

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1932

By: Corn

AS INTRODUCED

An Act relating to criminal procedure; creating conditions of supervision form for sex offenders; stating conditions for treatment, contact and other behaviors; requiring certain form to be made part of case file; providing for codification; and declaring an emergency.

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 991a-A of Title 22, unless there is created a duplication in numbering, reads as follows:

The court shall use the following conditions of supervision form in all cases where the defendant is required to register as a sex offender:

"SPECIAL RULES AND CONDITIONS FOR SEX OFFENDERS

A. Treatment:

1. The defendant shall attend, actively participate in, and complete a sex offender treatment program approved by the Department of Corrections in which the Program Director is a clinical member of the Association for the Treatment of Sexual Abusers (ATSA). The offender must enroll in such program as soon as possible and not later than thirty (30) days of receiving any probationary term or being released from a correctional facility. The offender must provide written proof of enrollment and attendance to the probation officer upon request.
2. The defendant shall submit to an assessment, including, but not limited to, the penile plethysmograph, Abel Screen, a

polygraph examination, or any combination of assessments, to assist in treatment, planning and case monitoring.

3. The defendant shall be responsible for all costs associated with treatment and assessment.
4. The defendant shall waive all patient privileges regarding communication about the defendant's progress in treatment, and shall allow communication among treatment providers, the court, probation officer, polygraph examiner, district attorney's office, defendant's attorney, victim advocate, and others as deemed appropriate for the purpose of treatment, compliance with treatment and court orders, and public safety.

B. Contact:

1. The defendant shall have no contact with any victim directly or indirectly, including correspondence, telephone contact, or communication through a third party without prior written approval of the court, probation officer, or treatment provider. In addition, the defendant shall not enter onto the premises, travel past, or loiter near where any victim resides, works, or attends school.
2. The defendant shall not reside with, have contact with, or attempt to establish contact with any male or female child under the age of eighteen (18) years, including their own biological children, stepchildren, adopted children, children of relatives, or any children over which the defendant has any custody or control, without the prior written approval of the court, or the probation officer and treatment provider. The defendant is prohibited from unsupervised contact with any minor children.
3. The defendant shall not go to or loiter near schools, school yards, parks, playgrounds, arcades, swimming pools or other places primarily used by children under the age of

eighteen (18) years, or any other place deemed inappropriate by the court, probation officer, or treatment provider, without the prior written approval of the court, probation officer, or treatment provider.

4. The defendant shall not date, socialize, or enter into a sexual relationship with any person who has children under the age of eighteen (18) years, without prior written approval of the court, probation officer, or treatment provider.

C. Other behavior:

1. The defendant shall comply with all provisions of the Sex Offenders Registration Act, including registering with the Department of Corrections and the local law enforcement agency as a sex offender within the time prescribed by law of receiving any probationary term or being released from a correctional facility, and shall submit to a blood or saliva test for purposes of deoxyribonucleic acid (DNA) profile within the time prescribed by law.
2. The defendant shall submit to a blood test for the purpose of determining if the defendant is infected with a venereal disease or a communicable disease, including, but not limited to, the human immunodeficiency virus (HIV), if applicable. The defendant agrees that the victim shall be notified of the test results.
3. The defendant shall abide by any curfew imposed by law or by the probation officer and treatment provider.
4. The defendant shall not travel outside the county of supervision without prior written approval of the probation officer and treatment provider. The terms of travel may include consideration of the purpose of travel, time of day, and others accompanying the defendant.
5. The defendant shall not hitchhike or pick up hitchhikers.

6. The defendant shall not change residences, employment or volunteer activities without the prior written approval of the probation officer and treatment provider.
7. The defendant shall adhere to any driving limitations imposed by the probation officer and treatment provider, including maintaining a driving log, if requested.
8. The defendant shall not purchase, own, or possess any pornographic material or sexually stimulating or sexually oriented material in any form. In addition, the offender will not frequent adult bookstores, sex shops, topless bars, strip parlors, massage parlors, adult theaters, or any other place where such material or entertainment is available, or utilize any sexually oriented telephone numbers or services.
9. The defendant shall maintain an appropriate appearance at all times, including the wearing of undergarments and appropriate outer clothing in the home or places where others might be present.
10. The defendant shall obtain prior written approval from the probation officer and treatment provider before using any computer equipment or accessing the Internet.
11. The defendant shall consent to a search of computer or other electronic device upon the request of the probation officer, if the officer reasonably believes evidence of a violation of conditions of supervision will be found.

Additional Conditions: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

THE ABOVE CONDITIONS ARE IMPOSED IN ADDITION TO ANY OTHER CONDITIONS IMPOSED BY THE COURT. THESE CONDITIONS ARE AGREED TO BY THE DEFENDANT AS A CONSIDERATION FOR IMPOSITION OF A DEFERRED JUDGMENT OR SUSPENDED SENTENCE, EITHER IN WHOLE OR IN PART. FAILURE TO

COMPLY WITH THE CONDITIONS OF THIS AGREEMENT MAY RESULT IN  
ACCELERATION OR REVOCATION OF THE SENTENCE. THESE CONDITIONS SHALL  
BE FILED WITH THE COURT CLERK AND MADE PART OF THE CASE FILE.

DONE IN OPEN COURT THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 200\_\_

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JUDGE OF THE DISTRICT COURT

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DISTRICT ATTORNEY OR  
ASSISTANT DISTRICT ATTORNEY

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ATTORNEY FOR DEFENDANT

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DEFENDANT"

SECTION 2. 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.

50-2-3145

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