

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1760

By: Blackwell and Reynolds of
the House

and

Lamb and Riley of the
Senate

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to public safety; amending 10 O.S.
12 2001, Section 7115, as last amended by Section 1,
13 Chapter 326, O.S.L. 2006 (10 O.S. Supp. 2006, Section
14 7115), which relates to child sexual abuse and sexual
15 exploitation; adding post-imprisonment supervision
16 requirement for certain crimes; creating the Oklahoma
17 Statewide Gang Intervention Steering Committee;
18 providing for membership; providing for appointment
19 of chair and vice-chair; providing for travel
20 reimbursement; providing for administrative support;
21 providing for duties; requiring certain report;
22 amending 21 O.S. 2001, Section 681, which relates to
23 felonious assaults; adding post-imprisonment
24 supervision requirement; amending 21 O.S. 2001,
Section 741, as amended by Section 3, Chapter 275,
O.S.L. 2004 (21 O.S. Supp. 2006, Section 741), which
relates to kidnapping; adding post-imprisonment
supervision requirement; amending 21 O.S. 2001,
Section 843.1, as last amended by Section 1 of
Enrolled Senate Bill No. 398 of the 1st Session of
the 51st Oklahoma Legislature, which relates to abuse
by caretakers; adding post-imprisonment supervision
requirement; amending 21 O.S. 2001, Section 867,
which relates to trafficking in children; adding
post-imprisonment supervision requirement; amending
21 O.S. 2001, Sections 885, 886, as amended by

1 Section 8, Chapter 460, O.S.L. 2002 and 888, as last
2 amended by Section 4, Chapter 62, O.S.L. 2006 (21
3 O.S. Supp. 2006, Sections 886 and 888), which relate
4 to incest, crimes against nature, and forcible
5 sodomy; adding post-imprisonment supervision
6 requirement for certain crimes; amending 21 O.S.
7 2001, Section 891, which relates to child stealing;
8 adding post-imprisonment supervision requirement;
9 amending 21 O.S. 2001, Sections 1021, as last amended
10 by Section 1, Chapter 308, O.S.L. 2003, 1021.2,
11 1021.3 and 1040.13a, as last amended by Section 2,
12 Chapter 183, O.S.L. 2006 (21 O.S. Supp. 2006,
13 Sections 1021 and 1040.13a), which relate to
14 obscenity and child pornography; adding post-
15 imprisonment supervision requirement for certain
16 crimes; amending 21 O.S. 2001, Sections 1087 and
17 1088, which relate to pandering; adding post-
18 imprisonment supervision requirement for certain
19 crimes; amending 21 O.S. Sections 1111.1, 1115, as
20 amended by Section 10, Chapter 460, O.S.L. 2002,
21 1123, as last amended by Section 2, Chapter 284,
22 O.S.L. 2006 (21 O.S. Supp. 2006, Sections 1115 and
23 1123) and Section 1, Chapter 209, O.S.L. 2003 (21
24 O.S. Supp. 2006, Section 1125), as last amended by
Section 1 of Enrolled Senate Bill No. 109 of the 1st
Session of the 51st Oklahoma Legislature, which
relate to rape, lewd or indecent proposals and zone
of safety; adding post-imprisonment supervision
requirement for certain crimes; clarifying zone of
safety requirements; adding exception for persons
receiving medical services at certain facilities;
authorizing certain persons to attend religious
services under specified circumstances; amending 22
O.S. 2001, Section 991a, as last amended by Section 1
of Enrolled House Bill No. 1612 of the 1st Session of
the 51st Oklahoma Legislature, which relates to
sentencing powers of the court; modifying supervision
and probation provisions relating to sex offenders;
amending 57 O.S. 2001, Sections 582, as last amended
by Section 1, Chapter 123, O.S.L. 2005, 583, as last
amended by Section 41 of Enrolled House Bill No. 2195
of the 1st Session of the 51st Oklahoma Legislature,
584, as last amended by Section 9, Chapter 284,
O.S.L. 2006, Section 1, Chapter 223, O.S.L. 2003, as
amended by Section 11, Chapter 284, O.S.L. 2006 and
Section 12, Chapter 284, O.S.L. 2006 (57 O.S. Supp.
2006, Sections 582, 584, 590 and 590.1), which relate

1 to the Sex Offenders Registration Act; modifying list
2 of crimes to which the Sex Offenders Registration Act
3 applies; requiring determination of numeric risk
4 level prior to release; directing certain information
5 and numeric risk level be forwarded to certain
6 entities; directing court to assign numeric risk
7 level and provide certain notification; requiring
8 verification of certain information by local law
9 enforcement; requiring publication of certain
10 information; providing an exception; providing for
11 duplicate notice; directing certain information be
12 included in notice; requiring notice be provided to
13 certain entities; authorizing release of information
14 to certain persons; requiring verification of numeric
15 risk level under certain circumstances; providing for
16 establishment of risk assessment review committee;
17 stating membership; stating function of committee;
18 providing guidelines for selection of screening tool;
19 providing for override of numeric risk level under
20 certain circumstances; providing for the release of
21 certain records and files; exempting risk assessment
22 review committee meeting from certain act; clarifying
23 registration requirements; increasing registration
24 time periods; authorizing certain persons to petition
the court for removal from registration requirements;
requiring registration regardless of residency
location; modifying address verification
requirements; authorizing address verification by
local law enforcement; requiring notification to
local law enforcement of change in status; clarifying
scope of liability; clarifying residency restriction
requirements; providing an exception; providing
exception to certain residency restriction for
married persons and relatives; providing for
codification; providing or noncodification; and
providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as
last amended by Section 1, Chapter 326, O.S.L. 2006 (10 O.S. Supp.
2006, Section 7115), is amended to read as follows:

1 Section 7115. A. Any parent or other person who shall
2 willfully or maliciously engage in child abuse shall, upon
3 conviction, be guilty of a felony punishable by imprisonment in the
4 custody of the Department of Corrections not exceeding life
5 imprisonment, or by imprisonment in a county jail not exceeding one
6 (1) year, or by a fine of not less than Five Hundred Dollars
7 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
8 such fine and imprisonment. As used in this subsection, "child
9 abuse" means the willful or malicious abuse, as defined by paragraph
10 1 of subsection B of Section 7102 of this title, of a child under
11 eighteen (18) years of age by another, or the act of willfully or
12 maliciously injuring, torturing or maiming a child under eighteen
13 (18) years of age by another.

14 B. Any parent or other person who shall willfully or
15 maliciously engage in enabling child abuse shall, upon conviction,
16 be punished by imprisonment in the custody of the Department of
17 Corrections not exceeding life imprisonment, or by imprisonment in a
18 county jail not exceeding one (1) year, or by a fine of not less
19 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
20 Dollars (\$5,000.00) or both such fine and imprisonment. As used in
21 this subsection, "enabling child abuse" means the causing, procuring
22 or permitting of a willful or malicious act of child abuse, as
23 defined by paragraph 1 of subsection B of Section 7102 of this
24 title, of a child under eighteen (18) years of age by another. As

1 used in this subsection, "permit" means to authorize or allow for
2 the care of a child by an individual when the person authorizing or
3 allowing such care knows or reasonably should know that the child
4 will be placed at risk of abuse as proscribed by this subsection.

5 C. Any parent or other person who shall willfully or
6 maliciously engage in child neglect shall, upon conviction, be
7 punished by imprisonment in the custody of the Department of
8 Corrections not exceeding life imprisonment, or by imprisonment in a
9 county jail not exceeding one (1) year, or by a fine of not less
10 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
11 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
12 this subsection, "child neglect" means the willful or malicious
13 neglect, as defined by paragraph 3 of subsection B of Section 7102
14 of this title, of a child under eighteen (18) years of age by
15 another.

16 D. Any parent or other person who shall willfully or
17 maliciously engage in enabling child neglect shall, upon conviction,
18 be punished by imprisonment in the custody of the Department of
19 Corrections not exceeding life imprisonment, or by imprisonment in a
20 county jail not exceeding one (1) year, or by a fine of not less
21 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
22 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
23 this subsection, "enabling child neglect" means the causing,
24 procuring or permitting of a willful or malicious act of child

1 neglect, as defined by paragraph 3 of subsection B of Section 7102
2 of this title, of a child under eighteen (18) years of age by
3 another. As used in this subsection, "permit" means to authorize or
4 allow for the care of a child by an individual when the person
5 authorizing or allowing such care knows or reasonably should know
6 that the child will be placed at risk of neglect as proscribed by
7 this subsection.

8 E. Any parent or other person who shall willfully or
9 maliciously engage in child sexual abuse shall, upon conviction, be
10 punished by imprisonment in the custody of the Department of
11 Corrections not exceeding life imprisonment, or by imprisonment in a
12 county jail not exceeding one (1) year, or by a fine of not less
13 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
14 Dollars (\$5,000.00), or both such fine and imprisonment, except as
15 provided in Section 51.1a of Title 21 of the Oklahoma Statutes.
16 Except for persons sentenced to life or life without parole, any
17 person sentenced to imprisonment for two (2) years or more for a
18 violation of this subsection shall be required to serve a term of
19 post-imprisonment supervision pursuant to subparagraph f of
20 paragraph 1 of subsection A of Section 991a of Title 22 of the
21 Oklahoma Statutes under conditions determined by the Department of
22 Corrections. The jury shall be advised that the mandatory post-
23 imprisonment supervision shall be in addition to the actual
24 imprisonment. As used in this section, "child sexual abuse" means

1 the willful or malicious sexual abuse, as defined by paragraph 6 of
2 subsection B of Section 7102 of this title, of a child under
3 eighteen (18) years of age by another.

4 F. Any parent or other person who shall willfully or
5 maliciously engage in enabling child sexual abuse shall, upon
6 conviction, be punished by imprisonment in the custody of the
7 Department of Corrections not exceeding life imprisonment, or by
8 imprisonment in a county jail not exceeding one (1) year, or by a
9 fine of not less than Five Hundred Dollars (\$500.00) nor more than
10 Five Thousand Dollars (\$5,000.00), or both such fine and
11 imprisonment. As used in this subsection, "enabling child sexual
12 abuse" means the causing, procuring or permitting of a willful or
13 malicious act of child sexual abuse, as defined by paragraph 6 of
14 subsection B of Section 7102 of this title, of a child under the age
15 of eighteen (18) by another. As used in this subsection, "permit"
16 means to authorize or allow for the care of a child by an individual
17 when the person authorizing or allowing such care knows or
18 reasonably should know that the child will be placed at risk of
19 sexual abuse as proscribed by this subsection.

20 G. Any parent or other person who shall willfully or
21 maliciously engage in child sexual exploitation shall, upon
22 conviction, be punished by imprisonment in the custody of the
23 Department of Corrections not exceeding life imprisonment, or by
24 imprisonment in a county jail not exceeding one (1) year, or by a

1 fine of not less than Five Hundred Dollars (\$500.00) nor more than
2 Five Thousand Dollars (\$5,000.00), or both such fine and
3 imprisonment. Except for persons sentenced to life or life without
4 parole, any person sentenced to imprisonment for two (2) years or
5 more for a violation of this subsection shall be required to serve a
6 term of post-imprisonment supervision pursuant to subparagraph f of
7 paragraph 1 of subsection A of Section 991a of Title 22 of the
8 Oklahoma Statutes under conditions determined by the Department of
9 Corrections. The jury shall be advised that the mandatory post-
10 imprisonment supervision shall be in addition to the actual
11 imprisonment. As used in this subsection, "child sexual
12 exploitation" means the willful or malicious sexual exploitation, as
13 defined by paragraph 7 of subsection B of Section 7102 of this
14 title, of a child under eighteen (18) years of age by another.

15 H. Any parent or other person who shall willfully or
16 maliciously engage in enabling child sexual exploitation shall, upon
17 conviction, be punished by imprisonment in the custody of the
18 Department of Corrections not exceeding life imprisonment, or by
19 imprisonment in a county jail not exceeding one (1) year, or by a
20 fine of not less than Five Hundred Dollars (\$500.00) nor more than
21 Five Thousand Dollars (\$5,000.00), or both such fine and
22 imprisonment. As used in this subsection, "enabling child sexual
23 exploitation" means the causing, procuring or permitting of a
24 willful or malicious act of child sexual exploitation, as defined by

1 paragraph 7 of subsection B of Section 7102 of this title, of a
2 child under eighteen (18) years of age by another. As used in this
3 subsection, "permit" means to authorize or allow for the care of a
4 child by an individual when the person authorizing or allowing such
5 care knows or reasonably should know that the child will be placed
6 at risk of sexual exploitation as proscribed by this subsection.

7 I. Notwithstanding any other provision of law, any parent or
8 other person convicted of forcible anal or oral sodomy, rape, rape
9 by instrumentation, or lewd molestation of a child under fourteen
10 (14) years of age subsequent to a previous conviction for any
11 offense of forcible anal or oral sodomy, rape, rape by
12 instrumentation, or lewd molestation of a child under fourteen (14)
13 years of age shall be punished by death or by imprisonment for life
14 without parole.

15 SECTION 2. NEW LAW A new section of law not to be
16 codified in the Oklahoma Statutes reads as follows:

17 A. There is hereby created until February 1, 2012, the
18 "Oklahoma Statewide Gang Intervention Steering Committee".

19 B. The Oklahoma Statewide Gang Intervention Steering Committee
20 shall be composed of twenty-two (22) members as follows:

21 1. The Lieutenant Governor, or designee;

22 2. The Executive Director of the Office of Juvenile Affairs, or
23 designee;

24

1 3. One sheriff representing a county having a population of
2 more than five hundred thousand (500,000) inhabitants, as determined
3 by the latest Federal Decennial Census, appointed by the executive
4 board of the Oklahoma Sheriffs' Association;

5 4. One sheriff representing a county having a population
6 between one hundred thousand (100,000) inhabitants and four hundred
7 ninety-nine thousand (499,000) inhabitants, as determined by the
8 latest Federal Decennial Census, appointed by the executive board of
9 the Oklahoma Sheriffs' Association;

10 5. One sheriff representing a county having a population of
11 less than one hundred thousand (100,000) inhabitants, as determined
12 by the latest Federal Decennial Census, appointed by the executive
13 board of the Oklahoma Sheriffs' Association;

14 6. Two chiefs of police representing communities impacted by
15 gangs, to be selected by the Oklahoma Chiefs of Police Association;

16 7. Two members of the Oklahoma House of Representatives
17 appointed by the Speaker of the House of Representatives;

18 8. Two members of the State Senate appointed by the President
19 Pro Tempore of the Senate;

20 9. Three members appointed by the Governor as follows:

- 21 a. one member who shall be the director of an entity
22 that contracts with the Office of Juvenile Affairs to
23 implement the federal Office of Juvenile Justice and
24

1 Delinquency Prevention Comprehensive Gang Model in
2 Oklahoma,

3 b. one member who shall live in a targeted at-risk
4 neighborhood in Oklahoma City, and

5 c. one member who shall live in a targeted at-risk
6 neighborhood in Tulsa;

7 10. The Director of the Oklahoma State Bureau of Investigation,
8 or designee;

9 11. The Director of the Department of Corrections, or designee;

10 12. The State Superintendent of Public Instruction, or
11 designee;

12 13. The Executive Coordinator of the District Attorneys
13 Council, or designee;

14 14. The Director of the Department of Human Services, or
15 designee;

16 15. The Commissioner of the Department of Mental Health and
17 Substance Abuse Services, or designee;

18 16. The Commissioner of the State Department of Health, or
19 designee; and

20 17. The Director of the Commission on Children and Youth, or
21 designee.

22 C. The chair shall be appointed by the Speaker of the Oklahoma
23 House of Representatives on or before August 1, 2007. The vice-
24 chair shall be appointed by the President Pro Tempore of the State

1 Senate on or before August 1, 2007. The chair shall convene the
2 first meeting of the Steering Committee on or before September 1,
3 2007. The Steering Committee shall meet as often as necessary.
4 Steering Committee members employed by the state shall be reimbursed
5 for travel expenses related to their service on the Steering
6 Committee by their respective agencies pursuant to the provisions of
7 the State Travel Reimbursement Act. Legislative members of the
8 Steering Committee shall be reimbursed for their necessary travel
9 expenses incurred in the performance of their duties in accordance
10 with Section 456 of Title 74 of the Oklahoma Statutes. Remaining
11 Steering Committee members shall be reimbursed travel expenses
12 related to their service on the Steering Committee by their
13 appointing authorities pursuant to the provisions of the State
14 Travel Reimbursement Act.

15 D. Administrative support for the Steering Committee,
16 including, but not limited to, personnel necessary to ensure the
17 proper performance of the duties and responsibilities of the
18 Steering Committee, shall be provided by the Oklahoma Criminal
19 Justice Resource Center and the Office of Juvenile Affairs to be
20 supplemented, if necessary, by the staff of the Oklahoma House of
21 Representatives and the State Senate. All participating state
22 agencies shall provide for any administrative support requested by
23 the Steering Committee.

24

1 E. The Steering Committee shall coordinate Oklahoma's response
2 to gang activity and violence by reviewing and assessing the current
3 suppression, intervention and prevention efforts to reduce gang
4 activity and violence in Oklahoma. The Steering Committee shall
5 make recommendations to improve and make more effective the
6 implementation and funding of current efforts. The Steering
7 Committee shall continue to monitor and renew on a yearly basis,
8 through benchmarks and other identified assessment tools, the
9 success of these programs. Other duties shall include:

10 1. Cataloging and reporting the total amount of federal funds
11 devoted to gang intervention programs by type and activity;

12 2. Working with the Office of Juvenile Affairs to develop
13 concrete, measurable performance outcomes to assess the
14 effectiveness of these programs; and

15 3. Evaluating successful local gang initiatives across the
16 state and the nation to determine if their methods and strategies
17 can be duplicated and applied to other Oklahoma communities.

18 4. Examining existing approaches to managing juvenile sex
19 offenders who have also been identified as being involved in gang
20 activity and violence;

21 5. Identifying and examining sexual activities of juveniles;

22 6. Developing strategies to address juvenile sex offenses by
23 incorporating the latest evaluation tools, treatment and
24 methodologies; and

1 7. Developing and implementing a comprehensive approach to the
2 prevention of sex offenses by juveniles and the treatment of
3 juvenile victims of sex offenses.

4 F. The Steering Committee shall also study and make
5 recommendations as to the feasibility of requiring any juvenile
6 arrested for any activity that is associated with or considered
7 gang-related activity to be immediately referred for services with
8 the Office of Juvenile Affairs. Components of the services provided
9 by the Office of Juvenile Affairs should include, but not be limited
10 to:

11 1. The processing of the juvenile into a statewide database for
12 gang-involved youth;

13 2. An evaluation of the youth within forty-eight (48) hours of
14 arrest to determine appropriate gang intervention programs; and

15 3. A meeting and assessment with the family of the juvenile to
16 determine an interim program as to the legal status of the juvenile.

17 G. The Steering Committee shall make an annual report to the
18 Governor, the Speaker of the Oklahoma House of Representatives, the
19 President Pro Tempore of the State Senate, and the appropriate
20 committees of the State Senate and the Oklahoma House of
21 Representatives by February 1 of each year. The report shall be
22 prepared by the administrative staff of the affected agencies.

23 SECTION 3. AMENDATORY 21 O.S. 2001, Section 681, is
24 amended to read as follows:

1 Section 681. A. Any person who is guilty of an assault with
2 intent to commit any felony, except an assault with intent to kill,
3 the punishment for which assault is not otherwise prescribed in this
4 code, shall be guilty of a felony punishable by imprisonment in the
5 ~~State Penitentiary~~ custody of the Department of Corrections not
6 exceeding five (5) years, or in a county jail not exceeding one (1)
7 year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or
8 by both such fine and imprisonment.

9 B. Except for persons sentenced to life or life without parole,
10 any person sentenced to imprisonment for two (2) years or more for a
11 violation of subsection A of this section and the offense involved
12 sexual assault, shall be required to serve a term of post-
13 imprisonment supervision pursuant to subparagraph f of paragraph 1
14 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
15 under conditions determined by the Department of Corrections. The
16 jury shall be advised that the mandatory post-imprisonment
17 supervision shall be in addition to the actual imprisonment.

18 SECTION 4. AMENDATORY 21 O.S. 2001, Section 741, as
19 amended by Section 3, Chapter 275, O.S.L. 2004 (21 O.S. Supp. 2006,
20 Section 741), is amended to read as follows:

21 Section 741. Any person who, without lawful authority, forcibly
22 seizes and confines another, or inveigles or kidnaps another, with
23 intent, either:
24

1 First. To cause such other person to be confined or imprisoned
2 in this state against the will of the other person; or

3 Second. To cause such other person to be sent out of this state
4 against the will of the other person; or

5 Third. To cause such person to be sold as a slave, or in any
6 way held to service against the will of such person, shall be guilty
7 of a felony punishable by imprisonment in the ~~State Penitentiary~~
8 custody of the Department of Corrections not exceeding ten (10)
9 years. Upon any trial for a violation of this section, the consent
10 thereto of the person kidnapped or confined, shall not be a defense,
11 unless it appears satisfactorily to the jury, that such person was
12 above the age of twelve (12) years, and that such consent was not
13 extorted by threat, or by duress.

14 Except for persons sentenced to life or life without parole, any
15 person sentenced to imprisonment for two (2) years or more for a
16 violation of this section and the offense involved sexual abuse or
17 sexual exploitation, shall be required to serve a term of post-
18 imprisonment supervision pursuant to subparagraph f of paragraph 1
19 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
20 under conditions determined by the Department of Corrections. The
21 jury shall be advised that the mandatory post-imprisonment
22 supervision shall be in addition to the actual imprisonment.

23 SECTION 5. AMENDATORY 21 O.S. 2001, Section 843.1, as
24 last amended by Section 1 of Enrolled Senate Bill No. 398 of the 1st

1 Session of the 51st Oklahoma Legislature, is amended to read as
2 follows:

3 Section 843.1 A. 1. No caretaker or other person shall
4 abuse, commit financial neglect, neglect, commit sexual abuse, or
5 exploit any person entrusted to the care of such caretaker or other
6 person in a nursing facility or other setting, or knowingly cause,
7 secure, or permit any of these acts to be done.

8 2. For purposes of this section, the terms, "abuse",
9 "financial neglect", "neglect", "sexual abuse", and "exploit" shall
10 have the same meaning as such terms are defined and clarified in
11 Section 10-103 of Title 43A of the Oklahoma Statutes.

12 B. 1. Any person convicted of a violation of this section,
13 except as provided in paragraph 2 of this subsection, shall be
14 guilty of a felony. The violator, upon conviction, shall be
15 punished by imprisonment in the ~~State Penitentiary~~ custody of the
16 Department of Corrections for a term not to exceed ten (10) years,
17 and by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by
18 both such fine and imprisonment. Such person's term shall further
19 be subject to the provisions of Section 13.1 of this title.

20 2. Any person convicted of violating the provisions of this
21 section by committing sexual abuse shall be guilty of a felony. The
22 person convicted of sexual abuse shall be punished by imprisonment
23 in the ~~State Penitentiary~~ custody of the Department of Corrections
24 for a term not to exceed fifteen (15) years, and by a fine not

1 exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine
2 and imprisonment.

3 C. Consent shall not be a defense for any violation of this
4 section.

5 D. Except for persons sentenced to life or life without parole,
6 any person sentenced to imprisonment for two (2) years or more for a
7 violation of paragraph 2 of subsection B of this section shall be
8 required to serve a term of post-imprisonment supervision pursuant
9 to subparagraph f of paragraph 1 of subsection A of Section 991a of
10 Title 22 of the Oklahoma Statutes under conditions determined by the
11 Department of Corrections. The jury shall be advised that the
12 mandatory post-imprisonment supervision shall be in addition to the
13 actual imprisonment.

14 SECTION 6. AMENDATORY 21 O.S. 2001, Section 867, is
15 amended to read as follows:

16 Section 867. A. The first conviction of the crime of
17 trafficking in children by any person shall be a felony and
18 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
19 Department of Corrections for not less than one (1) year nor for
20 more than three (3) years.

21 B. Conviction of the crime of trafficking in children,
22 subsequent to a prior conviction for such offense in any form, shall
23 be a felony and punishable by imprisonment in the ~~State Penitentiary~~

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1 custody of the Department of Corrections for not less than three (3)
2 years. No suspension of judgment or sentence shall be permitted.

3 C. Except for persons sentenced to life or life without parole,
4 any person sentenced to imprisonment for two (2) years or more for a
5 violation of this section shall be required to serve a term of post-
6 imprisonment supervision pursuant to subparagraph f of paragraph 1
7 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
8 under conditions determined by the Department of Corrections. The
9 jury shall be advised that the mandatory post-imprisonment
10 supervision shall be in addition to the actual imprisonment.

11 SECTION 7. AMENDATORY 21 O.S. 2001, Section 885, is
12 amended to read as follows:

13 Section 885. Persons who, being within the degrees of
14 consanguinity within which marriages are by the laws of the state
15 declared incestuous and void, intermarry with each other, or commit
16 adultery or fornication with each other, shall be guilty of a felony
17 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
18 Department of Corrections not exceeding ten (10) years. Except for
19 persons sentenced to life or life without parole, any person
20 sentenced to imprisonment for two (2) years or more for a violation
21 of this subsection shall be required to serve a term of post-
22 imprisonment supervision pursuant to subparagraph f of paragraph 1
23 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
24 under conditions determined by the Department of Corrections. The

1 jury shall be advised that the mandatory post-imprisonment
2 supervision shall be in addition to the actual imprisonment.

3 SECTION 8. AMENDATORY 21 O.S. 2001, Section 886, as
4 amended by Section 8, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2006,
5 Section 886), is amended to read as follows:

6 Section 886. Every person who is guilty of the detestable and
7 abominable crime against nature, committed with mankind or with a
8 beast, is punishable by imprisonment in the ~~penitentiary~~ custody of
9 the Department of Corrections not exceeding ten (10) years. Except
10 for persons sentenced to life or life without parole, any person
11 sentenced to imprisonment for two (2) years or more for a violation
12 of this section shall be required to serve a term of post-
13 imprisonment supervision pursuant to subparagraph f of paragraph 1
14 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
15 under conditions determined by the Department of Corrections. The
16 jury shall be advised that the mandatory post-imprisonment
17 supervision shall be in addition to the actual imprisonment.

18 SECTION 9. AMENDATORY 21 O.S. 2001, Section 888, as last
19 amended by Section 4, Chapter 62, O.S.L. 2006 (21 O.S. Supp. 2006,
20 Section 888), is amended to read as follows:

21 Section 888. A. Any person who forces another person to engage
22 in the detestable and abominable crime against nature, pursuant to
23 Section 886 of this title, upon conviction, is guilty of a felony
24 punishable by imprisonment in the ~~State Penitentiary~~ custody of the

1 Department of Corrections for a period of not more than twenty (20)
2 years. Except for persons sentenced to life or life without parole,
3 any person sentenced to imprisonment for two (2) years or more for a
4 violation of this subsection shall be required to serve a term of
5 post-imprisonment supervision pursuant to subparagraph f of
6 paragraph 1 of subsection A of Section 991a of Title 22 of the
7 Oklahoma Statutes under conditions determined by the Department of
8 Corrections. The jury shall be advised that the mandatory post-
9 imprisonment supervision shall be in addition to the actual
10 imprisonment. Any person convicted of a second violation of this
11 section, where the victim of the second offense is a person under
12 sixteen (16) years of age, shall not be eligible for probation,
13 suspended or deferred sentence. Any person convicted of a third or
14 subsequent violation of this section, where the victim of the third
15 or subsequent offense is a person under sixteen (16) years of age,
16 shall be punished by imprisonment in the ~~State Penitentiary~~ custody
17 of the Department of Corrections for a term of life or life without
18 parole, in the discretion of the jury, or in case the jury fails or
19 refuses to fix punishment then the same shall be pronounced by the
20 court. Any person convicted of a violation of this subsection after
21 having been twice convicted of a violation of subsection A of
22 Section 1114 of this title, a violation of Section 1123 of this
23 title or sexual abuse of a child pursuant to Section 7115 of Title
24 10 of the Oklahoma Statutes, or of any attempt to commit any of

1 these offenses or any combination of said offenses, shall be
2 punished by imprisonment in the ~~State Penitentiary~~ custody of the
3 Department of Corrections for a term of life or life without parole.

4 B. The crime of forcible sodomy shall include:

5 1. Sodomy committed by a person over eighteen (18) years of age
6 upon a person under sixteen (16) years of age; or

7 2. Sodomy committed upon a person incapable through mental
8 illness or any unsoundness of mind of giving legal consent
9 regardless of the age of the person committing the crime; or

10 3. Sodomy accomplished with any person by means of force,
11 violence, or threats of force or violence accompanied by apparent
12 power of execution regardless of the age of the victim or the person
13 committing the crime; or

14 4. Sodomy committed by a state, county, municipal or political
15 subdivision employee or a contractor or an employee of a contractor
16 of the state, a county, a municipality or political subdivision of
17 this state upon a person who is under the legal custody, supervision
18 or authority of a state agency, a county, a municipality or a
19 political subdivision of this state; or

20 5. Sodomy committed upon a person who is at least sixteen (16)
21 years of age but less than twenty (20) years of age and is a student
22 of any public or private secondary school, junior high or high
23 school, or public vocational school, with a person who is eighteen
24

1 (18) years of age or older and is employed by the same school
2 system.

3 SECTION 10. AMENDATORY 21 O.S. 2001, Section 891, is
4 amended to read as follows:

5 Section 891. Whoever maliciously, forcibly or fraudulently
6 takes or entices away any child under the age of sixteen (16) years,
7 with intent to detain and conceal such child from its parent,
8 guardian or other person having the lawful charge of such child or
9 to transport such child from the jurisdiction of this state or the
10 United States without the consent of the person having lawful charge
11 of such child shall, upon conviction, be guilty of a felony
12 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
13 Department of Corrections not exceeding ten (10) years.

14 Except for persons sentenced to life or life without parole, any
15 person sentenced to imprisonment for two (2) years or more for a
16 violation of this section and the offense involved sexual abuse or
17 sexual exploitation, shall be required to serve a term of post-
18 imprisonment supervision pursuant to subparagraph f of paragraph 1
19 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
20 under conditions determined by the Department of Corrections. The
21 jury shall be advised that the mandatory post-imprisonment
22 supervision shall be in addition to the actual imprisonment.

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1 SECTION 11. AMENDATORY 21 O.S. 2001, Section 1021, as
2 last amended by Section 1, Chapter 308, O.S.L. 2003 (21 O.S. Supp.
3 2006, Section 1021), is amended to read as follows:

4 Section 1021. A. Every person who willfully and knowingly
5 either:

6 1. Lewdly exposes his person or genitals in any public place,
7 or in any place where there are present other persons to be offended
8 or annoyed thereby;

9 2. Procures, counsels, or assists any person to expose such
10 person, or to make any other exhibition of such person to public
11 view or to the view of any number of persons, for the purpose of
12 sexual stimulation of the viewer;

13 3. Writes, composes, stereotypes, prints, photographs, designs,
14 copies, draws, engraves, paints, molds, cuts, or otherwise prepares,
15 publishes, sells, distributes, keeps for sale, knowingly downloads
16 on a computer, or exhibits any obscene material or child
17 pornography; or

18 4. Makes, prepares, cuts, sells, gives, loans, distributes,
19 keeps for sale, or exhibits any disc record, metal, plastic, or wax,
20 wire or tape recording, or any type of obscene material or child
21 pornography,

22 shall be guilty, upon conviction, of a felony and shall be punished
23 by the imposition of a fine of not less than Five Hundred Dollars
24 (\$500.00) nor more than Twenty Thousand Dollars (\$20,000.00) or by

1 imprisonment for not less than thirty (30) days nor more than ten
2 (10) years, or by both such fine and imprisonment.

3 B. Every person who:

4 1. Willfully solicits or aids a minor child to perform; or

5 2. Shows, exhibits, loans, or distributes to a minor child any

6 obscene material or child pornography for the purpose of inducing

7 said minor to participate in, any act specified in paragraphs 1, 2,

8 3 or 4 of subsection A of this section shall be guilty, upon

9 conviction, of a felony and shall be punished by imprisonment in a

10 ~~state correctional institution~~ the custody of the Department of

11 Corrections for not less than ten (10) years nor more than thirty

12 (30) years.

13 C. Persons convicted under this section shall not be eligible
14 for a deferred sentence.

15 D. Except for persons sentenced to life or life without parole,

16 any person sentenced to imprisonment for two (2) years or more for a

17 violation of this section shall be required to serve a term of post-

18 imprisonment supervision pursuant to subparagraph f of paragraph 1

19 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes

20 under conditions determined by the Department of Corrections. The

21 jury shall be advised that the mandatory post-imprisonment

22 supervision shall be in addition to the actual imprisonment.

23 E. For purposes of this section, "downloading on a computer"

24 means electronically transferring an electronic file from one

1 computer or electronic media to another computer or electronic
2 media.

3 SECTION 12. AMENDATORY 21 O.S. 2001, Section 1021.2, is
4 amended to read as follows:

5 Section 1021.2 A. Any person who shall procure or cause the
6 participation of any minor under the age of eighteen (18) years in
7 any child pornography or who knowingly possesses, procures, or
8 manufactures, or causes to be sold or distributed any child
9 pornography shall be guilty, upon conviction, of a felony and shall
10 be punished by imprisonment for not more than twenty (20) years or
11 by the imposition of a fine of not more than Twenty-five Thousand
12 Dollars (\$25,000.00) or by both said fine and imprisonment. Persons
13 convicted under this section shall not be eligible for a deferred
14 sentence. Except for persons sentenced to life or life without
15 parole, any person sentenced to imprisonment for two (2) years or
16 more for a violation of this subsection shall be required to serve a
17 term of post-imprisonment supervision pursuant to subparagraph f of
18 paragraph 1 of subsection A of Section 991a of Title 22 of the
19 Oklahoma Statutes under conditions determined by the Department of
20 Corrections. The jury shall be advised that the mandatory post-
21 imprisonment supervision shall be in addition to the actual
22 imprisonment.

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1 B. The consent of the minor, or of the mother, father, legal
2 guardian, or custodian of the minor to the activity prohibited by
3 this section shall not constitute a defense.

4 SECTION 13. AMENDATORY 21 O.S. 2001, Section 1021.3, is
5 amended to read as follows:

6 Section 1021.3 A. Any parent, guardian or individual having
7 custody of a minor under the age of eighteen (18) years who
8 knowingly permits or consents to the participation of a minor in any
9 child pornography shall be guilty of a felony and, upon conviction,
10 shall be imprisoned in the ~~State Penitentiary~~ custody of the
11 Department of Corrections for a period of not more than twenty (20)
12 years or a fine of not more than Twenty-five Thousand Dollars
13 (\$25,000.00) or by both such fine and imprisonment. Persons
14 convicted under this section shall not be eligible for a deferred
15 sentence. Except for persons sentenced to life or life without
16 parole, any person sentenced to imprisonment for two (2) years or
17 more for a violation of this subsection shall be required to serve a
18 term of post-imprisonment supervision pursuant to subparagraph f of
19 paragraph 1 of subsection A of Section 991a of Title 22 of the
20 Oklahoma Statutes under conditions determined by the Department of
21 Corrections. The jury shall be advised that the mandatory post-
22 imprisonment supervision shall be in addition to the actual
23 imprisonment.

24

1 B. The consent of the minor to the activity prohibited by this
2 section shall not constitute a defense.

3 SECTION 14. AMENDATORY 21 O.S. 2001, Section 1040.13a,
4 as last amended by Section 2, Chapter 183, O.S.L. 2006 (21 O.S.
5 Supp. 2006, Section 1040.13a), is amended to read as follows:

6 Section 1040.13a A. It is unlawful for any person to
7 facilitate, encourage, offer or solicit sexual conduct with a minor,
8 or other individual the person believes to be a minor, by use of any
9 technology, or to engage in any communication for sexual or prurient
10 interest with any minor, or other individual the person believes to
11 be a minor, by use of any technology. For purposes of this
12 subsection, "by use of any technology" means the use of any
13 telephone or cell phone, computer disk (CD), digital video disk
14 (DVD), recording or sound device, CD-ROM, VHS, computer, computer
15 network or system, Internet or World Wide Web address including any
16 blog site or personal web address, e-mail address, Internet Protocol
17 address (IP), text messaging or paging device, any video, audio,
18 photographic or camera device of any computer, computer network or
19 system, cell phone, any other electrical, electronic, computer or
20 mechanical device, or any other device capable of any transmission
21 of any written or text message, audio or sound message,
22 photographic, video, movie, digital or computer-generated image, or
23 any other communication of any kind by use of an electronic device.

24

1 B. A person is guilty of violating the provisions of this
2 section if the person knowingly transmits any prohibited
3 communication by use of any technology defined herein, or knowingly
4 prints, publishes or reproduces by use of any technology described
5 herein any prohibited communication, or knowingly buys, sells,
6 receives, exchanges, or disseminates any prohibited communication or
7 any information, notice, statement, website, or advertisement for
8 communication with a minor or access to any name, telephone number,
9 cell phone number, e-mail address, Internet address, text message
10 address, place of residence, physical characteristics or other
11 descriptive or identifying information of a minor, or other
12 individual the person believes to be a minor.

13 C. The fact that an undercover operative or law enforcement
14 officer was involved in the detection and investigation of an
15 offense pursuant to this section shall not constitute a defense to a
16 prosecution under this section.

17 D. Any violation of the provisions of this section shall be a
18 felony, punishable by a fine in an amount not to exceed Ten Thousand
19 Dollars (\$10,000.00), or by imprisonment in the custody of the
20 Department of Corrections for a term of not more than ten (10)
21 years, or by both such fine and imprisonment. For purposes of this
22 section, each communication shall constitute a separate offense.
23 Except for persons sentenced to life or life without parole, any
24 person sentenced to imprisonment for two (2) years or more for a

1 violation of this section shall be required to serve a term of post-
2 imprisonment supervision pursuant to subparagraph f of paragraph 1
3 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
4 under conditions determined by the Department of Corrections. The
5 jury shall be advised that the mandatory post-imprisonment
6 supervision shall be in addition to the actual imprisonment.

7 E. For purposes of any criminal prosecution pursuant to any
8 violation of this section, the person violating the provisions of
9 this section shall be deemed to be within the jurisdiction of this
10 state by the fact of accessing any computer, cellular phone or other
11 computer-related or satellite-operated device in this state,
12 regardless of the actual jurisdiction where the violator resides.

13 SECTION 15. AMENDATORY 21 O.S. 2001, Section 1087, is
14 amended to read as follows:

15 Section 1087. A. No person shall:

16 1. Offer, or offer to secure, a child under eighteen (18) years
17 of age for the purpose of prostitution, or for any other lewd or
18 indecent act, or procure or offer to procure a child for, or a place
19 for a child as an inmate in, a house of prostitution or other place
20 where prostitution is practiced;

21 2. Receive or to offer or agree to receive any child under
22 eighteen (18) years of age into any house, place, building, other
23 structure, vehicle, trailer, or other conveyance for the purpose of
24

1 prostitution, lewdness, or assignation, or to permit any person to
2 remain there for such purpose; or

3 3. Direct, take, or transport, or to offer or agree to take or
4 transport, or aid or assist in transporting, any child under
5 eighteen (18) years of age to any house, place, building, other
6 structure, vehicle, trailer, or other conveyance, or to any other
7 person with knowledge or having reasonable cause to believe that the
8 purpose of such directing, taking, or transporting is prostitution,
9 lewdness, or assignation.

10 B. 1. Any person violating the provisions of subsection A of
11 this section shall, upon conviction, be guilty of a felony
12 punishable by imprisonment of not less than one (1) year nor more
13 than ten (10) years.

14 2. Any owner, proprietor, keeper, manager, conductor, or other
15 person who knowingly permits any violation of this section in any
16 house, building, room, or other premises or any conveyances under
17 his control or of which he has possession shall, upon conviction for
18 the first offense, be guilty of a misdemeanor and punishable by
19 imprisonment in the county jail for a period of not less than six
20 (6) months nor more than one (1) year, and by a fine of not less
21 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
22 Dollars (\$5,000.00). Upon conviction for a subsequent offense
23 pursuant to this subsection such person shall be guilty of a felony
24 and shall be punished by imprisonment in the ~~State Penitentiary~~

1 custody of the Department of Corrections for a period of not less
2 than one (1) year nor more than ten (10) years, or by a fine of not
3 less than Five Thousand Dollars (\$5,000.00) nor more than
4 Twenty-five Thousand Dollars (\$25,000.00) or by both such fine and
5 imprisonment.

6 C. Except for persons sentenced to life or life without parole,
7 any person sentenced to imprisonment for two (2) years or more for a
8 violation of this section shall be required to serve a term of post-
9 imprisonment supervision pursuant to subparagraph f of paragraph 1
10 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
11 under conditions determined by the Department of Corrections. The
12 jury shall be advised that the mandatory post-imprisonment
13 supervision shall be in addition to the actual imprisonment.

14 SECTION 16. AMENDATORY 21 O.S. 2001, Section 1088, is
15 amended to read as follows:

16 Section 1088. A. No person shall:

17 1. By promise, threats, violence, or by any device or scheme,
18 including but not limited to the use of any controlled dangerous
19 substance prohibited pursuant to the provisions of the Uniform
20 Controlled Dangerous Substances Act, cause, induce, persuade, or
21 encourage a child under eighteen (18) years of age to engage or
22 continue to engage in prostitution or to become or remain an inmate
23 of a house of prostitution or other place where prostitution is
24 practiced;

1 2. Keep, hold, detain, restrain, or compel against his will,
2 any child under eighteen (18) years of age to engage in the practice
3 of prostitution or in a house of prostitution or other place where
4 prostitution is practiced or allowed; or

5 3. Directly or indirectly keep, hold, detain, restrain, or
6 compel or attempt to keep, hold, detain, restrain, or compel a child
7 under eighteen (18) years of age to engage in the practice of
8 prostitution or in a house of prostitution or any place where
9 prostitution is practiced or allowed for the purpose of compelling
10 such child to directly or indirectly pay, liquidate, or cancel any
11 debt, dues, or obligations incurred, or said to have been incurred
12 by such child.

13 B. 1. Any person violating the provisions of this section
14 other than paragraph 2 of this subsection, upon conviction, shall be
15 guilty of a felony punishable by imprisonment for not less than one
16 (1) year nor more than twenty-five (25) years, and by a fine of not
17 less than Five Thousand Dollars (\$5,000.00) nor more than
18 Twenty-five Thousand Dollars (\$25,000.00).

19 2. Any owner, proprietor, keeper, manager, conductor, or other
20 person who knowingly permits a violation of this section in any
21 house, building, room, tent, lot or premises under his control or of
22 which he has possession, upon conviction for the first offense,
23 shall be guilty of a misdemeanor punishable by imprisonment in the
24 county jail for a period of not less than six (6) months nor more

1 than one (1) year, and by a fine of not more than Five Thousand
2 Dollars (\$5,000.00). Upon conviction for a subsequent offense
3 pursuant to the provisions of this subsection such person shall be
4 guilty of a felony punishable by imprisonment for a period of not
5 less than one (1) year nor more than ten (10) years, and by a fine
6 of not less than Five Thousand Dollars (\$5,000.00) nor more than
7 Twenty-five Thousand Dollars (\$25,000.00).

8 C. Except for persons sentenced to life or life without parole,
9 any person sentenced to imprisonment for two (2) years or more for a
10 violation of this section shall be required to serve a term of post-
11 imprisonment supervision pursuant to subparagraph f of paragraph 1
12 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
13 under conditions determined by the Department of Corrections. The
14 jury shall be advised that the mandatory post-imprisonment
15 supervision shall be in addition to the actual imprisonment.

16 SECTION 17. AMENDATORY 21 O.S. 2001, Section 1111.1, is
17 amended to read as follows:

18 Section 1111.1 Rape by instrumentation is an act within or
19 without the bonds of matrimony in which any inanimate object or any
20 part of the human body, not amounting to sexual intercourse is used
21 in the carnal knowledge of another person without his or her consent
22 and penetration of the anus or vagina occurs to that person.
23 Provided, further, that at least one of the circumstances specified
24 in Section 1111 of this title has been met. Except for persons

1 sentenced to life or life without parole, any person sentenced to
2 imprisonment for two (2) years or more for a violation of this
3 section shall be required to serve a term of post-imprisonment
4 supervision pursuant to subparagraph f of paragraph 1 of subsection
5 A of Section 991a of Title 22 of the Oklahoma Statutes under
6 conditions determined by the Department of Corrections. The jury
7 shall be advised that the mandatory post-imprisonment supervision
8 shall be in addition to the actual imprisonment.

9 SECTION 18. AMENDATORY 21 O.S. 2001, Section 1115, as
10 amended by Section 10, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2006,
11 Section 1115), is amended to read as follows:

12 Section 1115. Rape in the first degree is a felony punishable
13 by death or imprisonment in the ~~State Penitentiary~~ custody of the
14 Department of Corrections, for a term of not less than five (5)
15 years, life or life without parole. Except for persons sentenced to
16 life or life without parole, any person sentenced to imprisonment
17 for two (2) years or more for a violation of this section shall be
18 required to serve a term of post-imprisonment supervision pursuant
19 to subparagraph f of paragraph 1 of subsection A of Section 991a of
20 Title 22 of the Oklahoma Statutes under conditions determined by the
21 Department of Corrections. The jury shall be advised that the
22 mandatory post-imprisonment supervision shall be in addition to the
23 actual imprisonment. Any person convicted of a second or subsequent
24 violation of subsection A of Section 1114 of this title shall not be

1 eligible for any form of probation. Any person convicted of a third
2 or subsequent violation of subsection A of Section 1114 of this
3 title or of an offense under Section 888 of this title or an offense
4 under Section 1123 of this title or sexual abuse of a child pursuant
5 to Section 7115 of Title 10 of the Oklahoma Statutes, or any attempt
6 to commit any of these offenses or any combination of these offenses
7 shall be punished by imprisonment in the ~~State Penitentiary~~ custody
8 of the Department of Corrections for life or life without parole.

9 SECTION 19. AMENDATORY 21 O.S. 2001, Section 1123, as
10 last amended by Section 2, Chapter 284, O.S.L. 2006 (21 O.S. Supp.
11 2006, Section 1123), is amended to read as follows:

12 Section 1123. A. It is a felony for any person to knowingly
13 and intentionally:

14 1. Make any oral, written or electronically or computer-
15 generated lewd or indecent proposal to any child under sixteen (16)
16 years of age, or other individual the person believes to be a child
17 under sixteen (16) years of age, for the child to have unlawful
18 sexual relations or sexual intercourse with any person; or

19 2. Look upon, touch, maul, or feel the body or private parts of
20 any child under sixteen (16) years of age in any lewd or lascivious
21 manner by any acts against public decency and morality, as defined
22 by law; or

23 3. Ask, invite, entice, or persuade any child under sixteen
24 (16) years of age, or other individual the person believes to be a

1 child under sixteen (16) years of age, to go alone with any person
2 to a secluded, remote, or secret place, with the unlawful and
3 willful intent and purpose then and there to commit any crime
4 against public decency and morality, as defined by law, with the
5 child; or

6 4. In any manner lewdly or lasciviously look upon, touch, maul,
7 or feel the body or private parts of any child under sixteen (16)
8 years of age in any indecent manner or in any manner relating to
9 sexual matters or sexual interest; or

10 5. In a lewd and lascivious manner and for the purpose of
11 sexual gratification:

12 a. urinate or defecate upon a child under sixteen (16)
13 years of age,

14 b. ejaculate upon or in the presence of a child,

15 c. cause, expose, force or require a child to look upon
16 the body or private parts of another person,

17 d. force or require any child under sixteen (16) years of
18 age or other individual the person believes to be a
19 child under sixteen (16) years of age, to view any
20 obscene materials, child pornography or materials
21 deemed harmful to minors as such terms are defined by
22 Sections 1024.1 and 1040.75 of this title,

23 e. cause, expose, force or require a child to look upon
24 sexual acts performed in the presence of the child, or

1 f. force or require a child to touch or feel the body or
2 private parts of said child or another person.

3 Any person convicted of any violation of this subsection shall
4 be punished by imprisonment in the custody of the Department of
5 Corrections for not less than three (3) years nor more than twenty
6 (20) years. The provisions of this subsection shall not apply
7 unless the accused is at least three (3) years older than the
8 victim. Any person convicted of a second or subsequent violation of
9 this subsection shall be guilty of a felony punishable as provided
10 in this subsection and shall not be eligible for probation,
11 suspended or deferred sentence. Any person convicted of a third or
12 subsequent violation of this subsection shall be guilty of a felony
13 punishable by imprisonment in the custody of the Department of
14 Corrections for a term of life or life without parole, in the
15 discretion of the jury, or in case the jury fails or refuses to fix
16 punishment then the same shall be pronounced by the court. Any
17 person convicted of a violation of this subsection after having been
18 twice convicted of a violation of subsection A of Section 1114 of
19 this title, Section 888 of this title, sexual abuse of a child
20 pursuant to Section 7115 of Title 10 of the Oklahoma Statutes, or of
21 any attempt to commit any of these offenses or any combination of
22 convictions pursuant to these sections shall be punished by
23 imprisonment in the custody of the Department of Corrections for a
24 term of life or life without parole.

1 B. No person shall commit sexual battery on any other person.
2 "Sexual battery" shall mean the intentional touching, mauling or
3 feeling of the body or private parts of any person sixteen (16)
4 years of age or older, in a lewd and lascivious manner and without
5 the consent of that person or when committed by a state, county,
6 municipal or political subdivision employee or a contractor or an
7 employee of a contractor of the state, a county, a municipality or
8 political subdivision of this state upon a person who is under the
9 legal custody, supervision or authority of a state agency, a county,
10 a municipality or a political subdivision of this state.

11 C. Any person convicted of a violation of subsection B of this
12 section shall be deemed guilty of a felony and shall be punished by
13 imprisonment in the custody of the Department of Corrections for not
14 more than ten (10) years.

15 D. The fact that an undercover operative or law enforcement
16 officer was involved in the detection and investigation of an
17 offense pursuant to this section shall not constitute a defense to a
18 prosecution under this section.

19 E. Except for persons sentenced to life or life without parole,
20 any person sentenced to imprisonment for two (2) years or more for a
21 violation of this section shall be required to serve a term of post-
22 imprisonment supervision pursuant to subparagraph f of paragraph 1
23 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes
24 under conditions determined by the Department of Corrections. The

1 jury shall be advised that the mandatory post-imprisonment
2 supervision shall be in addition to the actual imprisonment.

3 SECTION 20. AMENDATORY Section 1, Chapter 209, O.S.L.
4 2003 (21 O.S. Supp. 2006, Section 1125), as last amended by Section
5 1 of Enrolled Senate Bill No. 109 of the 1st Session of the 51st
6 Oklahoma Legislature, is amended to read as follows:

7 Section 1125. A. A zone of safety is hereby created around
8 elementary, junior high, and high schools, licensed child care
9 ~~facilities~~ centers as defined by the Department of Human Services,
10 playgrounds, and parks. A person is prohibited from ~~being~~ loitering
11 within three hundred (300) feet of any elementary, junior high, or
12 high school, licensed child care facility, playground, or park if
13 the person has been convicted of a crime that requires the person to
14 register pursuant to the Sex Offenders Registration Act or the
15 person has been convicted of an offense in another jurisdiction,
16 which offense if committed or attempted in this state, would have
17 been punishable as one or more of the offenses listed in Section 582
18 of Title 57 of the Oklahoma Statutes and the victim was a child
19 under the age of thirteen (13) years.

20 B. A person convicted of a violation of subsection A of this
21 section shall be guilty of a felony punishable by a fine not
22 exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by
23 imprisonment in the county jail for a term of not more than one (1)
24 year, or by both such fine and imprisonment. Any person convicted

1 of a second or subsequent violation of subsection A of this section
2 shall be punished by a fine not exceeding Two Thousand Five Hundred
3 Dollars (\$2,500.00), or by imprisonment in the custody of the
4 Department of Corrections for a term of not less than three (3)
5 years, or by both such fine and imprisonment. This proscription of
6 conduct shall not modify or remove any restrictions currently
7 applicable to the person by court order, conditions of probation or
8 as provided by other provision of law.

9 C. 1. A person shall be exempt from the prohibition of this
10 section regarding a school or a licensed child care facility only
11 under the following circumstances:

- 12 a. the person is the custodial parent or legal guardian
13 of a child who is an enrolled student at the school or
14 child care facility, and
- 15 b. the person is enrolling, delivering or retrieving such
16 child at the school or child care facility during
17 regular school or facility hours or for school-
18 sanctioned or child-care-facility-sanctioned
19 extracurricular activities.

20 2. This exception shall not be construed to modify or remove
21 any restrictions applicable to the person by court order, conditions
22 of probation, or as provided by other provision of law.

23 D. The provisions of subsection A of this section shall not
24 apply to any person receiving treatment at a hospital or other

1 facility certified or licensed by the State of Oklahoma to provide
2 medical services.

3 E. Nothing in this section shall prohibit a person, who is
4 registered as a sex offender pursuant to the Sex Offenders
5 Registration Act, from attending a recognized church or religious
6 denomination for worship; provided, the person has notified the
7 religious leader of his or her status as a registered sex offender
8 and the person has been granted written permission by the religious
9 leader.

10 F. For purpose of prosecution of any violation of this section,
11 the provisions of Section 51.1 of this title shall not apply.

12 SECTION 21. AMENDATORY 22 O.S. 2001, Section 991a, as
13 last amended by Section 1 of Enrolled House Bill No. 1612 of the 1st
14 Session of the 51st Oklahoma Legislature, is amended to read as
15 follows:

16 Section 991a. A. Except as otherwise provided in the Elderly
17 and Incapacitated Victim's Protection Program, when a defendant is
18 convicted of a crime and no death sentence is imposed, the court
19 shall either:

20 1. Suspend the execution of sentence in whole or in part, with
21 or without probation. The court, in addition, may order the
22 convicted defendant at the time of sentencing or at any time during
23 the suspended sentence to do one or more of the following:

24

- 1 a. to provide restitution to the victim as provided by
2 Section 991f et seq. of this title or according to a
3 schedule of payments established by the sentencing
4 court, together with interest upon any pecuniary sum
5 at the rate of twelve percent (12%) per annum, if the
6 defendant agrees to pay such restitution or, in the
7 opinion of the court, if the defendant is able to pay
8 such restitution without imposing manifest hardship on
9 the defendant or the immediate family and if the
10 extent of the damage to the victim is determinable
11 with reasonable certainty,
- 12 b. to reimburse any state agency for amounts paid by the
13 state agency for hospital and medical expenses
14 incurred by the victim or victims, as a result of the
15 criminal act for which such person was convicted,
16 which reimbursement shall be made directly to the
17 state agency, with interest accruing thereon at the
18 rate of twelve percent (12%) per annum,
- 19 c. to engage in a term of community service without
20 compensation, according to a schedule consistent with
21 the employment and family responsibilities of the
22 person convicted,
- 23 d. to pay a reasonable sum into any trust fund,
24 established pursuant to the provisions of Sections 176

1 through 180.4 of Title 60 of the Oklahoma Statutes,
2 and which provides restitution payments by convicted
3 defendants to victims of crimes committed within this
4 state wherein such victim has incurred a financial
5 loss,

6 e. to confinement in the county jail for a period not to
7 exceed six (6) months,

8 f. to confinement as provided by law together with a term
9 of post-imprisonment community supervision for not
10 less than three (3) years of the total term allowed by
11 law for imprisonment, with or without restitution;
12 provided, however, the authority of this provision is
13 limited to Section 7115 of Title 10 of the Oklahoma
14 Statutes when the offense involved sexual abuse or
15 sexual exploitation; Sections 681, 741 and 843.1 of
16 Title 21 of the Oklahoma Statutes when the offense
17 involved sexual abuse or sexual exploitation; and
18 Sections 865 et seq., 885, 886, 888, 891, 1021,
19 1021.2, 1021.3, 1040.13a, 1087 ~~and~~, 1088, 1111.1, 1115
20 and 1123 of Title 21 of the Oklahoma Statutes,

21 g. to repay the reward or part of the reward paid by a
22 certified local crimestoppers program and the Oklahoma
23 Reward System. In determining whether the defendant
24 shall repay the reward or part of the reward, the

1 court shall consider the ability of the defendant to
2 make the payment, the financial hardship on the
3 defendant to make the required payment, and the
4 importance of the information to the prosecution of
5 the defendant as provided by the arresting officer or
6 the district attorney with due regard for the
7 confidentiality of the records of the certified local
8 crimestoppers program and the Oklahoma Reward System.
9 The court shall assess this repayment against the
10 defendant as a cost of prosecution. "Certified local
11 crimestoppers program" means a crimestoppers program
12 certified by the Office of the Attorney General
13 pursuant to Section 991g of this title. The "Oklahoma
14 Reward System" means the reward program established by
15 Section 150.18 of Title 74 of the Oklahoma Statutes,
16 h. to reimburse the Oklahoma State Bureau of
17 Investigation for costs incurred by that agency during
18 its investigation of the crime for which the defendant
19 pleaded guilty, nolo contendere or was convicted,
20 including compensation for laboratory, technical, or
21 investigation services performed by the Bureau if, in
22 the opinion of the court, the defendant is able to pay
23 without imposing manifest hardship on the defendant,
24 and if the costs incurred by the Bureau during the

1 investigation of the defendant's case may be
2 determined with reasonable certainty,

3 i. to reimburse the Oklahoma State Bureau of
4 Investigation and any authorized law enforcement
5 agency for all costs incurred by that agency for
6 cleaning up an illegal drug laboratory site for which
7 the defendant pleaded guilty, nolo contendere or was
8 convicted. The court clerk shall collect the amount
9 and may retain five percent (5%) of such monies to be
10 deposited in the Court Clerk Revolving Fund to cover
11 administrative costs and shall remit the remainder to
12 the Oklahoma State Bureau of Investigation to be
13 deposited in the OSBI Revolving Fund established by
14 Section 150.19a of Title 74 of the Oklahoma Statutes
15 or to the general fund wherein the other law
16 enforcement agency is located,

17 j. to pay a reasonable sum to the Crime Victims
18 Compensation Board, created by Section 142.2 et seq.
19 of Title 21 of the Oklahoma Statutes, for the benefit
20 of crime victims,

21 k. to reimburse the court fund for amounts paid to court-
22 appointed attorneys for representing the defendant in
23 the case in which the person is being sentenced,
24

- 1 1. to participate in an assessment and evaluation by an
2 assessment agency or assessment personnel certified by
3 the Department of Mental Health and Substance Abuse
4 Services pursuant to Section 3-460 of Title 43A of the
5 Oklahoma Statutes and, as determined by the
6 assessment, participate in an alcohol and drug
7 substance abuse course or treatment program or both,
8 pursuant to Sections 3-452 and 3-453 of Title 43A of
9 the Oklahoma Statutes, or as ordered by the court,
- 10 m. to be placed in a victims impact panel program or
11 victim/offender reconciliation program and payment of
12 a fee to the program of not less than Fifteen Dollars
13 (\$15.00) nor more than Fifty Dollars (\$50.00) as set
14 by the governing authority of the program to offset
15 the cost of participation by the defendant. Provided,
16 each victim/offender reconciliation program shall be
17 required to obtain a written consent form voluntarily
18 signed by the victim and defendant that specifies the
19 methods to be used to resolve the issues, the
20 obligations and rights of each person, and the
21 confidentiality of the proceedings. Volunteer
22 mediators and employees of a victim/offender
23 reconciliation program shall be immune from liability

1 and have rights of confidentiality as provided in
2 Section 1805 of Title 12 of the Oklahoma Statutes,
3 n. to install, at the expense of the defendant, an
4 ignition interlock device approved by the Board of
5 Tests for Alcohol and Drug Influence. The device
6 shall be installed upon every motor vehicle operated
7 by the defendant, and the court shall require that a
8 notation of this restriction be affixed to the
9 defendant's driver license. The restriction shall
10 remain on the driver license not exceeding two (2)
11 years to be determined by the court. The restriction
12 may be modified or removed only by order of the court
13 and notice of any modification order shall be given to
14 the Department of Public Safety. Upon the expiration
15 of the period for the restriction, the Department of
16 Public Safety shall remove the restriction without
17 further court order. Failure to comply with the order
18 to install an ignition interlock device or operating
19 any vehicle without a device during the period of
20 restriction shall be a violation of the sentence and
21 may be punished as deemed proper by the sentencing
22 court. As used in this paragraph, "ignition interlock
23 device" means a device that, without tampering or
24 intervention by another person, would prevent the

1 defendant from operating a motor vehicle if the
2 defendant has a blood or breath alcohol concentration
3 of two-hundredths (0.02) or greater,

4 o. to be confined by electronic monitoring administered
5 and supervised by the Department of Corrections or a
6 community sentence provider, and payment of a
7 monitoring fee to the supervising authority, not to
8 exceed Three Hundred Dollars (\$300.00) per month. Any
9 fees collected pursuant to this paragraph shall be
10 deposited with the appropriate supervising authority.
11 Any willful violation of an order of the court for the
12 payment of the monitoring fee shall be a violation of
13 the sentence and may be punished as deemed proper by
14 the sentencing court. As used in this paragraph,
15 "electronic monitoring" means confinement of the
16 defendant within a specified location or locations
17 with supervision by means of an electronic device
18 approved by the Department of Corrections which is
19 designed to detect if the defendant is in the court-
20 ordered location at the required times and which
21 records violations for investigation by a qualified
22 supervisory agency or person,

23 p. to perform one or more courses of treatment, education
24 or rehabilitation for any conditions, behaviors,

1 deficiencies or disorders which may contribute to
2 criminal conduct, including but not limited to alcohol
3 and substance abuse, mental health, emotional health,
4 physical health, propensity for violence, antisocial
5 behavior, personality or attitudes, deviant sexual
6 behavior, child development, parenting assistance, job
7 skills, vocational-technical skills, domestic
8 relations, literacy, education, or any other
9 identifiable deficiency which may be treated
10 appropriately in the community and for which a
11 certified provider or a program recognized by the
12 court as having significant positive impact exists in
13 the community. Any treatment, education or
14 rehabilitation provider required to be certified
15 pursuant to law or rule shall be certified by the
16 appropriate state agency or a national organization,
17 q. to submit to periodic testing for alcohol,
18 intoxicating substance, or controlled dangerous
19 substances by a qualified laboratory,
20 r. to pay a fee, costs for treatment, education,
21 supervision, participation in a program, or any
22 combination thereof as determined by the court, based
23 upon the defendant's ability to pay the fees or costs,
24

- s. to be supervised by a Department of Corrections employee, a private supervision provider, or other person designated by the court,
- t. to obtain positive behavior modeling by a trained mentor,
- u. to serve a term of confinement in a restrictive housing facility available in the community,
- v. to serve a term of confinement in the county jail at night or during weekends pursuant to Section 991a-2 of this title or for work release,
- w. to obtain employment or participate in employment-related activities,
- x. to participate in mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court,
- y. to pay day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system,

- 1 z. to submit to blood or saliva testing as required by
2 subsection I of this section,
- 3 aa. to repair or restore property damaged by the
4 defendant's conduct, if the court determines the
5 defendant possesses sufficient skill to repair or
6 restore the property and the victim consents to the
7 repairing or restoring of the property,
- 8 bb. to restore damaged property in kind or payment of out-
9 of-pocket expenses to the victim, if the court is able
10 to determine the actual out-of-pocket expenses
11 suffered by the victim,
- 12 cc. to attend a victim-offender reconciliation program if
13 the victim agrees to participate and the offender is
14 deemed appropriate for participation,
- 15 dd. in the case of a person convicted of prostitution
16 pursuant to Section 1029 of Title 21 of the Oklahoma
17 Statutes, require such person to receive counseling
18 for the behavior which may have caused such person to
19 engage in prostitution activities. Such person may be
20 required to receive counseling in areas including but
21 not limited to alcohol and substance abuse, sexual
22 behavior problems, or domestic abuse or child abuse
23 problems,
- 24

1 ee. in the case of a sex offender sentenced after November
2 1, 1989, and required by law to register pursuant to
3 the Sex Offender Registration Act, the court shall
4 require the person to comply with sex offender
5 specific rules and conditions of supervision
6 established by the Department of Corrections and
7 require the person to participate in a treatment
8 program designed for the treatment of sex offenders
9 during the period of time while the offender is
10 subject to supervision by the Department of
11 Corrections. The treatment program shall include
12 polygraph examinations specifically designed for use
13 with sex offenders for purposes of supervision and
14 treatment compliance, and shall be administered not
15 less than each six (6) months during the period of
16 supervision. The examination shall be administered by
17 a certified licensed polygraph examiner. The
18 treatment program must be approved by the Department
19 of Corrections or the Department of Mental Health and
20 Substance Abuse Services. Such treatment shall be at
21 the expense of the defendant based on the defendant's
22 ability to pay,

23 ff. in addition to other sentencing powers of the court,
24 the court in the case of a defendant being sentenced

1 for a felony conviction for a violation of Section 2-
2 402 of Title 63 of the Oklahoma Statutes which
3 involves marijuana may require the person to
4 participate in a drug court program, if available. If
5 a drug court program is not available, the defendant
6 may be required to participate in a community
7 sanctions program, if available,

8 gg. in the case of a person convicted of any false or
9 bogus check violation, as defined in Section 1541.4 of
10 Title 21 of the Oklahoma Statutes, impose a bogus
11 check fee to be paid to the district attorney. The
12 fee shall be equal to the amount assessed as court
13 costs plus Twenty-five Dollars (\$25.00) for each check
14 upon filing of the case in district court. This money
15 shall be deposited in the Bogus Check Restitution
16 Program Fund as established in subsection B of Section
17 114 of this title. Additionally, the court may
18 require the offender to pay restitution and bogus
19 check fees on any other bogus check or checks that
20 have been submitted to the District Attorney Bogus
21 Check Restitution Program, and

22 hh. any other provision specifically ordered by the court.

23 However, any such order for restitution, community service,
24 payment to a certified local crimestoppers program, payment to the

1 Oklahoma Reward System, or confinement in the county jail, or a
2 combination thereof, shall be made in conjunction with probation and
3 shall be made a condition of the suspended sentence;

4 2. Impose a fine prescribed by law for the offense, with or
5 without probation or commitment and with or without restitution or
6 service as provided for in this section, Section 991a-4.1 of this
7 title or Section 227 of Title 57 of the Oklahoma Statutes;

8 3. Commit such person for confinement provided for by law with
9 or without restitution as provided for in this section;

10 4. Order the defendant to reimburse the Oklahoma State Bureau
11 of Investigation for costs incurred by that agency during its
12 investigation of the crime for which the defendant pleaded guilty,
13 nolo contendere or was convicted, including compensation for
14 laboratory, technical, or investigation services performed by the
15 Bureau if, in the opinion of the court, the defendant is able to pay
16 without imposing manifest hardship on the defendant, and if the
17 costs incurred by the Bureau during the investigation of the
18 defendant's case may be determined with reasonable certainty;

19 5. Order the defendant to reimburse the Oklahoma State Bureau
20 of Investigation for all costs incurred by that agency for cleaning
21 up an illegal drug laboratory site for which the defendant pleaded
22 guilty, nolo contendere or was convicted. The court clerk shall
23 collect the amount and may retain five percent (5%) of such monies
24 to be deposited in the Court Clerk Revolving Fund to cover

1 administrative costs and shall remit the remainder to the Oklahoma
2 State Bureau of Investigation to be deposited in the OSBI Revolving
3 Fund established by Section 150.19a of Title 74 of the Oklahoma
4 Statutes;

5 6. In the case of nonviolent felony offenses, sentence such
6 person to the Community Service Sentencing Program;

7 7. In addition to the other sentencing powers of the court, in
8 the case of a person convicted of operating or being in control of a
9 motor vehicle while the person was under the influence of alcohol,
10 other intoxicating substance, or a combination of alcohol or another
11 intoxicating substance, or convicted of operating a motor vehicle
12 while the ability of the person to operate such vehicle was impaired
13 due to the consumption of alcohol, require such person:

14 a. to participate in an alcohol and drug assessment and
15 evaluation by an assessment agency or assessment
16 personnel certified by the Department of Mental Health
17 and Substance Abuse Services pursuant to Section 3-460
18 of Title 43A of the Oklahoma Statutes and, as
19 determined by the assessment, participate in an
20 alcohol and drug substance abuse course or treatment
21 program or both, pursuant to Sections 3-452 and 3-453
22 of Title 43A of the Oklahoma Statutes,

23 b. to attend a victims impact panel program, if such a
24 program is offered in the county where the judgment is

1 rendered, and to pay a fee, not less than Fifteen
2 Dollars (\$15.00) nor more than Fifty Dollars (\$50.00)
3 as set by the governing authority of the program and
4 approved by the court, to the program to offset the
5 cost of participation by the defendant, if in the
6 opinion of the court the defendant has the ability to
7 pay such fee,

8 c. to both participate in the alcohol and drug substance
9 abuse course or treatment program, pursuant to
10 subparagraph a of this paragraph and attend a victims
11 impact panel program, pursuant to subparagraph b of
12 this paragraph,

13 d. to install, at the expense of the person, an ignition
14 interlock device approved by the Board of Tests for
15 Alcohol and Drug Influence, upon every motor vehicle
16 operated by such person and to require that a notation
17 of this restriction be affixed to the person's driver
18 license at the time of reinstatement of the license.
19 The restriction shall remain on the driver license for
20 such period as the court shall determine. The
21 restriction may be modified or removed by order of the
22 court and notice of the order shall be given to the
23 Department of Public Safety. Upon the expiration of
24 the period for the restriction, the Department of

1 Public Safety shall remove the restriction without
2 further court order. Failure to comply with the order
3 to install an ignition interlock device or operating
4 any vehicle without such device during the period of
5 restriction shall be a violation of the sentence and
6 may be punished as deemed proper by the sentencing
7 court, or

8 e. beginning January 1, 1993, to submit to electronically
9 monitored home detention administered and supervised
10 by the Department of Corrections, and to pay to the
11 Department a monitoring fee, not to exceed Seventy-
12 five Dollars (\$75.00) a month, to the Department of
13 Corrections, if in the opinion of the court the
14 defendant has the ability to pay such fee. Any fees
15 collected pursuant to this subparagraph shall be
16 deposited in the Department of Corrections Revolving
17 Fund. Any order by the court for the payment of the
18 monitoring fee, if willfully disobeyed, may be
19 enforced as an indirect contempt of court;

20 8. In addition to the other sentencing powers of the court, in
21 the case of a person convicted of prostitution pursuant to Section
22 1029 of Title 21 of the Oklahoma Statutes, require such person to
23 receive counseling for the behavior which may have caused such
24 person to engage in prostitution activities. Such person may be

1 required to receive counseling in areas including but not limited to
2 alcohol and substance abuse, sexual behavior problems, or domestic
3 abuse or child abuse problems;

4 9. In addition to the other sentencing powers of the court, in
5 the case of a person convicted of any crime related to domestic
6 abuse, as defined in Section 60.1 of this title, the court may
7 require the defendant to undergo the treatment or participate in the
8 counseling services necessary to bring about the cessation of
9 domestic abuse against the victim. The defendant may be required to
10 pay all or part of the cost of the treatment or counseling services;

11 10. In addition to the other sentencing powers of the court,
12 the court, in the case of a sex offender sentenced after November 1,
13 1989, and required by law to register pursuant to the Sex Offenders
14 Registration Act, shall require the person to participate in a
15 treatment program designed specifically for the treatment of sex
16 offenders, if available. The treatment program will include
17 polygraph examinations specifically designed for use with sex
18 offenders for the purpose of supervision and treatment compliance,
19 provided the examination is administered by a certified licensed
20 polygraph examiner. The treatment program must be approved by the
21 Department of Corrections or the Department of Mental Health and
22 Substance Abuse Services. Such treatment shall be at the expense of
23 the defendant based on the defendant's ability to pay;

24

1 11. In addition to the other sentencing powers of the court,
2 the court, in the case of a person convicted of child abuse or
3 neglect, as defined in Section 7102 of Title 10 of the Oklahoma
4 Statutes, may require the person to undergo treatment or to
5 participate in counseling services. The defendant may be required
6 to pay all or part of the cost of the treatment or counseling
7 services;

8 12. In addition to the other sentencing powers of the court,
9 the court, in the case of a person convicted of cruelty to animals
10 pursuant to Section 1685 of Title 21 of the Oklahoma Statutes, may
11 require the person to pay restitution to animal facilities for
12 medical care and any boarding costs of victimized animals; or

13 13. In addition to the other sentencing powers of the court, a
14 sex offender who is habitual or aggravated as defined by Section 584
15 of Title 57 of the Oklahoma Statutes and who is required to register
16 as a sex offender pursuant to the Oklahoma Sex Offenders
17 Registration Act shall be supervised by the Department of
18 Corrections for the duration of the registration period and shall be
19 assigned to a global position monitoring device by the Department of
20 Corrections for the duration of the registration period. The cost
21 of such monitoring device shall be reimbursed by the offender.

22 B. Notwithstanding any other provision of law, any person who
23 is found guilty of a violation of any provision of Section 761 or
24 11-902 of Title 47 of the Oklahoma Statutes or any person pleading

1 guilty or nolo contendere for a violation of any provision of such
2 sections shall be ordered to participate in, prior to sentencing, an
3 alcohol and drug assessment and evaluation by an assessment agency
4 or assessment personnel certified by the Department of Mental Health
5 and Substance Abuse Services for the purpose of evaluating the
6 receptivity to treatment and prognosis of the person. The court
7 shall order the person to reimburse the agency or assessor for the
8 evaluation. The fee shall be the amount provided in subsection C of
9 Section 3-460 of Title 43A of the Oklahoma Statutes. The evaluation
10 shall be conducted at a certified assessment agency, the office of a
11 certified assessor or at another location as ordered by the court.
12 The agency or assessor shall, within seventy-two (72) hours from the
13 time the person is assessed, submit a written report to the court
14 for the purpose of assisting the court in its final sentencing
15 determination. No person, agency or facility operating an alcohol
16 and drug substance abuse evaluation program certified by the
17 Department of Mental Health and Substance Abuse Services shall
18 solicit or refer any person evaluated pursuant to this subsection
19 for any treatment program or alcohol and drug substance abuse
20 service in which such person, agency or facility has a vested
21 interest; however, this provision shall not be construed to prohibit
22 the court from ordering participation in or any person from
23 voluntarily utilizing a treatment program or alcohol and drug
24 substance abuse service offered by such person, agency or facility.

1 If a person is sentenced to the custody of the Department of
2 Corrections and the court has received a written evaluation report
3 pursuant to this subsection, the report shall be furnished to the
4 Department of Corrections with the judgment and sentence. Any
5 evaluation report submitted to the court pursuant to this subsection
6 shall be handled in a manner which will keep such report
7 confidential from the general public's review. Nothing contained in
8 this subsection shall be construed to prohibit the court from
9 ordering judgment and sentence in the event the defendant fails or
10 refuses to comply with an order of the court to obtain the
11 evaluation required by this subsection.

12 C. When sentencing a person convicted of a crime, the court
13 shall first consider a program of restitution for the victim, as
14 well as imposition of a fine or incarceration of the offender. The
15 provisions of paragraph 1 of subsection A of this section shall not
16 apply to defendants being sentenced upon their third or subsequent
17 to their third conviction of a felony or, beginning January 1, 1993,
18 to defendants being sentenced for their second or subsequent felony
19 conviction for violation of Section 11-902 of Title 47 of the
20 Oklahoma Statutes, except as otherwise provided in this subsection.
21 In the case of a person being sentenced for their second or
22 subsequent felony conviction for violation of Section 11-902 of
23 Title 47 of the Oklahoma Statutes, the court may sentence the person
24 pursuant to the provisions of paragraph 1 of subsection A of this

1 section if the court orders the person to submit to electronically
2 monitored home detention administered and supervised by the
3 Department of Corrections pursuant to subparagraph e of paragraph 7
4 of subsection A of this section. Provided, the court may waive
5 these prohibitions upon written application of the district
6 attorney. Both the application and the waiver shall be made part of
7 the record of the case.

8 D. When sentencing a person convicted of a crime, the judge
9 shall consider any victim impact statements if submitted to the
10 jury, or the judge in the event a jury is waived.

11 E. Probation, for purposes of subsection A of this section, is
12 a procedure by which a defendant found guilty of a crime, whether
13 upon a verdict or plea of guilty or upon a plea of nolo contendere,
14 is released by the court subject to conditions imposed by the court
15 and subject to the supervision of the Department of Corrections.
16 Such supervision shall be initiated upon an order of probation from
17 the court, and shall not exceed two (2) years, except as otherwise
18 provided by law. In the case of a person convicted of a sex
19 offense, supervision shall begin immediately upon release from
20 incarceration or if parole is granted and shall not be limited to
21 two (2) years. Provided further, any supervision provided for in
22 this section may be extended for a period not to exceed the
23 expiration of the maximum term or terms of the sentence upon a
24 determination by the Division of Probation and Parole of the

1 Department of Corrections that the best interests of the public and
2 the release will be served by an extended period of supervision.

3 F. The Department of Corrections, or such other agency as the
4 court may designate, shall be responsible for the monitoring and
5 administration of the restitution and service programs provided for
6 by subparagraphs a, c, and d of paragraph 1 of subsection A of this
7 section, and shall ensure that restitution payments are forwarded to
8 the victim and that service assignments are properly performed.

9 G. 1. The Department of Corrections is hereby authorized,
10 subject to funds available through appropriation by the Legislature,
11 to contract with counties for the administration of county Community
12 Service Sentencing Programs.

13 2. Any offender eligible to participate in the Program pursuant
14 to this act shall be eligible to participate in a county Program;
15 provided, participation in county-funded Programs shall not be
16 limited to offenders who would otherwise be sentenced to confinement
17 with the Department of Corrections.

18 3. The Department shall establish criteria and specifications
19 for contracts with counties for such Programs. A county may apply
20 to the Department for a contract for a county-funded Program for a
21 specific period of time. The Department shall be responsible for
22 ensuring that any contracting county complies in full with
23 specifications and requirements of the contract. The contract shall
24

1 set appropriate compensation to the county for services to the
2 Department.

3 4. The Department is hereby authorized to provide technical
4 assistance to any county in establishing a Program, regardless of
5 whether the county enters into a contract pursuant to this
6 subsection. Technical assistance shall include appropriate
7 staffing, development of community resources, sponsorship,
8 supervision and any other requirements.

9 5. The Department shall annually make a report to the Governor,
10 the President Pro Tempore of the Senate and the Speaker of the House
11 on the number of such Programs, the number of participating
12 offenders, the success rates of each Program according to criteria
13 established by the Department and the costs of each Program.

14 H. As used in this section:

15 1. "Ignition interlock device" means a device that, without
16 tampering or intervention by another person, would prevent the
17 defendant from operating a motor vehicle if the defendant has a
18 blood or breath alcohol concentration of two-hundredths (0.02) or
19 greater; and

20 2. "Electronically monitored home detention" means
21 incarceration of the defendant within a specified location or
22 locations with monitoring by means of a device approved by the
23 Department of Corrections that detects if the person leaves the
24 confines of any specified location.

1 I. A person convicted of a felony offense or receiving any form
2 of probation for an offense in which registration is required
3 pursuant to the Sex Offenders Registration Act shall submit to
4 deoxyribonucleic acid DNA testing for law enforcement identification
5 purposes in accordance with Section 150.27 of Title 74 of the
6 Oklahoma Statutes and the rules promulgated by the Oklahoma State
7 Bureau of Investigation for the OSBI Combined DNA Index System
8 (CODIS) Database. Any defendant sentenced to probation shall be
9 required to submit to testing within thirty (30) days of sentencing
10 either to the Department of Corrections or to the county sheriff or
11 other peace officer as directed by the court. Defendants who are
12 sentenced to a term of incarceration shall submit to testing in
13 accordance with Section 530.1 of Title 57 of the Oklahoma Statutes,
14 for those defendants who enter the custody of the Department of
15 Corrections or to the county sheriff, for those defendants sentenced
16 to incarceration in a county jail. Convicted individuals who have
17 previously submitted to DNA testing under this section and for whom
18 a valid sample is on file in the OSBI Combined DNA Index System
19 (CODIS) Database at the time of sentencing shall not be required to
20 submit to additional testing. Except as required by the Sex
21 Offenders Registration Act, a deferred judgment does not require
22 submission to deoxyribonucleic acid testing.

23 Any person who is incarcerated in the custody of the Department
24 of Corrections after July 1, 1996, and who has not been released

1 before the effective date of this act, shall provide a blood or
2 saliva sample prior to release. Every person convicted of a felony
3 offense after the effective date of this act whose sentence does not
4 include a term of confinement with the Department of Corrections
5 shall submit a blood or saliva sample. Those felons sentenced to
6 unsupervised probation or otherwise not supervised by the Department
7 of Corrections shall submit for blood or saliva testing to the
8 sheriff of the sentencing county.

9 J. Samples of blood or saliva for DNA testing required by
10 subsection I of this section shall be taken by employees or
11 contractors of the Department of Corrections, peace officers, or the
12 county sheriff or employees or contractors of the sheriff's office.
13 The individuals shall be properly trained to collect blood or saliva
14 samples. Persons collecting blood or saliva for DNA testing
15 pursuant to this section shall be immune from civil liabilities
16 arising from this activity. All collectors of DNA samples shall
17 ensure the collection of samples are mailed to the Oklahoma State
18 Bureau of Investigation within ten (10) days of the time the subject
19 appears for testing or within ten (10) days of the date the subject
20 comes into physical custody to serve a term of incarceration. All
21 collectors of DNA samples shall use sample kits provided by the OSBI
22 and procedures promulgated by the OSBI. Persons subject to DNA
23 testing who are not received at the Lexington Assessment and
24 Reception Center shall be required to pay a fee of Fifteen Dollars

1 (\$15.00) to the agency collecting the sample for submission to the
2 OSBI Combined DNA Index System (CODIS) Database. Any fees collected
3 pursuant to this subsection shall be deposited in the revolving
4 account or the service fee account of the collection agency or
5 Department.

6 K. When sentencing a person who has been convicted of a crime
7 that would subject that person to the provisions of the Sex
8 Offenders Registration Act, neither the court nor the district
9 attorney shall be allowed to waive or exempt such person from the
10 registration requirements of the Sex Offenders Registration Act.

11 SECTION 22. AMENDATORY 57 O.S. 2001, Section 582, as
12 last amended by Section 1, Chapter 123, O.S.L. 2005 (57 O.S. Supp.
13 2006, Section 582), is amended to read as follows:

14 Section 582. A. The provisions of the Sex Offenders
15 Registration Act, Section 581 et seq. of this title, shall apply to
16 any person residing, working or attending school within the State of
17 Oklahoma who, after November 1, 1989, has been convicted, whether
18 upon a verdict or plea of guilty or upon a plea of nolo contendere,
19 or received a suspended sentence or any probationary term, or is
20 currently serving a sentence or any form of probation or parole for
21 a crime or an attempt to commit a crime provided for in Section 7115
22 of Title 10 of the Oklahoma Statutes if the offense involved sexual
23 abuse or sexual exploitation as those terms are defined in Section
24 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the

1 offense involved sexual assault, 741, if the offense involved sexual
2 abuse or sexual exploitation, Section 843.1, if the offense involved
3 sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888,
4 891, if the offense involved sexual abuse or sexual exploitation,
5 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1, 1114 or
6 1123 of Title 21 of the Oklahoma Statutes.

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

16 C. The provisions of the Sex Offenders Registration Act shall
17 apply to any person who resides, works or attends school within the
18 State of Oklahoma and who has received a deferred judgment at any
19 time in any court of another state, a federal court, an Indian
20 tribal court or a military court for a crime or attempted crime
21 which, if committed or attempted in this state, would be a crime or
22 an attempt to commit a crime provided for in Section 7115 of Title
23 10 of the Oklahoma Statutes if the offense involved sexual abuse or
24 sexual exploitation as those terms are defined in Section 7102 of

1 Title 10 of the Oklahoma Statutes, Section 681, if the offense
2 involved sexual assault, 741, if the offense involved sexual abuse
3 or sexual exploitation, Section 843.1, if the offense involved
4 sexual abuse or sexual exploitation, 865 et seq., 885, 886, 888,
5 891, if the offense involved sexual abuse or sexual exploitation,
6 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1, 1114 or
7 1123 of Title 21 of the Oklahoma Statutes. The provisions of the
8 Sex Offenders Registration Act shall not apply to any such person
9 while the person is incarcerated in a maximum or medium correctional
10 institution of the Department of Corrections.

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

17 SECTION 23. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 582.1 of Title 57, unless there
19 is created a duplication in numbering, reads as follows:

20 Before a person, who will be subject to the provisions of the
21 Sex Offenders Registration Act, is due to be released from a
22 correctional institution, the Department of Corrections shall
23 determine the level of risk of the person to the community using the
24 sex offender screening tool developed or selected pursuant to

1 Section 29 of this act, and assign to the person a numeric risk
2 level of one, two, or three.

3 SECTION 24. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 582.2 of Title 57, unless there
5 is created a duplication in numbering, reads as follows:

6 A. No less than seven (7) days prior to the date on which a
7 person, who will be subject to the provisions of the Sex Offenders
8 Registration Act, is to be released from a correctional institution,
9 the person in charge of the correctional institution shall forward
10 the registration information, as provided in subsection A of Section
11 585 of Title 57 of the Oklahoma Statutes, and numeric risk level to
12 the Department of Corrections and to:

13 1. The local law enforcement authority in the municipality or
14 county in which the person expects to reside, if the person expects
15 to reside within this state; or

16 2. The local law enforcement authority that is identified by
17 the correctional institution as the agency designated by another
18 state to receive registration information, if the person expects to
19 reside in that other state and that other state has a registration
20 requirement for sex offenders.

21 B. If a person, who will be subject to the provisions of the
22 Sex Offenders Registration Act, received a suspended sentence or any
23 probationary term, including a deferred sentence imposed in
24 violation of subsection G of Section 991a of Title 22 of the

1 Oklahoma Statutes, the court shall, on the day of pronouncing the
2 judgment and sentence:

3 1. Make a determination of the numeric risk level of the person
4 using the sex offender screening tool developed or selected pursuant
5 to Section 29 of this act;

6 2. Assign to the person a numeric risk level of one, two, or
7 three; and

8 3. Notify the person of the obligation to register as a sex
9 offender as provided for in Section 585 of Title 57 of the Oklahoma
10 Statutes.

11 SECTION 25. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 582.3 of Title 57, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Not more than seven (7) days after receiving any
15 registration information and numeric risk level of a person, the
16 local law enforcement authority shall verify the basis on which the
17 person is subject to registration pursuant to the Sex Offenders
18 Registration Act, and the numeric risk level of the person.

19 B. Upon verification, the local law enforcement authority shall
20 immediately cause to be published notification in the newspaper of
21 largest paid circulation located in the city or municipality in
22 which the person subject to registration intends to reside or, if
23 there is no newspaper of paid circulation located in that city or
24 municipality, in the newspaper with the largest paid circulation in

1 the county; provided, however, a local law enforcement authority
2 shall not publish notice in a newspaper if the person subject to
3 registration is assigned a numeric risk level of one. If the local
4 law enforcement authority publishes notice under this subsection,
5 the local law enforcement authority shall publish a duplicate notice
6 in the newspaper, with any necessary corrections, during the week
7 immediately following the week of initial publication.

8 C. The local law enforcement authority shall include in the
9 notice by publication the following information:

10 1. The full name, age, and gender of the person;

11 2. A brief description of the offense for which the person is
12 subject to registration;

13 3. The municipality, numeric street address or physical
14 address, if a numeric street address is not available, and zip code
15 number where the person intends to reside;

16 4. Either a recent photograph of the person or the Internet
17 address of a web site on which the photograph of the person is
18 accessible free of charge; and

19 5. The numeric risk level assigned to the person and the
20 guidelines used to determine the risk level of a person subject to
21 registration.

22 D. The local law enforcement authority shall also immediately
23 provide notice by mail to the office of the superintendent of the
24 school district and to the administrator of any private primary or

1 secondary school located in the public school district in which the
2 person subject to registration intends to reside. On receipt of a
3 notice under this paragraph, the superintendent or administrator
4 shall release the information contained in the notice to appropriate
5 school district personnel including, but not limited to, campus
6 police officers and security personnel, principals, nurses, and
7 counselors.

8 SECTION 26. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 582.4 of Title 57, unless there
10 is created a duplication in numbering, reads as follows:

11 Upon receipt of notice pursuant to the provisions of Section 26
12 of this act, that a person subject to registration is to be released
13 from a correctional institution, has been placed on any form of
14 probation or parole, or intends to move to a new residence in this
15 state, the Department of Corrections shall verify the numeric risk
16 level assigned to the person.

17 SECTION 27. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 582.5 of Title 57, unless there
19 is created a duplication in numbering, reads as follows:

20 A. The Department of Corrections shall establish a risk
21 assessment review committee composed of at least five (5) members,
22 each of whom is a state employee whose service on the review
23 committee is in addition to the regular duties of the employee. The
24

1 review committee, to the extent feasible, should include the
2 following:

- 3 1. One member having experience in law enforcement;
- 4 2. One member having experience as a sex offender treatment
5 provider;
- 6 3. One member having experience working with victims of sex
7 offenses; and
- 8 4. One member who is a social worker with a graduate degree in
9 social work.

10 B. The risk assessment review committee functions in an
11 oversight capacity. The committee shall:

- 12 1. Develop or select from among existing tools, a sex offender
13 screening tool to be used in determining the level of risk of a
14 person subject to registration pursuant to the provisions of the Sex
15 Offenders Registration Act;
- 16 2. Ensure that staff is trained on the use of the screening
17 tool;
- 18 3. Monitor the use of the screening tool in the state; and
- 19 4. Analyze other screening tools as they become available and
20 revise or replace the existing screening tool, if warranted.

21 C. The sex offender screening tool must use an objective point
22 system under which a person is assigned a designated number of
23 points for each of the various factors. The offense for which the
24 person is convicted shall serve as the basis for the minimum numeric

1 risk level assigned to the person. In developing or selecting the
2 sex offender screening tool, the risk assessment review committee
3 shall use or shall select a screening tool that may be adapted to
4 use the following general guidelines:

5 1. Level one (low): a designated range of points on the sex
6 offender screening tool indicating that the person poses a low
7 danger to the community and will not likely engage in criminal
8 sexual conduct;

9 2. Level two (moderate): a designated range of points on the
10 sex offender screening tool indicating that the person poses a
11 moderate danger to the community and may continue to engage in
12 criminal sexual conduct; and

13 3. Level three (high): a designated range of points on the sex
14 offender screening tool indicating that the person poses a serious
15 danger to the community and will continue to engage in criminal
16 sexual conduct.

17 D. The risk assessment review committee, the Department of
18 Corrections, or a court may override a risk level only if the
19 entity:

20 1. Believes that the risk level assessed is not an accurate
21 prediction of the risk the offender poses to the community; and

22 2. Documents the reason for the override in the case file of
23 the offender.

24

1 E. All records and files relating to a person for whom a court,
2 or the Department of Corrections is required under this act to
3 determine a level of risk, shall be released to the court or the
4 Department of Corrections as appropriate, for the purpose of
5 determining the risk level of the person.

6 F. The provisions of the Oklahoma Open Meeting Act do not apply
7 to a meeting of the risk assessment review committee.

8 SECTION 28. AMENDATORY 57 O.S. 2001, Section 583, as
9 last amended by Section 41 of Enrolled House Bill No. 2195 of the
10 1st Session of the 51st Oklahoma Legislature, is amended to read as
11 follows:

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

16 1. With the Department of Corrections within three (3) business
17 days of being convicted or receiving a suspended sentence or any
18 probationary term, including a deferred sentence imposed in
19 violation of subsection G of Section 991c of Title 22 of the
20 Oklahoma Statutes, if the person is not incarcerated, or ~~within~~ not
21 less than three (3) business days ~~of~~ prior to the release of the
22 person from a correctional institution, except as provided in
23 subsection B of this section;

24

1 2. With the local law enforcement authority having jurisdiction
2 in the area where the person resides or intends to reside for seven
3 (7) consecutive days or longer, calculated beginning with the first
4 day. The registration is required within three (3) days after
5 entering the jurisdiction of the law enforcement authority; and

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

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 of
13 any municipality of this state, or

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

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

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

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

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

1 B. Any person who has been convicted of an offense or received
2 a deferred judgment for an offense in another jurisdiction, which
3 offense if committed or attempted in this state, would have been
4 punishable as one or more of the offenses listed in Section 582 of
5 this title and who enters this state on or after November 1, 1989,
6 shall ~~be registered~~ register, in person, 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 five (5)
9 consecutive days or longer, calculated beginning with the first day,
10 has any type of full-time or part-time employment, with or without
11 compensation for more than five (5) cumulative days in any sixty-day
12 period, or is enrolled as a full-time or part-time student within
13 this state. Such registration is required within two (2) days after
14 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 five
17 (5) consecutive days or longer, calculated beginning with the first
18 day, has any type of full-time or part-time employment, with or
19 without compensation for more than five (5) cumulative days in any
20 sixty-day period, or is enrolled as a full-time or part-time student
21 within this state. The registration is required with local law
22 enforcement within two (2) days after entering the jurisdiction of
23 the law enforcement authority;

24

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 and

5 4. For persons convicted of an offense or receiving a deferred
6 judgment in another jurisdiction requiring registration, which
7 offense if committed or attempted in this state, would have been
8 punishable as one or more of the offenses listed in Section 582 of
9 this title, shall maintain the registration for a period of ten (10)
10 years from the date the person was initially required to register in
11 Oklahoma, unless the person was convicted of a crime that would be
12 classified as an habitual or aggravated sex offender within the
13 State of Oklahoma, at which time registration shall continue at all
14 times.

15 C. When a person has been convicted or received probation
16 within the State of Oklahoma ~~and the person is not classified as an~~
17 ~~habitual or aggravated sex offender~~, the person shall be required to
18 register ~~for a period of ten (10) years~~ as follows:

19 1. For a period of fifteen (15) years, if the numeric risk
20 level of the person is one;

21 2. For a period of twenty-five (25) years, if the numeric risk
22 level of the person is two; and

23
24

1 3. For life, if the numeric risk level of the person is three
2 or the person is classified as a habitual or aggravated sex
3 offender.

4 The registration period shall begin from the date of the completion
5 of the sentence ~~and the~~. The information received pursuant to the
6 registration with the Department of Corrections required by this
7 section shall be maintained by the Department of Corrections for at
8 least ten (10) years from the date of the last registration.

9 D. When a person has been convicted or received probation
10 within the State of Oklahoma ~~and the person is not classified as an~~
11 ~~habitual or aggravated sex offender~~, the person shall be required to
12 register ~~for a period of ten (10) years~~ as follows:

13 1. For a period of fifteen (15) years, if the numeric risk
14 level of the person is one;

15 2. For a period of twenty-five (25) years, if the numeric risk
16 level of the person is two; and

17 3. For life, if the numeric risk level of the person is three
18 or the person has been classified as a habitual or aggravated sex
19 offender.

20 The registration period shall begin from the date of completion of
21 the sentence and the information received pursuant to the
22 registration with the local law enforcement authority required by
23 this section shall be maintained by such authority for at least ten
24 (10) years from the date of the last registration.

1 E. Any person assigned a numeric risk level of one who has been
2 registered for a period of ten (10) years and who has not been
3 arrested or convicted for any felony or misdemeanor offense since
4 being released from confinement, may petition the district court in
5 the jurisdiction where the person resides for the purpose of
6 removing the numeric risk level designation and allowing the person
7 to no longer be subject to the registration requirements of the Sex
8 Offenders Registration Act.

9 F. When registering an offender as provided in this section the
10 Department of Corrections or the local law enforcement agency having
11 jurisdiction shall:

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

14 2. Inform the offender that if the offender changes address,
15 the offender shall give notice of the move and the new address to
16 the Department of Corrections and to the local law enforcement
17 authority in the location in which the offender previously resided
18 in writing no later than three (3) days before the offender
19 establishes residence or is temporarily domiciled at the new
20 address;

21 3. Inform the offender that if the offender changes address to
22 another state, the offender shall give notice of the move and shall
23 register the new address with the Department of Corrections and with
24 a designated law enforcement agency in the new state not later than

1 ten (10) days before the offender establishes residency or is
2 temporarily domiciled in the new state, if the new state has a
3 registration requirement;

4 4. Inform the offender that if the offender participates in any
5 full-time or part-time employment, in another state, with or without
6 compensation for more than fourteen (14) cumulative days in any
7 sixty-day period or an aggregate period exceeding thirty (30) days
8 in a calendar year, then the offender has a duty to register as a
9 sex offender in that state;

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

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

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

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

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

10 ~~F.~~ G. For the purpose of this section, the "date of the
11 completion of the sentence" means the day an offender completes all
12 incarceration, probation and parole pertaining to the sentence.

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

20 1. With the Department of Corrections when the person enters
21 and intends to be in the state for any purpose for five (5)
22 consecutive days or longer, calculated beginning with the first day
23 or an aggregate period of five (5) days or longer in a calendar
24

1 year. Such registration is required within two (2) days after
2 entering the state; and

3 2. With the local law enforcement authority having jurisdiction
4 in the area where the person intends to reside or to stay within
5 this state for two (2) consecutive days or longer, calculated
6 beginning with the first day. The registration is required with
7 local law enforcement within two (2) days after entering the
8 jurisdiction of the law enforcement authority.

9 I. The duty to register as a sex offender in this state shall
10 not be prevented if, at the time of registration, it is determined
11 that the person owns or leases a residence that is located within a
12 restricted area provided for in Section 590 of this title.

13 SECTION 29. AMENDATORY 57 O.S. 2001, Section 584, as
14 last amended by Section 9, Chapter 284, O.S.L. 2006 (57 O.S. Supp.
15 2006, Section 584), is amended to read as follows:

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

20 1. The ~~person's~~ name of the person and all aliases used or
21 under which the person has been known;

22 2. A complete description of the person, including a photograph
23 and fingerprints, and when requested by the Department of
24 Corrections, such registrant shall submit to a blood or saliva test

1 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
2 to testing for individuals registering shall be within thirty (30)
3 days of registration. Registrants who already have valid samples on
4 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
5 Offender Database shall not be required to submit duplicate samples
6 for testing;

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

13 4. The name and location of each hospital or penal institution
14 to which the person was committed for each offense listed in Section
15 582 of this title;

16 5. Where the person previously resided, where the person
17 currently resides, how long the person has resided there, how long
18 the person expects to reside there, and how long the person expects
19 to remain in the county and in this state. The Department of
20 Corrections shall conduct address verification of each registered
21 sex offender as follows:

22 a. On an annual basis, if the numeric risk level of the
23 person is one, or

24

1 b. on a semiannual basis ~~by mailing~~, if the numeric risk
2 level of the person is two.

3 The Department of Corrections shall mail a nonforwardable
4 verification form to the lastreported address of the person. The
5 person shall return the verification form in person to the local law
6 enforcement ~~agency~~ authority of that jurisdiction within ten (10)
7 days after receipt of the form and may be photographed by the local
8 law enforcement ~~agency~~ authority at that time. The local law
9 enforcement authority shall require the person to produce proof of
10 the identity of the person and current address. Upon confirming the
11 information contained within the verification form, the local law
12 enforcement ~~agency~~ authority shall forward the form to the
13 Department of Corrections within three (3) days after receipt of the
14 form. The verification form shall be signed by the person and state
15 the current address of the person. Failure to return the
16 verification form shall be a violation of the Sex Offenders
17 Registration Act. If the offender has been determined to be a
18 habitual or aggravated sex offender by the Department of Corrections
19 or has been assigned a numeric risk level of three, the address
20 verification shall be conducted every ninety (90) days. The
21 Department of Corrections shall notify the ~~district attorney's~~
22 office of the district attorney and local law enforcement ~~agency~~
23 authority of the appropriate county, within forty-five (45) days if
24 unable to verify the address of a sex offender. A local law

1 enforcement ~~agency~~ authority may notify the ~~district attorney's~~
2 office of the district attorney whenever it comes to the attention
3 of the local law enforcement ~~agency~~ authority that a sex offender is
4 not in compliance with any provisions of this act. A local law
5 enforcement authority designated as the primary registration
6 authority of the person may, at any time, mail a nonforwardable
7 verification form to the last-reported address of the person. The
8 person shall return the verification form in person to the local law
9 enforcement authority that mailed the form within ten (10) days
10 after receipt of the form. The local law enforcement authority
11 shall require the person to produce proof of the identity of the
12 person and current address;

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

15 7. A description of all occupants residing with the person
16 registering, including, but not limited to, name, date of birth,
17 gender, relation to the person registering, and how long the
18 occupant has resided there; and

19 8. The numeric risk level of the person.

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

1 C. The registration with the local law enforcement authority
2 required by the Sex Offenders Registration Act shall be in a form
3 approved by the local law enforcement authority and shall include
4 the following information about the person registering:

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

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

11 3. A photocopy of the driver license of the person; and

12 4. The numeric risk level of the person.

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

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

18 b. the county sheriff, if the person resides or intends
19 to reside or stay at any place outside the
20 jurisdiction of any municipality within this state,
21 and

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

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

- 1 (2) is a full-time or part-time employee at an
2 institution of higher learning, or
3 (3) resides or intends to reside or stay on any
4 property owned or controlled by the institution
5 of higher learning.

6 D. Any person subject to the provisions of the Sex Offenders
7 Registration Act who changes an address shall give written
8 notification to the Department of Corrections and the local law
9 enforcement authority of the change of address and the new address
10 no later than three (3) business days prior to the abandonment of or
11 move from the current address. If the new address is under the
12 jurisdiction of a different local law enforcement authority, ~~the~~ the

13 1. The Department of Corrections and the local law enforcement
14 authority shall notify the new local law enforcement authority by
15 teletype, electronic transmission, or letter of the change of
16 address;

17 2. The offender shall notify the new local law enforcement
18 authority of any previous registration; and

19 3. The new local law enforcement authority shall notify the
20 most recent registering agency by teletype or letter of the change
21 in address of the offender. If the new address is in another state
22 the Department of Corrections shall promptly notify the agency
23 responsible for registration in that state of the new address of the
24 offender.

1 E. The Department of Corrections shall maintain a file of all
2 sex offender registrations. A copy of the information contained in
3 the registration shall promptly be available to state, county and
4 municipal law enforcement agencies, the State Superintendent of
5 Public Instruction, the Commissioner of Health, and the National Sex
6 Offender Registry maintained by the Federal Bureau of Investigation.
7 The file shall promptly be made available for public inspection or
8 copying pursuant to rules promulgated by the Department of
9 Corrections and may be made available through Internet access. The
10 Department of Corrections shall promptly provide all municipal
11 police departments, all county sheriff departments and all campus
12 police departments a list of those sex offenders registered and
13 living in their county.

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

23 G. The State Commissioner of Health is authorized to distribute
24 information from the sex offender registry to any nursing home or

1 long-term care facility. Nothing in this subsection shall be deemed
2 to impose any liability upon or give rise to a cause of action
3 against any person, agency, organization, or company for failing to
4 release information in accordance with the Sex Offenders
5 Registration Act.

6 H. Each local law enforcement ~~agency~~ authority shall make its
7 sex offender registry available upon request, without restriction,
8 at a cost that is no more than what is charged for other records
9 provided by the local law enforcement ~~agency~~ authority pursuant to
10 the Oklahoma Open Records Act.

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

21 I. Samples of blood or saliva for DNA testing required by
22 subsection A of this section shall be taken by employees or
23 contractors of the Department of Corrections. Said individuals
24 shall be properly trained to collect blood or saliva samples.

1 Persons collecting samples for DNA testing pursuant to this section
2 shall be immune from civil liabilities arising from this activity.
3 The Department of Corrections shall ensure the collection of samples
4 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
5 within ten (10) days of the time the subject appears for testing.
6 The Department shall use sample kits provided by the OSBI and
7 procedures promulgated by the OSBI. Persons subject to DNA testing
8 pursuant to this section shall be required to pay to the Department
9 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
10 collected pursuant to this subsection shall be deposited in the
11 Department of Corrections revolving account.

12 J. 1. Any person who has been convicted of or received a
13 suspended sentence or any probationary term, including a deferred
14 sentence imposed in violation of subsection G of Section 991c of
15 Title 22 of the Oklahoma Statutes, for any crime listed in Section
16 582 of this title and:

- 17 a. who is subsequently convicted of a crime or an attempt
18 to commit a crime listed in subsection A of Section
19 582 of this title, or
20 b. who enters this state after November 1, 1997, and who
21 has been convicted of an additional crime or attempted
22 crime which, if committed or attempted in this state,
23 would be a crime or an attempt to commit a crime
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1 provided for in subsection A of Section 582 of this
2 title,
3 shall be subject to all of the registration requirements of this act
4 and shall be designated by the Department of Corrections as a
5 habitual sex offender. A habitual sex offender shall be required to
6 register for the lifetime of the habitual sex offender.

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

21 3. Upon registration of any person designated as a habitual or
22 aggravated sex offender, pursuant to this subsection, a local law
23 enforcement authority shall notify, by any method of communication
24

- 1 it deems appropriate, anyone that the local law enforcement
2 authority determines appropriate, including, but not limited to:
- 3 a. the family of the habitual or aggravated sex offender,
 - 4 b. any prior victim of the habitual or aggravated sex
5 offender,
 - 6 c. residential neighbors and churches, community parks,
7 schools, convenience stores, businesses and other
8 places that children or other potential victims may
9 frequent, and
 - 10 d. a nursing facility, a specialized facility, a
11 residential care home, a continuum-of-care facility,
12 an assisted living center, and an adult day care
13 facility.

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

- 16 a. the name and physical address of the habitual or
17 aggravated sex offender,
- 18 b. a physical description of the habitual or aggravated
19 sex offender, including, but not limited to, age,
20 height, weight and eye and hair color,
- 21 c. a description of the vehicle that the habitual or
22 aggravated sex offender is known to drive,

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- 1 d. any conditions or restrictions upon the probation,
2 parole or conditional release of the habitual or
3 aggravated sex offender,
4 e. a description of the primary and secondary targets of
5 the habitual or aggravated sex offender,
6 f. a description of the method of offense of the habitual
7 or aggravated sex offender,
8 g. a current photograph of the habitual or aggravated sex
9 offender, ~~and~~
10 h. the name and telephone number of the probation or
11 parole officer of the habitual or aggravated sex
12 offender; and
13 i. the numeric risk level of the person.

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

17 K. If the probation and parole officer supervising a person
18 subject to registration receives information to the effect that the
19 status of the person has changed in any manner that affects proper
20 supervision of the person including, but not limited to, a change in
21 the physical health of the person, address, employment, or
22 educational status, higher educational status, incarceration, or
23 terms of release, the supervising officer or administrator shall
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1 notify the appropriate local law enforcement authority or
2 authorities of that change.

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

6 1. Nothing in the Sex Offenders Registration Act shall be
7 deemed to impose any liability upon or to give rise to a cause of
8 action against any public official, public employee, or public
9 agency for releasing information to the public or for failing to
10 release information in accordance with the Sex Offenders
11 Registration Act.

12 2. Nothing in this section shall be construed to prevent law
13 enforcement officers from notifying members of the public of any
14 persons that pose a danger under circumstances that are not
15 enumerated in the Sex Offenders Registration Act.

16 SECTION 30. AMENDATORY Section 1, Chapter 223, O.S.L.
17 2003, as amended by Section 11, Chapter 284, O.S.L. 2006 (57 O.S.
18 Supp. 2006, Section 590), is amended to read as follows:

19 Section 590. A. It is unlawful for any person registered
20 pursuant to the Sex Offenders Registration Act to reside, either
21 temporarily or permanently, within a two-thousand-foot radius of any
22 public or private school site, educational institution, a
23 playground, or park, that is zoned by city, county, state, federal
24 or tribal government, or licensed child care facility center as

1 defined by the Department of Human Services. Establishment of a day
2 care center or park in the vicinity of the residence of a registered
3 sex offender will not require the relocation of the sex offender or
4 the sale of the property. On the effective date of this act, the
5 distance indicated in this section shall be measured from the
6 nearest property line of the residence of the person to the nearest
7 property line of the public or private school site, educational
8 institution, playground, park, or licensed child care facility;
9 provided, any nonprofit organization established and housing sex
10 offenders prior to the effective date of this provision shall be
11 allowed to continue its operation.

12 B. Nothing in this provision shall require any person to sell
13 or otherwise dispose of any real estate or home acquired or owned
14 prior to the conviction of the person as a sex offender.

15 C. The provisions of this section shall not apply to any
16 registered sex offender residing in a hospital or other facility
17 certified or licensed by the State of Oklahoma to provide medical
18 services.

19 D. Any person willfully violating the provisions of this
20 section by intentionally moving into any neighborhood or to any real
21 estate or home within the prohibited distance shall, upon
22 conviction, be guilty of a felony punishable by a fine not to exceed
23 Three Thousand Dollars (\$3,000.00), or by imprisonment in the
24 custody of the Department of Corrections for a term of not less than

1 one (1) year nor more than three (3) years, or by both such fine and
2 imprisonment. Any person convicted of a second or subsequent
3 violation of this section shall be punished by a fine not to exceed
4 Three Thousand Dollars (\$3,000.00), or by imprisonment in the
5 custody of the Department of Corrections for a term of not less than
6 three (3) years, or by both such fine and imprisonment.

7 SECTION 31. AMENDATORY Section 12, Chapter 284, O.S.L.
8 2006 (57 O.S. Supp. 2006, Section 590.1), is amended to read as
9 follows:

10 Section 590.1 A. 1. It is unlawful for two or more persons
11 required to register as sex offenders to reside together in any
12 individual dwelling during the term of registration as a sex
13 offender. Every person violating this provision shall be guilty,
14 upon conviction, of a misdemeanor punishable by imprisonment in the
15 county jail for a term not more than one (1) year and a fine in an
16 amount not to exceed One Thousand Dollars (\$1,000.00). Every person
17 convicted of a second or subsequent violation of this section shall
18 be guilty of a felony punishable by imprisonment in the custody of
19 the Department of Corrections for a term not more than five (5)
20 years and a fine in an amount not to exceed Two Thousand Dollars
21 (\$2,000.00).

22 2. The provisions of ~~subparagraph~~ paragraph 1 of this
23 subsection shall not be construed to prohibit a registered sex
24 offender from residing in any properly zoned and established

1 boarding house, apartment building or other multi-unit structure;
2 provided the individual dwellings are separate for each registered
3 person. Nothing in this subsection shall prohibit the sharing of
4 living quarters, jail or prison space, or any multi-person or
5 dormitory-style housing of sex offenders in the custody of any jail
6 or correctional facility or any properly zoned facility under
7 contract with a jail or correctional agency for the purpose of
8 housing prisoners, or any properly established treatment or
9 nonprofit facility located in a commercial zoned area and housing
10 persons for purposes of sex offender services and treatment.

11 Nothing in this subsection shall prohibit married persons, both of
12 whom are required to register as sex offenders, or two or more blood
13 relatives who are required to register as sex offenders, from
14 residing in any individual dwelling during the term of registration
15 as a sex offender.

16 3. For purposes of this subsection, "individual dwelling"
17 means:

18 a. a private residential property, whether owned, leased
19 or rented, including all real property zoned as
20 single-family residential property or zoned as multi-
21 family residential property due to any adjacent,
22 detached or separate living quarters of any kind on
23 such property,

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- 1 b. any room available within any boarding house or group
2 home as such term is defined by subsection D of this
3 section,
4 c. any single apartment for rent or lease within an
5 apartment building, or
6 d. any separate residential unit made available for sale,
7 rent or lease within a multi-unit structure, including
8 a condominium, duplex, triplex, quadriplex or any unit
9 that is constructed together with other separate units
10 into one structure.

11 B. The Department of Corrections is prohibited from contracting
12 for the housing of any person required to register as a sex offender
13 in any individual dwelling, as defined by paragraph 3 of subsection
14 A of this section, where another person required to register as a
15 sex offender also resides.

16 C. No halfway house, nonprofit organization, or private entity
17 shall contract with the Department of Corrections or any jail to
18 house any person required to register as a sex offender or offer
19 housing independently to any person required to register as a sex
20 offender if such housing facility is located within a single-family
21 zoned residential neighborhood or is not properly zoned as a multi-
22 unit housing structure, jail or correctional facility.

23 D. No person or entity shall knowingly establish or operate a
24 boarding house or group home, or otherwise knowingly rent or lease

1 rooms, for the residency of persons required to register pursuant to
2 the Sex Offenders Registration Act in any single-family zoned
3 residential area or its equivalent, or without being properly zoned
4 or licensed as a multi-family, multi-unit, or correctional housing
5 structure. For purposes of this subsection, "boarding house or
6 group home" means a dwelling that is used for the residency of two
7 or more unrelated persons.

8 SECTION 32. This act shall become effective November 1, 2007.

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