STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL 1369 By: Sweeden of the House

and

Fisher of the Senate

COMMITTEE SUBSTITUTE

[juvenile sex offenders - Juvenile Sex Offender Registration Act - codification - effective date - emergency]

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7308-1.0 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 7308-1.1 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, a period of detention, or commitment to the Office of Juvenile Affairs as the result of sentencing imposed 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 the offenses 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 Oklahoma court jurisdiction under 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 7308-1.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Office of Juvenile Affairs in consultation with the Department of Corrections shall establish and maintain within the Department of Correction's sex offender registry a separate registry of juvenile sex offenders. The registry shall include fingerprints, photographs, and information collected from submitted forms and other communications relating to notice of duty to register, sex offender registration, and notice of address change. Information in the registry of juvenile sex offenders is subject to release to criminal justice agencies, and may be released to the public pursuant to court order as provided in Section 13 of this act.

SECTION 4. 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:

On and after the effective date of this act, with respect to a juvenile sex offender sentenced to probation without a period of detention, the court shall provide at the time of sentencing 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 the parents or guardian 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 registry.

SECTION 5. 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:

On and after the effective date of this act, with respect to a juvenile sex offender sentenced to a period of detention, the court shall provide, prior to release, written notification of the duty to register. With respect to a juvenile sex offender committed to the custody of the Office of Juvenile Affairs, the agency shall provide, prior to release, 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 the parents or guardian 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 6. 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:

A juvenile sex offender, other than one serving a period of detention or committed to the Office of Juvenile Affairs, shall be subject to annual registration and change of name or address notification pursuant to this act.

SECTION 7. 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:

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 of a juvenile sex offender commits the 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 8. 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:

When a registered juvenile sex offender reaches twenty-one (21) years of age, the prosecutor may petition the court to transfer the offender to the adult registry maintained by the Department of Corrections, subject to the registration and notification provisions of Section 581 et seq. of Title 57 of the Oklahoma Statutes. If the court determines at a hearing that the juvenile sex offender is likely to pose a serious or aggressive threat to the safety of others, 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 juvenile is not likely to pose a serious or aggressive threat to the safety of others, the juvenile shall be deleted from the juvenile registry.

SECTION 9. 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:

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 10. 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:

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

SECTION 12. 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:

Upon the application of the District Attorney, when a juvenile is adjudicated delinquent or as a youthful offender pursuant to Title 10 of the Oklahoma Statutes for any offense subject to the juvenile sex offender registry, as specified in this act, the court shall appoint three persons who are sex offender treatment professionals currently licensed to treat juvenile sex offenders 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.

The court, in its discretion, may order information on any juvenile sex offender released from the juvenile sex offender registry to any person or the public at large when the report from the treatment professionals indicates a likelihood of an ongoing serious or aggressive threat to the public or children under sixteen (16) years of age.

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

SECTION 13. 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 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 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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