

THE HOUSE OF REPRESENTATIVES
Wednesday, March 31, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 2301

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 2301 - By:
NEWBERRY, GUMM, EASON MCINTYRE AND LEFTWICH of the Senate and
DUNCAN of the House.

[prisons and reformatories - Electronic Monitoring Program - Sex Offenders
Registration Act - codification - noncodification -
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 "Tabby's Law".

4 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
5 Statutes as Section 583.1 of Title 57, unless there is created a duplication in numbering,
6 reads as follows:

7 There is hereby created the Electronic Monitoring Program for persons registered
8 pursuant to the provisions of the Sex Offenders Registration Act. The Department of
9 Corrections and any vendor contracted with the Department are authorized to use an
10 electronic monitoring global positioning device to satisfy the requirements of this act.

1 SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 583.2 of Title 57, unless there is created a duplication in numbering,
3 reads as follows:

4 A. There shall be an annual fee of Seventy-five Dollars (\$75.00) to be paid by every
5 person required to register pursuant to the provisions of the Sex Offenders Registration
6 Act. The fee shall be paid to the Department of Corrections and deposited in the Sex
7 Offender Electronic Monitoring Revolving Fund created pursuant to Section 4 of this act.

8 B. The Department of Corrections or its authorized vendor shall use electronic
9 monitoring devices for any persons convicted of a crime pursuant to Sections 741, 843.5,
10 865, 885, 888 and 891, 1021, excluding subsection A, 1021.2, 1021.3, 1040.13a, 1087,
11 1088, 1114, 1116 and 1123 of Title 21 of the Oklahoma Statutes, which would require the
12 person to register as a sex offender pursuant to the Sex Offenders Registration Act. The
13 electronic monitoring device shall be used as follows:

14 1. Any person no longer under the supervision of the Department of Corrections but
15 required to register pursuant to the provisions of the Sex Offenders Registration Act
16 shall be fitted for an electronic monitoring device, as directed by the court, if that person
17 fails to comply with any provisions of the Sex Offenders Registration Act or if that person
18 is convicted for a misdemeanor or felony offense, excluding traffic violations which
19 include standing and parking violations, for a period not less than one (1) year and not
20 more than the duration of their registration;

21 2. Any person under the supervision of the Department of Corrections shall be
22 fitted for an electronic monitoring device upon discharge from the Department's custody.

1 Those persons convicted of a crime pursuant to Sections 1021, excluding subsection A,
2 1021.2, 1021.3, 1040.13a, 1087, 1088, 1114, 1116 and 1123 of Title 21 of the Oklahoma
3 Statutes shall be required to wear the electronic monitoring device for ten (10) years;
4 provided they comply with all provisions of the Sex Offenders Registration Act and have
5 no additional misdemeanor or felony convictions, excluding traffic violations which
6 include standing and parking violations. Upon completion of the ten-year term the
7 person may petition the court for removal from the electronic monitoring program and at
8 the discretion of the court may be removed. Those persons convicted of a crime pursuant
9 to Sections 741, 843.5, 865, 885, 888 and 891 of Title 21 of the Oklahoma Statutes shall
10 be required to wear the electronic monitoring device for a period of at least but not more
11 than fifteen (15) years; provided they comply with all provisions of the Sex Offenders
12 Registration Act and have no additional misdemeanor or felony convictions, excluding
13 traffic violations. Upon completion of the fifteen-year term the person may petition the
14 court for removal from the electronic monitoring program and at the discretion of the
15 court may be removed. In addition to any penalty imposed by the court, any person
16 convicted of a second or subsequent offense, excluding traffic violations which include
17 standing and parking violations, shall be required to wear the electronic monitoring
18 device for the duration of his or her lifetime;

19 3. Any person who removes or destroys the electronic monitoring device shall be
20 removed from the program and reassigned to imprisonment in a correctional facility for
21 not less than one (1) year nor more than ten (10) years and shall be fined not less than
22 One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00).

1 Upon release from custody the person shall be required to wear the electronic monitoring
2 device for the duration of his or her lifetime; and

3 4. The Department of Corrections shall make provisions for the monitoring
4 equipment to be fitted to the person before they leave the Department's facility.

5 C. The Department shall promulgate and adopt rules and procedures necessary to
6 implement the provisions of this section.

7 SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma
8 Statutes as Section 583.3 of Title 57, unless there is created a duplication in numbering,
9 reads as follows:

10 There is hereby created in the State Treasury a revolving fund to be designated as
11 the "Sex Offender Electronic Monitoring Revolving Fund", which shall consist of all
12 monies appropriated or transferred to the fund. The fund shall be a continuing fund not
13 subject to fiscal year limitations and shall be under the administration of the
14 Department of Corrections and may be disbursed without legislative appropriation for
15 purposes of the Electronic Monitoring Program only.

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

19 Section 587. A. Any person required to register pursuant to the provisions of the
20 Sex Offenders Registration Act who violates any provision of said act shall, upon
21 conviction, be guilty of a felony. Any person convicted of a violation of this section shall
22 be punished by imprisonment in the custody of the Department of Corrections for not

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

1 more than ~~five (5)~~ ten (10) years, a fine ~~not to exceed Five Thousand Dollars (\$5,000.00)~~
2 of One Hundred Dollars (\$100.00) per day until the person registers, or both such fine
3 and imprisonment. If a person returns to the custody of the Department of Corrections
4 for failure to register the individual shall not be eligible for early release as may be
5 authorized by law.

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

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

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