

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 3342

By: Christian of the House

and

Sykes of the Senate

7
8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to prisons and reformatories;
11 amending Section 8, Chapter 404, O.S.L. 2009 (57 O.S.
12 Supp. 2009, Section 590.2), which relates to the Sex
13 Offenders Registration Act; modifying registration
14 removal requirements; and declaring an emergency.

15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

17 SECTION 1. AMENDATORY Section 8, Chapter 404, O.S.L.
18 2009 (57 O.S. Supp. 2009, Section 590.2), is amended to read as
19 follows:

20 Section 590.2 A. For purposes of this section, a person shall
21 be considered for removal of the requirement to register as a sex
22 offender if the person:

23 1. Was convicted of a ~~violation of Section 1111.1 or 1114 of~~
24 ~~Title 21 of the Oklahoma Statutes~~ an offense set forth in subsection

1 A of Section 582 of this title and the person does not have any
2 other conviction for a ~~violation of Section 1111.1 or 1114 of Title~~
3 ~~21 of the Oklahoma Statutes~~ an offense set forth in subsection A of
4 Section 582 of this title;

5 2. Is required to register as a sex offender ~~solely on the~~
6 ~~basis of a violation of Section 1111.1 or 1114 of Title 21 of the~~
7 ~~Oklahoma Statutes~~ pursuant to the provisions of the Sex Offenders
8 Registration Act; and

9 3. Was not more than four (4) years older than the victim of
10 the violation who was fourteen (14) years of age or older but not
11 more than seventeen (17) years of age at the time the person
12 committed the violation.

13 B. If a person meets the criteria provided for in subsection A
14 of this section, the person may petition the court in which the
15 sentence for the conviction occurred for removal of the requirement
16 to register as a sex offender. The person shall allege in the
17 petition that the person meets the criteria provided for in
18 subsection A of this section and that removal of the registration
19 requirement will not conflict with federal law. The district
20 attorney shall be given notice of the petition at least twenty-one
21 (21) days before the hearing on the petition. The district attorney
22 may present evidence in opposition to the requested relief or may
23 otherwise demonstrate why the petition should be denied. The court
24 shall rule on the petition and, if the court determines that the

1 person meets the criteria provided for in subsection A of this
2 section and removal of the registration requirement will not
3 conflict with federal law, may grant the petition and order the
4 removal of the registration requirement. If the court denies the
5 petition, the person shall not be authorized to file any further
6 petition for removal of the registration requirement pursuant to
7 this section.

8 C. If a person, who has yet to be sentenced for a conviction
9 ~~for a violation of Section 1111.1 or 1114 of Title 21 of the~~
10 ~~Oklahoma Statutes~~ of an offense set forth in subsection A of Section
11 582 of this title, meets the criteria provided for in subsection A
12 of this section, the person may move the sentencing court for
13 removal of the requirement to register as a sex offender. The
14 person shall allege in the motion that the person meets the criteria
15 provided for in subsection A of this section and that removal of the
16 requirement to register as a sex offender will not conflict with
17 federal law. The district attorney shall be given notice of the
18 motion at least twenty-one (21) days prior to the hearing on the
19 motion. The district attorney may present evidence in opposition to
20 the requested relief or may otherwise demonstrate why the motion
21 should be denied. The court shall rule on the motion and, if the
22 court determines that the person meets the criteria provided for in
23 subsection A of this section and that removal of the requirement to
24 register will not conflict with federal law, may grant the motion

1 and order the removal of the registration requirement. If the court
2 denies the motion, the person shall not be authorized to file any
3 further motions or petitions for removal of the registration
4 requirement pursuant to this section.

5 D. If a person provides to the Department of Corrections a
6 certified copy of the order of the court removing the requirement
7 that the person register as a sex offender, the registration
8 requirement shall not apply to the person and the Department shall
9 remove all information about the person from the public registry of
10 sex offenders maintained by the Department. However, the removal of
11 information about the person from the public registry shall not mean
12 that the public is denied access to information about the criminal
13 history or record of the person that is otherwise available as a
14 public record.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health and safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19

20 52-2-10971 GRS 05/25/10

21

22

23

24