

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2783

By: Smithson

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5
6 AS INTRODUCED

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

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

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

23 Section 582.5 A. The Department of Corrections shall establish
24 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
employee. The review committee, to the extent feasible, should
include the following:

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

8 B. The risk assessment review committee functions in an
9 oversight capacity. The committee shall:

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

19 C. The sex offender screening tool must use an objective point
20 system under which a person is assigned a designated number of
21 points for each of the various factors. The offense for which the
22 person is convicted shall serve as the basis for the minimum numeric
23 risk level assigned to the person. In developing or selecting the
24 sex offender screening tool, the risk assessment review committee

1 shall use or shall select a screening tool that may be adapted to
2 use the following general guidelines:

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

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

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

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

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

20 2. Documents the reason for the override in the case file of
21 the offender.

22 E. All records and files relating to a person for whom a court,
23 or the Department of Corrections is required under this act to
24 determine a level of risk, shall be released to the court or the

1 Department of Corrections as appropriate, for the purpose of
2 determining the risk level of the person.

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

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

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

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

20 1. With the Department of Corrections within three (3) business
21 days of being convicted or receiving a suspended sentence or any
22 probationary term, including a deferred sentence imposed in
23 violation of subsection G of Section 991c of Title 22 of the
24 Oklahoma Statutes, if the person is not incarcerated, or not less

1 than three (3) business days prior to the release of the person from
2 a correctional institution, except as provided in subsection B of
3 this section;

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

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

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

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

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

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

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

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

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

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

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

18 2. With the local law enforcement authority having jurisdiction
19 in the area where the person intends to reside or to stay for five
20 (5) consecutive days or longer, calculated beginning with the first
21 day, has any type of full-time or part-time employment, with or
22 without compensation for more than five (5) cumulative days in any
23 sixty-day period, or is enrolled as a full-time or part-time student
24 within this state. The registration is required with local law

1 enforcement within two (2) days after entering the jurisdiction of
2 the law enforcement authority; and

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

7 ~~4. For persons.~~

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

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

24

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

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

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

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

13 D. When a person has been convicted or received probation
14 within the State of Oklahoma, the person shall be required to
15 register as follows:

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

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

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

23 The registration period shall begin from the date of completion of
24 the sentence and the information received pursuant to the

1 registration with the local law enforcement authority required by
2 this section shall be maintained by such authority for at least ten
3 (10) years from the date of the last registration.

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

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

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

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

24

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

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

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

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

21 7. Inform the offender that if the offender participates in any
22 full-time or part-time employment at any school, with or without
23 compensation, or participates in any vocational course or occupation
24 at any school in this state, then the offender has a duty to notify

1 the Department of Corrections and the local law enforcement
2 authority in writing of such employment or participation at least
3 three (3) days before commencing or upon terminating such employment
4 or participation;

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

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

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

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

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

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

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

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

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22 51-2-8523 GRS 01/12/08

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