

1 ENGROSSED HOUSE
2 BILL NO. 2783

By: Smithson, Cooksey, Kern,
Peterson (Pam), Terrill,
Tibbs and Brannon of the
House

4 and

5 Corn of the Senate

6
7
8 An Act relating to sex offenders; amending Section
9 26, Chapter 261, O.S.L. 2007 and 57 O.S. 2001,
10 Section 583, as last amended by Section 27, Chapter
11 261, O.S.L. 2007 (57 O.S. Supp. 2007, Sections 582.5
12 and 583), which relate to the Sex Offenders
13 Registration Act; requiring risk assessment review
14 committee to review and assign numeric risk levels to
15 certain persons; requiring written notification of
16 assignment; requiring local law enforcement to
17 forward registration information of certain persons
18 to the risk assessment review committee; and
19 declaring an emergency.

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

21 SECTION 1. AMENDATORY Section 26, Chapter 261, O.S.L.
22 2007 (57 O.S. Supp. 2007, Section 582.5), is amended to read as
23 follows:

24 Section 582.5 A. The Department of Corrections shall establish
a risk assessment review committee composed of at least five
members, each of whom is a state employee whose service on the
review committee is in addition to the regular duties of the

1 employee. The review committee, to the extent feasible, should
2 include the 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.

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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. Upon receiving registration information from a local law
7 enforcement agency of a person who has entered this state and who
8 has registered as a sex offender, as required in Section 583 of this
9 title, the risk assessment review committee shall review the
10 registration information and make a determination of the numeric
11 risk level of the person using the sex offender screening tool. The
12 risk assessment review committee shall provide written notification
13 to the person and the local law enforcement agency of the numeric
14 risk level that has been assigned to the person.

15 G. The provisions of the Oklahoma Open Meeting Act do not apply
16 to a meeting of the risk assessment review committee.

17 SECTION 2. AMENDATORY 57 O.S. 2001, Section 583, as last
18 amended by Section 27, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2007,
19 Section 583), is amended to read as follows:

20 Section 583. A. Any person who becomes subject to the
21 provisions of the Sex Offenders Registration Act on or after
22 November 1, 1989, shall register, in person, as follows:

23 1. With the Department of Corrections within three (3) business
24 days of being convicted or receiving a suspended sentence or any

1 probationary term, including a deferred sentence imposed in
2 violation of subsection G of Section 991c of Title 22 of the
3 Oklahoma Statutes, if the person is not incarcerated, or not less
4 than three (3) business days prior to the release of the person from
5 a correctional institution, except as provided in subsection B of
6 this section;

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

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

15 For purposes of this section, "local law enforcement authority"
16 means:

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

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

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

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

7 B. Any person who has been convicted of an offense or received
8 a deferred judgment for an offense in another jurisdiction, which
9 offense if committed or attempted in this state, would have been
10 punishable as one or more of the offenses listed in Section 582 of
11 this title and who enters this state on or after November 1, 1989,
12 shall register, in person, as follows:

13 1. With the Department of Corrections when the person enters
14 and intends to be in the state for any purpose for five (5)
15 consecutive days or longer, calculated beginning with the first day,
16 has any type of full-time or part-time employment, with or without
17 compensation for more than five (5) cumulative days in any sixty-day
18 period, or is enrolled as a full-time or part-time student within
19 this state. Such registration is required within two (2) days after
20 entering the state;

21 2. With the local law enforcement authority having jurisdiction
22 in the area where the person intends to reside or to stay for five
23 (5) consecutive days or longer, calculated beginning with the first
24 day, has any type of full-time or part-time employment, with or

1 without compensation for more than five (5) cumulative days in any
2 sixty-day period, or is enrolled as a full-time or part-time student
3 within this state. The registration is required with local law
4 enforcement within two (2) days after entering the jurisdiction of
5 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 ~~and~~

10 ~~4. For persons.~~

11 Upon registering a person who has been convicted of an offense
12 or receiving received a deferred judgment for an offense in another
13 jurisdiction requiring registration, which offense, if committed or
14 attempted in this state, would have been punishable as one or more
15 of the offenses listed in Section 582 of this title, shall maintain
16 the registration for a period of ten (10) years from the date the
17 person was initially required to register in Oklahoma, unless the
18 person was convicted of a crime that would be classified as an
19 habitual or aggravated sex offender within the State of Oklahoma, at
20 which time registration shall continue at all times the local law
21 enforcement authority shall forward the registration information to
22 the risk assessment review committee of the Department of
23 Corrections.

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1 C. When a person has been convicted or received probation
2 within the State of Oklahoma, the person shall be required to
3 register as follows:

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

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

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

11 The registration period shall begin from the date of the completion
12 of the sentence. The information received pursuant to the
13 registration with the Department of Corrections required by this
14 section shall be maintained by the Department of Corrections for at
15 least ten (10) years from the date of the last registration.

16 D. When a person has been convicted or received probation
17 within the State of Oklahoma, the person shall be required to
18 register 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
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1 3. For life, if the numeric risk level of the person is three
2 or the person has been classified as a habitual or aggravated sex
3 offender.

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

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

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

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

22 2. Inform the offender that if the offender changes address,
23 the offender shall give notice of the move and the new address to
24 the Department of Corrections and to the local law enforcement

1 authority in the location in which the offender previously resided
2 in writing no later than three (3) days before the offender
3 establishes residence or is temporarily domiciled at the new
4 address;

5 3. Inform the offender that if the offender changes address to
6 another state, the offender shall give notice of the move and shall
7 register the new address with the Department of Corrections and with
8 a designated law enforcement agency in the new state not later than
9 ten (10) days before the offender establishes residency or is
10 temporarily domiciled in the new state, if the new state has a
11 registration requirement;

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

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

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

1 7. Inform the offender that if the offender participates in any
2 full-time or part-time employment at any school, with or without
3 compensation, or participates in any vocational course or occupation
4 at any school in this state, then the offender has a duty to notify
5 the Department of Corrections and the local law enforcement
6 authority in writing of such employment or participation at least
7 three (3) days before commencing or upon terminating such employment
8 or participation;

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

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

18 G. For the purpose of this section, the "date of the completion
19 of the sentence" means the day an offender completes all
20 incarceration, probation and parole pertaining to the sentence.

21 H. Any person who resides in another state and who has been
22 convicted of an offense or received a deferred judgment for an
23 offense in this state, or in another jurisdiction, which offense if
24 committed or attempted in this state would have been punishable as

1 one or more of the offenses listed in Section 582 of this title, and
2 who is the spouse of a person living in this state shall be
3 registered as follows:

4 1. With the Department of Corrections when the person enters
5 and intends to be in the state for any purpose for five (5)
6 consecutive days or longer, calculated beginning with the first day
7 or an aggregate period of five (5) days or longer in a calendar
8 year. Such registration is required within two (2) days after
9 entering the state; and

10 2. With the local law enforcement authority having jurisdiction
11 in the area where the person intends to reside or to stay within
12 this state for two (2) consecutive days or longer, calculated
13 beginning with the first day. The registration is required with
14 local law enforcement within two (2) days after entering the
15 jurisdiction of the law enforcement authority.

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

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

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1 Passed the House of Representatives the 13th day of March, 2008.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate
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