

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2968 _____
Page _____ Section _____ Lines _____
Of the printed Bill
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Sanders

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2968

By: Sanders

7 PROPOSED COMMITTEE SUBSTITUTE

8 An Act relating to sex offenders; amending 57 O.S.
9 2001, Section 584, as last amended by Section 6,
10 Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section
11 584), which relates to the Sex Offenders Registration
12 Act; modifying address registration requirement; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 584, as last
16 amended by Section 6, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,
17 Section 584), is amended to read as follows:

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

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

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

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

16 4. The name and location of each hospital or penal institution
17 to which the person was committed for each offense listed in Section
18 582 of this title;

19 5. Where the person previously resided, where the person
20 currently resides including a mappable address and a zip code, how
21 long the person has resided there, how long the person expects to
22 reside there, and how long the person expects to remain in the
23 county and in this state. The Department of Corrections shall
24

1 conduct address verification of each registered sex offender as
2 follows:

- 3 a. on an annual basis, if the numeric risk level of the
4 person is one, or
- 5 b. on a semiannual basis, if the numeric risk level of
6 the person is two.

7 The Department of Corrections shall mail a nonforwardable
8 verification form to the last-reported address of the person. The
9 person shall return the verification form in person to the local law
10 enforcement authority of that jurisdiction within ten (10) days
11 after receipt of the form and may be photographed by the local law
12 enforcement authority at that time. The local law enforcement
13 authority shall require the person to produce proof of the identity
14 of the person and a current mappable address with a zip code. Upon
15 confirming the information contained within the verification form,
16 the local law enforcement authority shall forward the form to the
17 Department of Corrections within three (3) days after receipt of the
18 form. The verification form shall be signed by the person and state
19 the current address of the person. Failure to return the
20 verification form shall be a violation of the Sex Offenders
21 Registration Act. If the offender has been determined to be a
22 habitual or aggravated sex offender by the Department of Corrections
23 or has been assigned a level assignment of three, the address
24 verification shall be conducted every ninety (90) days. The

1 Department of Corrections shall notify the office of the district
2 attorney and local law enforcement authority of the appropriate
3 county, within forty-five (45) days if unable to verify the address
4 of a sex offender. A local law enforcement authority may notify the
5 office of the district attorney whenever it comes to the attention
6 of the local law enforcement authority that a sex offender is not in
7 compliance with any provisions of this act. A local law enforcement
8 authority designated as the primary registration authority of the
9 person may, at any time, mail a nonforwardable verification form to
10 the last-reported address of the person. The person shall return
11 the verification form in person to the local law enforcement
12 authority that mailed the form within ten (10) days after receipt of
13 the form. The local law enforcement authority shall require the
14 person to produce proof of the identity of the person and a current
15 mappable address with a zip code;

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

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

22 8. The level assignment of the person.

23 B. Conviction data and fingerprints shall be promptly
24 transmitted at the time of registration to the Oklahoma State Bureau

1 of Investigation (OSBI) and the Federal Bureau of Investigation
2 (FBI) if the state has not previously sent the information at the
3 time of conviction.

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

8 1. The full name of the person, alias, date of birth, sex,
9 race, height, weight, eye color, social security number, driver
10 license number, and a mappable home address with a zip code;

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

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

15 4. The level assignment of the person.

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

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

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

1 c. the police or security department of any institution
2 of higher learning within this state if the person:
3 (1) enrolls as a full-time or part-time student,
4 (2) is a full-time or part-time employee at an
5 institution of higher learning, or
6 (3) resides or intends to reside or stay on any
7 property owned or controlled by the institution
8 of higher learning.

9 D. Any person subject to the provisions of the Sex Offenders
10 Registration Act who changes address, employment or student
11 enrollment status shall appear in person and give notification to
12 the Department of Corrections and the local law enforcement
13 authority of the change of address and the new mappable address with
14 zip code, the change of employment or the change of student
15 enrollment status no later than three (3) business days prior to the
16 abandonment of or move from the current address or, in the case of
17 change of employment or student enrollment, within three (3)
18 business days of such change. If the new address, employment or
19 student enrollment is under the jurisdiction of a different local
20 law enforcement authority:

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

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

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

10 E. Any person subject to the provisions of the Sex Offenders
11 Registration Act who is unable to provide ~~an~~ a mappable address with
12 a zip code to the Department of Corrections or local law enforcement
13 authority as required in subsections A and C of this section and
14 registers as a transient shall report in person to the nearest local
15 law enforcement authority every seven (7) days and provide to the
16 local law enforcement authority the approximate location of where
17 the person is staying and where the person plans to stay.

18 F. The Department of Corrections shall maintain a file of all
19 sex offender registrations. A copy of the information contained in
20 the registration shall promptly be available to state, county and
21 municipal law enforcement agencies, the State Superintendent of
22 Public Instruction, the Commissioner of Health, and the National Sex
23 Offender Registry maintained by the Federal Bureau of Investigation.
24 The file shall promptly be made available for public inspection or

1 copying pursuant to rules promulgated by the Department of
2 Corrections and may be made available through Internet access. The
3 Department of Corrections shall promptly provide all municipal
4 police departments, all county sheriff departments and all campus
5 police departments a list of those sex offenders registered and
6 living in their county.

7 G. The Superintendent of Public Instruction is authorized to
8 copy and shall distribute information from the sex offender registry
9 to school districts and individual public and private schools within
10 the state with a notice using the following or similar language: "A
11 person whose name appears on this registry has been convicted of a
12 sex offense. Continuing to employ a person whose name appears on
13 this registry may result in civil liability for the employer or
14 criminal prosecution pursuant to Section 589 of Title 57 of the
15 Oklahoma Statutes."

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

23 I. Each local law enforcement authority shall make its sex
24 offender registry available upon request, without restriction, at a

1 cost that is no more than what is charged for other records provided
2 by the local law enforcement authority pursuant to the Oklahoma Open
3 Records Act.

4 When a local law enforcement authority sends a copy of or
5 otherwise makes the sex offender registry available to any public or
6 private school offering any combination of prekindergarten through
7 twelfth grade classes or child care facility licensed by the state,
8 the agency shall provide a notice using the following or similar
9 language: "A person whose name appears on this registry has been
10 convicted of a sex offense. Continuing to employ a person whose
11 name appears on this registry may result in civil liability for the
12 employer or criminal prosecution pursuant to Section 589 of Title 57
13 of the Oklahoma Statutes."

14 J. Samples of blood or saliva for DNA testing required by
15 subsection A of this section shall be taken by employees or
16 contractors of the Department of Corrections. Said individuals
17 shall be properly trained to collect blood or saliva samples.
18 Persons collecting samples for DNA testing pursuant to this section
19 shall be immune from civil liabilities arising from this activity.
20 The Department of Corrections shall ensure the collection of samples
21 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
22 within ten (10) days of the time the subject appears for testing.
23 The Department shall use sample kits provided by the OSBI and
24 procedures promulgated by the OSBI. Persons subject to DNA testing

1 pursuant to this section shall be required to pay to the Department
2 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
3 collected pursuant to this subsection shall be deposited in the
4 Department of Corrections revolving account.

5 K. 1. Any person who has been convicted of or received a
6 suspended sentence or any probationary term, including a deferred
7 sentence imposed in violation of subsection G of Section 991c of
8 Title 22 of the Oklahoma Statutes, for any crime listed in Section
9 582 of this title and:

10 a. who is subsequently convicted of a crime or an attempt
11 to commit a crime listed in subsection A of Section
12 582 of this title, or

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

19 shall be subject to all of the registration requirements of this act
20 and shall be designated by the Department of Corrections as a
21 habitual sex offender. A habitual sex offender shall be required to
22 register for the lifetime of the habitual sex offender.

23 2. On or after November 1, 1999, any person who has been
24 convicted of a crime or an attempt to commit a crime, received a

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

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

- 18 a. the family of the habitual or aggravated sex offender,
- 19 b. any prior victim of the habitual or aggravated sex
20 offender,
- 21 c. residential neighbors and churches, community parks,
22 schools, convenience stores, businesses and other
23 places that children or other potential victims may
24 frequent, and

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

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

- 7 a. the name and physical address of the habitual or
8 aggravated sex offender,
- 9 b. a physical description of the habitual or aggravated
10 sex offender, including, but not limited to, age,
11 height, weight and eye and hair color,
- 12 c. a description of the vehicle that the habitual or
13 aggravated sex offender is known to drive,
- 14 d. any conditions or restrictions upon the probation,
15 parole or conditional release of the habitual or
16 aggravated sex offender,
- 17 e. a description of the primary and secondary targets of
18 the habitual or aggravated sex offender,
- 19 f. a description of the method of offense of the habitual
20 or aggravated sex offender,
- 21 g. a current photograph of the habitual or aggravated sex
22 offender,
- 23
24

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

4 i. the level assignment of the person.

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

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

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

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

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

7 SECTION 2. This act shall become effective November 1, 2010.

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9 52-2-9860 GRS 02/17/10

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