

THE HOUSE OF REPRESENTATIVES  
Thursday, March 8, 2007

Committee Substitute for  
House Bill No. 1381

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1381 - By: INGMIRE AND BRADDOCK of the House and WYRICK of the Senate.

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

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

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

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

7 B. The electronic monitoring of an inmate pursuant to this section shall be in  
8 addition to active supervision required by law. An inmate assigned to electronic  
9 monitoring shall be required to pay the Department of Corrections for all or part of any  
10 monitoring equipment or fee, supervision cost, or other costs while assigned to electronic  
11 monitoring. The Department shall determine whether the person has the ability to pay  
12 all or part of such costs or fee.

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

9 D. As used in this section, “electronic monitoring” means monitoring of an inmate  
10 within a specified location or locations by means of a global positioning device approved  
11 by the Department of Corrections with active supervision by correctional officers or other  
12 employees of the Department of Corrections. A global position monitoring system must  
13 utilize a backup data storage collection system.

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

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

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

- 1           1. The person's name and all aliases used or under which the person has been  
2 known;
- 3           2. A complete description of the person, including a photograph and fingerprints,  
4 and when requested by the Department of Corrections, such registrant shall submit to a  
5 blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to  
6 testing for individuals registering shall be within thirty (30) days of registration.  
7 Registrants who already have valid samples on file in the Oklahoma State Bureau of  
8 Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate  
9 samples for testing;
- 10          3. The offenses listed in Section 582 of this title for which the person has been  
11 convicted or the person received a suspended sentence or any form of probation, where  
12 the offense was committed, where the person was convicted or received the suspended  
13 sentence or any form of probation, and the name under which the person was convicted  
14 or received the suspended sentence or probation;
- 15          4. The name and location of each hospital or penal institution to which the person  
16 was committed for each offense listed in Section 582 of this title;
- 17          5. Where the person previously resided, where the person currently resides, how  
18 long the person has resided there, how long the person expects to reside there, and how  
19 long the person expects to remain in the county and in this state. The Department of  
20 Corrections shall conduct address verification of each registered sex offender on a  
21 semiannual basis by mailing a nonforwardable verification form to the last reported  
22 address of the person. The person shall return the verification form in person to the local

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

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

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

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

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

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

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

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

- 9 a. the municipal police department, if the person resides or intends to  
10 reside or stay within the jurisdiction of any municipality of this state,  
11 or  
12 b. the county sheriff, if the person resides or intends to reside or stay at  
13 any place outside the jurisdiction of any municipality within this state,  
14 and  
15 c. the police or security department of any institution of higher learning  
16 within this state if the person:  
17 (1) enrolls as a full-time or part-time student,  
18 (2) is a full-time or part-time employee at an institution of higher  
19 learning, or  
20 (3) resides or intends to reside or stay on any property owned or  
21 controlled by the institution of higher learning.

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

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

21 F. The Superintendent of Public Instruction is authorized to copy and shall  
22 distribute information from the sex offender registry to school districts and individual

1 public and private schools within the state with a notice using the following or similar  
2 language: “A person whose name appears on this registry has been convicted of a sex  
3 offense. Continuing to employ a person whose name appears on this registry may result  
4 in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title  
5 57 of the Oklahoma Statutes.”

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

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

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

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

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

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

1 shall be subject to all of the registration requirements of this act and shall be designated  
2 by the Department of Corrections as a habitual sex offender. A habitual sex offender  
3 shall be required to register for the lifetime of the habitual sex offender.

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

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

1 sentencing court, paroling authority, or established guidelines of the Department for the  
2 duration of the registration period.

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

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

15 ~~4.~~ 5. The notification may include, but is not limited to, the following information:

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

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

10 ~~5.~~ 6. The local law enforcement authority shall make the notification provided for in  
11 this subsection regarding a habitual or aggravated sex offender available to any person  
12 upon request.

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

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

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

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

1 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
2 dated 03-07-07 - DO PASS, As Amended and Coauthored.