

THE HOUSE OF REPRESENTATIVES  
Wednesday, February 10, 2010

Committee Substitute for  
House Bill No. 2965

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2965 - By: DUNCAN AND RITZE  
of the House and SYKES of the Senate.

An Act relating to sex crimes; amending 10 O.S. 2001, Section 7115, as last amended by Section 5, Chapter 3, O.S.L. 2008, and as renumbered by Section 207, Chapter 233, O.S.L. 2009 (21 O.S. Supp. 2009, Section 843.5), which relates to child abuse; modifying and adding penalties; amending 22 O.S. 2001, Sections 1014 and 1015, as last amended by Section 3, Chapter 275, O.S.L. 2009 (22 O.S. Supp. 2009, Section 1015), which relate to manner of inflicting death punishment and who may witness executions; modifying death punishment procedure; allowing certain persons to witness executions; amending 57 O.S. 2001, Sections 584, as last amended by Section 6, Chapter 404, O.S.L. 2009 and 587, as amended by Section 10, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2009, Sections 584 and 587), which relate to the Sex Offenders Registration Act; prohibiting use of certain defense in prosecutions for failure to register; modifying certain penalty; and declaring an emergency.

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

1       SECTION 1.    AMENDATORY    10 O.S. 2001, Section 7115, as last amended by  
2    Section 5, Chapter 3, O.S.L. 2008, and as renumbered by Section 207, Chapter 233,  
3    O.S.L. 2009 (21 O.S. Supp. 2009, Section 843.5), is amended to read as follows:  
4       Section 843.5 A. Any parent or other person who shall willfully or maliciously  
5    engage in child abuse shall, upon conviction, be guilty of a felony punishable by  
6    imprisonment in the custody of the Department of Corrections not exceeding life  
7    imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a fine

1 of not less than Five Hundred Dollars (\$500.00) nor more than Five Thousand Dollars  
2 (\$5,000.00), or both such fine and imprisonment. As used in this subsection, “child  
3 abuse” means the willful or malicious abuse, as defined by paragraph ~~1~~ 2 of ~~subsection B~~  
4 ~~of Section 7102 1-1-105 of this title~~ Title 10A of the Oklahoma Statutes, of a child under  
5 eighteen (18) years of age by another, or the act of willfully or maliciously injuring,  
6 torturing or maiming a child under eighteen (18) years of age by another.

7 B. Any parent or other person who shall willfully or maliciously engage in enabling  
8 child abuse shall, upon conviction, be punished by imprisonment in the custody of the  
9 Department of Corrections not exceeding life imprisonment, or by imprisonment in a  
10 county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars  
11 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00) or both such fine and  
12 imprisonment. As used in this subsection, “enabling child abuse” means the causing,  
13 procuring or permitting of a willful or malicious act of child abuse, as defined by  
14 paragraph ~~1~~ 2 of ~~subsection B~~ of Section 7102 1-1-105 of this title Title 10A of the  
15 Oklahoma Statutes, of a child under eighteen (18) years of age by another. As used in  
16 this subsection, “permit” means to authorize or allow for the care of a child by an  
17 individual when the person authorizing or allowing such care knows or reasonably  
18 should know that the child will be placed at risk of abuse as proscribed by this  
19 subsection.

20 C. Any parent or other person who shall willfully or maliciously engage in child  
21 neglect shall, upon conviction, be punished by imprisonment in the custody of the  
22 Department of Corrections not exceeding life imprisonment, or by imprisonment in a

1 county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars  
2 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and  
3 imprisonment. As used in this subsection, “child neglect” means the willful or malicious  
4 neglect, as defined by paragraph ~~3~~ 46 of ~~subsection B of Section 7102~~ 1-1-105 of ~~this title~~  
5 Title 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by  
6 another.

7 D. Any parent or other person who shall willfully or maliciously engage in enabling  
8 child neglect shall, upon conviction, be punished by imprisonment in the custody of the  
9 Department of Corrections not exceeding life imprisonment, or by imprisonment in a  
10 county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars  
11 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both such fine and  
12 imprisonment. As used in this subsection, “enabling child neglect” means the causing,  
13 procuring or permitting of a willful or malicious act of child neglect, as defined by  
14 paragraph ~~3~~ 46 of ~~subsection B of Section 7102~~ 1-1-105 of ~~this title~~ Title 10A of the  
15 Oklahoma Statutes, of a child under eighteen (18) years of age by another. As used in  
16 this subsection, “permit” means to authorize or allow for the care of a child by an  
17 individual when the person authorizing or allowing such care knows or reasonably  
18 should know that the child will be placed at risk of neglect as proscribed by this  
19 subsection.

20 E. Any parent or other person who shall willfully or maliciously engage in child  
21 sexual abuse shall, upon conviction, be punished by imprisonment in the custody of the  
22 Department of Corrections not exceeding life imprisonment, or by imprisonment in a

1 county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars  
2 (\$500.00) nor more than ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars  
3 (\$20,000.00), or both such fine and imprisonment, except as provided in Section 51.1a of  
4 Title 21 of the Oklahoma Statutes or as otherwise provided in subsection F of this section  
5 for a child victim under twelve (12) years of age. Except for persons sentenced to life or  
6 life without parole, any person sentenced to imprisonment for two (2) years or more for a  
7 violation of this subsection shall be required to serve a term of ~~post-imprisonment~~  
8 postimprisonment supervision pursuant to subparagraph f of paragraph 1 of subsection  
9 A of Section 991a of Title 22 of the Oklahoma Statutes under conditions determined by  
10 the Department of Corrections. The jury shall be advised that the mandatory ~~post-~~  
11 ~~imprisonment~~ postimprisonment supervision shall be in addition to the actual  
12 imprisonment. As used in this section, "child sexual abuse" means the willful or  
13 malicious sexual abuse, as defined by subparagraph b of paragraph 6 2 of subsection B of  
14 ~~Section 7102 1-1-105 of this title~~ Title 10A of the Oklahoma Statutes, of a child under  
15 eighteen (18) years of age by another.

16 F. Any parent or other person who shall willfully or maliciously engage in sexual  
17 abuse to a child under twelve (12) years of age shall, upon conviction, be punished by  
18 imprisonment in the custody of the Department of Corrections for not less than twenty-  
19 five (25) years ~~nor more than~~ or for life imprisonment or life without parole, and by a fine  
20 of not less than Five Hundred Dollars (\$500.00) nor more than ~~Five Thousand Dollars~~  
21 ~~(\$5,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

1 G. Any parent or other person who shall willfully or maliciously engage in enabling  
2 child sexual abuse shall, upon conviction, be punished by imprisonment in the custody of  
3 the Department of Corrections not exceeding life imprisonment, or by imprisonment in a  
4 county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars  
5 (\$500.00) nor more than ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars  
6 (\$20,000.00), or both such fine and imprisonment. As used in this subsection, “enabling  
7 child sexual abuse” means the causing, procuring or permitting of a willful or malicious  
8 act of child sexual abuse, as defined by subparagraph b of paragraph 6 2 of subsection B  
9 of Section 7102 1-1-105 of this title Title 10A of the Oklahoma Statutes, of a child under  
10 the age of eighteen (18) by another. As used in this subsection, “permit” means to  
11 authorize or allow for the care of a child by an individual when the person authorizing or  
12 allowing such care knows or reasonably should know that the child will be placed at risk  
13 of sexual abuse as proscribed by this subsection.

14 H. Any parent or other person who shall willfully or maliciously engage in child  
15 sexual exploitation shall, upon conviction, be punished by imprisonment in the custody of  
16 the Department of Corrections not exceeding life imprisonment, or by imprisonment in a  
17 county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars  
18 (\$500.00) nor more than ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars  
19 (\$20,000.00), or both such fine and imprisonment except as provided in subsection I of  
20 this section for a child victim under twelve (12) years of age. Except for persons  
21 sentenced to life or life without parole, any person sentenced to imprisonment for two (2)  
22 years or more for a violation of this subsection shall be required to serve a term of ~~post-~~

1 ~~imprisonment~~ postimprisonment supervision pursuant to subparagraph f of paragraph 1  
2 of subsection A of Section 991a of Title 22 of the Oklahoma Statutes under conditions  
3 determined by the Department of Corrections. The jury shall be advised that the  
4 mandatory ~~post-imprisonment~~ postimprisonment supervision shall be in addition to the  
5 actual imprisonment. As used in this subsection, “child sexual exploitation” means the  
6 willful or malicious sexual exploitation, as defined by subparagraph c of paragraph 2 of  
7 ~~subsection B of Section 7102 1-1-105 of this title~~ Title 10A of the Oklahoma Statutes, of a  
8 child under eighteen (18) years of age by another.

9 I. Any parent or other person who shall willfully or maliciously engage in sexual  
10 exploitation of a child under twelve (12) years of age shall, upon conviction, be punished  
11 by imprisonment in the custody of the Department of Corrections for not less than  
12 twenty-five (25) years ~~nor more than~~ or for life imprisonment or life without parole, and  
13 by a fine of not less than Five Hundred Dollars (\$500.00) ~~nor more than Five Thousand~~  
14 ~~Dollars (\$5,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

15 J. Any parent or other person who shall willfully or maliciously engage in enabling  
16 child sexual exploitation shall, upon conviction, be punished by imprisonment in the  
17 custody of the Department of Corrections not exceeding life imprisonment, or by  
18 imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five  
19 Hundred Dollars (\$500.00) ~~nor more than Five Thousand Dollars (\$5,000.00)~~ Twenty  
20 Thousand Dollars (\$20,000.00), or both such fine and imprisonment. As used in this  
21 subsection, “enabling child sexual exploitation” means the causing, procuring or  
22 permitting of a willful or malicious act of child sexual exploitation, as defined by

1 subparagraph c of paragraph 7 2 of subsection B of Section 7102 1-1-105 of this title Title  
2 10A of the Oklahoma Statutes, of a child under eighteen (18) years of age by another. As  
3 used in this subsection, “permit” means to authorize or allow for the care of a child by an  
4 individual when the person authorizing or allowing such care knows or reasonably  
5 should know that the child will be placed at risk of sexual exploitation as proscribed by  
6 this subsection.

7 K. Notwithstanding any other provision of law, any parent or other person  
8 convicted of forcible anal or oral sodomy, rape, rape by instrumentation, or lewd  
9 molestation of a child under fourteen (14) years of age subsequent to a previous  
10 conviction for any offense of forcible anal or oral sodomy, rape, rape by instrumentation,  
11 or lewd molestation of a child under fourteen (14) years of age shall be punished by ~~death~~  
12 ~~or by~~ imprisonment for life without parole.

13 L. Any person convicted of rape of a child six (6) years of age or younger in  
14 conjunction with a conviction for a qualifying felony crime subsequent to a previous  
15 conviction and term of imprisonment for rape of a child six (6) years of age or younger  
16 shall be punished by imprisonment in the custody of the Department of Corrections for  
17 life without parole or by death. The provisions of this subsection shall not apply to any  
18 parent, guardian, or person having custody or control over a child as defined in Section 1-  
19 1-105 of Title 10A of the Oklahoma Statutes. As used in this subsection, "qualifying  
20 felony crime" means any felony crime wherein the punishment for said crime includes a  
21 term of imprisonment of ten (10) years or more.

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

1 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1014, is amended to read  
2 as follows:

3 Section 1014. A. The punishment of death must be inflicted by one of the following  
4 methods:

5 1. By the continuous, intravenous administration of a lethal quantity of an  
6 ultrashort-acting barbiturate in combination with a chemical paralytic agent;

7 2. By the continuous, intravenous administration of a lethal quantity of thiopental  
8 sodium; or

9 3. If a suitable intravenous site cannot be attained or maintained, by injecting  
10 through an intramuscular injection a combination of two chemicals, midazolam and  
11 hydromorphone,  
12 until death is pronounced by a licensed physician according to accepted standards of  
13 medical practice.

14 B. If the execution of the sentence of death as provided in subsection A of this  
15 section is held unconstitutional by an appellate court of competent jurisdiction, then the  
16 sentence of death shall be carried out by electrocution.

17 C. If the execution of the sentence of death as provided in subsections A and B of  
18 this section is held unconstitutional by an appellate court of competent jurisdiction, then  
19 the sentence of death shall be carried out by firing squad.

20 SECTION 3. AMENDATORY 22 O.S. 2001, Section 1015, as last amended by  
21 Section 3, Chapter 275, O.S.L. 2009 (22 O.S. Supp. 2009, Section 1015), is amended to  
22 read as follows:

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

1 Section 1015. A. A judgment of death must be executed at the Oklahoma State  
2 Penitentiary at McAlester, Oklahoma, said prison to be designated by the court by which  
3 judgment is to be rendered.

4 B. The judgment of execution shall take place under the authority of the Director of  
5 the ~~Oklahoma~~ Department of Corrections and the warden must be present along with  
6 other necessary prison and corrections officials to carry out the execution. The warden  
7 must invite the presence of a physician and the district attorney of the county in which  
8 the crime occurred or his or her designee, the judge who presided at the trial issuing the  
9 sentence of death, the chief of police of the municipality in which the crime occurred, if  
10 applicable, and lead law enforcement officials of any state, county or local law  
11 enforcement agency who investigated the crime or testified in any court or clemency  
12 proceeding related to the crime, including but not limited to the sheriff of the county  
13 wherein the conviction was had, to witness the execution; in addition, the Cabinet  
14 Secretary of Safety and Security must be invited ~~and~~ as well as any other personnel or  
15 correctional personnel deemed appropriate and approved by the Director. The warden  
16 shall, at the request of the defendant, permit the presence of such ministers of the  
17 defendant's choice, not exceeding two, and any persons, relatives or friends, not to exceed  
18 five, as the defendant may name; provided, reporters from recognized members of the  
19 news media will be admitted upon proper identification, application and approval of the  
20 warden.

21 C. In the event the defendant has been sentenced to death in one or more criminal  
22 proceedings in this state, or has been sentenced to death in this state and by one or more

1 courts of competent jurisdiction in another state or pursuant to federal authority, or any  
2 combination thereof, and this state has priority to execute the defendant, the warden  
3 must invite the prosecuting attorney or his or her designee, the judge, and the chief law  
4 enforcement official from each jurisdiction where any death sentence has issued. The  
5 above mentioned officials shall be allowed to witness the execution or view the execution  
6 by closed circuit television as determined by the Director of the Department of  
7 Corrections.

8 D. A place shall be provided at the Oklahoma State Penitentiary at McAlester so  
9 that individuals who are eighteen (18) years of age or older and who are members of the  
10 immediate family of any deceased victim of the defendant may witness the execution.  
11 The immediate family members shall be allowed to witness the execution from an area  
12 that is separate from the area to which other nonfamily member witnesses are admitted,  
13 provided, however, if there are multiple deceased victims, the Department shall not be  
14 required to provide separate areas for each family of each deceased victim. If facilities  
15 are not capable or sufficient to provide all immediate family members with a direct view  
16 of the execution, the Department of Corrections may broadcast the execution by means of  
17 a closed circuit television system to an area in which other immediate family members  
18 may be located.

19 Immediate family members may request individuals not directly related to the  
20 deceased victim but who serve a close supporting role or professional role to the deceased  
21 victim or an immediate family member, including, but not limited to, a minister or  
22 licensed counselor. The warden in consultation with the Director shall approve or

1 disapprove such requests. Provided further, the Department may set a limit on the  
2 number of witnesses or viewers within occupancy limits.

3 As used in this section, "members of the immediate family" means the spouse, a  
4 child by birth or adoption, a stepchild, a parent, a grandparent, a grandchild, a sibling of  
5 a deceased victim, or the spouse of any immediate family member specified in this  
6 subsection.

7 E. Any surviving victim of the defendant who is eighteen (18) years of age or older  
8 may view the execution by closed circuit television with the approval of both the Director  
9 of the Department of Corrections and the warden. The Director and warden shall  
10 prioritize persons to view the execution, including immediate family members, surviving  
11 victims, and supporting persons, and may set a limit on the number of viewers within  
12 occupancy limits. Any surviving victim approved to view the execution of their  
13 perpetrator may have an accompanying support person as provided for members of the  
14 immediate family of a deceased victim. As used in this subsection, "surviving victim"  
15 means any person who suffered serious harm or injury due to the criminal acts of the  
16 defendant of which the defendant has been convicted in a court of competent jurisdiction.

17 SECTION 4. AMENDATORY 57 O.S. 2001, Section 584, as last amended by  
18 Section 6, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section 584), is amended to  
19 read as follows:

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

- 1           1. The name of the person and all aliases used or under which the person has been  
2 known;
- 3           2. A complete description of the person, including a photograph and fingerprints,  
4 and when requested by the Department of Corrections, such registrant shall submit to a  
5 blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to  
6 testing for individuals registering shall be within thirty (30) days of registration.  
7 Registrants who already have valid samples on file in the Oklahoma State Bureau of  
8 Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate  
9 samples for testing;
- 10          3. The offenses listed in Section 582 of this title for which the person has been  
11 convicted or the person received a suspended sentence or any form of probation, where  
12 the offense was committed, where the person was convicted or received the suspended  
13 sentence or any form of probation, and the name under which the person was convicted  
14 or received the suspended sentence or probation;
- 15          4. The name and location of each hospital or penal institution to which the person  
16 was committed for each offense listed in Section 582 of this title;
- 17          5. Where the person previously resided, where the person currently resides, how  
18 long the person has resided there, how long the person expects to reside there, and how  
19 long the person expects to remain in the county and in this state. The Department of  
20 Corrections shall conduct address verification of each registered sex offender as follows:
- 21           a.       on an annual basis, if the numeric risk level of the person is one, or  
22           b.       on a semiannual basis, if the numeric risk level of the person is two.

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

1 receipt of the form. The local law enforcement authority shall require the person to  
2 produce proof of the identity of the person and current address;

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

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

8 8. The level assignment of the person.

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

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

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

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

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

21 4. The level assignment of the person.

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

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

14           D. Any person subject to the provisions of the Sex Offenders Registration Act who  
15 changes address, employment or student enrollment status shall appear in person and  
16 give notification to the Department of Corrections and the local law enforcement  
17 authority of the change of address and the new address, the change of employment or the  
18 change of student enrollment status no later than three (3) business days prior to the  
19 abandonment of or move from the current address or, in the case of change of  
20 employment or student enrollment, within three (3) business days of such change. If the  
21 new address, employment or student enrollment is under the jurisdiction of a different  
22 local law enforcement authority:

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

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

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

11           E. Any person subject to the provisions of the Sex Offenders Registration Act who is  
12 unable to provide an address to the Department of Corrections or local law enforcement  
13 authority as required in subsections A and C of this section and registers as a transient  
14 shall report in person to the nearest local law enforcement authority every seven (7) days  
15 and provide to the local law enforcement authority the approximate location of where the  
16 person is staying and where the person plans to stay. The fact that the person is  
17 homeless and not able to provide an address to the Department of Corrections or local  
18 law enforcement authority as required in this subsection shall not constitute a defense to  
19 a prosecution pursuant to this subsection.

20           F. The Department of Corrections shall maintain a file of all sex offender  
21 registrations. A copy of the information contained in the registration shall promptly be  
22 available to state, county and municipal law enforcement agencies, the State

1 Superintendent of Public Instruction, the State Commissioner of Health, and the  
2 National Sex Offender Registry maintained by the Federal Bureau of Investigation. The  
3 file shall promptly be made available for public inspection or copying pursuant to rules  
4 promulgated by the Department of Corrections and may be made available through  
5 Internet access. The Department of Corrections shall promptly provide all municipal  
6 police departments, all county sheriff departments and all campus police departments a  
7 list of those sex offenders registered and living in their county.

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

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

20 I. Each local law enforcement authority shall make its sex offender registry  
21 available upon request, without restriction, at a cost that is no more than what is

1 charged for other records provided by the local law enforcement authority pursuant to  
2 the Oklahoma Open Records Act.

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

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

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

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

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

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

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

15 2. On or after November 1, 1999, any person who has been convicted of a crime or  
16 an attempt to commit a crime, received a suspended sentence or any probationary term,  
17 including a deferred sentence imposed in violation of subsection G of Section 991c of Title  
18 22 of the Oklahoma Statutes, for a crime provided for in Section ~~7115~~ 843.5 of Title ~~10~~ 21  
19 of the Oklahoma Statutes, if the offense involved sexual abuse or sexual exploitation as  
20 these terms are defined in Section ~~7102~~ 1-1-105 of Title ~~10~~ 10A of the Oklahoma  
21 Statutes, Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes  
22 shall be subject to all the registration requirements of this act and shall be designated by

1 the Department of Corrections as an aggravated sex offender. An aggravated sex  
2 offender shall be required to register for the lifetime of the aggravated sex offender.

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

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

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

- 16 a. the name and physical address of the habitual or aggravated sex  
17 offender,
- 18 b. a physical description of the habitual or aggravated sex offender,  
19 including, but not limited to, age, height, weight and eye and hair  
20 color,
- 21 c. a description of the vehicle that the habitual or aggravated sex  
22 offender is known to drive,

- 1 d. any conditions or restrictions upon the probation, parole or conditional  
2 release of the habitual or aggravated sex offender,  
3 e. a description of the primary and secondary targets of the habitual or  
4 aggravated sex offender,  
5 f. a description of the method of offense of the habitual or aggravated sex  
6 offender,  
7 g. a current photograph of the habitual or aggravated sex offender,  
8 h. the name and telephone number of the probation or parole officer of  
9 the habitual or aggravated sex offender, and  
10 i. the level assignment of the person.

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

14 L. If the probation and parole officer supervising a person subject to registration  
15 receives information to the effect that the status of the person has changed in any  
16 manner that affects proper supervision of the person including, but not limited to, a  
17 change in the physical health of the person, address, employment, or educational status,  
18 higher educational status, incarceration, or terms of release, the supervising officer or  
19 administrator shall notify the appropriate local law enforcement authority or authorities  
20 of that change.

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

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

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

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

11 Section 587. A. Any person required to register pursuant to the provisions of the  
12 Sex Offenders Registration Act who violates any provision of said act shall, upon  
13 conviction, be guilty of a felony. ~~Any person convicted of a violation of this section shall~~  
14 ~~be punished~~ punishable by imprisonment in the custody of the Department of  
15 Corrections for not more than ~~five (5)~~ twenty (20) years, or a fine not to exceed Five  
16 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

1           SECTION 6. It being immediately necessary for the preservation of the public  
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
3 this act shall take effect and be in full force from and after its passage and approval.  
4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-09-10 - DO PASS,  
5 As Amended and Coauthored.