

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1141

6 By: Johnson (Constance)

7
8 COMMITTEE SUBSTITUTE

9 [domestic abuse - Domestic Violence Registration Act
10 - requiring registration - Department of Corrections
11 to develop registry - criminalizing certain acts -
12 penalty - codification - effective date]

13
14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 61 of Title 22, unless there is
18 created a duplication in numbering, reads as follows:

19 A. This act shall be known and may be cited as the "Domestic
20 Violence Registration Act".

21 B. The Legislature finds that the state has an overriding
22 public safety interest in persons who commit acts of violence,
23 intimidation, threat, stalking or harassment against family members.
24 The legislature further finds that the privacy interest of a person

1 found guilty of a crime of domestic abuse is less important than the
2 state's interest in public safety and protection of its citizens
3 from acts of violence, intimidation or threat. The Legislature
4 additionally finds that a system of registration is needed for
5 persons who commit acts of domestic abuse and that a registration
6 system will permit law enforcement officials to better respond to
7 domestic situations.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 61.1 of Title 22, unless there
10 is created a duplication in numbering, reads as follows:

11 A. The provisions of this act shall apply to any person who, on
12 or after the effective date of this act, is found guilty of a crime
13 of domestic abuse pursuant to Section 644 of Title 21 of the
14 Oklahoma Statutes or who is found guilty by a court of competent
15 jurisdiction pursuant to any similar provision of law in another
16 state, whether upon a verdict or plea of guilty or upon a plea of
17 nolo contendere.

18 B. This act shall further apply to any person who enters the
19 State of Oklahoma, on or after the effective date of this act, and
20 who intends to reside in this state for any portion of a year after
21 having been found guilty of a crime constituting domestic abuse by a
22 court of competent jurisdiction in a jurisdiction other than this
23 state when the act was committed any time within five (5) years
24

1 prior to entering this state, whether upon a verdict or plea of
2 guilty or upon a plea of nolo contendere.

3 C. The provisions of this act shall not apply to any person
4 while the person is incarcerated in any jail or correctional
5 institution, but upon release from the facility, the provisions of
6 this act shall immediately apply.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 61.2 of Title 22, unless there
9 is created a duplication in numbering, reads as follows:

10 A. 1. Any person who becomes subject to the provisions of this
11 act shall register with the Department of Corrections within three
12 (3) business days of the determination of guilty by a court of
13 competent jurisdiction for a crime of domestic abuse; or

14 2. With the Department of Corrections not less than three (3)
15 business days prior to abandoning or moving from an address of
16 previous registration.

17 B. 1. The court clerk or judge, after a determination of guilt
18 for the crime of domestic abuse, may take the initial registration
19 information and submit it to the Department of Corrections, or the
20 Department may develop methods for either an in-person or electronic
21 registration. Upon registration, the Department of Corrections
22 shall cause a copy of the registration information to be mailed or
23 forwarded to the local law enforcement authority where the person
24 resides. The local law enforcement authority is responsible to

1 verify the name and address provided in the registration, and to
2 notify the Department of Corrections if the name or address is
3 incorrect. The Department of Corrections and the local law
4 enforcement agency are authorized to keep and make available to the
5 public all names, addresses and offenses of persons registered
6 pursuant to this act.

7 2. For purposes of this subsection, "local law enforcement
8 authority" means:

9 a. the municipal police department, if the person resides
10 within the jurisdiction of any municipality of this
11 state, or

12 b. the county sheriff, if the person resides at any place
13 outside the jurisdiction of any municipality within
14 this state.

15 C. Any person who is found guilty of an offense in another
16 jurisdiction, which offense if committed or attempted in this state
17 would be punishable as domestic abuse, shall register in the same
18 manner as if the offense had occurred in this state when the person
19 resides in this state or subsequently enters this state.

20 D. Every person required to register shall be continuously
21 registered for four (4) years. Any person who changes a registered
22 address shall be required to report such change as required in this
23 act, including any relocation to a place outside this state. For
24 persons who are sentenced to any period of incarceration, the

1 registration time shall begin to run from the date of release from
2 the facility. The information received pursuant to a registration
3 with the Department of Corrections shall be maintained by the
4 Department of Corrections for at least seven (7) years from the date
5 of the last registration.

6 E. The Department of Corrections shall inform a person of the
7 continuing duty to register and duty to report changes of address or
8 relocation as required in this act. A signed statement shall be
9 required as part of the registration, and the person shall
10 acknowledge that he or she understands the duty to register as
11 specified in this act.

12 F. The Department shall develop the registration process and
13 forms, and such forms may include any information deemed necessary
14 for an accurate description and identification of the person and the
15 offense to be registered. Registration may include or require
16 fingerprints, photographs, and a DNA sample of the person to be
17 registered.

18 G. Public officials, public employees, and public agencies are
19 immune from civil liability for good-faith conduct under this act.

20 H. The information contained in the registry shall be public
21 information and may be released upon request or distributed publicly
22 by any means, including, but not limited to, distribution by use of
23 the Internet.

24

1 I. The district courts of this state shall electronically file
2 determinations of guilt for crimes of domestic abuse through the
3 Oklahoma Supreme Court Network system or any other electronic photo-
4 electronic or photo-optical means, and, upon receipt of such
5 information, the Department of Corrections shall include the
6 information in the registry created pursuant to this act.

7 J. No person shall refuse, withdraw or withhold any information
8 or public record authorized for inclusion in the registry created
9 pursuant to this act. The Department of Corrections is authorized
10 to access and publish in the domestic violence registry any public
11 information contained in a person's criminal history records or
12 court records, or to reference public information contained in any
13 record when deemed appropriate for the safety of the citizens of
14 this state from acts of violence, intimidation or threat.

15 K. As used in this act, "family member" and "domestic abuse"
16 are defined by Section 60.1 of Title 22 of the Oklahoma Statutes and
17 by the elements of the crime of domestic abuse pursuant to Section
18 644 of Title 21 of the Oklahoma Statutes.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 61.3 of Title 22, unless there
21 is created a duplication in numbering, reads as follows:

22 Any person required to register or provide information pursuant
23 to the provisions of this act who willfully refuses or fails to
24 register as required by the provisions of this act or to provide

1 information in compliance with registration or provisions for
2 records sharing shall, upon conviction, be guilty of a misdemeanor.

3 SECTION 5. This act shall become effective November 1, 2009.

4

5 52-1-1681 NP 2/17/2009 8:55:35 AM

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24