

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2231

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

6 and

7 Martin (Scott) of the House
8
9

10 COMMITTEE SUBSTITUTE

11 An Act relating to prisons and reformatories;
12 amending 57 O.S. 2001, Sections 584, as last amended
13 by Section 27 of Enrolled Senate Bill No. 2113 of the
14 2nd Session of the 52nd Oklahoma Legislature and 585,
15 which relate to the Sex Offenders Registration Act;
16 modifying definition of address; requiring use of
17 physical address; and providing an effective date.

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

19 SECTION 1. AMENDATORY 57 O.S. 2001, Section 584, as last
20 amended by Section 27 of Enrolled Senate Bill No. 2113 of the 2nd
21 Session of the 52nd Oklahoma Legislature, is amended to read as
22 follows:

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

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

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

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

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

20 4. The name and location of each hospital or penal institution
21 to which the person was committed for each offense listed in Section
22 582 of this title;

23 5. Where the person previously resided, where the person
24 currently resides, how long the person has resided there, how long

1 the person expects to reside there, and how long the person expects
2 to remain in the county and in this state. The address of the
3 residence shall be a physical address, not a post office box. The
4 Department of Corrections shall conduct address verification of each
5 registered sex offender as follows:

- 6 a. on an annual basis, if the numeric risk level of the
7 person is one, or
- 8 b. on a semiannual basis, if the numeric risk level of
9 the person is two.

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

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

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

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

1 8. The level assignment of the person.

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

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

11 1. The full name of the person, alias, date of birth, sex,
12 race, height, weight, eye color, social security number, driver
13 license number, and home address. The home address shall be a
14 physical address, not a post office box;

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

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

19 4. The level assignment of the person.

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

22 a. the municipal police department, if the person resides
23 or intends to reside or stay within the jurisdiction
24 of any municipality of this state, or

1 b. the county sheriff, if the person resides or intends
2 to reside or stay at any place outside the
3 jurisdiction of any municipality within this state,
4 and

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

13 D. Any person subject to the provisions of the Sex Offenders
14 Registration Act who changes address, employment or student
15 enrollment status shall appear in person and give notification to
16 the Department of Corrections and the local law enforcement
17 authority of the change of address and the new address, the change
18 of employment or the change of student enrollment status no later
19 than three (3) business days prior to the abandonment of or move
20 from the current address or, in the case of change of employment or
21 student enrollment, within three (3) business days of such change.
22 The address given to the Department of Corrections and the local law
23 enforcement authority shall be a physical address, not a post office
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1 box. If the new address, employment or student enrollment is under
2 the jurisdiction of a different local law enforcement authority:

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

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

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

16 E. Any person subject to the provisions of the Sex Offenders
17 Registration Act who is unable to provide an address to the
18 Department of Corrections or local law enforcement authority as
19 required in subsections A and C of this section and registers as a
20 transient shall report in person to the nearest local law
21 enforcement authority every seven (7) days and provide to the local
22 law enforcement authority the approximate location of where the
23 person is staying and where the person plans to stay.

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

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

18 ~~G.~~ H. The Superintendent of Public Instruction is authorized to
19 copy and shall distribute information from the sex offender registry
20 to school districts and individual public and private schools within
21 the state with a notice using the following or similar language: "A
22 person whose name appears on this registry has been convicted of a
23 sex offense. Continuing to employ a person whose name appears on
24 this registry may result in civil liability for the employer or

1 criminal prosecution pursuant to Section 589 of Title 57 of the
2 Oklahoma Statutes."

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

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

15 When a local law enforcement authority sends a copy of or
16 otherwise makes the sex offender registry available to any public or
17 private school offering any combination of prekindergarten through
18 twelfth grade classes or child care facility licensed by the state,
19 the agency shall provide a notice using the following or similar
20 language: "A person whose name appears on this registry has been
21 convicted of a sex offense. Continuing to employ a person whose
22 name appears on this registry may result in civil liability for the
23 employer or criminal prosecution pursuant to Section 589 of Title 57
24 of the Oklahoma Statutes."

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

16 ~~K.~~ L. 1. Any person who has been convicted of or received a
17 suspended sentence or any probationary term, including a deferred
18 sentence imposed in violation of subsection G of Section 991c of
19 Title 22 of the Oklahoma Statutes, for any crime listed in Section
20 582 of this title and:

21 a. who is subsequently convicted of a crime or an attempt
22 to commit a crime listed in subsection A of Section
23 582 of this title, or
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1 b. who enters this state after November 1, 1997, and who
2 has been convicted of an additional crime or attempted
3 crime which, if committed or attempted in this state,
4 would be a crime or an attempt to commit a crime
5 provided for in subsection A of Section 582 of this
6 title,

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

12 2. On or after November 1, 1999, any person who has been
13 convicted of a crime or an attempt to commit a crime, received a
14 suspended sentence or any probationary term, including a deferred
15 sentence imposed in violation of subsection G of Section 991c of
16 Title 22 of the Oklahoma Statutes, for a crime provided for in
17 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense
18 involved sexual abuse or sexual exploitation as these terms are
19 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
20 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
21 Statutes shall be subject to all the registration requirements of
22 ~~this act~~ the Sex Offenders Registration Act and shall be designated
23 by the Department of Corrections as an aggravated sex offender. An
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1 aggravated sex offender shall be required to register for the
2 lifetime of the aggravated sex offender.

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

- 8 a. the family of the habitual or aggravated sex offender,
- 9 b. any prior victim of the habitual or aggravated sex
10 offender,
- 11 c. residential neighbors and churches, community parks,
12 schools, convenience stores, businesses and other
13 places that children or other potential victims may
14 frequent, and
- 15 d. a nursing facility, a specialized facility, a
16 residential care home, a continuum-of-care facility,
17 an assisted living center, and an adult day care
18 facility.

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

- 21 a. the name and physical address of the habitual or
22 aggravated sex offender,

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- 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.

E. 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

1 supervision of the person including, but not limited to, a change in
2 the physical health of the person, address, employment, or
3 educational status, higher educational status, incarceration, or
4 terms of release, the supervising officer or administrator shall
5 notify the appropriate local law enforcement authority or
6 authorities of that change.

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

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

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

20 SECTION 2. AMENDATORY 57 O.S. 2001, Section 585, is amended
21 to read as follows:

22 Section 585. A. Each person in charge of a correctional
23 institution from which a person subject to the provisions of the Sex
24 Offenders Registration Act, Section 581 et seq. of this title, is

1 released and each judge who suspends the sentence of a person
2 subject to the provisions of the Sex Offenders Registration Act or
3 orders any probationary term, including a deferred sentence imposed
4 in violation of subsection G of Section 991c of Title 22 of the
5 Oklahoma Statutes, for a person subject to the provisions of the Sex
6 Offenders Registration Act shall prior to discharge or release of
7 ~~said~~ the person:

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

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

13 3. Obtain the address at which the person is to reside upon
14 discharge or release. The address shall be a physical address, not
15 a post office box; and

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

18 B. The Department of Public Safety shall issue written
19 notification of the registration requirements of the Sex Offenders
20 Registration Act to any person who enters this state from another
21 jurisdiction and makes an initial application for an operator's or
22 chauffeur's license to operate a motor vehicle in this state.

23 C. The Department of Corrections shall coordinate with the
24 Administrative Office of the Courts in promulgating rules to

1 establish other necessary procedures for notifying offenders of the
2 obligation to register pursuant to ~~this act~~ the Sex Offenders
3 Registration Act and procedures for registration of those offenders.

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

10 SECTION 3. This act shall become effective November 1, 2010.

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12 52-2-10445 GRS 03/30/10

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