

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 157

By: Fisher of the Senate

and

Hiett, Balkman, Cargill,
Friskup, Nance, O'Neal,
Peters, Steele, Tibbs,
Winchester and Young of the
House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to juvenile sex offenders; creating the Juvenile Sex Offender Registration Act; providing short title; defining terms; stating information to be included in registry; authorizing release of certain information to criminal justice agencies and the public; directing the Office of Juvenile Affairs to consult with the Department of Corrections; authorizing the district attorney to make application for inclusion of a juvenile in registry; directing the court to appoint a panel of qualified sex offender treatment professionals for certain evaluation and report; requiring certain list be presented to court; establishing qualifications for sex offender treatment professionals; authorizing the Office of Juvenile Affairs to select professionals; directing the court to make certain findings; authorizing release of certain information by court; requiring notification be given to juvenile sex offenders at certain time; providing for copies of notifications to be maintained by certain entities; requiring annual registration for juvenile sex offenders; criminalizing failure to register or provide change of name or address; establishing penalty; authorizing transfer of juvenile registration to adult sex offender registry under certain circumstances; providing for deletion of name from the juvenile sex offender registry; exempting juveniles sentenced as adults; construing duty to disclose information; granting immunity; prohibiting use of information to commit crime; setting penalty; directing the Office of Juvenile Affairs to promulgate rules; providing for codification; providing an effective date; and declaring an emergency.

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 7308-1.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Juvenile Sex Offender Registration Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

As used in this act, "juvenile sex offender" means a person who was between fourteen (14) years of age and 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, 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, 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, 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 in another state for having committed a sex offense in that state regardless of the date of the offense or its adjudication.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.3 of Title 10, unless there is created a duplication in numbering, reads as follows:

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 agencies and may be released to the public pursuant to court order as provided in Section 4 of this act.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. When a juvenile is adjudicated delinquent or a youthful 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, 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 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. In the event three 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, 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.

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 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.5 of Title 10, unless there is created a duplication in numbering, reads as follows:

On and after the effective date of this act, when the court finds that a juvenile sex offender represents an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age as provided in Section 4 of this act, the court shall, with respect to a juvenile sex offender ordered to probation, provide at the time of adjudication 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 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.6 of Title 10, unless there is created a duplication in numbering, reads as follows:

On and after the effective date of this act, when the court finds that a juvenile sex offender represents an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age as provided in Section 4 of this act, the court shall, with respect to a juvenile sex offender committed to the custody of the Office of Juvenile Affairs, provide written notification of the duty to register prior to release from custody. 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 Office of Juvenile Affairs, one copy shall be provided to the juvenile offender, and one copy shall be submitted within three (3) working days to the juvenile registry.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.7 of Title 10, unless there is created a duplication in numbering, reads as follows:

An adjudicated juvenile sex offender ordered to register on the juvenile sex offender registry shall be subject to annual registration and change of name and address notification pursuant to this act, except during periods when the juvenile is in the custody of the Office of Juvenile Affairs.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.8 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. A juvenile sex offender who fails to register or provide notification of a change of name or address is guilty of a misdemeanor.

B. A parent or guardian who has custody and control of a juvenile sex offender commits a misdemeanor offense of failure to supervise a child if the juvenile offender fails to register or provide notification of a change of name or address as required by this act. A person convicted of this offense is punishable by a fine of not more than One Thousand Dollars (\$1,000.00).

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.9 of Title 10, unless there is created a duplication in numbering, reads as follows:

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, 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 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.10 of Title 10, unless there is created a duplication in numbering, reads as follows:

The provisions of this act do not apply to a juvenile who is subject to registration and notification requirements of Section 581 et seq. of Title 57 of the Oklahoma Statutes, because the offender was convicted of a sex offense as an adult.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.11 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. No person or governmental entity, other than those specifically charged in this act with a duty to collect information regarding registered sex offenders, has a duty to inquire, investigate or disclose any information regarding registered sex offenders.

B. No person or governmental entity, other than those specifically charged in this act with an affirmative duty to provide public access to information regarding registered sex offenders, shall be held liable for any failure to disclose any information regarding registered sex offenders to any other person or entity.

C. Every person or governmental entity who, acting without malice or criminal intent, obtains or disseminates information under this act shall be immune from civil liability for any damages claimed as a result of such disclosures made or received.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.12 of Title 10, unless there is created a duplication in numbering, reads as follows:

Any person who uses information obtained pursuant to this act to commit a crime or to cause physical harm to any person or damage to property shall be guilty of a misdemeanor upon conviction, and, in addition to any other punishment, shall be punished by imprisonment in the county jail for a term not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.13 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Office of Juvenile Affairs shall promulgate rules, procedures, and forms necessary for the implementation of a juvenile sex offender registry.

SECTION 14. This act shall become effective July 1, 2001.

SECTION 15. 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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