ENROLLED HOUSE
BILL NO. 1963

By: Steele, Hamilton, DePue, Duncan, Morrissette, Nance, Thompson, Wesselhoft, Dank, Billy, Denney and Peterson (Ron) of the House

and

Leftwich, Crutchfield, Eason McIntyre, Garrison, Myers, Coates, Barrington, Johnson, Mazzei, Brogdon, Reynolds, Anderson, Laughlin, Branan, Jolley, Ford, Justice, Coffee, Crain, Wilcoxson, Riley and Pruitt of the Senate

An Act relating to public health and safety; amending 63 O.S. 2001, Section 1-1909, which relates to the Nursing Home Care Act; requiring posting of certain notice; creating Long-term Care Security Act; providing short title; defining terms; providing for Department of Corrections to provide certain notifications; requiring State Department of Health to promulgate certain rules; requiring Department of Corrections to provide certain notice; requiring State Department of Health to perform certain background checks; requiring State Department of Health to conduct certain employment screening; requiring the Department of Human Services to perform certain background checks; prohibiting designation of certain persons as ombudsman; amending Section 2, Chapter 470, O.S.L. 2002 (63 O.S. Supp. 2004, Section 1-1950.6), which relates to requiring criminal history background check; modifying effective date; amending 63 O.S. 2001, Section 1-2216, which relates to the Long-Term Care Ombudsman Act; modifying content of certain rules; amending 57 O.S. 2001, Section 584, as last amended by Section 1 of Enrolled Senate Bill No. 440 of the 1st Session of the 50th Oklahoma Legislature, which relates to the Sex Offenders Registration Act; requiring certain notification; amending Section 5, Chapter 358, O.S.L. 2004 (57 O.S. Supp. 2004, Section 595), which relates to the Mary Rippy Violent Crime Offenders Registration Act; requiring certain notification; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 63 O.S. 2001, Section 1-1909, is amended to read as follows:

Section 1-1909. Every <u>long-term care</u> facility <u>as defined by Section 3 of this act</u> shall conspicuously post for display in an

area of its offices accessible to residents, employees and visitors the following:

1. Its current license;

2. A description, provided by the State Department of Health, of complaint procedures established under this act and the name, address and telephone number of a person authorized by the Department to receive complaints. A copy of the complaint procedure shall also be given to each resident or in certain cases, the court appointed guardian;

3. A copy of any order pertaining to the facility issued by the Department or a court which is currently in effect; ~~and~~

4. A copy of any notification from the local law enforcement authority of the registration of any person residing in the facility who is required to register pursuant to the provisions of the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act; and

5. A list of the material available for public inspection under Section ~~10~~ 1-1910 of this ~~act~~ title.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1944 of Title 63, unless there is created a duplication in numbering, reads as follows:

Sections 2 through 6 of this act shall be known and may be cited as the "Long-term Care Security Act".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1945 of Title 63, unless there is created a duplication in numbering, reads as follows:

For purposes of the Long-term Care Security Act:

1. "Long-term care facility" means:

a. a nursing facility, specialized facility, or residential care home as defined by Section 1-1902 of Title 63 of the Oklahoma Statutes,

b. an adult day care center as defined by Section 1-872 of Title 63 of the Oklahoma Statutes,

c. skilled nursing care provided in a distinct part of a hospital as defined by Section 1-701 of Title 63 of the Oklahoma Statutes,

d. an assisted living center as defined by Section 1-890.2 of Title 63 of the Oklahoma Statutes,

e. the nursing care component of a continuum of care facility as defined under the Continuum of Care and Assisted Living Act,

f. the nursing care component of a life care community as defined by the Long-term Care Insurance Act, or

g. a residential care home as defined by Section 1-820 of Title 63 of the Oklahoma Statutes; and

2. "Ombudsman" means the individual employed by the Department of Human Services as the State Long-Term Care Ombudsman.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1946 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. The Department of Corrections shall immediately notify the State Department of Health of any person who is registered pursuant to the Sex Offenders Registration Act or any person who is registered pursuant to the Mary Rippy Violent Crime Offenders Registration Act who is seeking placement from a Department of Corrections facility to any long-term care facility in this state. Upon receipt of such notification, the State Department of Health shall notify the long-term care facility in which the sex offender is seeking placement.

2. The State Board of Health shall promulgate rules requiring long-term care facilities to determine from the local law enforcement authority or the Department of Corrections the registration status of the following individuals who are required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act:

a. an applicant for admission to a long-term care facility,

b. a resident of a long-term care facility, and

c. an employee of a long-term care facility.

3. Once a long-term care facility is notified that an individual who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act is residing at such facility, the facility shall immediately in writing notify the State Department of Health.

B. Upon the effective date of this act, when the Department of Corrections knows of an offender who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act is being released from Department of Corrections jurisdiction, the Department of Corrections shall immediately notify the State Department of Health.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1947 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. 1. The State Department of Health and the Department of Human Services shall conduct criminal history background checks on all current employees and applicants for employment of the State Department of Health and Department of Human Services whose responsibilities include working inside long-term care facilities on behalf of the State Department of Health or the Department of Human Services.

2. A criminal history background check shall be conducted on the following individuals whose responsibilities include working inside long-term care facilities:

a. any current employee of or applicant for employment with the State of Oklahoma,

b. any individual contracting with the State of Oklahoma,

c. any individual volunteering for a state-sponsored program,

d. any individual contracting with the Department of Human Services Advantage Waiver Program who enters any long-term care facility,

e. any individual providing services to the disabled or elderly in a facility or client's home, and

f. any individual employed by or volunteering for the State Long-term Care Ombudsman Program.

3. The State Department of Health and the Department of Human Services shall not hire or continue employment of an individual that has been convicted of the crimes listed in Section 1-1950.1 of Title 63 of the Oklahoma Statutes. The criminal history background checks required by this section shall follow the requirements of Section 1-1950.1 of Title 63 of the Oklahoma Statutes.

B. The State Department of Health and the Department of Human Services shall also submit a list of all employees of the State Department of Health and the Department of Human Services who work inside long-term care facilities to the Department of Corrections. The Department of Corrections shall promptly notify the State Department of Health and the Department of Human Services of any employee who is required to register pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act.

C. The State Department of Health shall conduct an employment screening prior to an offer of employment to a Health Facilities Surveyor applicant. Each applicant shall fully disclose all employment history and professional licensure history, including actions taken regarding licensure. The Department shall review the compliance history of the facilities during the time of the applicant's employment. If the applicant served as Director of Nursing or as an administrator during a survey that resulted in substandard quality of care and the facility failed to achieve compliance in an appropriate and timely manner, the applicant shall not be considered for employment. The Department shall also review professional licensure history of each applicant, including actions to suspend or revoke licenses by the Board of Nursing Home Administrators, Board of Nurse Licensure, or other applicable related licenses. Failure to fully disclose employment history and professional licensure actions shall constitute grounds for dismissal or prohibit employment as a surveyor.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-1948 of Title 63, unless there is created a duplication in numbering, reads as follows:

The State Long-Term Care Ombudsman is prohibited from employing or designating any state, area or local long-term care ombudsman whether paid or unpaid, who is registered pursuant to the Sex Offenders Registration Act or the Mary Rippy Violent Crime Offenders Registration Act.

SECTION 7. AMENDATORY Section 2, Chapter 470, O.S.L. 2002 (63 O.S. Supp. 2004, Section 1-1950.6), is amended to read as follows:

Section 1-1950.6 A. Sections ~~2~~ 1-1950.6 through ~~5~~ 1-1950.9 of this ~~act~~ title shall be effective September 1, ~~2003, subject to the availability of funds~~ 2005.

B. ~~For the purposes of~~ As used in Sections ~~2~~ 1-1950.6 through ~~5~~ 1-1950.9 of this ~~act~~ title:

1. "Board" means the State Board of Health;

2. "Bureau" means the Oklahoma State Bureau of Investigation;

3. "Department" means the State Department of Health;

4. "Nursing facility" means a nursing facility and specialized facility as such terms are defined in Section 1-1902 of ~~Title 63 of the Oklahoma Statutes~~ this title;

5. "Nontechnical services worker" means a person employed by a nursing facility to provide, for compensation, nontechnical services in or upon the premises of a nursing facility. The term "nontechnical services worker" shall not include a nurse aide, or any person who is exempt from the criminal arrest check provisions of Section 1-1950.1 of ~~Title 63 of the Oklahoma Statutes~~ this title; and

6. "Nontechnical services" means services that:

a. are performed in or on the premises of a nursing facility and that are predominantly physical or manual in nature, and

b. involve or may involve patient contact including, but not limited to, housekeeping, janitorial or maintenance services, food preparation and administrative services.

SECTION 8. AMENDATORY 63 O.S. 2001, Section 1-2216, is amended to read as follows:

Section 1-2216. A. The Commission for Human Services shall promulgate rules regarding:

1. The powers and official duties of the State Long-Term Care Ombudsman consistent with applicable federal law and rules or as provided by the Long-Term Care Ombudsman Act;

2. Minimum qualifications for persons to serve as representatives of the Office of the State Long-Term Care Ombudsman;

3. Initial and continuing training requirements for ombudsman staff and volunteers which shall provide for a minimum of eighteen (18) hours of continuing education relevant to the care of the aging and disabled;

4. The minimum number of visits that must be made by an ombudsman to the assigned facilities;

5. The proper documentation and reporting of visits made to facilities by the ombudsman;

6. Procedures to ensure that officers, employees or other representatives of the Office are not subject to a conflict of interest which would impair their ability to carry out their official duties in an impartial manner; and

~~5.~~ 7. The disclosure by the State Long-Term Care Ombudsman or area or local Ombudsman entities of files maintained by the State Long-Term Care Ombudsman Program. Such rules shall:

a. provide that such files and records may be disclosed only at the discretion of the State Long-Term Care Ombudsman or the person designated by the State Long-Term Care Ombudsman to disclose the files and records, and

b. prohibit the disclosure of the identity of any complainant or resident with respect to whom the Office maintains such files or records unless:

(1) the complainant or resident, or the legal representative of the complainant or resident, consents to the disclosure and the consent is given in writing,

(2) (a) the complainant or resident gives consent orally, and

(b) the consent is documented contemporaneously in a writing made by a State Long-Term Care Ombudsman representative of the Office in accordance with such rules as the Commission shall promulgate, or

(3) the disclosure is required by court order.

B. The Oklahoma State Council on Aging, established by the Commission for Human Services to review, monitor and evaluate programs targeted to older persons, shall serve in an advisory capacity to the State Long-Term Care Ombudsman through establishment of a committee with equal provider and consumer representation.

SECTION 9. AMENDATORY 57 O.S. 2001, Section 584, as last amended by Section 1 of Enrolled Senate Bill No. 440 of the 1st Session of the 50th Oklahoma Legislature, is amended to read as follows:

Section 584. A. Any registration with the Department of Corrections required by the Sex Offenders Registration Act shall be

in a form approved by the Department 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, and when requested by the Department of Corrections, such registrant shall submit to a blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to testing for individuals registering shall be within thirty (30) days of registration. Registrants who already have valid 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 offenses listed in Section 582 of this title for which the person has been convicted or the person received a suspended sentence or any form of probation, where the offense was committed, where the person was convicted or received the suspended sentence or any form of probation, and the name under which the person was convicted or received the suspended sentence or probation;

4. The name and location of each hospital or penal institution to which the person was committed for each offense listed in Section 582 of this title;

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. The Department of Corrections shall conduct address verification of each registered sex 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 agency of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement agency at that time. The local law enforcement agency 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 Sex Offenders Registration Act. If the offender has been determined to be a habitual or aggravated sex offender by the Department of Corrections, the address verification shall be conducted every ninety (90) days. The Department of Corrections 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 a sex offender. 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 sex offender is not in compliance with any provisions of this act; and

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

B. 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.

C. The registration with the local law enforcement authority required by the Sex 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 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 convicted, the date of the conviction, and the sentence imposed, if applicable.

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

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

b. 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

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

(1) enrolls as a full-time or part-time student,

(2) is a full-time or part-time employee at an institution of higher learning, or

(3) resides or intends to reside or stay on any property owned or controlled by the institution of higher learning.

D. Any person subject to the provisions of the Sex 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 the Department of Corrections shall promptly notify the agency responsible for registration in that state of the new address of the offender.

E. The Department of Corrections shall maintain a file of all sex offender registrations. A copy of the information contained in the registration shall promptly be available to state, county and municipal law enforcement agencies, the State Superintendent of Public Instruction, and the National Sex Offender Registry

maintained by the Federal Bureau of Investigation. The file shall promptly be made available for public inspection or copying pursuant to rules promulgated by the Department of Corrections and may be made available through Internet access. The Department of Corrections shall promptly provide all municipal police departments, all county sheriff departments and all campus police departments a list of those sex offenders registered and living in their county. The Superintendent of Public Instruction is authorized to copy and shall distribute information from the sex offender registry to school districts and individual public and private schools within the state with a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma Statutes."

F. Each local law enforcement agency shall make its sex offender registry 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.

When a law enforcement agency sends a copy of or otherwise makes the sex offender registry available to any public or private school offering any combination of prekindergarten through twelfth grade classes or child care facility licensed by the state, the agency shall provide a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma Statutes."

G. Samples of blood or saliva for DNA testing required by subsection A of this section shall be taken by employees or contractors of the Department of Corrections. Said individuals shall be properly trained to collect blood or saliva samples. Persons collecting samples for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. The Department of Corrections shall ensure the collection of samples is mailed to the Oklahoma State Bureau of Investigation (OSBI) within ten (10) days of the time 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 account.

H. 1. Any person who has been convicted of or received 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, for any crime listed in Section 582 of this title and:

a. who is subsequently convicted of a crime or an attempt to commit a crime listed in subsection A of Section 582 of this title, or

b. who enters this state after November 1, 1997, 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 A of Section 582 of this title,

shall be subject to all of the registration requirements of this act and shall be designated by the Department of Corrections as a habitual sex offender. A habitual sex offender shall be required to register for the lifetime of the habitual sex offender.

2. On or after November 1, 1999, any person who has been convicted of a crime or an attempt to commit a crime, received 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, for a crime provided for in Section 7115 of Title 10 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation as these terms are defined in Section 7102 of Title 10 of the Oklahoma Statutes, Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes shall be subject to all the registration requirements of this act and shall be designated by the Department of Corrections as an aggravated sex offender. An aggravated sex offender shall be required to register for the lifetime of the aggravated sex offender.

3. Upon registration of any person designated as a habitual or aggravated sex offender, pursuant to this subsection, 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 or aggravated sex offender,

b. any prior victim of the habitual or aggravated sex offender, ~~and~~

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

d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

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

a. the name and physical address of the habitual or aggravated sex offender,

b. a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color,

c. a description of the vehicle that the habitual or aggravated sex offender is known to drive,

d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,

e. a description of the primary and secondary targets of the habitual or aggravated sex offender,

f. a description of the method of offense of the habitual or aggravated sex offender,

g. a current photograph of the habitual or aggravated sex offender, and

h. the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender.

5. The local law enforcement authority shall make the notification provided for in this subsection regarding a habitual or aggravated sex offender available to any person upon request.

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

1. Nothing in the Sex 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 Sex Offenders Registration 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 the Sex Offenders Registration Act.

SECTION 10. AMENDATORY Section 5, Chapter 358, O.S.L. 2004 (57 O.S. Supp. 2004, Section 595), is amended to read as follows:

Section 595. A. Any registration with the Department of Corrections required by the Mary Rippy 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 Rippy 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 Rippy 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~~ 593 of this ~~act~~ title, 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~~ 593 of this ~~act~~ title,

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, and

d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

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 11. 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.

Passed the House of Representatives the 24th day of May, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the 26th day of May, 2005.

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Presiding Officer of the Senate