

THE HOUSE OF REPRESENTATIVES  
Wednesday, February 24, 2010

Committee Substitute for  
**House Bill No. 2968**

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2968 - By: SANDERS AND RITZE  
of the House and JOLLEY of the Senate.

An Act relating to sex offenders; amending 57 O.S. 2001, Section 584, as last amended by Section 6, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section 584), which relates to the Sex Offenders Registration Act; modifying address registration requirement; and providing an effective date.

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

1       SECTION 1.    AMENDATORY    57 O.S. 2001, Section 584, as last amended by  
2    Section 6, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section 584), is amended to  
3    read as follows:

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

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

9       2. A complete description of the person, including a photograph and fingerprints,  
10   and when requested by the Department of Corrections, such registrant shall submit to a  
11   blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile. Submission to

1 testing for individuals registering shall be within thirty (30) days of registration.  
2 Registrants who already have valid samples on file in the Oklahoma State Bureau of  
3 Investigation (OSBI) DNA Offender Database shall not be required to submit duplicate  
4 samples for testing;

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

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

12 5. Where the person previously resided, where the person currently resides  
13 including a mappable address and a zip code, how long the person has resided there, how  
14 long the person expects to reside there, and how long the person expects to remain in the  
15 county and in this state. The Department of Corrections shall conduct address  
16 verification of each registered sex offender as follows:

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

19 The Department of Corrections shall mail a nonforwardable verification form to the last-  
20 reported address of the person. The person shall return the verification form in person to  
21 the local law enforcement authority of that jurisdiction within ten (10) days after receipt  
22 of the form and may be photographed by the local law enforcement authority at that

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

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

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

6           8. The level assignment of the person.

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

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

14           1. The full name of the person, alias, date of birth, sex, race, height, weight, eye  
15 color, social security number, driver license number, and a mappable home address with  
16 a zip code;

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

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

20           4. The level assignment of the person.

21          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 mappable address with zip code, the  
18 change of employment or the change of student enrollment status no later than three (3)  
19 business days prior to the abandonment of or move from the current address or, in the  
20 case of change of employment or student enrollment, within three (3) business days of  
21 such change. If the new address, employment or student enrollment is under the  
22 jurisdiction of a different 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~~ a mappable address with a zip code to the Department of  
13 Corrections or local law enforcement authority as required in subsections A and C of this  
14 section and registers as a transient shall report in person to the nearest local law  
15 enforcement authority every seven (7) days and provide to the local law enforcement  
16 authority the approximate location of where the person is staying and where the person  
17 plans to stay.

18           F. The Department of Corrections shall maintain a file of all sex offender  
19 registrations. A copy of the information contained in the registration shall promptly be  
20 available to state, county and municipal law enforcement agencies, the State  
21 Superintendent of Public Instruction, the Commissioner of Health, and the National Sex  
22 Offender Registry maintained by the Federal Bureau of Investigation. The file shall

1 promptly be made available for public inspection or copying pursuant to rules  
2 promulgated by the Department of Corrections and may be made available through  
3 Internet access. The Department of Corrections shall promptly provide all municipal  
4 police departments, all county sheriff departments and all campus police departments a  
5 list of those sex offenders registered and living in their county.

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

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

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

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

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

20           K. 1. Any person who has been convicted of or received a suspended sentence or  
21 any probationary term, including a deferred sentence imposed in violation of subsection

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

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

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

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

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

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

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

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

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

- 14          a.     the name and physical address of the habitual or aggravated sex  
15                 offender,
- 16          b.     a physical description of the habitual or aggravated sex offender,  
17                 including, but not limited to, age, height, weight and eye and hair  
18                 color,
- 19          c.     a description of the vehicle that the habitual or aggravated sex  
20                 offender is known to drive,
- 21          d.     any conditions or restrictions upon the probation, parole or conditional  
22                 release of the habitual or aggravated sex offender,

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

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

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

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

21 1. Nothing in the Sex Offenders Registration Act shall be deemed to impose any  
22 liability upon or to give rise to a cause of action against any public official, public

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1 employee, or public agency for releasing information to the public or for failing to release  
2 information in accordance with the Sex Offenders Registration Act.

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

6 SECTION 2. This act shall become effective November 1, 2010.

7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-23-10 - DO PASS,  
8 As Amended and Coauthored.