

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 2301

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

6 and

7 Duncan of the House

8
9
10 COMMITTEE SUBSTITUTE

11 [prisons and reformatories - Electronic Monitoring
12 Program - Sex Offenders Registration Act -
13 codification - noncodification -
14 effective date]

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

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

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

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

1 There is hereby created the Electronic Monitoring Program for
2 persons registered pursuant to the provisions of the Sex Offenders
3 Registration Act. The Department of Corrections and any vendor
4 contracted with the Department are authorized to use an electronic
5 monitoring global positioning device to satisfy the requirements of
6 this act.

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

10 A. There shall be an annual fee of Seventy-five Dollars
11 (\$75.00) to be paid by every person required to register pursuant to
12 the provisions of the Sex Offenders Registration Act. The fee shall
13 be paid to the Department of Corrections and deposited in the Sex
14 Offender Electronic Monitoring Revolving Fund created pursuant to
15 Section 4 of this act.

16 B. The Department of Corrections or its authorized vendor shall
17 use electronic monitoring devices for any persons convicted of a
18 crime pursuant to Sections 741, 843.5, 865, 885, 888 and 891, 1021,
19 excluding subsection A, 1021.2, 1021.3, 1040.13a, 1087, 1088, 1114,
20 1116 and 1123 of Title 21 of the Oklahoma Statutes, which would
21 require the person to register as a sex offender pursuant to the Sex
22 Offenders Registration Act. The electronic monitoring device shall
23 be used as follows:

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1 1. Any person no longer under the supervision of the Department
2 of Corrections but required to register pursuant to the provisions
3 of the Sex Offenders Registration Act shall be fitted for an
4 electronic monitoring device, as directed by the court, if that
5 person fails to comply with any provisions of the Sex Offenders
6 Registration Act or if that person is convicted for a misdemeanor or
7 felony offense, excluding traffic violations which include standing
8 and parking violations, for a period not less than one (1) year and
9 not more than the duration of their registration;

10 2. Any person under the supervision of the Department of
11 Corrections shall be fitted for an electronic monitoring device upon
12 discharge from the Department's custody. Those persons convicted of
13 a crime pursuant to Sections 1021, excluding subsection A, 1021.2,
14 1021.3, 1040.13a, 1087, 1088, 1114, 1116 and 1123 of Title 21 of the
15 Oklahoma Statutes shall be required to wear the electronic
16 monitoring device for ten (10) years; provided they comply with all
17 provisions of the Sex Offenders Registration Act and have no
18 additional misdemeanor or felony convictions, excluding traffic
19 violations which include standing and parking violations. Upon
20 completion of the ten-year term the person may petition the court
21 for removal from the electronic monitoring program and at the
22 discretion of the court may be removed. Those persons convicted of
23 a crime pursuant to Sections 741, 843.5, 865, 885, 888 and 891 of
24 Title 21 of the Oklahoma Statutes shall be required to wear the

1 | electronic monitoring device for a period of at least but not more
2 | than fifteen (15) years; provided they comply with all provisions of
3 | the Sex Offenders Registration Act and have no additional
4 | misdemeanor or felony convictions, excluding traffic violations.
5 | Upon completion of the fifteen-year term the person may petition the
6 | court for removal from the electronic monitoring program and at the
7 | discretion of the court may be removed. In addition to any penalty
8 | imposed by the court, any person convicted of a second or subsequent
9 | offense, excluding traffic violations which include standing and
10 | parking violations, shall be required to wear the electronic
11 | monitoring device for the duration of his or her lifetime;

12 | 3. Any person who removes or destroys the electronic monitoring
13 | device shall be removed from the program and reassigned to
14 | imprisonment in a correctional facility for not less than one (1)
15 | year nor more than ten (10) years and shall be fined not less than
16 | One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars
17 | (\$10,000.00). Upon release from custody the person shall be
18 | required to wear the electronic monitoring device for the duration
19 | of his or her lifetime; and

20 | 4. The Department of Corrections shall make provisions for the
21 | monitoring equipment to be fitted to the person before they leave
22 | the Department's facility.

23 | C. The Department shall promulgate and adopt rules and
24 | procedures necessary to implement the provisions of this section.

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

4 There is hereby created in the State Treasury a revolving fund
5 to be designated as the "Sex Offender Electronic Monitoring
6 Revolving Fund", which shall consist of all monies appropriated or
7 transferred to the fund. The fund shall be a continuing fund not
8 subject to fiscal year limitations and shall be under the
9 administration of the Department of Corrections and may be disbursed
10 without legislative appropriation for purposes of the Electronic
11 Monitoring Program only.

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

15 Section 587. A. Any person required to register pursuant to
16 the provisions of the Sex Offenders Registration Act who violates
17 any provision of said act shall, upon conviction, be guilty of a
18 felony. Any person convicted of a violation of this section shall
19 be punished by imprisonment in the custody of the Department of
20 Corrections for not more than ~~five (5)~~ ten (10) years, a fine ~~not to~~
21 ~~exceed Five Thousand Dollars (\$5,000.00)~~ of One Hundred Dollars
22 (\$100.00) per day until the person registers, or both such fine and
23 imprisonment. If a person returns to the custody of the Department
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1 of Corrections for failure to register the individual shall not be
2 eligible for early release as may be authorized by law.

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

10 SECTION 6. This act shall become effective November 1, 2010.

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