

THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2231

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2231 - By:
BRANAN, JOLLEY, GUMM AND LEFTWICH of the Senate and MARTIN (SCOTT) of
the House.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Sections 584, as last amended by Section 27 of Enrolled Senate Bill No. 2113 of the 2nd Session of the 52nd Oklahoma Legislature and 585, which relate to the Sex Offenders Registration Act; modifying definition of address; requiring use of physical address; 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 27 of Enrolled Senate Bill No. 2113 of the 2nd Session of the 52nd Oklahoma
3 Legislature, is amended to 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, how
13 long the person has resided there, how long the person expects to reside there, and how
14 long the person expects to remain in the county and in this state. The address of the
15 residence shall be a physical address, not a post office box. The Department of
16 Corrections shall conduct address 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 current address. Upon confirming the information
3 contained within the verification form, the local law enforcement authority shall forward
4 the form to the Department of Corrections within three (3) days after receipt of the form.
5 The verification form shall be signed by the person and state the current address of the
6 person. Failure to return the verification form shall be a violation of the Sex Offenders
7 Registration Act. If the offender has been determined to be a habitual or aggravated sex
8 offender by the Department of Corrections or has been assigned a level assignment of
9 three, the address verification shall be conducted every ninety (90) days. The
10 Department of Corrections shall notify the office of the district attorney and local law
11 enforcement authority of the appropriate county, within forty-five (45) days if unable to
12 verify the address of a sex offender. A local law enforcement authority may notify the
13 office of the district attorney whenever it comes to the attention of the local law
14 enforcement authority that a sex offender is not in compliance with any provisions of ~~this~~
15 ~~act~~ Section 581 et seq. of this title. A local law enforcement authority designated as the
16 primary registration authority of the person may, at any time, mail a nonforwardable
17 verification form to the last-reported address of the person. The person shall return the
18 verification form in person to the local law enforcement authority that mailed the form
19 within ten (10) days after receipt of the form. The local law enforcement authority shall
20 require the person to produce proof of the identity of the person and current address;

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

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

4 8. The level assignment of the person.

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

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

12 1. The full name of the person, alias, date of birth, sex, race, height, weight, eye
13 color, social security number, driver license number, and home address. The home
14 address shall be a physical address, not a post office box;

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

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

18 4. The level assignment of the person.

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

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

22 or

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

11 D. Any person subject to the provisions of the Sex Offenders Registration Act who
12 changes address, employment or student enrollment status shall appear in person and
13 give notification to the Department of Corrections and the local law enforcement
14 authority of the change of address and the new address, the change of employment or the
15 change of student enrollment status no later than three (3) business days prior to the
16 abandonment of or move from the current address or, in the case of change of
17 employment or student enrollment, within three (3) business days of such change. The
18 address given to the Department of Corrections and the local law enforcement authority
19 shall be a physical address, not a post office box. If the new address, employment or
20 student enrollment is under the jurisdiction of a different local law enforcement
21 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.

17 F. Any person registered as a sex offender, pursuant to the Sex Offender
18 Registration Act, who has provided a post office box as an address shall be contacted by
19 local law enforcement and required to provide a physical address.

20 ~~F.~~ G. 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.~~ H. 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.~~ I. 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.~~ J. 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. K.~~ 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.

1 ~~K. L.~~ 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~~ the Sex Offenders
13 Registration Act and shall be designated by the Department of Corrections as a habitual
14 sex offender. A habitual sex offender shall be required to register for the lifetime of the
15 habitual sex offender.

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

1 registration requirements of ~~this act~~ the Sex Offenders Registration Act and shall be
2 designated by the Department of Corrections as an aggravated sex offender. An
3 aggravated sex offender shall be required to register for the lifetime of the aggravated
4 sex offender.

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

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

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

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

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

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

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

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

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

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

10 SECTION 2. AMENDATORY 57 O.S. 2001, Section 585, is amended to read as
11 follows:

12 Section 585. A. Each person in charge of a correctional institution from which a
13 person subject to the provisions of the Sex Offenders Registration Act, Section 581 et seq.
14 of this title, is released and each judge who suspends the sentence of a person subject to
15 the provisions of the Sex Offenders Registration Act or orders any probationary term,
16 including a deferred sentence imposed in violation of subsection G of Section 991c of Title
17 22 of the Oklahoma Statutes, for a person subject to the provisions of the Sex Offenders
18 Registration Act shall prior to discharge or release of ~~said~~ the person:

19 1. Explain to the person the duty to register pursuant to the Sex Offenders
20 Registration Act;

21 2. Require the person to sign a written statement that the duty to register has been
22 explained and the person understands the duty to register;

1 3. Obtain the address at which the person is to reside upon discharge or release.

2 The address shall be a physical address, not a post office box; and

3 4. Forward ~~said~~ the information to the Department of Corrections.

4 B. The Department of Public Safety shall issue written notification of the
5 registration requirements of the Sex Offenders Registration Act to any person who enters
6 this state from another jurisdiction and makes an initial application for an operator's or
7 chauffeur's license to operate a motor vehicle in this state.

8 C. The Department of Corrections shall coordinate with the Administrative Office
9 of the Courts in promulgating rules to establish other necessary procedures for notifying
10 offenders of the obligation to register pursuant to ~~this act~~ the Sex Offenders Registration
11 Act and procedures for registration of those offenders.

12 D. The Department of Corrections shall coordinate with surrounding states to
13 establish necessary procedures for notifying offenders that reside in other states but
14 work or attend school within the State of Oklahoma of the obligation to register pursuant
15 to ~~this act~~ the Sex Offenders Registration Act and the procedure for registration of those
16 offenders.

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-30-10 - DO PASS,
19 As Amended.