

3 Senate Bill No. 1707
4 As Amended

5 SENATE BILL NO. 1707 - By: MYERS of the Senate and DUNCAN of the
6 House.

7 [sex offenders - sex offender registry - effective date -
8 emergency]

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

10 SECTION 1. AMENDATORY 57 O.S. 2001, Section 584, as last
11 amended by Section 9, Chapter 465, O.S.L. 2005 (57 O.S. Supp. 2005,
12 Section 584), is amended to read as follows:

13 Section 584. A. Any registration with the Department of
14 Corrections required by the Sex Offenders Registration Act shall be
15 in a form approved by the Department and shall include the following
16 information about the person registering:

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

19 2. A complete description of the person, including a photograph
20 and fingerprints, and when requested by the Department of
21 Corrections, such registrant shall submit to a blood or saliva test
22 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
23 to testing for individuals registering shall be within thirty (30)
24 days of registration. Registrants who already have valid samples on

1 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
2 Offender Database shall not be required to submit duplicate samples
3 for testing;

4 3. The offenses listed in Section 582 of this title for which
5 the person has been convicted or the person received a suspended
6 sentence or any form of probation, where the offense was committed,
7 where the person was convicted or received the suspended sentence or
8 any form of probation, and the name under which the person was
9 convicted or received the suspended sentence or probation;

10 4. The name and location of each hospital or penal institution
11 to which the person was committed for each offense listed in Section
12 582 of this title;

13 5. Where the person previously resided, where the person
14 currently resides, how long the person has resided there, how long
15 the person expects to reside there, and how long the person expects
16 to remain in the county and in this state. The Department of
17 Corrections shall conduct address verification of each registered
18 sex offender on an annual basis by mailing a nonforwardable
19 verification form to the last reported address of the person. The
20 person shall return the verification form in person to the local law
21 enforcement agency of that jurisdiction within ten (10) days after
22 receipt of the form and may be photographed by the local law
23 enforcement agency at that time. The local law enforcement agency

1 shall forward the form to the Department of Corrections within three
2 (3) days after receipt of the form. The verification form shall be
3 signed by the person and state the current address of the person.
4 Failure to return the verification form shall be a violation of the
5 Sex Offenders Registration Act. If the offender has been determined
6 to be a habitual or aggravated sex offender by the Department of
7 Corrections, the address verification shall be conducted every
8 ninety (90) days. The Department of Corrections shall notify the
9 district attorney's office and local law enforcement agency of the
10 appropriate county, within forty-five (45) days if unable to verify
11 the address of a sex offender. A local law enforcement agency may
12 notify the district attorney's office whenever it comes to the
13 attention of the local law enforcement agency that a sex offender is
14 not in compliance with any provisions of this act; and

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

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

22 C. The registration with the local law enforcement authority
23 required by the Sex Offenders Registration Act shall be in a form

1 approved by the local law enforcement authority and shall include
2 the following information about the person registering:

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

6 2. A description of the offense for which the offender was
7 convicted, the date of the conviction, and the sentence imposed, if
8 applicable.

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

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

14 b. the county sheriff, if the person resides or intends
15 to reside or stay at any place outside the
16 jurisdiction of any municipality within this state,
17 and

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

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

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

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

4 D. Any person subject to the provisions of the Sex Offenders
5 Registration Act who changes an address shall give written
6 notification to the Department of Corrections and the local law
7 enforcement authority of the change of address and the new address
8 no later than three (3) business days prior to the abandonment of or
9 move from the current address. If the new address is under the
10 jurisdiction of a different local law enforcement authority, the
11 offender shall notify the new local law enforcement authority of any
12 previous registration. The new local law enforcement authority
13 shall notify the most recent registering agency by teletype or
14 letter of the change in address of the offender. If the new address
15 is in another state the Department of Corrections shall promptly
16 notify the agency responsible for registration in that state of the
17 new address of the offender.

18 E. The Department of Corrections shall maintain a file of all
19 sex offender registrations. A copy of the information contained in
20 the registration shall promptly be available to state, county and
21 municipal law enforcement agencies, the State Superintendent of
22 Public Instruction, the Commissioner of Health, and the National Sex
23 Offender Registry maintained by the Federal Bureau of Investigation.

1 The file shall promptly be made available for public inspection or
2 copying pursuant to rules promulgated by the Department of
3 Corrections and may be made available through Internet access. The
4 Department of Corrections shall promptly provide all municipal
5 police departments, all county sheriff departments and all campus
6 police departments a list of those sex offenders registered and
7 living in their county.

8 F. The Superintendent of Public Instruction is authorized to
9 copy and shall distribute information from the sex offender registry
10 to school districts and individual public and private schools within
11 the state with a notice using the following or similar language: "A
12 person whose name appears on this registry has been convicted of a
13 sex offense. Continuing to employ a person whose name appears on
14 this registry may result in civil liability for the employer or
15 criminal prosecution pursuant to Section 589 of Title 57 of the
16 Oklahoma Statutes."

17 ~~F.~~ G. The Commissioner of Health is authorized to distribute
18 information from the sex offender registry to any nursing home or
19 long-term care facility. Nothing in this subsection shall be deemed
20 to impose any liability upon or give rise to a cause of action
21 against any person, agency, organization, or company for failing to
22 release information in accordance with the Sex Offenders
23 Registration Act.

1 H. Each local law enforcement agency shall make its sex
2 offender registry available upon request, without restriction, at a
3 cost that is no more than what is charged for other records provided
4 by the law enforcement agency pursuant to the Oklahoma Open Records
5 Act.

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

16 ~~G.~~ I. Samples of blood or saliva for DNA testing required by
17 subsection A of this section shall be taken by employees or
18 contractors of the Department of Corrections. Said individuals
19 shall be properly trained to collect blood or saliva samples.
20 Persons collecting samples for DNA testing pursuant to this section
21 shall be immune from civil liabilities arising from this activity.
22 The Department of Corrections shall ensure the collection of samples
23 is mailed to the Oklahoma State Bureau of Investigation (OSBI)

1 within ten (10) days of the time the subject appears for testing.
2 The Department shall use sample kits provided by the OSBI and
3 procedures promulgated by the OSBI. Persons subject to DNA testing
4 pursuant to this section shall be required to pay to the Department
5 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
6 collected pursuant to this subsection shall be deposited in the
7 Department of Corrections revolving account.

8 ~~H.~~ J. 1. Any person who has been convicted of or received a
9 suspended sentence or any probationary term, including a deferred
10 sentence imposed in violation of subsection G of Section 991c of
11 Title 22 of the Oklahoma Statutes, for any crime listed in Section
12 582 of this title and:

13 a. who is subsequently convicted of a crime or an attempt
14 to commit a crime listed in subsection A of Section
15 582 of this title, or

16 b. who enters this state after November 1, 1997, and who
17 has been convicted of an additional crime or attempted
18 crime which, if committed or attempted in this state,
19 would be a crime or an attempt to commit a crime
20 provided for in subsection A of Section 582 of this
21 title,

22 shall be subject to all of the registration requirements of this act
23 and shall be designated by the Department of Corrections as a

1 habitual sex offender. A habitual sex offender shall be required to
2 register for the lifetime of the habitual sex offender.

3 2. On or after November 1, 1999, any person who has been
4 convicted of a crime or an attempt to commit a crime, received a
5 suspended sentence or any probationary term, including a deferred
6 sentence imposed in violation of subsection G of Section 991c of
7 Title 22 of the Oklahoma Statutes, for a crime provided for in
8 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
9 involved sexual abuse or sexual exploitation as these terms are
10 defined in Section 7102 of Title 10 of the Oklahoma Statutes,
11 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
12 Statutes shall be subject to all the registration requirements of
13 this act and shall be designated by the Department of Corrections as
14 an aggravated sex offender. An aggravated sex offender shall be
15 required to register for the lifetime of the aggravated sex
16 offender.

17 3. Upon registration of any person designated as a habitual or
18 aggravated sex offender, pursuant to this subsection, a local law
19 enforcement authority shall notify, by any method of communication
20 it deems appropriate, anyone that the local law enforcement
21 authority determines appropriate, including, but not limited to:

22 a. the family of the habitual or aggravated sex offender,

- 1 b. any prior victim of the habitual or aggravated sex
2 offender,
- 3 c. residential neighbors and churches, community parks,
4 schools, convenience stores, businesses and other
5 places that children or other potential victims may
6 frequent, and
- 7 d. a nursing facility, a specialized facility, a
8 residential care home, a continuum-of-care facility,
9 an assisted living center, and an adult day care
10 facility.

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

- 13 a. the name and physical address of the habitual or
14 aggravated sex offender,
- 15 b. a physical description of the habitual or aggravated
16 sex offender, including, but not limited to, age,
17 height, weight and eye and hair color,
- 18 c. a description of the vehicle that the habitual or
19 aggravated sex offender is known to drive,
- 20 d. any conditions or restrictions upon the probation,
21 parole or conditional release of the habitual or
22 aggravated sex offender,

- 1 e. a description of the primary and secondary targets of
2 the habitual or aggravated sex offender,
3 f. a description of the method of offense of the habitual
4 or aggravated sex offender,
5 g. a current photograph of the habitual or aggravated sex
6 offender, and
7 h. the name and telephone number of the probation or
8 parole officer of the habitual or aggravated sex
9 offender.

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

13 ~~F.~~ K. Public officials, public employees, and public agencies
14 are immune from civil liability for good faith conduct under any
15 provision of the Sex Offenders Registration Act.

16 1. Nothing in the Sex Offenders Registration Act shall be
17 deemed to impose any liability upon or to give rise to a cause of
18 action against any public official, public employee, or public
19 agency for failing to release information in accordance with the Sex
20 Offenders Registration Act.

21 2. Nothing in this section shall be construed to prevent law
22 enforcement officers from notifying members of the public of any

1 persons that pose a danger under circumstances that are not
2 enumerated in the Sex Offenders Registration Act.

3 SECTION 2. This act shall become effective July 1, 2006.

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

8 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
9 2-23-06 - DO PASS, As Amended and Coauthored.