STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1319

By: Fisher of the Senate

and

Hiett of the House

COMMITTEE SUBSTITUTE

An Act relating to juvenile sex offenders; amending 10 O.S. 2001, Sections 7308-1.2, 7308-1.3, 7308-1.4, 7308-1.5, and 7308-1.9, which relate to the Juvenile Sex Offender Registration Act; modifying definition; adding eligible offense; specifying type of agency to receive juvenile sex offender information; modifying number of treatment professionals required to make evaluation; authorizing court to set compensation; modifying criteria for releasing information to the public; requiring the court to provide certain written notification; specifying time for filing petition; repealing 10 O.S. 2001, Section 7308-1.6, which relates to duty of the court to provide written notification to the juvenile of the duty to register as juvenile sex offender; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7308-1.2, is amended to read as follows:

Section 7308-1.2 As used in this act, "juvenile sex offender" means a person who was ~~between~~ not less than fourteen (14) years of age ~~and~~ but who was less than eighteen (18) years of age at the time the qualifying sex offense was committed and who:

1. On or after July 1, 2001, was adjudicated delinquent or a youthful offender for an action that would be an offense provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the Oklahoma Statutes, if committed by an adult;

2. As of July 1, 2001, is serving formal probation or commitment to the custody of the Office of Juvenile Affairs as the

result of adjudication for an action that would be an offense provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the Oklahoma Statutes, if committed by an adult;

3. Was adjudicated delinquent in another state for an action that is substantially equivalent to an offense provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the Oklahoma Statutes, and is subject on or after July 1, 2001, to court jurisdiction in this state pursuant to the Interstate Compact on Juveniles; or

4. Is required to register as a juvenile sex offender in another state for having committed a sex offense in that state regardless of the date of the offense or its adjudication.

SECTION 2. AMENDATORY 10 O.S. 2001, Section 7308-1.3, is amended to read as follows:

Section 7308-1.3 The Office of Juvenile Affairs shall establish and maintain a registry for juvenile sex offenders required by the court to register. The registry shall include fingerprints, photographs, and information collected from forms submitted and other communications relating to notice of duty to register, sex offender registration, and notice of change of name or address. Information in the juvenile sex offender registry is subject to release to ~~criminal justice~~ law enforcement agencies and may be released to the public pursuant to court order as provided in Section ~~4~~ 7308-1.4 of this ~~act~~ title.

SECTION 3. AMENDATORY 10 O.S. 2001, Section 7308-1.4, is amended to read as follows:

Section 7308-1.4 A. When a ~~juvenile is adjudicated delinquent or a youthful offender~~ person meets the definition of a juvenile sex offender pursuant to ~~Title 10 of the Oklahoma Statutes for any sex offense subject to the juvenile sex offender registry, as specified in this act~~ Section 7308-1.2 of this title, the district attorney may make an application to include the juvenile in the juvenile sex

offender registry. Upon the application of the district attorney, the court shall appoint ~~three~~ two persons who are qualified sex offender treatment professionals to evaluate the juvenile and report to the court on the treatment prognosis and likelihood that the juvenile offender represents an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age. One appointee shall be currently licensed as a physician or psychologist in Oklahoma with a minimum of two hundred (200) hours of clinical experience in juvenile sex offender treatment. Other criteria for qualifying as a sex offender treatment professional shall include, but not be limited to, current licensure as a medical or mental health professional with a minimum of two hundred (200) hours of clinical experience in juvenile sex offender treatment, or current licensure as a medical or mental health professional with a minimum of two (2) years' combined clinical experience in child abuse treatment, child or adolescent anger management treatment, juvenile delinquency or criminal behavior treatment, sexual abuse treatment, child or adolescent psychology, or therapeutic social work. A list of sex offender treatment professionals meeting the established criteria shall be provided to each district court by the Office of Juvenile Affairs. Where professionals are appointed to conduct an evaluation in such cases, the court may set reasonable compensation and order the payment out of the court fund. In the event ~~three~~ two qualified sex offender treatment professionals are not available to the court to evaluate the juvenile sex offender, the Office of Juvenile Affairs may, at the court's ~~discretion~~ request, select additional qualified sex offender treatment professionals employed by the agency to assist with the evaluation report.

B. The court shall, after consideration of the evaluation report required by subsection A of this section, make a finding of whether the juvenile offender represents an ongoing serious or aggressive threat to the public or children under sixteen (16) years

of age. If the court finds the juvenile represents such threat, the court shall order the juvenile to register on the juvenile sex offender registry as provided in this act.

C. The court, in its discretion, may order information on any juvenile sex offender released from the juvenile sex offender registry to any person or to the public at large when the evaluation report considered by the court indicates a likelihood of an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age. If the court orders release of this information to the public at large, it shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Office of Juvenile Affairs. If the court orders the release of this information through community notification, the notification shall be carried out by the local law enforcement authority applicable to the person's residence.

D. The court may review the treatment prognosis of any registered juvenile sex offender at any time and may, in its discretion, order release of additional information from the juvenile sex offender registry, as deemed appropriate for the protection of the public.

SECTION 4. AMENDATORY 10 O.S. 2001, Section 7308-1.5, is amended to read as follows:

Section 7308-1.5 On and after the effective date of this act, when the court ~~finds that~~ orders a juvenile sex offender ~~represents an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age~~ to register on the juvenile sex offender registry as provided in Section ~~4~~ 7308-1.4 of this ~~act~~ title, the court shall~~, with respect to a juvenile sex offender ordered to probation,~~ provide at the time of ~~adjudication~~ the order written notification of the duty to register. The written notification shall be a form provided by the Office of Juvenile Affairs and shall be signed by the juvenile and a parent or guardian

who has custody and control of the juvenile. One copy shall be retained by the court, one copy shall be provided to the juvenile offender, and one copy shall be submitted within three (3) working days to the juvenile sex offender registry.

SECTION 5. AMENDATORY 10 O.S. 2001, Section 7308-1.9, is amended to read as follows:

Section 7308-1.9 When a registered juvenile sex offender reaches twenty-one (21) years of age or is otherwise released from the custody of the Office of Juvenile Affairs, the district attorney may petition the court to transfer the person's registration to the adult sex offender registry maintained by the Department of Corrections, subject to the provisions of Section 581 et seq. of Title 57 of the Oklahoma Statutes. After notice, if the court determines at a hearing that the person who is registered on the juvenile sex offender registry is likely to or does pose an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age, the court shall order that the delinquent act be deemed an adult criminal conviction for the purpose of registration, notification, and public information access pursuant to Section 581 et seq. of Title 57 of the Oklahoma Statutes. If no petition is filed <u>within ninety (90) days following the twenty-first birthday of the person or the date of release from custody</u>, or if the court determines the person is not likely to or does not pose an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age, the juvenile's name and information shall be deleted from the juvenile sex offender registry, and the person may not be included in the adult sex offender registry.

SECTION 6. REPEALER 10 O.S. 2001, Section 7308-1.6, is hereby repealed.

SECTION 7. This act shall become effective July 1, 2002.

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.

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