ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 2231

By: Branan, Jolley, Gumm and Leftwich of the Senate

and

Martin (Scott) of the House

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Section 584, as last amended by Section 148, Chapter 234, O.S.L. 2009 (57 O.S. Supp. 2009, Section 584), which relates to sex offender registration; * * * amending 57 O.S. 2001, Section 585, which relates to sex offender registration notification, modifying definition of address; and providing an effective date.

AUTHORS: Add the following House Coauthors: Luttrell, Ritze and Walker

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to prisons and reformatories; amending 57 O.S. 2001, Sections 582, as last amended by Section 25 of Enrolled Senate Bill No. 2113 of the 2nd Session of the 52nd Oklahoma Legislature, 583, as last amended by Section 5, Chapter 404, O.S.L. 2009, 584, as last amended by Section 27 of Enrolled Senate Bill No. 2113 of the 2nd Session of the 52nd Oklahoma Legislature, 585 and Section 12, Chapter 284, O.S.L. 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Sections 583 and 590.1), which relate to the Sex Offenders Registration Act; expanding scope of application of Sex Offenders Registration Act; adding information to disclose for certain registrants; modifying certain definitions; adding

duties to certain jurisdictional entities; adding required information for registration purposes; modifying certain definition; adding certain disclosures for changes in status; modifying information requirement for certain notification for habitual and aggravated sex offenders; modifying definition of address; requiring use of physical address; modifying information obtained from certain persons upon discharge or release; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 582, as last amended by Section 25 of Enrolled Senate Bill No. 2113 of the 2nd Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 582. A. The provisions of the Sex Offenders Registration Act shall apply to any person residing, working ~~or~~, attending school, or who is homeless as defined in Section 2900.1 of Title 74 of the Oklahoma Statutes within the State of Oklahoma who, after November 1, 1989, has been convicted, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any probationary term, or is currently serving a sentence or any form of probation or parole for a crime or an attempt to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 681, if the offense

involved sexual assault, 741, if the offense involved sexual abuse or sexual exploitation, Section 843.1, if the offense involved sexual abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

B. The provisions of the Sex Offenders Registration Act shall apply to any person who after November 1, 1989, resides, works ~~or~~, attends school, or who is homeless as defined in Section 2900.1 of Title 74 of the Oklahoma Statutes within the State of Oklahoma and who has been convicted or received a suspended sentence at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, attempted crime or a conspiracy to commit a crime which, if committed or attempted in this state, would be a crime, an attempt to commit a crime or a conspiracy to commit a crime provided for in any of said laws listed in subsection A of this section.

C. The provisions of the Sex Offenders Registration Act shall apply to any person who resides, works ~~or~~, attends school, or is homeless as defined in Section 2900.1 of Title 74 of the Oklahoma Statutes within the State of Oklahoma and who has received a

deferred judgment at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for a crime, attempted crime or a conspiracy to commit a crime which, if committed or attempted or conspired to be committed in this state, would be a crime, an attempt to commit a crime or a conspiracy to commit a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes if the offense involved sexual abuse or sexual exploitation as those terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 681, if the offense involved sexual assault, 741, if the offense involved sexual abuse or sexual exploitation, Section 843.1, if the offense involved sexual abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The provisions of the Sex Offenders Registration Act shall not apply to any such person while the person is incarcerated in a maximum or medium correctional institution of the Department of Corrections.

D. On the effective date of this act, any person registered as a sex offender pursuant to Section 741 of Title 21 of the Oklahoma

Statutes shall be summarily removed from the Sex Offender Registry by the Department of Corrections and all law enforcement agencies of any political subdivision of this state, unless the offense involved sexual abuse or sexual exploitation.

E. The provisions of the Sex Offenders Registration Act shall not apply to any such person who has received a criminal history records expungement for a conviction in another state for a crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime provided for in any said laws listed in subsection A of this section.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 583, as last amended by Section 5, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section 583), is amended to read as follows:

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

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

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

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

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

a. the municipal police department, if the person resides or intends to reside or stay or is located while homeless, within the jurisdiction of any municipality of this state, or

b. the county sheriff, if the person resides or intends to reside or stay or is located while homeless, at any place outside the jurisdiction of any municipality within this state, and

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

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

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

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

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

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

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for five (5) consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any

sixty-day period, or is enrolled as a full-time or part-time student within this state. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

Upon registering a person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense, if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of this title, the local law enforcement authority shall forward the registration information to the sex offender level assignment committee of the Department of Corrections.

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

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

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

3. For life, if the level assignment of the person is three or the person is classified as a habitual or aggravated sex offender. The registration period shall begin from the date of the completion of the sentence. The information received pursuant to the registration with the Department of Corrections required by this section shall be maintained by the Department of Corrections for at least ten (10) years from the date of the last registration.

D. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the local law enforcement authority as follows:

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

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

3. For life, if the level of the person is three or the person has been classified as a habitual or aggravated sex offender. The registration period shall begin from the date of completion of the sentence and the information received pursuant to the registration with the local law enforcement authority required by this section shall be maintained by such authority for at least ten (10) years from the date of the last registration.

E. Any person assigned a level of one who has been registered for a period of ten (10) years and who has not been arrested or convicted for any felony or misdemeanor offense since being released

from confinement, may petition the district court in the jurisdiction where the person resides for the purpose of removing the level designation and allowing the person to no longer be subject to the registration requirements of the Sex Offenders Registration Act.

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

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

2. Inform the offender that if the offender changes address <u>or becomes homeless</u>, the offender shall appear in person and give notice of the move and the new address <u>or his or her status as a homeless individual</u> to the Department of Corrections and to the local law enforcement authority in the location in which the offender previously resided no later than three (3) days before the offender establishes residence or is temporarily domiciled at the new address;

3. Inform the offender that if the offender changes address to another state, the offender shall appear in person and give notice of the move and shall register the new address <u>or his or her status as a homeless individual in another state</u> with the Department of Corrections and with a designated law enforcement agency in the new state not later than ten (10) days before the offender establishes

residency or is temporarily domiciled in the new state, if the new state has a registration requirement;

4. Inform the offender that if the offender participates in any full-time employment, with or without compensation, and changes or terminates such employment, the offender shall appear in person and give notice of the change or termination of employment to the Department of Corrections and to the local law enforcement authority in the location where the offender was employed within three (3) days of such change or termination of employment;

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

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

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

8. Inform the offender that if the offender participates in any full-time or part-time employment at any school, with or without

compensation, or participates in any vocational course or occupation at any school in this state, then the offender has a duty to appear in person and notify the Department of Corrections and the local law enforcement authority of such employment or participation at least three (3) days before commencing or upon terminating such employment or participation;

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

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

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

H. Any person who resides in another state and who has been convicted of an offense or received a deferred judgment for an offense in this state, or in another jurisdiction, which offense if committed or attempted in this state would have been punishable as one or more of the offenses listed in Section 582 of this title, and

who is the spouse of a person living in this state shall be registered as follows:

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

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

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

SECTION 3. AMENDATORY 57 O.S. 2001, Section 584, as last amended by Section 27 of Enrolled Senate Bill No. 2113 of the 2nd Session of the 52nd Oklahoma Legislature, is amended to read as follows:

Section 584. A. Any registration with the Department of Corrections required by the Sex Offenders Registration Act shall be

in a form approved by the Department and shall include the following information about the person registering:

1. The name of the person and all aliases used or under which the person has been known;

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

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

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

5. Where the person previously resided, where the person currently resides <u>or is located if the person is homeless</u>, how long

the person has resided or been located there, how long the person expects to reside or be located there, and how long the person expects to remain in the county and in this state. The address of the residence shall be a physical address, not a post office box. The Department of Corrections shall conduct address verification of each registered sex offender as follows:

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

b. on a semiannual basis, if the numeric risk level of the person is two.

The Department of Corrections shall mail a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement authority at that time. The local law enforcement authority shall require the person to produce proof of the identity of the person and current address. Upon confirming the information contained within the verification form, the local law enforcement authority shall forward the form to the Department of Corrections within three (3) days after receipt of the form. The verification form shall be signed by the person and state the current address of the person. Failure to return the verification form shall be a violation of the Sex Offenders Registration Act. If the offender

has been determined to be a habitual or aggravated sex offender by the Department of Corrections or has been assigned a level assignment of three, the address verification shall be conducted every ninety (90) days. The Department of Corrections shall notify the office of the district attorney and local law enforcement authority of the appropriate county, within forty-five (45) days if unable to verify the address of a sex offender. A local law enforcement authority may notify the office of the district attorney whenever it comes to the attention of the local law enforcement authority that a sex offender is not in compliance with any provisions of ~~this act~~ Section 581 et seq. of this title. A local law enforcement authority designated as the primary registration authority of the person may, at any time, mail a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority that mailed the form within ten (10) days after receipt of the form. The local law enforcement authority shall require the person to produce proof of the identity of the person and current address;

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

7. A description of all occupants residing with the person registering, including, but not limited to, name, date of birth,

gender, relation to the person registering, and how long the occupant has resided there; and

8. The level assignment of the person.

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

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

1. The full name of the person, alias, date of birth, sex, race, height, weight, eye color, social security number, driver license number, and home address <u>or if no home address, the person's status as a homeless individual. The home address shall be a physical address, not a post office box</u>;

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

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

4. The level assignment of the person.

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

a. the municipal police department, if the person resides or intends to reside or stay while homeless, is located within the jurisdiction of any municipality of this state, or

b. the county sheriff, if the person resides or intends to reside or stay while homeless, is located at any place outside the jurisdiction of any municipality within this state, and

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

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

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

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

D. Any person subject to the provisions of the Sex Offenders Registration Act who changes address or becomes homeless, or changes employment or student enrollment status shall appear in person and give notification to the Department of Corrections and the local law enforcement authority of the change of address and the new address or the fact that the person has become homeless, the change of employment or the change of student enrollment status no later than three (3) business days prior to the abandonment of or move from the

current address or, in the case of change of employment or student enrollment, within three (3) business days of such change. The address given to the Department of Corrections and the local law enforcement authority shall be a physical address, not a post office box. If the new address, location while homeless, employment or student enrollment is under the jurisdiction of a different local law enforcement authority:

1. The Department of Corrections and the local law enforcement authority shall notify the new local law enforcement authority by teletype or electronic transmission of the change of address, employment or student enrollment status;

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

3. The new local law enforcement authority shall notify the most recent registering agency by teletype or electronic transmission of the change in address, employment or student enrollment status of the offender. If the new address is in another state the Department of Corrections shall promptly notify the agency responsible for registration in that state of the new address of the offender.

E. Any person subject to the provisions of the Sex Offenders Registration Act who is unable to provide an address to the Department of Corrections or local law enforcement authority as required in subsections A and C of this section and registers as a

transient shall report in person to the nearest local law enforcement authority every seven (7) days and provide to the local law enforcement authority the approximate location of where the person is staying and where the person plans to stay.

F. Any person registered as a sex offender, pursuant to the Sex Offender Registration Act, who has provided a post office box as an address shall be contacted by local law enforcement and required to provide a physical address.

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

~~G.~~ H. The Superintendent of Public Instruction is authorized to copy and shall distribute information from the sex offender registry to school districts and individual public and private schools within

the state with a notice using the following or similar language: "A person whose name appears on this registry has been convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma Statutes."

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

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

When a local law enforcement authority sends a copy of or otherwise makes the sex offender registry available to any public or private school offering any combination of prekindergarten through twelfth grade classes or child care facility licensed by the state, the agency shall provide a notice using the following or similar language: "A person whose name appears on this registry has been

convicted of a sex offense. Continuing to employ a person whose name appears on this registry may result in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma Statutes."

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

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

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

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

shall be subject to all of the registration requirements of ~~this act~~ the Sex Offenders Registration Act and shall be designated by the Department of Corrections as a habitual sex offender. A habitual sex offender shall be required to register for the lifetime of the habitual sex offender.

2. On or after November 1, 1999, any person who has been convicted of a crime or an attempt to commit a crime, received a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, for a crime provided for in Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation as these terms are defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes, Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes shall be subject to all the registration requirements of

~~this act~~ the Sex Offenders Registration Act and shall be designated by the Department of Corrections as an aggravated sex offender. An aggravated sex offender shall be required to register for the lifetime of the aggravated sex offender.

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

a. the family of the habitual or aggravated sex offender,

b. any prior victim of the habitual or aggravated sex offender,

c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and

d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

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

a. the name and physical address of the habitual or aggravated sex offender <u>or the fact that the habitual or aggravated sex offender is homeless</u>,

b. a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color,

c. a description of the vehicle that the habitual or aggravated sex offender is known to drive,

d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,

e. a description of the primary and secondary targets of the habitual or aggravated sex offender,

f. a description of the method of offense of the habitual or aggravated sex offender,

g. a current photograph of the habitual or aggravated sex offender,

h. the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender, and

i. the level assignment of the person.

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

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

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

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

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

SECTION 4. AMENDATORY 57 O.S. 2001, Section 585, is amended to read as follows:

Section 585. A. Each person in charge of a correctional institution from which a person subject to the provisions of the Sex Offenders Registration Act, Section 581 et seq. of this title, is released and each judge who suspends the sentence of a person subject to the provisions of the Sex Offenders Registration Act or orders any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, for a person subject to the provisions of the Sex Offenders Registration Act shall prior to discharge or release of ~~said~~ the person:

1. Explain to the person the duty to register pursuant to the Sex Offenders Registration Act;

2. Require the person to sign a written statement that the duty to register has been explained and the person understands the duty to register;

3. Obtain the address at which the person is to reside or the law enforcement jurisdiction within which the person will be located if the person is or is likely to become homeless upon discharge or release. The address shall be a physical address, not a post office box; and

4. Forward ~~said~~ the information to the Department of Corrections.

B. The Department of Public Safety shall issue written notification of the registration requirements of the Sex Offenders

Registration Act to any person who enters this state from another jurisdiction and makes an initial application for an operator's or chauffeur's license to operate a motor vehicle in this state.

C. The Department of Corrections shall coordinate with the Administrative Office of the Courts in promulgating rules to establish other necessary procedures for notifying offenders of the obligation to register pursuant to ~~this act~~ the Sex Offenders Registration Act and procedures for registration of those offenders.

D. The Department of Corrections shall coordinate with surrounding states to establish necessary procedures for notifying offenders that reside in other states but work or attend school within the State of Oklahoma of the obligation to register pursuant to ~~this act~~ the Sex Offenders Registration Act and the procedure for registration of those offenders.

SECTION 5. AMENDATORY Section 12, Chapter 284, O.S.L. 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section 590.1), is amended to read as follows:

Section 590.1 A. 1. It is unlawful for two or more persons required to register as sex offenders to reside together in any individual dwelling during the term of registration as a sex offender. Every person violating this provision shall be guilty, upon conviction, of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not to exceed One Thousand Dollars ($1,000.00). Every person

convicted of a second or subsequent violation of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years and a fine in an amount not to exceed Two Thousand Dollars ($2,000.00).

2. The provisions of paragraph 1 of this subsection shall not be construed to prohibit a registered sex offender from residing in any properly zoned and established boarding house, apartment building or other multi-unit structure; provided the individual dwellings are separate for each registered person. Nothing in this subsection shall prohibit the sharing of living quarters, jail or prison space, or any multi-person or dormitory-style housing of sex offenders in the custody of any jail or correctional facility or any properly zoned facility under contract with a jail or correctional agency for the purpose of housing prisoners, or any properly established treatment or nonprofit facility located in a properly zoned area determined by the local governing authority and housing persons for purposes of sex offender services and treatment. Nothing in this subsection shall prohibit married persons, both of whom are required to register as sex offenders, or two or more blood relatives who are required to register as sex offenders, from residing in any individual dwelling during the term of registration as a sex offender.

3. For purposes of this subsection, “individual dwelling” means:

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

b. any room available within any boarding house or group home as such term is defined by subsection D of this section,

c. any single apartment for rent or lease within an apartment building, or

d. any separate residential unit made available for sale, rent or lease within a multi-unit structure, including a condominium, duplex, triplex, quadriplex or any unit that is constructed together with other separate units into one structure.

4. For purposes of this subsection "multi-unit structure" means:

a. a structure with multiple residential units that provide independent living facilities for living, sleeping, cooking, eating, and sanitation within each individual unit, and

b. manufactured homes, mobile homes, trailers, and recreational vehicles that do not meet the provisions of subparagraph a are not multi-unit structures.

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

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

D. No person or entity shall knowingly establish or operate a boarding house or group home, or otherwise knowingly rent or lease rooms, for the residency of persons required to register pursuant to the Sex Offenders Registration Act unless treatment services are provided. Said facility must also be in a properly zoned area determined by the local governing authority. For purposes of this subsection, "boarding house or group home" means a dwelling that is used for the residency of two or more unrelated persons.

E. No person or entity shall knowingly establish, lease, operate, or own any structure or portion of a structure where persons required to register pursuant to the Sex Offenders Registration Act are residing together in violation of this section or knowingly allow any other violation of this section.

1. Every person violating this provision shall be guilty, upon conviction, of a felony punishable by imprisonment in the county jail for a term not more than one (1) year or a fine in an amount not to exceed Two Thousand Dollars ($2,000.00) or by both such fine and imprisonment.

2. Every person convicted of a second or subsequent violation of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not more than five (5) years or a fine in an amount not to exceed Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

SECTION 6. This act shall become effective July 1, 2010.

SECTION 7. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 12th day of April, 2010.

_____
Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2010.

_____
Presiding Officer of the Senate