

THE HOUSE OF REPRESENTATIVES
Monday, February 22, 2010

House Bill No. 3380

HOUSE BILL NO. 3380 - By: TERRILL AND MCCULLOUGH of the House.

An Act relating to public health and safety; creating the Oklahoma Methamphetamine Offender Registry Act; creating registry of persons convicted of certain crimes; prohibiting registered persons from purchasing or possessing Schedule V compounds and certain precursors; making registry available to certain persons; stating information to be included on registry; directing court clerks to forward certain conviction information; providing process for removal of name from registry; making certain acts unlawful; providing penalties; providing for codification; providing for noncodification; and providing an effective date.

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

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

3 This act shall be known and may be cited as the “Oklahoma Methamphetamine
4 Offender Registry Act”.

5 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
6 Statutes as Section 2-701 of Title 63, unless there is created a duplication in numbering,
7 reads as follows:

8 A. There is hereby created within the Oklahoma State Bureau of Narcotics and
9 Dangerous Drugs Control a registry of persons who have been convicted, whether upon a
10 plea of guilty or upon a plea of nolo contendere, or received a suspended sentence or any

1 probationary term, including a deferred judgment, for the crime of possession of
2 methamphetamines or possession of a precursor with the intent to manufacture
3 methamphetamine. Any person subject to this registry shall be prohibited from
4 purchasing, possessing or having control of any Schedule V compound, mixture, or
5 preparation containing any detectable quantity of pseudoephedrine, its salts or optical
6 isomers, or salts of optical isomers.

7 B. The registry shall be maintained by the Bureau. The registry shall be made
8 available for registrants who sell pseudoephedrine-related products, the courts and to
9 law enforcement agencies for law enforcement purposes.

10 C. The registry shall consist of the following information:

- 11 1. Name of the person;
- 12 2. Date of birth of the person;
- 13 3. The offense or offenses which made the person eligible for inclusion on the
14 registry;
- 15 4. The conviction date;
- 16 5. The county where the offense or offenses occurred; and
- 17 6. Such other identifying data as the Bureau determines is necessary to properly
18 identify the person.

19 D. Beginning November 1, 2010, all district court clerks shall forward a copy of the
20 judgment and sentence and date of birth of all persons who are convicted of a violation of
21 the offenses described in subsection A of this section to the Bureau. Such information

1 shall be forwarded to the Bureau within forty-five (45) days of the date of judgment and
2 sentence.

3 E. The Bureau shall remove from the registry the name and other identifying
4 information of a person who has been convicted of a violation of any of the offenses
5 described in subsection A of this section ten (10) years after the date of the most recent
6 judgment and sentence. Any person having received a deferred sentence that expires
7 prior to the ten-year time limitation may provide to the Bureau a certified copy of the
8 dismissal of the case by certified mail to the Bureau. The Bureau may remove the person
9 from the registry upon expiration of the deferred sentence.

10 F. It shall be a violation for any person to assist another person who is on the
11 registry in the purchase of any pseudoephedrine products. Any person convicted of
12 violating the provisions of this subsection shall, for a first offense, be guilty of a
13 misdemeanor, punishable by incarceration in the county jail for not more than one (1)
14 year, or by a fine of not more than One Thousand Dollars (\$1,000.00), or by both such
15 fine and imprisonment. Any second or subsequent conviction for a violation of this
16 subsection shall be a felony, punishable by incarceration in the custody of the
17 Department of Corrections for two (2) years, or by a fine of not less than Two Thousand
18 Five Hundred Dollars (\$2,500.00) or by both such fine and imprisonment.

19 SECTION 3. This act shall become effective November 1, 2010.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-18-10 - DO
21 PASS, As Coauthored.