

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1381

By: Ingmire

6
7 COMMITTEE SUBSTITUTE

8 (sex offenders - electronic monitoring of inmates -
9 risk level assessment of certain sex offenders -
10 effective date)

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 510.10, as
16 last amended by Section 3, Chapter 188, O.S.L. 2005 (57 O.S. Supp.
17 2006, Section 510.10), is amended to read as follows:

18 Section 510.10 A. The Department of Corrections is hereby
19 authorized to use electronic monitoring devices for any inmate
20 sentenced for a crime or for any person granted parole, or as
21 disciplinary sanction as authorized by law.

22 B. The electronic monitoring of an inmate pursuant to this
23 section shall be in addition to active supervision required by law.

24 An inmate assigned to electronic monitoring shall be required to pay

1 the Department of Corrections for all or part of any monitoring
2 equipment or fee, supervision cost, or other costs while assigned to
3 electronic monitoring. The Department shall determine whether the
4 person has the ability to pay all or part of such costs or fee.

5 ~~C. From and after the effective date of this act, any person in~~
6 ~~the custody of the Department of Corrections who is assigned to a~~
7 ~~community corrections center, community work center, or halfway~~
8 ~~house, and who has any current or previous convictions for a crime~~
9 ~~which would require the person to register as a sex offender~~
10 ~~pursuant to the Oklahoma Sex Offenders Registration Act, shall be~~
11 ~~assigned to a global position monitoring system for the duration of~~
12 ~~the registration period. Any offender paroled who is subject to the~~
13 ~~provisions of the Oklahoma Sex Offenders Registration Act shall be~~
14 ~~assigned to global position monitoring.~~

15 ~~D.~~ As used in this section, "electronic monitoring" means
16 monitoring of an inmate within a specified location or locations by
17 means of a global positioning device approved by the Department of
18 Corrections with active supervision by correctional officers or
19 other employees of the Department of Corrections. A global position
20 monitoring system must utilize a backup data storage collection
21 system.

22 ~~E.~~ D. The Department shall promulgate and adopt rules and
23 procedures necessary to implement the provisions of this section.

1 SECTION 2. AMENDATORY 57 O.S. 2001, Section 584, as last
2 amended by Section 9, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2006,
3 Section 584), is amended to read as follows:

4 Section 584. A. Any registration with the Department of
5 Corrections required by the Sex Offenders Registration Act shall be
6 in a form approved by the Department and shall include the following
7 information about the person registering:

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

10 2. A complete description of the person, including a photograph
11 and fingerprints, and when requested by the Department of
12 Corrections, such registrant shall submit to a blood or saliva test
13 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
14 to testing for individuals registering shall be within thirty (30)
15 days of registration. Registrants who already have valid samples on
16 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
17 Offender Database shall not be required to submit duplicate samples
18 for testing;

19 3. The offenses listed in Section 582 of this title for which
20 the person has been convicted or the person received a suspended
21 sentence or any form of probation, where the offense was committed,
22 where the person was convicted or received the suspended sentence or
23 any form of probation, and the name under which the person was
24 convicted or received the suspended sentence or probation;

1 4. The name and location of each hospital or penal institution
2 to which the person was committed for each offense listed in Section
3 582 of this title;

4 5. Where the person previously resided, where the person
5 currently resides, how long the person has resided there, how long
6 the person expects to reside there, and how long the person expects
7 to remain in the county and in this state. The Department of
8 Corrections shall conduct address verification of each registered
9 sex offender on a semiannual basis by mailing a nonforwardable
10 verification form to the last reported address of the person. The
11 person shall return the verification form in person to the local law
12 enforcement agency of that jurisdiction within ten (10) days after
13 receipt of the form and may be photographed by the local law
14 enforcement agency at that time. The local law enforcement agency
15 shall forward the form to the Department of Corrections within three
16 (3) days after receipt of the form. The verification form shall be
17 signed by the person and state the current address of the person.
18 Failure to return the verification form shall be a violation of the
19 Sex Offenders Registration Act. If the offender has been determined
20 to be a habitual or aggravated sex offender by the Department of
21 Corrections, the address verification shall be conducted every
22 ninety (90) days. The Department of Corrections shall notify the
23 district attorney's office and local law enforcement agency of the
24 appropriate county, within forty-five (45) days if unable to verify

1 the address of a sex offender. A local law enforcement agency may
2 notify the district attorney's office whenever it comes to the
3 attention of the local law enforcement agency that a sex offender is
4 not in compliance with any provisions of this act;

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

7 7. A description of all occupants residing with the person
8 registering, including, but not limited to, name, date of birth,
9 gender, relation to the person registering, and how long the
10 occupant has resided there.

11 B. Conviction data and fingerprints shall be promptly
12 transmitted at the time of registration to the Oklahoma State Bureau
13 of Investigation (OSBI) and the Federal Bureau of Investigation
14 (FBI) if the state has not previously sent the information at the
15 time of conviction.

16 C. The registration with the local law enforcement authority
17 required by the Sex Offenders Registration Act shall be in a form
18 approved by the local law enforcement authority and shall include
19 the following information about the person registering:

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

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

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

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

9 b. the county sheriff, if the person resides or intends
10 to reside or stay at any place outside the
11 jurisdiction of any municipality within this state,
12 and

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

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

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

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

21 D. Any person subject to the provisions of the Sex Offenders
22 Registration Act who changes an address shall give written
23 notification to the Department of Corrections and the local law
24 enforcement authority of the change of address and the new address

1 no later than three (3) business days prior to the abandonment of or
2 move from the current address. If the new address is under the
3 jurisdiction of a different local law enforcement authority, the
4 offender shall notify the new local law enforcement authority of any
5 previous registration. The new local law enforcement authority
6 shall notify the most recent registering agency by teletype or
7 letter of the change in address of the offender. If the new address
8 is in another state the Department of Corrections shall promptly
9 notify the agency responsible for registration in that state of the
10 new address of the offender.

11 E. The Department of Corrections shall maintain a file of all
12 sex offender registrations. A copy of the information contained in
13 the registration shall promptly be available to state, county and
14 municipal law enforcement agencies, the State Superintendent of
15 Public Instruction, the Commissioner of Health, and the National Sex
16 Offender Registry maintained by the Federal Bureau of Investigation.
17 The file shall promptly be made available for public inspection or
18 copying pursuant to rules promulgated by the Department of
19 Corrections and may be made available through Internet access. The
20 Department of Corrections shall promptly provide all municipal
21 police departments, all county sheriff departments and all campus
22 police departments a list of those sex offenders registered and
23 living in their county.

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

10 G. The State Commissioner of Health is authorized to distribute
11 information from the sex offender registry to any nursing home or
12 long-term care facility. Nothing in this subsection shall be deemed
13 to impose any liability upon or give rise to a cause of action
14 against any person, agency, organization, or company for failing to
15 release information in accordance with the Sex Offenders
16 Registration Act.

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

22 When a law enforcement agency sends a copy of or otherwise makes
23 the sex offender registry available to any public or private school
24 offering any combination of prekindergarten through twelfth grade

1 classes or child care facility licensed by the state, the agency
2 shall provide a notice using the following or similar language: "A
3 person whose name appears on this registry has been convicted of a
4 sex offense. Continuing to employ a person whose name appears on
5 this registry may result in civil liability for the employer or
6 criminal prosecution pursuant to Section 589 of Title 57 of the
7 Oklahoma Statutes."

8 I. Samples of blood or saliva for DNA testing required by
9 subsection A of this section shall be taken by employees or
10 contractors of the Department of Corrections. Said individuals
11 shall be properly trained to collect blood or saliva samples.
12 Persons collecting samples for DNA testing pursuant to this section
13 shall be immune from civil liabilities arising from this activity.
14 The Department of Corrections shall ensure the collection of samples
15 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
16 within ten (10) days of the time the subject appears for testing.
17 The Department shall use sample kits provided by the OSBI and
18 procedures promulgated by the OSBI. Persons subject to DNA testing
19 pursuant to this section shall be required to pay to the Department
20 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
21 collected pursuant to this subsection shall be deposited in the
22 Department of Corrections revolving account.

23 J. 1. Any person who has been convicted of or received a
24 suspended sentence or any probationary term, including a deferred

1 sentence imposed in violation of subsection G of Section 991c of
2 Title 22 of the Oklahoma Statutes, for any crime listed in Section
3 582 of this title and:

4 a. who is subsequently convicted of a crime or an attempt
5 to commit a crime listed in subsection A of Section
6 582 of this title, or

7 b. who enters this state after November 1, 1997, and who
8 has been convicted of an additional crime or attempted
9 crime which, if committed or attempted in this state,
10 would be a crime or an attempt to commit a crime
11 provided for in subsection A of Section 582 of this
12 title,

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

17 2. On or after November 1, 1999, any person who has been
18 convicted of a crime or an attempt to commit a crime, received a
19 suspended sentence or any probationary term, including a deferred
20 sentence imposed in violation of subsection G of Section 991c of
21 Title 22 of the Oklahoma Statutes, for a crime provided for in
22 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
23 involved sexual abuse or sexual exploitation as these terms are
24 defined in Section 7102 of Title 10 of the Oklahoma Statutes,

1 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
2 Statutes shall be subject to all the registration requirements of
3 this act and shall be designated by the Department of Corrections as
4 an aggravated sex offender. An aggravated sex offender shall be
5 required to register for the lifetime of the aggravated sex
6 offender.

7 3. Any person designated by the Department of Corrections as a
8 habitual or aggravated sex offender and who has been convicted of a
9 crime or an attempt to commit a crime and received either a sentence
10 of incarceration, a suspended sentence or any probationary term,
11 including a deferred sentence imposed in violation of subsection G
12 of Section 991c of Title 22 of the Oklahoma Statutes, or is
13 currently on parole, shall be assessed for the risk of sexual
14 reoffending by the Department. Based upon the risk level
15 assessment, the habitual or aggravated sex offender may be assigned
16 to a global position monitoring device by the Department. Upon
17 assignment, the habitual or aggravated sex offender shall be
18 supervised by the Department as specified by conditions of the
19 sentencing court, paroling authority, or established guidelines of
20 the Department for the duration of the registration period.

21 4. 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
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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.~~ 5. 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.

13 ~~5.~~ 6. The local law enforcement authority shall make the
14 notification provided for in this subsection regarding a habitual or
15 aggravated sex offender available to any person upon request.

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

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

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

5 SECTION 3. This act shall become effective November 1, 2007.

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7 51-1-7535 SD 03/06/07

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