

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 1432

By: Smith of the Senate

and

Thornbrugh of the House

COMMITTEE SUBSTITUTE

( 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 Offender 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. 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 4. This act shall become effective November 1, 2000.

47-2-9109 LAC 6/11/15