

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 2215

6 By: (Sykes)

7 COMMITTEE SUBSTITUTE

8 An Act relating to prisons and reformatories;
9 amending 57 O.S. 2001, Sections 582, 583, 584, as
10 last amended by Sections 2, 5, and 6, Chapter 404,
11 O.S.L. 2009, 585, and Section 12, Chapter 284, O.S.L.
12 2006, as last amended by Section 7, Chapter 404,
13 O.S.L. 2009 (57 O.S. Supp. 2009, Sections 582, 583,
14 584, and 590.1), which relate to the Sex Offenders
15 Registration Act; expanding scope of application of
16 Sex Offenders Registration Act; adding information to
17 disclose for certain registrants; modifying certain
18 definitions; adding duties to certain jurisdictional
19 entities; adding required information for
20 registration purposes; modifying certain definition;
21 adding certain disclosures for changes in status;
22 modifying information requirement for certain
23 notification for habitual and aggravated sex
24 offenders; modifying information obtained from
certain persons upon discharge or release; and
providing an effective date; and declaring an
emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 582, as last
amended by Section 2, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,
Section 582), is amended to read as follows:

1 Section 582. A. The provisions of the Sex Offenders
2 Registration Act shall apply to any person residing, working, ~~or~~
3 attending school, or who is homeless as defined in Section 2900.1 of
4 Title 74 of the Oklahoma Statutes within the State of Oklahoma who,
5 after November 1, 1989, has been convicted, whether upon a verdict
6 or plea of guilty or upon a plea of nolo contendere, or received a
7 suspended sentence or any probationary term, or is currently serving
8 a sentence or any form of probation or parole for a crime or an
9 attempt to commit a crime provided for in Section 7115 of Title 10
10 of the Oklahoma Statutes if the offense involved sexual abuse or
11 sexual exploitation as those terms are defined in Section 7102 of
12 Title 10 of the Oklahoma Statutes, Section 681, if the offense
13 involved sexual assault, 741, if the offense involved sexual abuse
14 or sexual exploitation, Section 843.1, if the offense involved
15 sexual abuse or sexual exploitation, Section 852.1, if the offense
16 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
17 if the offense involved sexual abuse or sexual exploitation, 1021,
18 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,
19 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

20 B. The provisions of the Sex Offenders Registration Act shall
21 apply to any person who after November 1, 1989, resides, works, ~~or~~
22 attends school, or who is homeless as defined in Section 2900.1 of
23 Title 74 of the Oklahoma Statutes within the State of Oklahoma and
24 who has been convicted or received a suspended sentence at any time

1 in any court of another state, the District of Columbia, Puerto
2 Rico, Guam, American Samoa, the Northern Mariana Islands and the
3 United States Virgin Islands, a federal court, an Indian tribal
4 court, a military court, or a court of a foreign country for a
5 crime, attempted crime or a conspiracy to commit a crime which, if
6 committed or attempted in this state, would be a crime, an attempt
7 to commit a crime or a conspiracy to commit a crime provided for in
8 any of said laws listed in subsection A of this section.

9 C. The provisions of the Sex Offenders Registration Act shall
10 apply to any person who resides, works, ~~or~~ attends school, or is
11 homeless as defined in Section 2900.1 of Title 74 of the Oklahoma
12 Statutes within the State of Oklahoma and who has received a
13 deferred judgment at any time in any court of another state, the
14 District of Columbia, Puerto Rico, Guam, American Samoa, the
15 Northern Mariana Islands and the United States Virgin Islands, a
16 federal court, an Indian tribal court, a military court, or a court
17 of a foreign country for a crime, attempted crime or a conspiracy to
18 commit a crime which, if committed or attempted or conspired to be
19 committed in this state, would be a crime, an attempt to commit a
20 crime or a conspiracy to commit a crime provided for in Section 7115
21 of Title 10 of the Oklahoma Statutes if the offense involved sexual
22 abuse or sexual exploitation as those terms are defined in Section
23 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the
24 offense involved sexual assault, 741, if the offense involved sexual

1 abuse or sexual exploitation, Section 843.1, if the offense involved
2 sexual abuse or sexual exploitation, Section 852.1, if the offense
3 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
4 if the offense involved sexual abuse or sexual exploitation, 1021,
5 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,
6 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The
7 provisions of the Sex Offenders Registration Act shall not apply to
8 any such person while the person is incarcerated in a maximum or
9 medium correctional institution of the Department of Corrections.

10 D. On the effective date of this act, any person registered as
11 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma
12 Statutes shall be summarily removed from the Sex Offender Registry
13 by the Department of Corrections and all law enforcement agencies of
14 any political subdivision of this state, unless the offense involved
15 sexual abuse or sexual exploitation.

16 E. The provisions of the Sex Offenders Registration Act shall
17 not apply to any such person who has received a criminal history
18 records expungement for a conviction in another state for a crime or
19 attempted crime which, if committed or attempted in this state,
20 would be a crime or an attempt to commit a crime provided for in any
21 said laws listed in subsection A of this section.

22 SECTION 2. AMENDATORY 57 O.S. 2001, Section 583, as
23 last amended by Section 5, Chapter 404, O.S.L. 2009 (57 O.S. Supp.
24 2009, Section 583), is amended to read as follows:

1 Section 583. A. Any person who becomes subject to the
2 provisions of the Sex Offenders Registration Act on or after
3 November 1, 1989, shall register, in person, as follows:

4 1. With the Department of Corrections within three (3) business
5 days of being convicted or receiving a suspended sentence or any
6 probationary term, including a deferred sentence imposed in
7 violation of subsection G of Section 991c of Title 22 of the
8 Oklahoma Statutes, if the person is not incarcerated, or not less
9 than three (3) business days prior to the release of the person from
10 a correctional institution, except as provided in subsection B of
11 this section;

12 2. With the local law enforcement authority having jurisdiction
13 in the area where the person resides, or ~~or~~ intends to reside for seven
14 (7) consecutive days or longer, calculated beginning with the first
15 day, or is located while homeless. The registration is required
16 within three (3) days after entering the jurisdiction of the law
17 enforcement authority; and

18 3. With the Department of Corrections and the local law
19 enforcement authority no less than three (3) business days prior to
20 abandoning or moving from the address of the previous registration,
21 or within three (3) business days of changing or terminating
22 employment, or changing enrollment status as a student.

23 For purposes of this section, "local law enforcement authority"
24 means:

- 1 a. the municipal police department, if the person resides
2 or intends to reside or stay or is located while
3 homeless, within the jurisdiction of any municipality of
4 this state, or
- 5 b. the county sheriff, if the person resides or intends to
6 reside or stay or is located while homeless, at any
7 place outside the jurisdiction of any municipality
8 within this state, and
- 9 c. the police or security department of any institution of
10 higher learning within this state if the person:
- 11 (1) enrolls as a full-time or part-time student,
 - 12 (2) is a full-time or part-time employee at an
13 institution of higher learning, or
 - 14 (3) resides or intends to reside or stay on any
15 property owned or controlled by the institution
16 of higher learning.

17 B. Any person who has been convicted of an offense or received
18 a deferred judgment for an offense in another jurisdiction, which
19 offense if committed or attempted in this state, would have been
20 punishable as one or more of the offenses listed in Section 582 of
21 this title and who enters this state on or after November 1,
22 1989, shall register, in person, as follows:

- 23 1. With the Department of Corrections when the person enters
24 and intends to be in the state for any purpose for five (5)

1 consecutive days or longer, calculated beginning with the first day,
2 has any type of full-time or part-time employment, with or without
3 compensation for more than five (5) cumulative days in any sixty-day
4 period, or is enrolled as a full-time or part-time student within
5 this state. Such registration is required within two (2) days after
6 entering the state;

7 2. With the local law enforcement authority having jurisdiction
8 in the area where the person intends to reside or to stay for five
9 (5) consecutive days or longer, calculated beginning with the first
10 day, has any type of full-time or part-time employment, with or
11 without compensation for more than five (5) cumulative days in any
12 sixty-day period, or is enrolled as a full-time or part-time student
13 within this state. The registration is required with local law
14 enforcement within two (2) days after entering the jurisdiction of
15 the law enforcement authority; and

16 3. With the Department of Corrections and the local law
17 enforcement authority no less than three (3) business days prior to
18 abandoning or moving from the address of the previous registration,
19 or within three (3) business days of changing or terminating
20 employment, or changing enrollment status as a student.

21 Upon registering a person who has been convicted of an offense
22 or received a deferred judgment for an offense in another
23 jurisdiction, which offense, if committed or attempted in this
24 state, would have been punishable as one or more of the offenses

1 listed in Section 582 of this title, the local law enforcement
2 authority shall forward the registration information to the sex
3 offender level assignment committee of the Department of
4 Corrections.

5 C. When a person has been convicted or received probation
6 within the State of Oklahoma, the person shall be required to
7 register with the Department of Corrections as follows:

8 1. For a period of fifteen (15) years, if the level assignment
9 of the person is one;

10 2. For a period of twenty-five (25) years, if the level
11 assignment of the person is two; and

12 3. For life, if the level assignment of the person is three or
13 the person is classified as a habitual or aggravated sex offender.

14 The registration period shall begin from the date of the completion
15 of the sentence. The information received pursuant to the
16 registration with the Department of Corrections required by this
17 section shall be maintained by the Department of Corrections for at
18 least ten (10) years from the date of the last registration.

19 D. When a person has been convicted or received probation
20 within the State of Oklahoma, the person shall be required to
21 register with the local law enforcement authority as follows:

22 1. For a period of fifteen (15) years, if the level of the
23 person is one;

24

1 2. For a period of twenty-five (25) years, if the level of the
2 person is two; and

3 3. For life, if the level of the person is three or the person
4 has been classified as a habitual or aggravated sex offender.

5 The registration period shall begin from the date of completion of
6 the sentence and the information received pursuant to the
7 registration with the local law enforcement authority required by
8 this section shall be maintained by such authority for at least ten
9 (10) years from the date of the last registration.

10 E. Any person assigned a level of one who has been registered
11 for a period of ten (10) years and who has not been arrested or
12 convicted for any felony or misdemeanor offense since being released
13 from confinement, may petition the district court in the
14 jurisdiction where the person resides for the purpose of removing
15 the level designation and allowing the person to no longer be
16 subject to the registration requirements of the Sex Offenders
17 Registration Act.

18 F. When registering an offender as provided in this section the
19 Department of Corrections or the local law enforcement agency having
20 jurisdiction shall:

21 1. Inform the offender of the duty to register and obtain the
22 information required for registration as described in this section;

23 2. Inform the offender that if the offender changes address, or
24 becomes homeless, the offender shall appear in person and give

1 notice of the move and the new address or his or her status as a
2 homeless individual to the Department of Corrections and to the
3 local law enforcement authority in the location in which the
4 offender previously resided no later than three (3) days before the
5 offender establishes residence or is temporarily domiciled at the
6 new address;

7 3. Inform the offender that if the offender changes address to
8 another state, the offender shall appear in person and give notice
9 of the move and shall register the new address or his or her status
10 as a homeless individual in another state with the Department of
11 Corrections and with a designated law enforcement agency in the new
12 state not later than ten (10) days before the offender establishes
13 residency or is temporarily domiciled in the new state, if the new
14 state has a registration requirement;

15 4. Inform the offender that if the offender participates in any
16 full-time employment, with or without compensation, and changes or
17 terminates such employment, the offender shall appear in person and
18 give notice of the change or termination of employment to the
19 Department of Corrections and to the local law enforcement authority
20 in the location where the offender was employed within three (3)
21 days of such change or termination of employment;

22 5. Inform the offender that if the offender participates in any
23 full-time or part-time employment, in another state, with or without
24 compensation for more than fourteen (14) cumulative days in any

1 sixty-day period or an aggregate period exceeding thirty (30) days
2 in a calendar year, then the offender has a duty to register as a
3 sex offender in that state;

4 6. Inform the offender that if the offender enrolls in any type
5 of school in another state as a full-time or part-time student then
6 the offender has a duty to register as a sex offender in that state;

7 7. Inform the offender that if the offender enrolls in any
8 school within this state as a full-time or part-time student, then
9 the offender has a duty to register as a sex offender with the
10 Department of Corrections and the local law enforcement authority;

11 8. Inform the offender that if the offender participates in any
12 full-time or part-time employment at any school, with or without
13 compensation, or participates in any vocational course or occupation
14 at any school in this state, then the offender has a duty to appear
15 in person and notify the Department of Corrections and the local law
16 enforcement authority of such employment or participation at least
17 three (3) days before commencing or upon terminating such employment
18 or participation;

19 9. Inform the offender that if the offender graduates,
20 transfers, drops, terminates or otherwise changes enrollment or
21 employment at any school in this state, then the offender shall
22 appear in person and notify the Department of Corrections and the
23 local law enforcement authority of such change in enrollment or
24 employment within three (3) days of the change; and

1 10. Require the offender to read and sign a form stating that
2 the duty of the person to register under the Sex Offenders
3 Registration Act has been explained.

4 G. For the purpose of this section, the "date of the completion
5 of the sentence" means the day an offender completes all
6 incarceration, probation and parole pertaining to the sentence.

7 H. Any person who resides in another state and who has been
8 convicted of an offense or received a deferred judgment for an
9 offense in this state, or in another jurisdiction, which offense if
10 committed or attempted in this state would have been punishable as
11 one or more of the offenses listed in Section 582 of this title, and
12 who is the spouse of a person living in this state shall be
13 registered as follows:

14 1. With the Department of Corrections when the person enters
15 and intends to be in the state for any purpose for five (5)
16 consecutive days or longer, calculated beginning with the first day
17 or an aggregate period of five (5) days or longer in a calendar
18 year. Such registration is required within two (2) days after
19 entering the state; and

20 2. With the local law enforcement authority having jurisdiction
21 in the area where the person intends to reside or to stay within
22 this state for two (2) consecutive days or longer, calculated
23 beginning with the first day. The registration is required with
24

1 local law enforcement within two (2) days after entering the
2 jurisdiction of the law enforcement authority.

3 I. The duty to register as a sex offender in this state shall
4 not be prevented if, at the time of registration, it is determined
5 that the person owns or leases a residence that is located within a
6 restricted area provided for in Section 590 of this title.

7 SECTION 3. AMENDATORY 57 O.S. 2001, Section 584, as last
8 amended by Section 6, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009,
9 Section 584), is amended to read as follows:

10 Section 584. A. Any registration with the Department of
11 Corrections required by the Sex Offenders Registration Act shall be
12 in a form approved by the Department and shall include the following
13 information about the person registering:

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

16 2. A complete description of the person, including a photograph
17 and fingerprints, and when requested by the Department of
18 Corrections, such registrant shall submit to a blood or saliva test
19 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
20 to testing for individuals registering shall be within thirty (30)
21 days of registration. Registrants who already have valid samples on
22 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
23 Offender Database shall not be required to submit duplicate samples
24 for testing;

1 3. The offenses listed in Section 582 of this title for which
2 the person has been convicted or the person received a suspended
3 sentence or any form of probation, where the offense was committed,
4 where the person was convicted or received the suspended sentence or
5 any form of probation, and the name under which the person was
6 convicted or received the suspended sentence or probation;

7 4. The name and location of each hospital or penal institution
8 to which the person was committed for each offense listed in Section
9 582 of this title;

10 5. Where the person previously resided, where the person
11 currently resides or is located if the person is homeless, how long
12 the person has resided or been located there, how long the person
13 expects to reside or be located there, and how long the person
14 expects to remain in the county and in this state. The Department
15 of Corrections shall conduct address verification of each registered
16 sex offender as follows:

- 17 a. on an annual basis, if the numeric risk level of the
18 person is one, or
- 19 b. on a semiannual basis, if the numeric risk level of
20 the person is two.

21 The Department of Corrections shall mail a nonforwardable
22 verification form to the last-reported address of the person. The
23 person shall return the verification form in person to the local law
24 enforcement authority of that jurisdiction within ten (10) days

1 after receipt of the form and may be photographed by the local law
2 enforcement authority at that time. The local law enforcement
3 authority shall require the person to produce proof of the identity
4 of the person and current address. Upon confirming the information
5 contained within the verification form, the local law enforcement
6 authority shall forward the form to the Department of Corrections
7 within three (3) days after receipt of the form. The verification
8 form shall be signed by the person and state the current address of
9 the person. Failure to return the verification form shall be a
10 violation of the Sex Offenders Registration Act. If the offender
11 has been determined to be a habitual or aggravated sex offender by
12 the Department of Corrections or has been assigned a level
13 assignment of three, the address verification shall be conducted
14 every ninety (90) days. The Department of Corrections shall notify
15 the office of the district attorney and local law enforcement
16 authority of the appropriate county, within forty-five (45) days if
17 unable to verify the address of a sex offender. A local law
18 enforcement authority may notify the office of the district attorney
19 whenever it comes to the attention of the local law enforcement
20 authority that a sex offender is not in compliance with any
21 provisions of this act. A local law enforcement authority
22 designated as the primary registration authority of the person may,
23 at any time, mail a nonforwardable verification form to the last-
24 reported address of the person. The person shall return the

1 verification form in person to the local law enforcement authority
2 that mailed the form within ten (10) days after receipt of the form.
3 The local law enforcement authority shall require the person to
4 produce proof of the identity of the person and current address;

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

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

11 8. The level assignment of the person.

12 B. Conviction data and fingerprints shall be promptly
13 transmitted at the time of registration to the Oklahoma State Bureau
14 of Investigation (OSBI) and the Federal Bureau of Investigation
15 (FBI) if the state has not previously sent the information at the
16 time of conviction.

17 C. The registration with the local law enforcement authority
18 required by the Sex Offenders Registration Act shall be in a form
19 approved by the local law enforcement authority and shall include
20 the following information about the person registering:

21 1. The full name of the person, alias, date of birth, sex,
22 race, height, weight, eye color, social security number, driver
23 license number, and home address or if no home address, the person's
24 status as a homeless individual;

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

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

5 4. The level assignment of the person.

6 For purposes of this section, "local law enforcement authority"
7 means:

8 a. the municipal police department, if the person resides
9 or intends to reside or stay while homeless, is
10 located within the jurisdiction of any municipality of
11 this state, or

12 b. the county sheriff, if the person resides or intends
13 to reside or stay while homeless, is located at any
14 place outside the jurisdiction of any municipality
15 within this state, and

16 c. the police or security department of any institution
17 of higher learning within this state if the person:

18 (1) enrolls as a full-time or part-time student,

19 (2) is a full-time or part-time employee at an
20 institution of higher learning, or

21 (3) resides or intends to reside or stay on any
22 property owned or controlled by the institution
23 of higher learning.

1 D. Any person subject to the provisions of the Sex Offenders
2 Registration Act who changes address or becomes homeless, or changes
3 employment or student enrollment status shall appear in person and
4 give notification to the Department of Corrections and the local law
5 enforcement authority of the change of address and the new address
6 or the fact that the person has become homeless, the change of
7 employment or the change of student enrollment status no later than
8 three (3) business days prior to the abandonment of or move from the
9 current address or, in the case of change of employment or student
10 enrollment, within three (3) business days of such change. If the
11 new address, location while homeless, employment or student
12 enrollment is under the jurisdiction of a different local law
13 enforcement authority:

14 1. The Department of Corrections and the local law enforcement
15 authority shall notify the new local law enforcement authority by
16 teletype or electronic transmission of the change of address,
17 employment or student enrollment status;

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

20 3. The new local law enforcement authority shall notify the
21 most recent registering agency by teletype or electronic
22 transmission of the change in address, employment or student
23 enrollment status of the offender. If the new address is in another
24 state the Department of Corrections shall promptly notify the agency

1 responsible for registration in that state of the new address of the
2 offender.

3 E. Any person subject to the provisions of the Sex Offenders
4 Registration Act who is unable to provide an address to the
5 Department of Corrections or local law enforcement authority as
6 required in subsections A and C of this section and registers as a
7 transient shall report in person to the nearest local law
8 enforcement authority every seven (7) days and provide to the local
9 law enforcement authority the approximate location of where the
10 person is staying and where the person plans to stay.

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

24

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

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

17 I. Each local law enforcement authority shall make its sex
18 offender registry available upon request, without restriction, at a
19 cost that is no more than what is charged for other records provided
20 by the local law enforcement authority pursuant to the Oklahoma Open
21 Records Act.

22 When a local law enforcement authority sends a copy of or
23 otherwise makes the sex offender registry available to any public or
24 private school offering any combination of prekindergarten through

1 twelfth grade classes or child care facility licensed by the state,
2 the agency shall provide a notice using the following or similar
3 language: "A person whose name appears on this registry has been
4 convicted of a sex offense. Continuing to employ a person whose
5 name appears on this registry may result in civil liability for the
6 employer or criminal prosecution pursuant to Section 589 of Title 57
7 of the Oklahoma Statutes."

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

23 K. 1. Any person who has been convicted of or received a
24 suspended sentence or any probationary term, including a deferred

1 sentence imposed in violation of subsection G of Section 991c of
2 Title 22 of the Oklahoma Statutes, for any crime listed in Section
3 582 of this title and:

4 a. who is subsequently convicted of a crime or an attempt
5 to commit a crime listed in subsection A of Section
6 582 of this title, or

7 b. who enters this state after November 1, 1997, and who
8 has been convicted of an additional crime or attempted
9 crime which, if committed or attempted in this state,
10 would be a crime or an attempt to commit a crime
11 provided for in subsection A of Section 582 of this
12 title,

13 shall be subject to all of the registration requirements of this act
14 and shall be designated by the Department of Corrections as a
15 habitual sex offender. A habitual sex offender shall be required to
16 register for the lifetime of the habitual sex offender.

17 2. On or after November 1, 1999, any person who has been
18 convicted of a crime or an attempt to commit a crime, received a
19 suspended sentence or any probationary term, including a deferred
20 sentence imposed in violation of subsection G of Section 991c of
21 Title 22 of the Oklahoma Statutes, for a crime provided for in
22 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
23 involved sexual abuse or sexual exploitation as these terms are
24 defined in Section 7102 of Title 10 of the Oklahoma Statutes,

1 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
2 Statutes shall be subject to all the registration requirements of
3 this act and shall be designated by the Department of Corrections as
4 an aggravated sex offender. An aggravated sex offender shall be
5 required to register for the lifetime of the aggravated sex
6 offender.

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

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

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

- a. the name and physical address of the habitual or aggravated sex offender or the fact that the habitual or aggravated sex offender is homeless,
- 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.

1 L. If the probation and parole officer supervising a person
2 subject to registration receives information to the effect that the
3 status of the person has changed in any manner that affects proper
4 supervision of the person including, but not limited to, a change in
5 the physical health of the person, address, employment, or
6 educational status, higher educational status, incarceration, or
7 terms of release, the supervising officer or administrator shall
8 notify the appropriate local law enforcement authority or
9 authorities of that change.

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

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

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

23 SECTION 4. AMENDATORY 57 O.S. 2001, Section 585, is
24 amended to read as follows:

1 Section 585. A. Each person in charge of a correctional
2 institution from which a person subject to the provisions of the Sex
3 Offenders Registration Act, Section 581 et seq. of this title, is
4 released and each judge who suspends the sentence of a person
5 subject to the provisions of the Sex Offenders Registration Act or
6 orders any probationary term, including a deferred sentence imposed
7 in violation of subsection G of Section 991c of Title 22 of the
8 Oklahoma Statutes, for a person subject to the provisions of the Sex
9 Offenders Registration Act shall prior to discharge or release of
10 said person:

11 1. Explain to the person the duty to register pursuant to the
12 Sex Offenders Registration Act;

13 2. Require the person to sign a written statement that the duty
14 to register has been explained and the person understands the duty
15 to register;

16 3. Obtain the address at which the person is to reside or the
17 law enforcement jurisdiction within which the person will be located
18 if the person is or is likely to become homeless upon discharge or
19 release; and

20 4. Forward said information to the Department of Corrections.

21 B. The Department of Public Safety shall issue written
22 notification of the registration requirements of the Sex Offenders
23 Registration Act to any person who enters this state from another
24

1 jurisdiction and makes an initial application for an operator's or
2 chauffeur's license to operate a motor vehicle in this state.

3 C. The Department of Corrections shall coordinate with the
4 Administrative Office of the Courts in promulgating rules to
5 establish other necessary procedures for notifying offenders of the
6 obligation to register pursuant to this act and procedures for
7 registration of those offenders.

8 D. The Department of Corrections shall coordinate with
9 surrounding states to establish necessary procedures for notifying
10 offenders that reside in other states but work or attend school
11 within the State of Oklahoma of the obligation to register pursuant
12 to this act and the procedure for registration of those offenders.

13 SECTION 5. AMENDATORY Section 12, Chapter 284, O.S.L.
14 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57
15 O.S. Supp. 2009, Section 590.1), is amended to read as follows:

16 Section 590.1. A. 1. It is unlawful for two or more persons
17 required to register as sex offenders to reside together in any
18 individual dwelling during the term of registration as a sex
19 offender. Every person violating this provision shall be guilty,
20 upon conviction, of a misdemeanor punishable by imprisonment in the
21 county jail for a term not more than one (1) year and a fine in an
22 amount not to exceed One Thousand Dollars (\$1,000.00). Every person
23 convicted of a second or subsequent violation of this section shall
24 be guilty of a felony punishable by imprisonment in the custody of

1 the Department of Corrections for a term not more than five (5)
2 years and a fine in an amount not to exceed Two Thousand Dollars
3 (\$2,000.00).

4 2. The provisions of paragraph 1 of this subsection shall not
5 be construed to prohibit a registered sex offender from residing in
6 any properly zoned and established boarding house, apartment
7 building or other multi-unit structure; provided the individual
8 dwellings are separate for each registered person. Nothing in this
9 subsection shall prohibit the sharing of living quarters, jail or
10 prison space, or any multi-person or dormitory-style housing of sex
11 offenders in the custody of any jail or correctional facility or any
12 properly zoned facility under contract with a jail or correctional
13 agency for the purpose of housing prisoners, or any properly
14 established treatment or nonprofit facility located in a properly
15 zoned area determined by the local governing authority and housing
16 persons for purposes of sex offender services and treatment.
17 Nothing in this subsection shall prohibit married persons, both of
18 whom are required to register as sex offenders, or two or more blood
19 relatives who are required to register as sex offenders, from
20 residing in any individual dwelling during the term of registration
21 as a sex offender.

22 3. For purposes of this subsection, "individual dwelling"
23 means:
24

- 1 a. a private residential property, whether owned, leased
2 or rented, including all real property zoned as
3 single-family residential property or zoned as multi-
4 family residential property due to any adjacent,
5 detached or separate living quarters of any kind on
6 such property,
- 7 b. any room available within any boarding house or group
8 home as such term is defined by subsection D of this
9 section,
- 10 c. any single apartment for rent or lease within an
11 apartment building, or
- 12 d. any separate residential unit made available for sale,
13 rent or lease within a multi-unit structure, including
14 a condominium, duplex, triplex, quadriplex or any unit
15 that is constructed together with other separate units
16 into one structure.

17 4. For purposes of this subsection "multi-unit structure"

18 means:

- 19 a. a structure with multiple residential units that
20 provide independent living facilities for living,
21 sleeping, cooking, eating, and sanitation within each
22 individual unit, and
- 23
24

1 b. manufactured homes, mobile homes, trailers, and
2 recreational vehicles that do not meet the provisions
3 of subparagraph a are not multi-unit structures.

4 B. The Department of Corrections is prohibited from contracting
5 for the housing of any person required to register as a sex offender
6 in any individual dwelling, as defined by paragraph 3 of subsection
7 A of this section, where another person required to register as a
8 sex offender also resides.

9 C. No halfway house, nonprofit organization, or private entity
10 shall contract with the Department of Corrections or any jail to
11 house any person required to register as a sex offender or offer
12 housing independently to any person required to register as a sex
13 offender if such housing facility is located within a single-family
14 zoned residential neighborhood or is not properly zoned as a multi-
15 unit housing structure, jail or correctional facility.

16 D. No person or entity shall knowingly establish or operate a
17 boarding house or group home, or otherwise knowingly rent or lease
18 rooms, for the residency of persons required to register pursuant to
19 the Sex Offenders Registration Act unless treatment services are
20 provided. Said facility must also be in a properly zoned area
21 determined by the local governing authority. For purposes of this
22 subsection, "boarding house or group home" means a dwelling that is
23 used for the residency of two or more unrelated persons.

1 E. No person or entity shall knowingly establish, lease,
2 operate, or own any structure or portion of a structure where
3 persons required to register pursuant to the Sex Offenders
4 Registration Act are residing together in violation of this section
5 or knowingly allow any other violation of this section.

6 1. Every person violating this provision shall be guilty, upon
7 conviction, of a felony punishable by imprisonment in the county
8 jail for a term not more than one (1) year or a fine in an amount
9 not to exceed Two Thousand Dollars (\$2,000.00) or by both such fine
10 and imprisonment; and

11 2. Every person convicted of a second or subsequent violation
12 of this section shall be guilty of a felony punishable by
13 imprisonment in the custody of the Department of Corrections for a
14 term not more than five (5) years or a fine in an amount not to
15 exceed Five Thousand Dollars (\$5,000.00) or by both such fine and
16 imprisonment.

17 SECTION 6. This act shall become effective July 1, 2010.

18 SECTION 7. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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