

THE HOUSE OF REPRESENTATIVES
Monday, February 16, 2009

House Bill No. 1509

HOUSE BILL NO. 1509 - By: BLACKWELL of the House.

An Act relating to sex offenders; amending 21 O.S. 2001, Section 440, which relates to harboring criminals and fugitives; making certain acts unlawful; providing penalties; updating language; amending 57 O.S. 2001, Sections 582, as last amended by Section 22, Chapter 261, O.S.L. 2007, Section 24, Chapter 261, O.S.L. 2007, 583, as last amended by Section 2, Chapter 94, O.S.L. 2008 and 584, as last amended by Section 28, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008, Sections 582, 582.2, 583 and 584), which relate to the Sex Offenders Registration Act; adding certain crimes to list of offenses that require registration; clarifying scope of registration requirements; modifying statutory references; authorizing local law enforcement authorities to determine and assign numeric risk levels; requiring transient sex offenders to report to local law enforcement authorities; and providing an effective date.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 440, is amended to read as
2 follows:

3 Section 440. A. Any person who shall knowingly feed, lodge, clothe, arm, equip in
4 whole or in part, harbor, aid, assist or conceal in any manner any person guilty of any
5 felony, or outlaw, or fugitive from justice, or any person seeking to escape arrest for any
6 felony committed within this state or any other state or territory, shall be guilty of a
7 felony punishable by imprisonment ~~at hard labor in the State Penitentiary~~ custody of the
8 Department of Corrections for a period not exceeding ten (10) years.

1 B. It shall be unlawful for any person who has reason to believe that a sex offender
2 is in violation of the registration requirements of the Sex Offenders Registration Act and
3 who has the intent to assist the sex offender in eluding arrest, to do any of the following:

4 1. Withhold information from, or fail to notify, a law enforcement agency about the
5 noncompliance of the sex offender with the registration requirements of the Sex
6 Offenders Registration Act, and, if known, the whereabouts of the offender;

7 2. Harbor, attempt to harbor, or assist another person in harboring or attempting
8 to harbor, the sex offender;

9 3. Conceal, or attempt to conceal, or assist another person in concealing or
10 attempting to conceal, the sex offender; or

11 4. Provide information to a law enforcement agency regarding the sex offender that
12 the person knows to be false information.

13 C. Any person convicted of violating the provisions of subsection B of this section
14 shall be guilty of a misdemeanor punishable by a fine of not less than Five Hundred
15 Dollars (\$500.00), or by imprisonment in the county jail for a term not to exceed one (1)
16 year, or by both such fine and imprisonment.

17 SECTION 2. AMENDATORY 57 O.S. 2001, Section 582, as last amended by
18 Section 22, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008, Section 582), is amended to
19 read as follows:

20 Section 582. A. The provisions of the Sex Offenders Registration Act, ~~Section 581~~
21 ~~et seq. of this title,~~ shall apply to any person residing, working or attending school within
22 the State of Oklahoma who, after November 1, 1989, has been convicted, whether upon a

1 verdict or plea of guilty or upon a plea of nolo contendere, or received a suspended
2 sentence or any probationary term, or is currently serving a sentence or any form of
3 probation or parole for a crime or an attempt to commit a crime provided for in Section
4 7115 of Title 10 of the Oklahoma Statutes if the offense involved sexual abuse or sexual
5 exploitation as those terms are defined in Section 7102 of Title 10 of the Oklahoma
6 Statutes, Section 681, if the offense involved sexual assault, 741, if the offense involved
7 sexual abuse or sexual exploitation, Section 843.1, if the offense involved sexual abuse or
8 sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child, 865 et
9 seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation, 1021,
10 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, ~~1040.51,~~ 1087, 1088, 1111.1, 1114 or
11 1123 of Title 21 of the Oklahoma Statutes.

12 B. The provisions of the Sex Offenders Registration Act shall apply to any person
13 who after November 1, 1989, resides, works or attends school within the State of
14 Oklahoma and who has been convicted or received a suspended sentence at any time in
15 any court of another state, the District of Columbia, Puerto Rico, Guam, American
16 Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal
17 court, an Indian tribal court ~~or,~~ a military court, or a court of a foreign country for a
18 crime ~~or,~~ attempted crime or a conspiracy to commit a crime which, if committed or
19 attempted in this state, would be a crime ~~or,~~ an attempt to commit a crime or a
20 conspiracy to commit a crime provided for in any of said laws listed in subsection A of
21 this section.

1 C. The provisions of the Sex Offenders Registration Act shall apply to any person
2 who resides, works or attends school within the State of Oklahoma and who has received
3 a deferred judgment at any time in any court of another state, the District of Columbia,
4 Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United
5 States Virgin Islands, a federal court, an Indian tribal court ~~or,~~ a military court, or a
6 court of a foreign country for a crime ~~or,~~ attempted crime or a conspiracy to commit a
7 crime which, if committed or attempted or conspired to be committed in this state, would
8 be a crime ~~or,~~ an attempt to commit a crime or a conspiracy to commit a crime provided
9 for in Section 7115 of Title 10 of the Oklahoma Statutes if the offense involved sexual
10 abuse or sexual exploitation as those terms are defined in Section 7102 of Title 10 of the
11 Oklahoma Statutes, Section 681, if the offense involved sexual assault, 741, if the offense
12 involved sexual abuse or sexual exploitation, Section 843.1, if the offense involved sexual
13 abuse or sexual exploitation, Section 852.1, if the offense involved sexual abuse of a child,
14 865 et seq., 885, 886, 888, 891, if the offense involved sexual abuse or sexual exploitation,
15 1021, 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, ~~1040.51,~~ 1087, 1088, 1111.1,
16 1114 or 1123 of Title 21 of the Oklahoma Statutes. The provisions of the Sex Offenders
17 Registration Act shall not apply to any such person while the person is incarcerated in a
18 maximum or medium correctional institution of the Department of Corrections.

19 D. On the effective date of this act, any person registered as a sex offender
20 pursuant to Section 741 of Title 21 of the Oklahoma Statutes shall be summarily
21 removed from the Sex Offender Registry by the Department of Corrections and all law

1 enforcement agencies of any political subdivision of this state, unless the offense involved
2 sexual abuse or sexual exploitation.

3 SECTION 3. AMENDATORY Section 24, Chapter 261, O.S.L. 2007 (57 O.S.
4 Supp. 2008, Section 582.2), is amended to read as follows:

5 Section 582.2 A. No less than seven (7) days prior to the date on which a person,
6 who will be subject to the provisions of the Sex Offenders Registration Act, is to be
7 released from a correctional institution, the person in charge of the correctional
8 institution shall forward the registration information, as provided in subsection A of
9 Section 585 of ~~Title 57 of the Oklahoma Statutes~~ this title, and numeric risk level to the
10 Department of Corrections and to:

- 11 1. The local law enforcement authority in the municipality or county in which the
12 person expects to reside, if the person expects to reside within this state; or
- 13 2. The local law enforcement authority that is identified by the correctional
14 institution as the agency designated by another state to receive registration information,
15 if the person expects to reside in that other state and that other state has a registration
16 requirement for sex offenders.

17 B. If a person, who will be subject to the provisions of the Sex Offenders
18 Registration Act, received a suspended sentence or any probationary term, including a
19 deferred sentence imposed in violation of subsection G of Section ~~991a~~ 991c of Title 22 of
20 the Oklahoma Statutes, the court shall, on the day of pronouncing the judgment and
21 sentence:

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 1. Make a determination of the numeric risk level of the person using the sex
2 offender screening tool developed or selected pursuant to Section ~~26~~ 582.5 of this ~~act~~ title;
3 2. Assign to the person a numeric risk level of one, two, or three; and
4 3. Notify the person of the obligation to register as a sex offender as provided for in
5 Section 585 of ~~Title 57 of the Oklahoma Statutes~~ this title.

6 SECTION 4. AMENDATORY 57 O.S. 2001, Section 583, as last amended by
7 Section 2, Chapter 94, O.S.L. 2008 (57 O.S. Supp. 2008, Section 583), is amended to read
8 as follows:

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

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

18 2. With the local law enforcement authority having jurisdiction in the area where
19 the person resides or intends to reside for seven (7) consecutive days or longer, calculated
20 beginning with the first day. The registration is required within three (3) days after
21 entering the jurisdiction of the law enforcement authority; and

1 3. With the Department of Corrections and the local law enforcement authority no
2 less than three (3) business days prior to abandoning or moving from the address of the
3 previous registration.

4 For purposes of this section, “local law enforcement authority” means:

- 5 a. the municipal police department, if the person resides or intends to
6 reside or stay within the jurisdiction of any municipality of this state, or
7 b. the county sheriff, if the person resides or intends to reside or stay at
8 any place outside the jurisdiction of any municipality within this state,
9 and
10 c. the police or security department of any institution of higher learning within

11 this state if the person:

- 12 (1) enrolls as a full-time or part-time student,
13 (2) is a full-time or part-time employee at an institution of higher
14 learning, or
15 (3) resides or intends to reside or stay on any property owned or
16 controlled by the institution of higher learning.

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

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

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

14 3. With the Department of Corrections and the local law enforcement authority no
15 less than three (3) business days prior to abandoning or moving from the address of the
16 previous registration.

17 Upon registering a person who has been convicted of an offense or received a
18 deferred judgment for an offense in another jurisdiction, which offense, if committed or
19 attempted in this state, would have been punishable as one or more of the offenses listed
20 in Section 582 of this title, the local law enforcement authority ~~shall~~ may forward the
21 registration information to the risk assessment review committee of the Department of
22 Corrections or may make a determination of the numeric risk level of the person using

1 the sex offender screening tool developed or selected pursuant to Section 582.5 of this
2 title. Upon assigning a numeric risk level to a person, the local law enforcement
3 authority shall forward the registration information and numeric risk level assignment
4 to the Department of Corrections.

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

- 7 1. For a period of fifteen (15) years, if the numeric risk level of the person is one;
- 8 2. For a period of twenty-five (25) years, if the numeric risk level of the person is
9 two; and
- 10 3. For life, if the numeric risk level of the person is three or the person is classified
11 as a habitual or aggravated sex offender.

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

16 D. When a person has been convicted or received probation within the State of
17 Oklahoma, the person shall be required to register as follows:

- 18 1. For a period of fifteen (15) years, if the numeric risk level of the person is one;
- 19 2. For a period of twenty-five (25) years, if the numeric risk level of the person is
20 two; and
- 21 3. For life, if the numeric risk level of the person is three or the person has been
22 classified as a habitual or aggravated sex offender.

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

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

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

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

15 2. Inform the offender that if the offender changes address, the offender shall give
16 notice of the move and the new address to the Department of Corrections and to the local
17 law enforcement authority in the location in which the offender previously resided in
18 writing no later than three (3) days before the offender establishes residence or is
19 temporarily domiciled at the new address;

20 3. Inform the offender that if the offender changes address to another state, the
21 offender shall give notice of the move and shall register the new address with the
22 Department of Corrections and with a designated law enforcement agency in the new

1 state not later than ten (10) days before the offender establishes residency or is
2 temporarily domiciled in the new state, if the new state has a registration requirement;

3 4. Inform the offender that if the offender participates in any full-time or part-time
4 employment, in another state, with or without compensation for more than fourteen (14)
5 cumulative days in any sixty-day period or an aggregate period exceeding thirty (30) days
6 in a calendar year, then the offender has a duty to register as a sex offender in that state;

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

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

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

19 8. Inform the offender that if the offender graduates, transfers, drops, terminates
20 or otherwise changes enrollment or employment at any school in this state, then the
21 offender shall notify the Department of Corrections and the local law enforcement

1 authority in writing of such change in enrollment or employment within three (3) days of
2 the change; and

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

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

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

13 1. With the Department of Corrections when the person enters and intends to be in
14 the state for any purpose for five (5) consecutive days or longer, calculated beginning
15 with the first day or an aggregate period of five (5) days or longer in a calendar year.

16 Such registration is required within two (2) days after entering the state; and

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

4 SECTION 5. AMENDATORY 57 O.S. 2001, Section 584, as last amended by
5 Section 28, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008, Section 584), is amended to
6 read as follows:

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

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

12 2. A complete description of the person, including a photograph and fingerprints,
13 and when requested by the Department of Corrections, such registrant shall submit to a
14 blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to
15 testing for individuals registering shall be within thirty (30) days of registration.

16 Registrants who already have valid samples on file in the Oklahoma State Bureau of
17 Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate
18 samples for testing;

19 3. The offenses listed in Section 582 of this title for which the person has been
20 convicted or the person received a suspended sentence or any form of probation, where
21 the offense was committed, where the person was convicted or received the suspended

1 sentence or any form of probation, and the name under which the person was convicted
2 or received the suspended sentence or probation;

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

5 5. Where the person previously resided, where the person currently resides, how
6 long the person has resided there, how long the person expects to reside there, and how
7 long the person expects to remain in the county and in this state. The Department of
8 Corrections shall conduct address verification of each registered sex offender as follows:

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

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

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

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

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

18 8. The numeric risk level of the person.

19 B. Conviction data and fingerprints shall be promptly transmitted at the time of
20 registration to the Oklahoma State Bureau of Investigation (OSBI) and the Federal
21 Bureau of Investigation (FBI) if the state has not previously sent the information at the
22 time of conviction.

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

4 1. The full name of the person, alias, date of birth, sex, race, height, weight, eye
5 color, social security number, driver license number, and home address;

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

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

9 4. The numeric risk level of the person.

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

11 a. the municipal police department, if the person resides or intends to
12 reside or stay within the jurisdiction of any municipality of this state,
13 or

14 b. the county sheriff, if the person resides or intends to reside or stay at
15 any place outside the jurisdiction of any municipality within this state,
16 and

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

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

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

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

3 D. Any person subject to the provisions of the Sex Offenders Registration Act who
4 changes an address shall give written notification to the Department of Corrections and
5 the local law enforcement authority of the change of address and the new address no
6 later than three (3) business days prior to the abandonment of or move from the current
7 address. If the new address is under the jurisdiction of a different local law enforcement
8 authority:

9 1. The Department of Corrections and the local law enforcement authority shall
10 notify the new local law enforcement authority by teletype, electronic transmission, or
11 letter of the change of address;

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

14 3. The new local law enforcement authority shall notify the most recent registering
15 agency by teletype or letter of the change in address of the offender. If the new address
16 is in another state the Department of Corrections shall promptly notify the agency
17 responsible for registration in that state of the new address of the offender.

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

1 and provide to the local law enforcement authority the approximate location of where the
2 person is staying and where the person plans to stay.

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

13 ~~F.~~ G. The Superintendent of Public Instruction is authorized to copy and shall
14 distribute information from the sex offender registry to school districts and individual
15 public and private schools within the state with a notice using the following or similar
16 language: “A person whose name appears on this registry has been convicted of a sex
17 offense. Continuing to employ a person whose name appears on this registry may result
18 in civil liability for the employer or criminal prosecution pursuant to Section 589 of Title
19 57 of the Oklahoma Statutes.”

20 ~~G.~~ H. The State Commissioner of Health is authorized to distribute information
21 from the sex offender registry to any nursing home or long-term care facility. Nothing in
22 this subsection shall be deemed to impose any liability upon or give rise to a cause of

1 action against any person, agency, organization, or company for failing to release
2 information in accordance with the Sex Offenders Registration Act.

3 ~~H. I.~~ Each local law enforcement authority shall make its sex offender registry
4 available upon request, without restriction, at a cost that is no more than what is
5 charged for other records provided by the local law enforcement authority pursuant to
6 the Oklahoma Open Records Act.

7 When a local law enforcement authority sends a copy of or otherwise makes the sex
8 offender registry available to any public or private school offering any combination of
9 prekindergarten through twelfth grade classes or child care facility licensed by the state,
10 the agency shall provide a notice using the following or similar language: “A person
11 whose name appears on this registry has been convicted of a sex offense. Continuing to
12 employ a person whose name appears on this registry may result in civil liability for the
13 employer or criminal prosecution pursuant to Section 589 of Title 57 of the Oklahoma
14 Statutes.”

15 ~~I. J.~~ Samples of blood or saliva for DNA testing required by subsection A of this
16 section shall be taken by employees or contractors of the Department of Corrections.
17 Said individuals shall be properly trained to collect blood or saliva samples. Persons
18 collecting samples for DNA testing pursuant to this section shall be immune from civil
19 liabilities arising from this activity. The Department of Corrections shall ensure the
20 collection of samples is mailed to the Oklahoma State Bureau of Investigation (OSBI)
21 within ten (10) days of the time the subject appears for testing. The Department shall
22 use sample kits provided by the OSBI and procedures promulgated by the OSBI.

1 Persons subject to DNA testing pursuant to this section shall be required to pay to the
2 Department of Corrections a fee of Fifteen Dollars (\$15.00). Any fees collected pursuant
3 to this subsection shall be deposited in the Department of Corrections revolving account.

4 ~~J. K.~~ 1. Any person who has been convicted of or received a suspended sentence or
5 any probationary term, including a deferred sentence imposed in violation of subsection
6 G of Section 991c of Title 22 of the Oklahoma Statutes, for any crime listed in Section
7 582 of this title and:

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

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

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

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

1 terms are defined in Section 7102 of Title 10 of the Oklahoma Statutes, Section 885, 888,
2 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes shall be subject to all the
3 registration requirements of this act and shall be designated by the Department of
4 Corrections as an aggravated sex offender. An aggravated sex offender shall be required
5 to register for the lifetime of the aggravated sex offender.

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

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

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

- 19 a. the name and physical address of the habitual or aggravated sex
20 offender,

- 1 b. a physical description of the habitual or aggravated sex offender,
2 including, but not limited to, age, height, weight and eye and hair
3 color,
4 c. a description of the vehicle that the habitual or aggravated sex
5 offender is known to drive,
6 d. any conditions or restrictions upon the probation, parole or conditional
7 release of the habitual or aggravated sex offender,
8 e. a description of the primary and secondary targets of the habitual or
9 aggravated sex offender,
10 f. a description of the method of offense of the habitual or aggravated sex
11 offender,
12 g. a current photograph of the habitual or aggravated sex offender,
13 h. the name and telephone number of the probation or parole officer of
14 the habitual or aggravated sex offender; and
15 i. the numeric risk level of the person.

16 5. The local law enforcement authority shall make the notification provided for in
17 this subsection regarding a habitual or aggravated sex offender available to any person
18 upon request.

19 K. L. If the probation and parole officer supervising a person subject to registration
20 receives information to the effect that the status of the person has changed in any
21 manner that affects proper supervision of the person including, but not limited to, a
22 change in the physical health of the person, address, employment, or educational status,

1 higher educational status, incarceration, or terms of release, the supervising officer or
2 administrator shall notify the appropriate local law enforcement authority or authorities
3 of that change.

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

6 1. Nothing in the Sex Offenders Registration Act shall be deemed to impose any
7 liability upon or to give rise to a cause of action against any public official, public
8 employee, or public agency for releasing information to the public or for failing to release
9 information in accordance with the Sex Offenders Registration Act.

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

13 SECTION 6. This act shall become effective November 1, 2009.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-12-09 - DO PASS.