

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 2301

By: Newberry, Gumm, Eason
McIntyre and Leftwich of
the Senate

4 and
5 Duncan of the House

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8
9 (prisons and reformatories - Electronic Monitoring
10 Program - Sex Offenders Registration Act -
11 noncodification - codification -
12 effective date)

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15 AUTHOR: Add the following House Coauthor: Tibbs

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

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18 " (prisons and reformatories - Electronic Monitoring
19 Program - Sex Offenders Registration Act -
20 codification - noncodification -
21 effective date)

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

2 SECTION 1. NEW LAW A new section of law not to be
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as "Tabby's Law".

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 583.1 of Title 57, unless there
7 is created a duplication in numbering, reads as follows:

8 There is hereby created the Electronic Monitoring Program for
9 persons who are registered pursuant to the provisions of the Sex
10 Offenders Registration Act and who have been assigned a numeric risk
11 level of three or have been classified as a habitual or aggravated
12 sex offender by the Department of Corrections. The Department of
13 Corrections and any vendor contracted with the Department are
14 authorized to use an electronic monitoring global positioning device
15 to satisfy the requirements of this act.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 583.2 of Title 57, unless there
18 is created a duplication in numbering, reads as follows:

19 A. There shall be an annual fee of Seventy-five Dollars
20 (\$75.00) to be paid by every person required to register pursuant to
21 the provisions of the Sex Offenders Registration Act and who have
22 been assigned a numeric risk level of three or have been classified
23 as a habitual or aggravated sex offender by the Department of
24 Corrections. The fee shall be paid to the Department of Corrections

1 and deposited in the Sex Offender Electronic Monitoring Revolving
2 Fund created pursuant to Section 4 of this act.

3 B. The Department of Corrections or its authorized vendor shall
4 use electronic monitoring devices for any person convicted of a
5 crime which would require the person to register as a sex offender
6 pursuant to the Sex Offenders Registration Act and who have been
7 assigned a numeric risk level of three or have been classified as a
8 habitual or aggravated sex offender by the Department of
9 Corrections. The electronic monitoring device shall be used as
10 follows:

11 1. Any person no longer under the supervision of the Department
12 of Corrections but required to register pursuant to the provisions
13 of the Sex Offenders Registration Act shall be fitted for an
14 electronic monitoring device, as directed by the court, if that
15 person fails to comply with any provision of the Sex Offenders
16 Registration Act or if that person is convicted of a misdemeanor or
17 felony offense, excluding traffic violations which include standing
18 and parking violations, for a period of not less than one (1) year
19 and not more than the duration of the registration of the person;

20 2. Any person under the supervision of the Department of
21 Corrections who is required to register as a sex offender pursuant
22 to the Sex Offenders Registration Act and who has been assigned a
23 numeric risk level of three or has been classified as a habitual or
24 aggravated sex offender shall be fitted for an electronic monitoring

1 device upon discharge from the custody of the Department and shall
2 be required to wear the electronic monitoring device for the
3 duration of his or her lifetime;

4 3. Any person who removes or destroys the electronic monitoring
5 device shall be removed from the program and reassigned to
6 imprisonment in the custody of the Department of Corrections for not
7 less than one (1) year nor more than ten (10) years and shall be
8 fined not less than One Thousand Dollars (\$1,000.00) nor more than
9 Ten Thousand Dollars (\$10,000.00). Upon release from custody, the
10 person shall be required to wear the electronic monitoring device
11 for the duration of his or her lifetime; and

12 4. The Department of Corrections shall make provisions for the
13 monitoring equipment to be fitted to the person before the person
14 leaves the custody of the Department.

15 C. The Department shall promulgate and adopt rules and
16 procedures necessary to implement the provisions of this section.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 583.3 of Title 57, unless there
19 is created a duplication in numbering, reads as follows:

20 There is hereby created in the State Treasury a revolving fund
21 to be designated as the "Sex Offender Electronic Monitoring
22 Revolving Fund", which shall consist of all monies appropriated or
23 transferred to the fund. The fund shall be a continuing fund not
24 subject to fiscal year limitations and shall be under the

1 administration of the Department of Corrections and may be disbursed
2 without legislative appropriation for purposes of the Electronic
3 Monitoring Program only.

4 SECTION 5. AMENDATORY 57 O.S. 2001, Section 587, as
5 amended by Section 10, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2009,
6 Section 587), is amended to read as follows:

7 Section 587. A. Any person required to register pursuant to
8 the provisions of the Sex Offenders Registration Act who violates
9 any provision of said act shall, upon conviction, be guilty of a
10 felony. Any person convicted of a violation of this section shall
11 be punished by imprisonment in the custody of the Department of
12 Corrections for not more than ~~five (5)~~ ten (10) years, a fine ~~not to~~
13 ~~exceed Five Thousand Dollars (\$5,000.00)~~ of One Hundred Dollars
14 (\$100.00) per day until the person registers, or both such fine and
15 imprisonment. If a person returns to the custody of the Department
16 of Corrections for failure to register the individual shall not be
17 eligible for early release as may be authorized by law.

18 B. Any person required to register pursuant to the Sex
19 Offenders Registration Act who fails to comply with the established
20 guidelines for global position system (GPS) monitoring shall, upon
21 conviction, be guilty of a felony punishable by a fine not to exceed
22 One Thousand Dollars (\$1,000.00), or by imprisonment in the custody
23 of the county jail for not more than one (1) year, or by both such
24 fine and imprisonment.

