enforcement purposes, shall pay a fee to the Bureau for each criminal history record or fingerprint analysis as follows:

Oklahoma criminal history record only	\$15.00 each
Oklahoma criminal history record with fingerprint analysis	<del>\$35.00 each</del> <u>\$19.00</u>
National criminal history record with fingerprint analysis	\$41.00 each

The Oklahoma State Bureau of Investigation shall provide Oklahoma criminal history records to charitable organizations for the purpose of screening volunteers at no cost. For purposes of this subsection, "charitable organization" shall mean any organization which is exempt from taxation pursuant to the provisions of the Internal Revenue Code, 26 U.S.C., Section 501(c)(3) and which is registered as a charitable organization with the Oklahoma Secretary of State and the Oklahoma Attorney General's Office. Unless a national criminal history record is specifically requested, a fingerprint analysis shall be limited to only those records available at the Oklahoma State Bureau of Investigation. Following receipt of the appropriate fee, the Bureau shall provide, as soon as possible, the criminal history record requested; provided, however, it shall be the duty and responsibility of the requesting authority to evaluate the criminal history record as such record may apply to a specific purpose or intent. An individual may submit a certified court record showing that a charge was dismissed to the Oklahoma

State Bureau of Investigation, and upon verification of that record the Bureau records shall reflect the dismissal of that charge.

C. The Oklahoma Bureau of Investigation may maintain an identification file, including fingerprint impressions, on any person under eighteen (18) years of age who is arrested or subject to criminal or juvenile delinquency proceedings, provided all such information shall be confidential and shall only be made available to the Bureau and other law enforcement agencies. Whenever a fingerprint impression or other identification information is submitted to the Bureau on a person under eighteen (18) years of age, the Bureau may retain and file such fingerprint and identification information for identification purposes only. The Bureau shall ensure that the information received and maintained for identification purposes on persons under eighteen (18) years of age shall be handled and processed with great care to keep such information confidential from the general public. The Bureau may receive and maintain the fingerprints and other identification information on any person under eighteen (18) years of age believed to be the subject of a runaway, missing, or abduction investigation, for identification purposes at the request of a parent, guardian or legal custodian of the person.

SECTION 4. REPEALER Section 3, Chapter 319, O.S.L. 1994, as amended by Section 2, Chapter 81, O.S.L. 1997 (70 O.S. Supp. 1999, Section 5-142.1), is hereby repealed.

SECTION 5. This act shall become effective November 1, 2000."

Passed the House of Representatives the 4th day of April, 2000.

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Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2000.

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President of the Senate