ENGROSSED HOUSE
BILL NO. 1369

By: Sweeden of the House

and

Fisher of the Senate

(sex offenders - certain persons to register - time periods for registration - Office of Juvenile Affairs - codification - 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 590 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The provisions of the Sex Offenders Registration Act shall apply to any person residing within the State of Oklahoma who, after July 1, 2001, has been adjudicated as a delinquent for a crime or an attempt to commit a crime provided for in Section 7115 of Title 10 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 7102 of Title 10 of the Oklahoma Statutes, Section 741, 843.1, if the offense included sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1024.2, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes or who has been adjudicated as a delinquent in any court of another state, a federal court, an Indian tribal court or a military court for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in this subsection.

B. The provisions of the Sex Offenders Registration Act shall not apply to any such person while the person is incarcerated in an institution of the Office of Juvenile Affairs or a contractor of the Office of Juvenile Affairs but shall apply upon release from such a facility.

C. Each person in charge of an institution from which a person, subject to the provisions of this section, is released and each judge who adjudicates as delinquent a person subject to the provisions of subsection A of this section shall prior to discharge or release of said person:

1. Explain to the person the duty to register pursuant to this section;

2. Require the person to sign a written statement that the duty to register has been explained and the person understands the duty to register;

3. Obtain the address at which the person is to reside upon discharge or release; and

4. Forward said information to the Office of Juvenile Affairs.

D. Any person under eighteen (18) years of age who becomes subject to the provisions of the Sex Offenders Registration Act pursuant to this section, on or after July 1, 2001, shall be registered as follows:

1. With the Office of Juvenile Affairs within three (3) business days of being adjudicated as a delinquent if the person is not incarcerated, or within three (3) business days of release of the person from an institution; and

2. With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for more than seven (7) days. The registration is required within three (3) days after entering the jurisdiction of the local law enforcement authority.

E. Any person who has been adjudicated as a delinquent for an offense on or after July 1, 2001, in another jurisdiction, which offense if committed or attempted in this state, would have been punishable as one or more of the offenses listed in subsection A of this section and who enters this state shall be registered as follows:

1. With the Office of Juvenile Affairs when the person enters and intends to reside in the state for a period exceeding thirty (30) days. Such registration is required within three (3) days after entering the state; and

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for a period exceeding thirty (30) days. The registration is required with local law enforcement within three (3) days after entering the jurisdiction of the law enforcement authority.

F. The person shall be required to register with the Office of Juvenile Affairs until the person is eighteen (18) years of age. Thirty (30) days prior to the eighteenth birthday of the person, the Office of Juvenile Affairs shall forward all information regarding the person to the Department of Corrections. The person shall then be required to be registered with the Department of Corrections for a period of ten (10) years. The information received, pursuant to the registration with the Department of Corrections required by this section, shall be maintained by the Department of Corrections for at least ten (10) years from the date of registration with the Department of Corrections.

G. The person shall be required to register for a period of ten (10) years with a local law enforcement agency and the information received pursuant to the registration with the local law enforcement authority required by this section shall be maintained by such authority for at least ten (10) years.

H. The registration with the Office of Juvenile Affairs required by this section shall be in a form approved jointly by the Department of Corrections and the Office of Juvenile Affairs and shall include the following information about the person registering:

1. The person's name and all aliases used or under which the person has been known;

2. A complete description of the person, including a photograph and fingerprints;

3. The offenses listed in subsection A of this section for which the person has been adjudicated delinquent, where the offense was committed, where the person was adjudicated a delinquent and the name under which the person was adjudicated a delinquent; and

4. Where the person resides.

I. The Office of Juvenile Affairs shall conduct address verification of the juvenile on an annual basis by mailing a nonforwardable verification form to the last reported address of the person by the following procedure:

1. The verification form shall be signed by the person and state the current address of the person. Failure to return the verification form shall be a violation of the Sex Offender Registration Act;

2. The Office of Juvenile Affairs shall notify the district attorney's office and local law enforcement agency of the appropriate county, within forty-five (45) days if unable to verify the address of the delinquent; and

3. A local law enforcement agency may notify the district attorney's office whenever it comes to the attention of the local law enforcement agency that a delinquent is not in compliance with the provisions of this section.

J. The registration with the local law enforcement authority required by this act shall be in a form approved by the local law

enforcement authority and shall include the following information about the person registering:

1. The person's full name, alias, date of birth, sex, race, height, weight, eye color, social security number, driver license number, and home address; and

2. A description of the offense for which the offender was adjudicated, the date of the adjudication, and the disposition of the case.

K. Any person subject to the provisions of this section who changes an address shall give written notification of the new address to the Office of Juvenile Affairs within three (3) business days after the change of address and the local law enforcement authority within three (3) business days after the change of address. If the new address is under the jurisdiction of a different local law enforcement authority, the person shall notify the new local law enforcement authority of any previous registration. The new local law enforcement authority shall notify the most recent registering agency by teletype or letter of the change in address of the person. If the new address is in another state, the Office of Juvenile Affairs shall promptly notify the agency responsible for registration in that state of the new address of the offender.

L. The Office of Juvenile Affairs shall maintain a file of all sex offender registrations pursuant to this section. A copy of the information contained in the registration shall promptly be available to state, county and municipal law enforcement agencies and the National Sex Offender Registry maintained by the Federal Bureau of Investigation. Said file shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Office of Juvenile Affairs and may be made available through Internet access. The Office of Juvenile Affairs shall promptly provide all municipal police departments and all county sheriff

departments a list of those sex offenders registered and living in their county.

M. Each local law enforcement agency shall make its sex offender registry pursuant to this section, available upon request, without restriction, at a cost that is no more than what is charged for other records provided by the law enforcement agency pursuant to the Open Records Act.

N. 1. Local law enforcement authority may notify, by any method of communication it deems appropriate, anyone that the local law enforcement authority determines appropriate, including, but not limited to:

a. the family of the delinquent,

b. any prior victim of the delinquent, and

c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent.

2. The notification may include, but is not limited to, the following information:

a. the name and physical address of the delinquent,

b. a physical description of the delinquent, including, but not limited to, age, height, weight and eye and hair color,

c. a description of the vehicle that the delinquent sex offender is known to drive,

d. any conditions or restrictions upon the probation or conditional release of the delinquent,

e. a description of the primary and secondary targets of the delinquent,

f. a description of the method of offense of the delinquent,

g. a current photograph of the delinquent, and

h. the name and telephone number of the probation officer of the delinquent.

3. The local law enforcement authority shall make the notification provided for in this subsection regarding a delinquent available to any person upon request.

O. Public officials, public employees, and public agencies are immune from civil liability for good faith conduct under this section.

1. Nothing in this section shall be deemed to impose any liability upon or to give rise to a cause of action against any public official, public employee, or public agency for failing to release information in accordance with this act.

2. Nothing in this section shall be construed to prevent law enforcement officers from notifying members of the public of any persons that pose a danger under circumstances that are not enumerated in this act.

P. The Department of Public Safety shall issue written notification of the registration requirements of this section to any person making an initial application for a driver license or any person who enters this state from another jurisdiction and makes an initial application for a driver license to operate a motor vehicle in this state.

Q. The Office of Juvenile Affairs shall coordinate with the Administrative Office of the Courts in promulgating rules to establish other necessary procedures for notifying delinquents of the obligation to register pursuant to this section and procedures for registration of those delinquents.

R. For purposes of this section, "local law enforcement authority" means the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state; or the county sheriff, if the person

resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state.

SECTION 2. This act shall become effective November 1, 2001.

Passed the House of Representatives the 13th day of March, 2001.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2001.

_____
Presiding Officer of the Senate