

**EHB 1450**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**THE STATE SENATE**  
**Tuesday, April 12, 2005**

**ENGROSSED**

**House Bill No. 1450**

ENGROSSED HOUSE BILL NO. 1450 - By: DUNCAN, MORRISSETTE, WESSELHOFT, NANCE, MILLER (Ray) and WALKER of the House and LAMB of the Senate.

An Act relating to the Sex Offenders Registration Act; amending 57 O.S. 2001, Sections 582, as last amended by Section 34, Chapter 460, O.S.L. 2002 and 583, as last amended by Section 1, Chapter 162, O.S.L. 2004 (57 O.S. Supp. 2004, Sections 582 and 583), which relate to the Sex Offenders Registration Act; clarifying registration requirements; modifying registration requirements for persons convicted in other jurisdictions; requiring registration for certain period of time; modifying registration requirements with Department of Corrections and local law enforcement authorities; modifying certain notification requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 582, as last amended by Section 34, Chapter 460, O.S.L. 2002 (57 O.S. Supp. 2004, Section 582), is amended to read as follows:

Section 582. A. The provisions of the Sex Offenders Registration Act, Section 581 et seq. of this title, shall apply to any person residing, working or attending school within the State of Oklahoma who, after November 1, 1989, has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term, or is currently serving a sentence or any form of probation or parole for

1 a crime or an attempt to commit a crime provided for in Section 7115  
2 of Title 10 of the Oklahoma Statutes if the offense involved sexual  
3 abuse or sexual exploitation as those terms are defined in Section  
4 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the  
5 offense involved sexual assault, 741, if the offense involved sexual  
6 abuse or sexual exploitation, Section 843.1, if the offense involved  
7 sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888,  
8 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1,  
9 1114 or 1123 of Title 21 of the Oklahoma Statutes.

10 B. The provisions of the Sex Offenders Registration Act shall  
11 apply to any person who after November 1, 1989, resides, works or  
12 attends school within the State of Oklahoma and who has been  
13 convicted or received a suspended sentence at any time in any court  
14 of another state, a federal court, an Indian tribal court or a  
15 military court for a crime or attempted crime which, if committed or  
16 attempted in this state, would be a crime or an attempt to commit a  
17 crime provided for in any of said laws listed in subsection A of  
18 this section.

19 C. The provisions of the Sex Offenders Registration Act shall  
20 apply to any person who resides, works or attends school within the  
21 State of Oklahoma and who has received a deferred judgment at any  
22 time in any court of another state, a federal court, an Indian  
23 tribal court or a military court for a crime or attempted crime

1 which, if committed or attempted in this state, would be a crime or  
2 an attempt to commit a crime provided for in Section 7115 of Title  
3 10 of the Oklahoma Statutes if the offense involved sexual abuse or  
4 sexual exploitation as those terms are defined in Section 7102 of  
5 Title 10 of the Oklahoma Statutes, Section 681, if the offense  
6 involved sexual assault, 741, if the offense involved sexual abuse  
7 or sexual exploitation, Section 843.1, if the offense involved  
8 sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888,  
9 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1,  
10 1114 or 1123 of Title 21 of the Oklahoma Statutes. The provisions  
11 of the Sex Offenders Registration Act shall not apply to any such  
12 person while the person is incarcerated in a maximum or medium  
13 correctional institution of the Department of Corrections.

14 D. On the effective date of this act, any person registered as  
15 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma  
16 Statutes shall be summarily removed from the Sex Offender Registry  
17 by the Department of Corrections and all law enforcement agencies of  
18 any political subdivision of this state, unless the offense involved  
19 sexual abuse or sexual exploitation.

20 SECTION 2. AMENDATORY 57 O.S. 2001, Section 583, as last  
21 amended by Section 1, Chapter 162, O.S.L. 2004 (57 O.S. Supp. 2004,  
22 Section 583), is amended to read as follows:

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

4 1. With the Department of Corrections within three (3) business  
5 days of being convicted or receiving a suspended sentence or any  
6 probationary term, including a deferred sentence imposed in  
7 violation of subsection G of Section 991c of Title 22 of the  
8 Oklahoma Statutes, if the person is not incarcerated, or within  
9 three (3) business days of release of the person from a correctional  
10 institution, except as provided in subsection B of this section;

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

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

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

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

- 1           b.    the county sheriff, if the person resides or intends  
2                   to reside or stay at any place outside the  
3                   jurisdiction of any municipality within this state,  
4                   and
- 5           c.    the police or security department of any institution  
6                   of higher learning within this state if the person:  
7                   (1)  enrolls as a full-time or part-time student,  
8                   (2)  is a full-time or part-time employee at an  
9                         institution of higher learning, or  
10                  (3)  resides or intends to reside or stay on any  
11                         property owned or controlled by the institution  
12                         of higher learning.

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

- 19           1.   With the Department of Corrections when the person enters  
20 and intends to be in the state for any purpose for thirty (30) days  
21 or longer, has any type of full-time or part-time employment, with  
22 or without compensation for more than fourteen (14) days or an  
23 aggregate period exceeding thirty (30) days within a calendar year,

1 or is enrolled as a full-time or part-time student within this  
2 state. Such registration is required within three (3) days after  
3 entering the state;

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

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

17 4. For persons convicted of an offense or receiving a deferred  
18 judgment in another jurisdiction requiring registration, which  
19 offense if committed or attempted in this state, would have been  
20 punishable as one or more of the offenses listed in Section 582 of  
21 this title, shall maintain the registration for a period of ten (10)  
22 years from the date the person was initially required to register in  
23 Oklahoma, unless the person was convicted of a crime that would be

1 classified as an habitual or aggravated sex offender within the  
2 State of Oklahoma, at which time registration shall continue at all  
3 times.

4 C. ~~Except for~~ When a person has been convicted or received  
5 probation within the State of Oklahoma and the person is not  
6 classified as an habitual or aggravated sex offenders offender, the  
7 person shall be required to register for a period of ten (10) years  
8 from the date of the completion of the sentence and the information  
9 received pursuant to the registration with the Department of  
10 Corrections required by this section shall be maintained by the  
11 Department of Corrections for at least ten (10) years from the date  
12 of the last registration.

13 D. ~~Except for~~ When a person has been convicted or received  
14 probation within the State of Oklahoma and the person is not  
15 classified as an habitual or aggravated sex offenders offender, the  
16 person shall be required to register for a period of ten (10) years  
17 from the date of completion of the sentence and the information  
18 received pursuant to the registration with the local law enforcement  
19 authority required by this section shall be maintained by such  
20 authority for at least ten (10) years from the date of the last  
21 registration.

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

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

6 2. Inform the offender that if the offender changes address,  
7 the offender shall give notice of the move and the new address to  
8 the Department of Corrections and to the local law enforcement  
9 authority in the location in which the offender previously resided  
10 in writing no later than three (3) days before the offender  
11 establishes residence or is temporarily domiciled at the new  
12 address;

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

20 4. Inform the offender that if the offender participates in any  
21 full-time or part-time employment, in another state, with or without  
22 compensation for more than fourteen (14) days or an aggregate period

1 exceeding thirty (30) days in a calendar year, then the offender has  
2 a duty to register as a sex offender in that state;

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

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

10 7. Inform the offender that if the offender participates in any  
11 full-time or part-time employment at any school, with or without  
12 compensation, or participates in any vocational course or occupation  
13 at any school in this state, then the offender has a duty to notify  
14 the Department of Corrections and the local law enforcement  
15 authority in writing of such employment or participation at least  
16 three (3) days before commencing or upon terminating such employment  
17 or participation;

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

1        9. Require the offender to read and sign a form stating that  
2 the duty of the person to register under the Sex Offenders  
3 Registration Act has been explained.

4        F. For the purpose of this section, the "date of the completion  
5 of the sentence" means the day an offender completes all  
6 incarceration, probation and parole pertaining to the sentence.

7        SECTION 3. This act shall become effective November 1, 2005.

8        COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-5-05 - DO PASS.