

ENROLLED HOUSE
BILL NO. 1853

By: Turner and Adkins of the
House

and

Wilkerson, Corn and Gumm of
the Senate

An Act relating to prisons and reformatories; creating the Mary Rippy Violent Crime Offenders Registration Act; providing short title; defining term; designating persons and crimes to which act applies; providing certain registration requirements, time limits, and duration; specifying information to be provided to and obtained from offenders; providing address verification procedures; allowing the transmission of conviction data and fingerprints; providing registration requirements with local law enforcement authorities; providing notification requirements; directing the Department of Corrections to maintain a file of all offender registrations; authorizing the disclosure of registries; allowing DNA testing of offenders; charging a fee and designating where fees for DNA testing will be deposited; providing registration and notification requirements for habitual violent crime offenders; exempting certain persons from civil liability; directing correctional institutions and judges to notify offenders of their duty to register; prohibiting the registration of false or misleading information; providing penalties; amending 57 O.S. 2001, Section 589, as amended by Section 35, Chapter 460, O.S.L. 2002 (57 O.S. Supp. 2003, Section 589), which relates to the employment of registered persons; expanding prohibition of employment to include certain persons; amending 59 O.S. 2001, Section 858-514, which relates to the Oklahoma Real Estate License Code; modifying notice requirement; amending 57 O.S. 2001, Section 138, as amended by Section 1, Chapter 146, O.S.L. 2003 (57 O.S. Supp. 2003, Section 138), which relates to earned credits; prohibiting the deduction of earned credits under certain circumstances; providing for codification; and providing an 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 591 of Title 57, unless there is created a duplication in numbering, reads as follows:

Sections 1 through 9 of this act shall be known and may be cited as the "Mary Rippy Violent Crime Offenders Registration Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 592 of Title 57, unless there is created a duplication in numbering, reads as follows:

As used in the Mary Rippy Violent Crime Offenders Registration Act, "local law enforcement authority" means:

1. The municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state; or

2. 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; and

3. The police or security department of any institution of higher learning within this state if the person:

- a. enrolls as a full-time or part-time student,
- b. is a full-time or part-time employee at an institution of higher learning, or
- c. resides or intends to reside or stay on any property owned or controlled by the institution of higher learning.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 593 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. On and after November 1, 2004, the provisions of the Mary Rippy Violent Crime Offenders Registration Act shall apply to:

1. Any person residing, working or attending school in this state who is subsequently convicted of, or who receives a deferred judgment or suspended sentence for, any crime or attempted crime enumerated in subsection B of this section by any court in this state, another state, the United States, a tribal court, or a military court; or

2. Any person who subsequently enters this state for purposes of residence, work or to attend school and who has been previously convicted of or is subject to a deferred judgment, suspended sentence, probation or parole from any court of another state, the United States, a tribal court, or a military court for any crime or attempted crime which, if committed or attempted in this state, would be a crime substantially similar to any crime enumerated in subsection B of this section.

For purposes of this act, "convicted of" means an adjudication of guilt by a court of competent jurisdiction whether upon a verdict or plea of guilty or nolo contendere.

B. The following crimes and attempts to commit such crimes shall be registered under the Mary Rippy Violent Crime Offenders Registration Act:

1. First degree murder as provided for in Section 701.7 of Title 21 of the Oklahoma Statutes;

2. Second degree murder as provided for in Section 701.8 of Title 21 of the Oklahoma Statutes;

3. Manslaughter in the first degree as defined by Section 711 of Title 21 of the Oklahoma Statutes;

4. Shooting or discharging a firearm with intent to kill, use of a vehicle to facilitate the intentional discharge of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as provided for in Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as provided for in Section 653 of Title 21 of the Oklahoma Statutes;

6. Bombing as provided for in Section 1767.1 of Title 21 of the Oklahoma Statutes; and

7. Any crime or attempt to commit a crime constituting a substantially similar offense as stated in paragraphs 1 through 6 of this subsection adjudicated by any court of another state, the United States, a tribal court, or a military court.

C. The registration requirements of the Mary Rippy Violent Crime Offenders Registration Act shall not apply to any person while the person is incarcerated in a maximum or medium correctional institution of the Department of Corrections, a private correctional institution, or another state, federal, tribal or military facility, but shall apply to deferred, suspended, probation, parole and discharges.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 594 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Any person who becomes subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act, shall be registered as follows:

1. With the Department of Corrections within three (3) business days after being convicted or receiving a deferred or suspended sentence, if the person is not incarcerated, or within three (3) business days after release of the person from a correctional institution, including parole release, except as provided in subsection B of this section;

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 law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration.

B. Any person who enters this state and is subject to the provisions of this act shall be registered as follows:

1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for thirty (30) days or longer, has any type of full-time or part-time employment, with or without compensation for more than fourteen (14) days or an aggregate period exceeding thirty (30) days within a calendar year, or is enrolled as a full-time or part-time student within this state. Such registration is required within three (3) days after entering the state;

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for more than seven (7) days, has any type of full-time or part-time employment, with or without compensation for more than fourteen (14) days or an aggregate period exceeding thirty (30) days within a calendar year, or is enrolled as a full-time or part-time student within this state. The registration is required with local law enforcement within three (3) days after entering the jurisdiction of the local law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration.

C. 1. The person shall be continuously registered during the term of the sentence, as provided in subsections A and B of this section, and for a period of ten (10) years after the date of the completion of the sentence.

2. Information received pursuant to the registration shall be maintained by the Department of Corrections for at least ten (10) years from the date of the completion of the offender's sentence.

3. The information received pursuant to the registration shall be maintained by the local law enforcement authority for at least ten (10) years from the date of the completion of the offender's sentence.

4. As used in this subsection, "date of the completion of the sentence" means the day an offender completes the entire term of the incarceration imposed by the sentence including any term that is deferred, suspended or subject to parole.

D. When registering an offender as provided in this section, the Department of Corrections or the local law enforcement authority having jurisdiction shall:

1. Inform the offender of the duty to register and obtain the information required for registration as described in this section;

2. Inform the offender that if the offender changes address, the offender shall give notice of the move and the new address to the Department of Corrections in writing no later than three (3) days before the offender establishes residence or is temporarily domiciled at the new address;

3. Inform the offender that if the offender changes address to another state, the offender shall give notice of the move and shall register the new address with the Oklahoma Department of Corrections and with a designated law enforcement agency in the new state not later than ten (10) days before the offender establishes residency or is temporarily domiciled in the new state, if the new state has a registration requirement;

4. Inform the offender that if the offender participates in any full-time or part-time employment, in another state, with or without compensation for more than fourteen (14) days or an aggregate period exceeding thirty (30) days in a calendar year, the offender shall register as a violent crime offender in that state, if the state has a registration requirement;

5. Inform the offender that if the offender enrolls in any type of school in another state as a full-time or part-time student, the offender shall register as a violent crime offender in that state, if the state has a registration requirement;

6. Inform the offender that if the offender enrolls in any type of school within this state as a full-time or part-time student, the offender shall register as a violent crime offender with the Department of Corrections and the local law enforcement authority;

7. Inform the offender that if the offender participates in any full-time or part-time employment at any school, with or without compensation, or participates in any vocational course or occupation at any school in this state, the offender shall notify the Department of Corrections and the local law enforcement authority in writing of the employment or participation at least three (3) days before commencing or upon terminating such employment or participation;

8. Inform the offender that if the offender graduates, transfers, drops, terminates, or otherwise changes enrollment or employment at any school in this state, the offender shall notify the Department of Corrections and the local law enforcement authority in writing of the change in enrollment or employment within three (3) days of the change; and

9. Require the offender to read and sign a form stating that the duty of the person to register under the Mary Rippe Violent Crime Offenders Registration Act has been explained to the offender.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 595 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Any registration with the Department of Corrections required by the Mary Rippe Violent Crime Offenders Registration Act shall be in a form approved by the Department and shall include the following information about the person registering:

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

2. A complete description of the person, including a photograph and fingerprints, and when requested by the Department of Corrections the registrant shall submit to a blood or saliva test

for purposes of a deoxyribonucleic acid (DNA) profile. Submission to DNA testing shall be within thirty (30) days of notification by the Department. Registrants who already have valid DNA samples on file in the Oklahoma State Bureau of Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate samples for testing;

3. The offense for which the person is required to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act, where the offense was committed, where the person was convicted or received the deferred or suspended sentence, and the name under which the person was convicted or received the sentence;

4. The name and location of each hospital or penal institution to which the person was committed for each offense subject to this act;

5. Where the person previously resided, where the person currently resides, how long the person has resided there, how long the person expects to reside there, and how long the person expects to remain in the county and in this state; and

6. The name and address of any school where the person expects to enroll or is enrolled or employed for any length of time.

B. The Department of Corrections shall conduct address verification of each registered violent crime offender on an annual basis by mailing a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement authority at that time. The local law enforcement authority shall forward the form to the Department of Corrections within three (3) days after receipt of the form. 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 Mary Rippy Violent Crime Offenders Registration Act. The Department of Corrections shall have the authority to determine whether a person registered is a habitual violent offender. If the offender has been determined to be a habitual violent offender by the Department of Corrections, the address verification shall be conducted every ninety (90) days.

C. Any person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act who changes an address shall give written notification to the Department of Corrections and the local law enforcement authority of the change of address and the new address no later than three (3) business days prior to the abandonment of or move from the current address. If the new address is under the jurisdiction of a different local law enforcement authority, the offender 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 offender. If the new address is in another state that has a registration requirement, the Department of Corrections shall promptly notify the agency responsible for registration in that state of the new address of the offender.

D. The Department of Corrections shall notify the district attorney's office and local law enforcement authority of the appropriate county, within forty-five (45) days if the Department is unable to verify the address of a violent crime offender. A local law enforcement authority may notify the district attorney's office whenever it comes to the attention of the local law enforcement authority that a violent crime offender is not in compliance with any provision of the Mary Rippe Violent Crime Offenders Registration Act.

E. Conviction data and fingerprints shall be promptly transmitted at the time of registration to the Oklahoma State Bureau of Investigation (OSBI) and the Federal Bureau of Investigation (FBI) if the state has not previously sent the information at the time of conviction.

F. The registration with the local law enforcement authority required by the Mary Rippe Violent Crime Offenders Registration 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 full name of the person, 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 convicted, the date of the conviction, and the sentence imposed, if applicable.

G. The Department of Corrections shall maintain a file of all violent crime offender registrations. A copy of the information contained in the registration shall promptly be made available to state, county, and municipal law enforcement agencies. The file shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Department of Corrections. The Department of Corrections shall promptly provide all municipal police departments, all county sheriff departments, and all campus police departments a list of those violent crime offenders registered and living in their county or jurisdiction.

H. Each local law enforcement authority shall make its violent crime offender registry available upon request, without restriction, at a cost that is no more than what is charged for other records provided by the local law enforcement authority pursuant to the Oklahoma Open Records Act.

I. Samples of blood or saliva for DNA testing authorized by this section shall be taken by employees or contractors of the Department of Corrections. The individuals shall be properly trained to collect blood or saliva samples. The Department of Corrections shall ensure the collection of samples is mailed to the Oklahoma State Bureau of Investigation (OSBI) within ten (10) days after the subject appears for testing. The Department shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing pursuant to this section shall be required to pay to the Department of Corrections a fee of Fifteen Dollars (\$15.00). Any fees collected pursuant to this subsection shall be deposited in the Department of Corrections Revolving Fund.

J. 1. Any person who has been convicted of or received a deferred or suspended sentence for any crime required to register pursuant to this act and:

- a. who is subsequently convicted of a crime or an attempt to commit a crime listed in subsection B of Section 3 of this act, or
- b. who enters this state after November 1, 2004, and who has been convicted of an additional 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 subsection B of Section 3 of this act,

shall be subject to all of the registration requirements of the Mary Rippy Violent Crime Offenders Registration Act and shall be designated by the Department of Corrections as a habitual violent crime offender. A habitual violent crime offender shall be required to register for the lifetime of the habitual violent crime offender.

2. Upon registration of any person designated as a habitual violent crime offender, a local law enforcement authority shall 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 habitual violent crime offender,
- b. any prior victim of the habitual violent crime offender, and
- c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent.

3. The notification shall include, but is not limited to, the following information:

- a. the name and physical address of the habitual violent crime offender,
- b. a physical description of the habitual violent crime offender, including, but not limited to, age, height, weight and eye and hair color,
- c. a description of the vehicle that the habitual violent crime offender is known to drive,
- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual violent crime offender,
- e. a description of the primary and secondary targets of the habitual violent crime offender,
- f. a description of the method of offense of the habitual violent crime offender,

- g. a current photograph of the habitual violent crime offender, and
- h. the name and telephone number of the probation or parole officer of the habitual violent crime offender.

4. The local law enforcement authority shall make the notification provided for in this subsection regarding a habitual violent crime offender available to any person upon request.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 596 of Title 57, unless there is created a duplication in numbering, reads as follows:

Public officials, public employees, and public agencies are immune from civil liability for good faith conduct under any provision of the Mary Rippy Violent Crime Offenders Registration Act.

1. Nothing in the Mary Rippy Violent Crime Offenders Registration Act 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 the Mary Rippy Violent Crime Offenders Registration Act.

2. Persons collecting samples for DNA testing shall be immune from civil liabilities arising from the collection of blood and saliva samples.

3. 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 the Mary Rippy Violent Crime Offenders Registration Act.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 597 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Each person in charge of a correctional institution from which a person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act is released and each judge who defers or suspends the sentence of a person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act shall prior to discharge or release of the person:

1. Explain to the person the duty to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act;

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 the information to the Department of Corrections.

B. The Department of Public Safety shall issue written notification of the registration requirements of the Mary Rippy Violent Crime Offenders Registration Act to 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, or for a state identification card.

C. The Department of Corrections shall coordinate with the Administrative Office of the Courts in promulgating rules to establish other necessary procedures for notifying offenders of the obligation to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act and procedures for registration of those offenders.

D. The Department of Corrections shall coordinate with surrounding states to establish necessary procedures for notifying offenders that reside in other states but work or attend school within the State of Oklahoma of the obligation to register pursuant to the Mary Rippy Violent Crime Offenders Registration Act and the procedure for registration of those offenders.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 598 of Title 57, unless there is created a duplication in numbering, reads as follows:

No person subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act shall furnish any false or misleading information in the registration required by the Mary Rippy Violent Crime Offenders Registration Act.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 599 of Title 57, unless there is created a duplication in numbering, reads as follows:

Any person required to register pursuant to the provisions of the Mary Rippy Violent Crime Offenders Registration Act who violates any provision of the act shall, upon conviction, be guilty of a felony. Any person convicted of a violation of this section shall be punished by incarceration in a correctional facility for not more than five (5) years, a fine not to exceed Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

SECTION 10. AMENDATORY 57 O.S. 2001, Section 589, as amended by Section 35, Chapter 460, O.S.L. 2002 (57 O.S. Supp. 2003, Section 589), is amended to read as follows:

Section 589. A. It is unlawful for any person registered pursuant to the Oklahoma Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act to work with or provide services to children or to work on school premises, or for any person or business ~~who offers or provides services to children~~ or which contracts for work to be performed on school premises to knowingly and willfully allow any employee to work with children or to work on school premises who is registered pursuant to the Oklahoma Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act. Upon conviction for any violation of the provisions of this subsection, the violator shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00). In addition, the violator may be liable for civil damages.

B. A person or business who offers or provides services shall ensure compliance with subsection A of this section as provided by Section 6-101.48 of Title 70 of the Oklahoma Statutes.

C. It is unlawful for any law enforcement agency to employ any person as a peace officer or criminal investigator who has received a verdict of guilty or pled guilty or nolo contendere to any offense required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act, including those receiving a verdict of guilt, pleading guilty or nolo contendere as part of a deferred judgment or other provision of law authorizing a delayed or suspended judgment or sentence. Every person receiving a verdict of guilty or pleading guilty or nolo contendere to any offense required to register pursuant to the Sex ~~Offender Registry~~ Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act shall be prohibited from being certified by the Council on Law Enforcement Education and Training (CLEET) as a peace officer, private investigator, or security guard, and if at the time of the verdict or plea such person has been previously CLEET certified such certification shall be revoked. Any violator shall be guilty of a misdemeanor upon conviction of noncompliance with the provisions of this subsection.

SECTION 11. AMENDATORY 59 O.S. 2001, Section 858-514, is amended to read as follows:

Section 858-514. The provisions of the Sex Offenders Registration Act, ~~Section 581 et seq. of Title 57 of the Oklahoma Statutes,~~ and the Mary Rippy Violent Crime Offenders Registration Act shall not be construed as imposing a duty upon a person licensed under the Oklahoma Real Estate License Code to disclose any information regarding an offender required to register under such provision.

SECTION 12. AMENDATORY 57 O.S. 2001, Section 138, as amended by Section 1, Chapter 146, O.S.L. 2003 (57 O.S. Supp. 2003, Section 138), is amended to read as follows:

Section 138. A. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority. No earned credit deductions shall be credited or recorded for any inmate serving any sentence for a criminal act which resulted in the death of a police officer, a law enforcement officer, an employee of the Department of Corrections, or an employee of a private prison contractor and the death occurred while the police officer, law

enforcement officer, employee of the Department of Corrections, or employee of a private prison contractor was acting within the scope of their employment.

B. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one ~~(1)~~ of four ~~(4)~~ class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department including but not limited to, the criteria for awarding credits required by this subsection.

C. If an inmate is subject to misconduct, nonperformance or disciplinary action, earned credits may be removed according to the policies and procedures developed by the Department. Earned credits removed for misconduct, nonperformance or disciplinary action may be restored as provided by Department policy, if any.

D. 1. Class levels shall be as follows:

- a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status.
- b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.
- c. Class level 3 shall include an inmate who has been incarcerated at least three (3) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.
- d. Class level 4 shall include an inmate who has been incarcerated at least eight (8) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Until November 1, 2001, class level corresponding credits are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

- b. Class level corresponding credits beginning November 1, 2001, for inmates who have ever been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month.

- c. Class level corresponding credits beginning November 1, 2001, for inmates who have never been convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile for a felony offense enumerated in subsection E of this section are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 45 Credits per month;

Class 4 - 60 Credits per month.

Each inmate shall receive the above specified monthly credits for the class to which he or she is assigned. In determining the prior criminal history of the inmate, the Department of Corrections shall review criminal history records available through the Oklahoma State Bureau of Investigation, Federal Bureau of Investigation, and National Crime Information Center to determine the reported felony convictions of all inmates. The Department of Corrections shall also review the Office of Juvenile Affairs Juvenile On-line Tracking System for inmates who were adjudicated delinquent or convicted as a youthful offender for a crime that would be an offense enumerated in subsection E of this section.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

- a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level;
- b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level;
- c. cooperative behavior toward facility staff and other inmates;

- d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

- a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.
- b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.
- c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.
- d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.
- e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

E. No person ever convicted as an adult or a youthful offender or adjudicated delinquent as a juvenile in this state for any felony offense enumerated in this subsection or a similar felony offense pursuant to the provisions of another state, the United States, or a military court shall be eligible for the credits provided by the provisions of subparagraph c of paragraph 2 of subsection D of this section.

1. Assault, battery, or assault and battery with a dangerous weapon as defined by Section 645, or subsection C of Section 652 of Title 21 or Section 2-219 of Title 43A of the Oklahoma Statutes;

2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law as defined by Section 650, subsection C of Section 650.2, 650.5, subsection B of Section 650.6, or subsection C of Section 650.7 of Title 21 of the Oklahoma Statutes;

3. Poisoning with intent to kill as defined by Section 651 of Title 21 of the Oklahoma Statutes;

4. Shooting with intent to kill as defined by Section 652 of Title 21 of the Oklahoma Statutes;

5. Assault with intent to kill as defined by Section 653 of Title 21 of the Oklahoma Statutes;

6. Assault with intent to commit a felony as defined by Section 681 of Title 21 of the Oklahoma Statutes;

7. Assaults while masked or disguised as defined by Section 1303 of Title 21 of the Oklahoma Statutes;

8. Entering premises of another while masked as defined by Section 1302 of Title 21 of the Oklahoma Statutes;

9. Murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes;

10. Solicitation for Murder in the first degree as defined by Section 701.16 of Title 21 of the Oklahoma Statutes;

11. Murder in the second degree as defined by Section 701.8 of Title 21 of the Oklahoma Statutes;

12. Manslaughter in the first degree as defined by Section 711, 712, 713 or 714 of Title 21 of the Oklahoma Statutes;

13. Manslaughter in the second degree as defined by Section 716 or 717 of Title 21 of the Oklahoma Statutes;

14. Kidnapping as defined by Section 741 of Title 21 of the Oklahoma Statutes;

15. Burglary in the first degree as defined by Section 1431 of Title 21 of the Oklahoma Statutes;

16. Burglary with explosives as defined by Section 1441 of Title 21 of the Oklahoma Statutes;

17. Kidnapping for extortion as defined by Section 745 of Title 21 of the Oklahoma Statutes;

18. Maiming as defined by Section 751 of Title 21 of the Oklahoma Statutes;

19. Robbery as defined by Section 791 of Title 21 of the Oklahoma Statutes;

20. Robbery in the first degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

21. Robbery in the second degree as defined by Section 797 of Title 21 of the Oklahoma Statutes;

22. Armed robbery as defined by Section 801 of Title 21 of the Oklahoma Statutes;

23. Robbery by two (2) or more persons as defined by Section 800 of Title 21 of the Oklahoma Statutes;

24. Robbery with dangerous weapon or imitation firearm as defined by Section 801 of Title 21 of the Oklahoma Statutes;

25. Any crime against a child provided for in Section 7115 of Title 10 of the Oklahoma Statutes;

26. Wiring any equipment, vehicle or structure with explosives as defined by Section 849 of Title 21 of the Oklahoma Statutes;

27. Forcible sodomy as defined by Section 888 of Title 21 of the Oklahoma Statutes;

28. Rape in the first degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

29. Rape in the second degree as defined by Sections 1111 and 1114 of Title 21 of the Oklahoma Statutes;

30. Rape by instrumentation as defined by Section 1111.1 of Title 21 of the Oklahoma Statutes;

31. Lewd or indecent proposition or lewd or indecent act with a child as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

32. Sexual battery of a person over 16 as defined by Section 1123 of Title 21 of the Oklahoma Statutes;

33. Use of a firearm or offensive weapon to commit or attempt to commit a felony as defined by Section 1287 of Title 21 of the Oklahoma Statutes;

34. Pointing firearms as defined by Section 1289.16 of Title 21 of the Oklahoma Statutes;

35. Rioting as defined by Section 1311 or 1321.8 of Title 21 of the Oklahoma Statutes;

36. Inciting to riot as defined by Section 1320.2 of Title 21 of the Oklahoma Statutes;

37. Arson in the first degree as defined by Section 1401 of Title 21 of the Oklahoma Statutes;

38. Endangering human life during arson as defined by Section 1405 of Title 21 of the Oklahoma Statutes;

39. Injuring or burning public buildings as defined by Section 349 of Title 21 of the Oklahoma Statutes;

40. Sabotage as defined by Sections 1262, 1265.4 or 1265.5 of Title 21 of the Oklahoma Statutes;

41. Extortion as defined by Section 1481 or 1486 of Title 21 of the Oklahoma Statutes;

42. Obtaining signature by extortion as defined by Section 1485 of Title 21 of the Oklahoma Statutes;

43. Seizure of a bus, discharging firearm or hurling missile at bus as defined by Section 1903 of Title 21 of the Oklahoma Statutes;

44. Mistreatment of a vulnerable adult as defined by Section 843.1 of Title 21 of the Oklahoma Statutes;

45. Sex offender providing services to a child as defined by Section 404.1 of Title 10 of the Oklahoma Statutes;

46. A felony offense of domestic abuse as defined by subsection C of Section 644 of Title 21 of the Oklahoma Statutes;

47. Prisoner placing body fluid on government employee as defined by Section 650.9 of Title 21 of the Oklahoma Statutes;

48. Poisoning food or water supply as defined by Section 832 of Title 21 of the Oklahoma Statutes;

49. Trafficking in children as defined by Section 866 of Title 21 of the Oklahoma Statutes;

50. Incest as defined by Section 885 of Title 21 of the Oklahoma Statutes;

51. Procure, produce, distribute, or possess juvenile pornography as defined by Section 1021.2 of Title 21 of the Oklahoma Statutes;

52. Parental consent to juvenile pornography as defined by Section 1021.3 of Title 21 of the Oklahoma Statutes;

53. Soliciting minor for indecent exposure as defined by Section 1021 of Title 21 of the Oklahoma Statutes;

54. Distributing obscene material or child pornography as defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

55. Child prostitution as defined by Section 1030 of Title 21 of the Oklahoma Statutes;

56. Procuring a minor for prostitution or other lewd acts as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

57. Transporting a child under 18 for purposes of prostitution as defined by Section 1087 of Title 21 of the Oklahoma Statutes;

58. Inducing a minor to engage in prostitution as defined by Section 1088 of Title 21 of the Oklahoma Statutes;

59. A felony offense of stalking as defined by subsection D of Section 1173 of Title 21 of the Oklahoma Statutes;

60. Spread of infectious diseases as defined by Section 1192 of Title 21 of the Oklahoma Statutes;

61. Advocate overthrow of government by force, commit or attempt to commit acts to overthrow the government, organize or provide assistance to groups to overthrow the government as defined by Section 1266, 1266.4 or 1267.1 of Title 21 of the Oklahoma Statutes;

62. Feloniously discharging a firearm as defined by Section 1289.17A of Title 21 of the Oklahoma Statutes;

63. Possession, use, manufacture, or telephone threat of incendiary device as defined by Section 1767.1 of Title 21 of the Oklahoma Statutes;

64. Causing a personal injury accident while driving under the influence as defined by Section 11-904 of Title 47 of the Oklahoma Statutes; or

65. Using a motor vehicle to facilitate the discharge of a firearm as defined by Section 652 of Title 21 of the Oklahoma Statutes.

F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three ~~(3)~~ members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from the term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection D of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center or other assessment and reception location determined by the Director of the Department of Corrections.

H. Additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

- High School Diploma or Equivalent
 - General Education Diploma.....90 credits;
- Certification of Completion of
 - Vocational Training.....80 credits;
- Successful completion of
 - Alcohol/Chemical Abuse Treatment
 - Program of not less than four (4)
 - months continuous participation.....70 credits;

Successful completion of other
Educational Accomplishments or
other programs not specified in
this subsection.....10-30 credits;

Achievement earned credits are subject to loss and restoration in
the same manner as earned credits.

I. The accumulated time of every inmate shall be tallied
monthly and maintained by the institution where the term of
imprisonment is being served. A record of said accumulated time
shall be:

1. Sent to the administrative office of the Department of
Corrections on a quarterly basis; and
2. Provided to the inmate.

SECTION 13. This act shall become effective November 1, 2004.

Passed the House of Representatives the 18th day of May, 2004.

Presiding Officer of the House of
Representatives

Passed the Senate the 20th day of May, 2004.

Presiding Officer of the Senate