

1 STATE OF OKLAHOMA

2 2nd Session of the 48th Legislature (2002)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL 1319

By: Fisher

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to juvenile sex offenders; amending  
9 10 O.S. 2001, Sections 7308-1.2, 7308-1.3, 7308-1.4,  
10 7308-1.5, and 7308-1.9, which relate to the Juvenile  
11 Sex Offender Registration Act; clarifying definition  
12 of eligible age for juvenile sex offender; adding  
13 certain eligible offense; modifying language;  
14 clarifying type of agency to receive juvenile sex  
15 offender information; clarifying language; modifying  
16 references; reducing number of treatment  
17 professionals required to make certain evaluation;  
18 changing criteria for releasing information to the  
19 public; directing release of certain information to  
20 the public by certain law enforcement agencies;  
21 deleting certain requirement for court finding;  
22 requiring the court to provide certain written  
23 notification; setting time for filing certain  
24 petition; repealing 10 O.S. 2001, Section 7308-1.6,  
25 which relates to court's duty to provide written  
26 notification to the juvenile of the duty to register  
27 on the juvenile sex offender registry; providing an  
28 effective date; and declaring an emergency.

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

32 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;

1       2. As of July 1, 2001, is serving formal probation or  
2 commitment to the custody of the Office of Juvenile Affairs as the  
3 result of adjudication for an action that would be an offense  
4 provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of  
5 the Oklahoma Statutes, if committed by an adult;

6       3. Was adjudicated delinquent in another state for an action  
7 that is substantially equivalent to an offense provided in Section  
8 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the Oklahoma  
9 Statutes, and is subject on or after July 1, 2001, to court  
10 jurisdiction in this state pursuant to the Interstate Compact on  
11 Juveniles; or

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

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

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

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

29       Section 7308-1.4 A. When a ~~juvenile is adjudicated delinquent~~  
30 ~~or a youthful offender~~ person meets the definition of a juvenile sex  
31 offender pursuant to ~~Title 10 of the Oklahoma Statutes for any sex~~  
32 ~~offense subject to the juvenile sex offender registry, as specified~~

1 ~~in this act~~ Section 7308-1.2 of this title, the district attorney  
2 may make an application to include the juvenile in the juvenile sex  
3 offender registry. Upon the application of the district attorney,  
4 the court shall appoint ~~three~~ two persons who are qualified sex  
5 offender treatment professionals to evaluate the juvenile and report  
6 to the court on the treatment prognosis and likelihood that the  
7 juvenile offender represents an ongoing serious or aggressive threat  
8 to the public or children under sixteen (16) years of age. One  
9 appointee shall be currently licensed as a physician or psychologist  
10 in Oklahoma with a minimum of two hundred (200) hours of clinical  
11 experience in juvenile sex offender treatment. Other criteria for  
12 qualifying as a sex offender treatment professional shall include,  
13 but not be limited to, current licensure as a medical or mental  
14 health professional with a minimum of two hundred (200) hours of  
15 clinical experience in juvenile sex offender treatment, or current  
16 licensure as a medical or mental health professional with a minimum  
17 of two (2) years' combined clinical experience in child abuse  
18 treatment, child or adolescent anger management treatment, juvenile  
19 delinquency or criminal behavior treatment, sexual abuse treatment,  
20 child or adolescent psychology, or therapeutic social work. A list  
21 of sex offender treatment professionals meeting the established  
22 criteria shall be provided to each district court by the Office of  
23 Juvenile Affairs. In the event ~~three~~ two qualified sex offender  
24 treatment professionals are not available to the court to evaluate  
25 the juvenile sex offender, the Office of Juvenile Affairs may, at  
26 the court's ~~discretion~~ request, select additional qualified sex  
27 offender treatment professionals employed by the agency to assist  
28 with the evaluation report.

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

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

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

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

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

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

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

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

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

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

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

31 SECTION 8. It being immediately necessary for the preservation  
32 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

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