

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 2301

6 By: Newberry

7 COMMITTEE SUBSTITUTE

8 [ prisons and reformatories - Electronic Monitoring  
9 Program -Sex Offenders Registration Act -  
10 noncodification - codification - effective date ]

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

19 There is hereby created the Electronic Monitoring Program for  
20 persons registered pursuant to the provisions of the Sex Offenders  
21 Registration Act. The Department of Corrections and any vendor  
22 contracted with the Department are authorized to use an electronic  
23 monitoring global positioning device to satisfy the requirements of  
24 this act.

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

4 A. There shall be an annual fee of Seventy-five Dollars  
5 (\$75.00) to be paid by every person required to register pursuant to  
6 the provisions of the Sex Offenders Registration Act. The fee shall  
7 be paid to the Department of Corrections and deposited in the Sex  
8 Offender Electronic Monitoring Revolving Fund created pursuant to  
9 Section 4 of this act.

10 B. The Department of Corrections or its authorized vendor shall  
11 use electronic monitoring devices for any persons convicted of a  
12 crime pursuant to Sections 741, 843.5, 865, 885, 888, and 891,  
13 excluding subsection A of Section 1021, 1021.2, 1021.3, 1040.13a,  
14 1087, 1088, 1114, 1116 and 1123 of Title 21 of the Oklahoma  
15 Statutes, which would require the person to register as a sex  
16 offender pursuant to the Sex Offenders Registration Act. The  
17 electronic monitoring device shall be used as follows:

18 1. Any person no longer under the supervision of the Department  
19 of Corrections but required to register pursuant to the provisions  
20 of the Sex Offenders Registration Act shall be fitted for an  
21 electronic monitoring device, as directed by the court, if that  
22 person fails to comply with any provisions of the Sex Offenders  
23 Registration Act or if that person is convicted for a misdemeanor or  
24 felony offense, excluding traffic violations which include standing

1 and parking violations, for a period not less than one (1) year and  
2 not more than the duration of their registration;

3 2. Any person under the supervision of the Department of  
4 Corrections shall be fitted for an electronic monitoring device upon  
5 discharge from the Department's custody. Those persons convicted of  
6 a crime pursuant to Sections 1021, excluding subsection A, 1021.2,  
7 1021.3, 1040.13a, 1087, 1088, 1114, 1116, and 1123 of Title 21 of  
8 the Oklahoma Statutes shall be required to wear the electronic  
9 monitoring device for ten (10) years; provided they comply with all  
10 provisions of the Sex Offenders Registration Act and have no  
11 additional misdemeanor or felony convictions, excluding traffic  
12 violations which include standing and parking violations. Upon  
13 completion of the ten-year term the person may petition the court  
14 for removal from the electronic monitoring program and at the  
15 discretion of the court may be removed. Those persons convicted of  
16 a crime pursuant to Sections 741, 843.5, 865, 885, 888, and 891 of  
17 Title 21 of the Oklahoma Statutes shall be required to wear the  
18 electronic monitoring device for a period of at least but not more  
19 than fifteen (15) years; provided they comply with all provisions of  
20 the Sex Offenders Registration Act and have no additional  
21 misdemeanor or felony convictions, excluding traffic violations.  
22 Upon completion of the fifteen-year term the person may petition the  
23 court for removal from the electronic monitoring program and at the  
24 discretion of the court may be removed. In addition to any penalty

1 imposed by the court, any person convicted of a second or subsequent  
2 offense, excluding traffic violations which include standing and  
3 parking violations, shall be required to wear the electronic  
4 monitoring device for the duration of their lifetime;

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

13 4. The Department of Corrections shall make provisions for the  
14 monitoring equipment to be fitted to the person before they leave  
15 the Department's facility; and

16 5. Any person who is unable to pay the cost of any monitoring  
17 equipment or fee, supervision cost, or other costs while assigned to  
18 electronic monitoring may have a sponsor who lives in the state pay  
19 this fee for the duration of the time period they are being  
20 monitored. If the person claims an inability to pay and does not  
21 have a sponsor, upon request from the Department of Corrections, the  
22 person shall provide the Department with such evidence. When the  
23 proof of inability to pay is provided, the Department shall make  
24 financial arrangements for the person's participation in the

1 | electronic monitoring program. The Department shall make an annual  
2 | review of all evidence of inability to pay for participation in the  
3 | program.

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

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

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

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

20 | Section 587. A. Any person required to register pursuant to  
21 | the provisions of the Sex Offenders Registration Act who violates  
22 | any provision of said act shall, upon conviction, be guilty of a  
23 | felony. Any person convicted of a violation of this section shall  
24 | be punished by imprisonment in the custody of the Department of

1 Corrections for not more than ~~five (5)~~ ten (10) years, a fine ~~not to~~  
2 ~~exceed Five Thousand Dollars (\$5,000.00)~~ of One Hundred Dollars  
3 (\$100.00) per day until the person registers, or both such fine and  
4 imprisonment. If a person returns to the custody of the Department  
5 of Corrections for failure to register the individual shall not be  
6 eligible for early release as may be authorized by law.

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

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

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