

SB 1096

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THE STATE SENATE
Tuesday, February 17, 2004

Senate Bill No. 1096

As Amended

SENATE BILL NO. 1096 - By: GUMM of the Senate and CAREY of the House.

[Sex Offenders Registration Act - registration time limits
- effective date - emergency]

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 583, as amended by Section 1, Chapter 153, O.S.L. 2002 (57 O.S. Supp. 2003, Section 583), is amended to read as follows:

Section 583. A. Any person who becomes subject to the provisions of the Sex Offenders Registration Act on or after November 1, 1989, shall be registered as follows:

1. With the Department of Corrections within three (3) business days of being convicted or receiving a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, if the person is not incarcerated, or within three (3) business days of release of the person from a correctional institution, 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

1 than seven (7) days. The registration is required within three (3)
2 days after entering the jurisdiction of the law enforcement
3 authority; and

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

7 For purposes of this section, "local law enforcement authority"
8 means:

- 9 a. the municipal police department, if the person resides
10 or intends to reside or stay within the jurisdiction
11 of any municipality of this state, or
- 12 b. the county sheriff, if the person resides or intends
13 to reside or stay at any place outside the
14 jurisdiction of any municipality within this state,
15 and
- 16 c. the police or security department of any institution
17 of higher learning within this state if the person:
18 (1) enrolls as a full-time or part-time student,
19 (2) is a full-time or part-time employee at an
20 institution of higher learning, or
21 (3) resides or intends to reside or stay on any
22 property owned or controlled by the institution
23 of higher learning.

1 B. Any person who has been convicted of an offense or received
2 a deferred judgment for an offense on or after November 1, 1989, in
3 another jurisdiction, which offense if committed or attempted in
4 this state, would have been punishable as one or more of the
5 offenses listed in Section 582 of this title and who enters this
6 state shall be registered as follows:

7 1. With the Department of Corrections when the person enters
8 and intends to be in the state for any purpose for ~~thirty (30)~~ five
9 (5) days or longer, has any type of full-time or part-time
10 employment, with or without compensation for more than ~~fourteen (14)~~
11 five (5) days ~~or an aggregate period exceeding thirty (30) days~~
12 ~~within a calendar year~~, or is enrolled as a full-time or part-time
13 student within this state. Such registration is required within
14 ~~three (3)~~ two (2) days after entering the state;

15 2. With the local law enforcement authority having jurisdiction
16 in the area where the person intends to reside or to stay for more
17 than ~~seven (7)~~ five (5) days, has any type of full-time or part-time
18 employment, with or without compensation for more than ~~fourteen (14)~~
19 five (5) days ~~or an aggregate period exceeding thirty (30) days~~
20 ~~within a calendar year~~, or is enrolled as a full-time or part-time
21 student within this state. The registration is required with local
22 law enforcement within ~~three (3)~~ two (2) days after entering the
23 jurisdiction of the law enforcement authority; and

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

4 C. Except for habitual or aggravated sex offenders, the person
5 shall be required to register for a period of ten (10) years and the
6 information received pursuant to the registration with the
7 Department of Corrections required by this section shall be
8 maintained by the Department of Corrections for at least ten (10)
9 years from the date of registration.

10 D. Except for habitual or aggravated sex offenders, the person
11 shall be required to register for a period of ten (10) years and the
12 information received pursuant to the registration with the local law
13 enforcement authority required by this section shall be maintained
14 by such authority for at least ten (10) years.

15 E. When registering an offender as provided in this section the
16 Department of Corrections or the local law enforcement agency having
17 jurisdiction shall:

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

20 2. Inform the offender that if the offender changes address,
21 the offender shall give notice of the move and the new address to
22 the Department of Corrections in writing no later than three (3)

1 days before the offender establishes residence or is temporarily
2 domiciled at the new address;

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

10 4. Inform the offender that if the offender participates in any
11 full-time or part-time employment, in another state, with or without
12 compensation for more than fourteen (14) days or an aggregate period
13 exceeding thirty (30) days in a calendar year, then the offender has
14 a duty to register as a sex offender in that state;

15 5. Inform the offender that if the offender enrolls in any type
16 of school in another state as a full-time or part-time student then
17 the offender has a duty to register as a sex offender in that state;

18 6. Inform the offender that if the offender enrolls in any
19 school within this state as a full-time or part-time student, then
20 the offender has a duty to register as a sex offender with the
21 Department of Corrections and the local law enforcement authority;

22 7. Inform the offender that if the offender participates in any
23 full-time or part-time employment at any school, with or without

1 compensation, or participates in any vocational course or occupation
2 at any school in this state, then the offender has a duty to notify
3 the Department of Corrections and the local law enforcement
4 authority in writing of such employment or participation at least
5 three (3) days before commencing or upon terminating such employment
6 or participation;

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

13 9. Require the offender to read and sign a form stating that
14 the duty of the person to register under this act has been
15 explained.

16 F. Any person who resides in another state and who has been
17 convicted of an offense or received a deferred judgment for an
18 offense in this state, or in another jurisdiction, which offense if
19 committed or attempted in this state would have been punishable as
20 one or more of the offenses listed in Section 582 of this title, and
21 who is the spouse of a person living in this state shall be
22 registered as follows:

1 1. With the Department of Corrections when the person enters
2 and intends to be in the state for any purpose for five (5) days or
3 longer or an aggregate period of five (5) days or longer in a
4 calendar year. Such registration is required within two (2) days
5 after entering the state; and

6 2. With the local law enforcement authority having jurisdiction
7 in the area where the person intends to reside or to stay within
8 this state for two (2) days or longer. The registration is required
9 with local law enforcement within two (2) days after entering the
10 jurisdiction of the law enforcement authority.

11 SECTION 2. This act shall become effective July 1, 2004.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-11-04 - DO
17 PASS, As Amended and Coauthored.