

EHB 1509

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 1509

As Amended

ENGROSSED HOUSE BILL NO. 1509 - By: Blackwell of the House and Bass of the Senate.

[sex offenders - harboring criminals and fugitives - Sex Offenders Registration Act - adding crimes - effective date]

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 440, is amended to read as follows:

Section 440. A. Any person who shall knowingly feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist or conceal in any manner any person guilty of any felony, or outlaw, or fugitive from justice, or any person seeking to escape arrest for any felony committed within this state or any other state or territory, shall be guilty of a felony punishable by imprisonment ~~at hard labor~~ in the ~~State Penitentiary~~ custody of the Department of Corrections for a period not exceeding ten (10) years.

B. It shall be unlawful for any person who has reason to believe that a sex offender is in violation of the registration requirements of the Sex Offenders Registration Act and who has the

1 intent to assist the sex offender in eluding arrest, to do any of
2 the following:

3 1. Withhold information from, or fail to notify, a law
4 enforcement agency about the noncompliance of the sex offender with
5 the registration requirements of the Sex Offenders Registration Act,
6 and, if known, the whereabouts of the offender;

7 2. Harbor, attempt to harbor, or assist another person in
8 harboring or attempting to harbor, the sex offender;

9 3. Conceal, or attempt to conceal, or assist another person in
10 concealing or attempting to conceal, the sex offender; or

11 4. Provide information to a law enforcement agency regarding
12 the sex offender that the person knows to be false information.

13 C. Any person convicted of violating the provisions of
14 subsection B of this section shall be guilty of a misdemeanor
15 punishable by a fine of not less than Five Hundred Dollars
16 (\$500.00), or by imprisonment in the county jail for a term not to
17 exceed one (1) year, or by both such fine and imprisonment.

18 SECTION 2. AMENDATORY 57 O.S. 2001, Section 582, as last
19 amended by Section 22, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008,
20 Section 582), is amended to read as follows:

21 Section 582. A. The provisions of the Sex Offenders
22 Registration Act, ~~Section 581 et seq. of this title,~~ shall apply to
23 any person residing, working or attending school within the State of

1 Oklahoma who, after November 1, 1989, has been convicted, whether
2 upon a verdict or plea of guilty or upon a plea of nolo contendere,
3 or received a suspended sentence or any probationary term, or is
4 currently serving a sentence or any form of probation or parole for
5 a crime or an attempt to commit a crime provided for in Section 7115
6 of Title 10 of the Oklahoma Statutes if the offense involved sexual
7 abuse or sexual exploitation as those terms are defined in Section
8 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the
9 offense involved sexual assault, 741, if the offense involved sexual
10 abuse or sexual exploitation, Section 843.1, if the offense involved
11 sexual abuse or sexual exploitation, Section 852.1, if the offense
12 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
13 if the offense involved sexual abuse or sexual exploitation, 1021,
14 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, ~~1040.51,~~ 1087,
15 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

16 B. The provisions of the Sex Offenders Registration Act shall
17 apply to any person who after November 1, 1989, resides, works or
18 attends school within the State of Oklahoma and who has been
19 convicted or received a suspended sentence at any time in any court
20 of another state, the District of Columbia, Puerto Rico, Guam,
21 American Samoa, the Northern Mariana Islands and the United States
22 Virgin Islands, a federal court, an Indian tribal court ~~or,~~ a
23 military court, or a court of a foreign country for a crime ~~or,~~

1 attempted crime or a conspiracy to commit a crime which, if
2 committed or attempted in this state, would be a crime ~~or~~, an
3 attempt to commit a crime or a conspiracy to commit a crime provided
4 for in any of said laws listed in subsection A of this section.

5 C. The provisions of the Sex Offenders Registration Act shall
6 apply to any person who resides, works or attends school within the
7 State of Oklahoma and who has received a deferred judgment at any
8 time in any court of another state, the District of Columbia, Puerto
9 Rico, Guam, American Samoa, the Northern Mariana Islands and the
10 United States Virgin Islands, a federal court, an Indian tribal
11 court ~~or~~, a military court, or a court of a foreign country for a
12 crime ~~or~~, attempted crime or a conspiracy to commit a crime which,
13 if committed or attempted or conspired to be committed in this
14 state, would be a crime ~~or~~, an attempt to commit a crime or a
15 conspiracy to commit a crime provided for in Section 7115 of Title
16 10 of the Oklahoma Statutes if the offense involved sexual abuse or
17 sexual exploitation as those terms are defined in Section 7102 of
18 Title 10 of the Oklahoma Statutes, Section 681, if the offense
19 involved sexual assault, 741, if the offense involved sexual abuse
20 or sexual exploitation, Section 843.1, if the offense involved
21 sexual abuse or sexual exploitation, Section 852.1, if the offense
22 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
23 if the offense involved sexual abuse or sexual exploitation, 1021,

1 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, ~~1040.51~~, 1087,
2 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

3 The provisions of the Sex Offenders Registration Act shall not apply
4 to any such person while the person is incarcerated in a maximum or
5 medium correctional institution of the Department of Corrections.

6 D. On the effective date of this act, any person registered as
7 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma
8 Statutes shall be summarily removed from the Sex Offender Registry
9 by the Department of Corrections and all law enforcement agencies of
10 any political subdivision of this state, unless the offense involved
11 sexual abuse or sexual exploitation.

12 SECTION 3. AMENDATORY Section 24, Chapter 261, O.S.L.
13 2007 (57 O.S. Supp. 2008, Section 582.2), is amended to read as
14 follows:

15 Section 582.2 A. No less than seven (7) days prior to the date
16 on which a person, who will be subject to the provisions of the Sex
17 Offenders Registration Act, is to be released from a correctional
18 institution, the person in charge of the correctional institution
19 shall forward the registration information, as provided in
20 subsection A of Section 585 of ~~Title 57 of the Oklahoma Statutes~~
21 this title, and numeric risk level to the Department of Corrections
22 and to:

1 1. The local law enforcement authority in the municipality or
2 county in which the person expects to reside, if the person expects
3 to reside within this state; or

4 2. The local law enforcement authority that is identified by
5 the correctional institution as the agency designated by another
6 state to receive registration information, if the person expects to
7 reside in that other state and that other state has a registration
8 requirement for sex offenders.

9 B. If a person, who will be subject to the provisions of the
10 Sex Offenders Registration Act, received a suspended sentence or any
11 probationary term, including a deferred sentence imposed in
12 violation of subsection G of Section ~~991a~~ 991c of Title 22 of the
13 Oklahoma Statutes, the court shall, on the day of pronouncing the
14 judgment and sentence:

15 1. Make a determination of the numeric risk level of the person
16 using the sex offender screening tool developed or selected pursuant
17 to Section ~~26~~ 582.5 of this ~~act~~ title;

18 2. Assign to the person a numeric risk level of one, two, or
19 three; and

20 3. Notify the person of the obligation to register as a sex
21 offender as provided for in Section 585 of ~~Title 57 of the Oklahoma~~
22 ~~Statutes~~ this title.

1 SECTION 4. AMENDATORY 57 O.S. 2001, Section 583, as last
2 amended by Section 2, Chapter 94, O.S.L. 2008 (57 O.S. Supp. 2008,
3 Section 583), is amended to read as follows:

4 Section 583. A. Any person who becomes subject to the
5 provisions of the Sex Offenders Registration Act on or after
6 November 1, 1989, shall register, in person, as follows:

7 1. With the Department of Corrections within three (3) business
8 days of being convicted or receiving a suspended sentence or any
9 probationary term, including a deferred sentence imposed in
10 violation of subsection G of Section 991c of Title 22 of the
11 Oklahoma Statutes, if the person is not incarcerated, or not less
12 than three (3) business days prior to the release of the person from
13 a correctional institution, except as provided in subsection B of
14 this section;

15 2. With the local law enforcement authority having jurisdiction
16 in the area where the person resides or intends to reside for seven
17 (7) consecutive days or longer, calculated beginning with the first
18 day. The registration is required within three (3) days after
19 entering the jurisdiction of the law enforcement authority; and

20 3. With the Department of Corrections and the local law
21 enforcement authority no less than three (3) business days prior to
22 abandoning or moving from the address of the previous registration.

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

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

6 b. the county sheriff, if the person resides or intends to
7 reside or stay at any place outside the jurisdiction of
8 any municipality within this state, and

9 c. the police or security department of any institution of
10 higher learning within this state if the person:

11 (1) enrolls as a full-time or part-time student,

12 (2) is a full-time or part-time employee at an
13 institution of higher learning, or

14 (3) resides or intends to reside or stay on any
15 property owned or controlled by the institution
16 of higher learning.

17 B. Any person who has been convicted of an offense or received
18 a deferred judgment for an offense in another jurisdiction, which
19 offense if committed or attempted in this state, would have been
20 punishable as one or more of the offenses listed in Section 582 of
21 this title and who enters this state on or after November 1, 1989,
22 shall register, in person, as follows:

1 1. With the Department of Corrections when the person enters
2 and intends to be in the state for any purpose for five (5)
3 consecutive days or longer, calculated beginning with the first day,
4 has any type of full-time or part-time employment, with or without
5 compensation for more than five (5) cumulative days in any sixty-day
6 period, or is enrolled as a full-time or part-time student within
7 this state. Such registration is required within two (2) days after
8 entering the state;

9 2. With the local law enforcement authority having jurisdiction
10 in the area where the person intends to reside or to stay for five
11 (5) consecutive days or longer, calculated beginning with the first
12 day, has any type of full-time or part-time employment, with or
13 without compensation for more than five (5) cumulative days in any
14 sixty-day period, or is enrolled as a full-time or part-time student
15 within this state. The registration is required with local law
16 enforcement within two (2) days after entering the jurisdiction of
17 the law enforcement authority; and

18 3. With the Department of Corrections and the local law
19 enforcement authority no less than three (3) business days prior to
20 abandoning or moving from the address of the previous registration.

21 Upon registering a person who has been convicted of an offense
22 or received a deferred judgment for an offense in another
23 jurisdiction, which offense, if committed or attempted in this

1 state, would have been punishable as one or more of the offenses
2 listed in Section 582 of this title, the local law enforcement
3 authority ~~shall~~ may forward the registration information to the risk
4 assessment review committee of the Department of Corrections or may
5 make a determination of the numeric risk level of the person using
6 the sex offender screening tool developed or selected pursuant to
7 Section 582.5 of this title. Upon assigning a numeric risk level to
8 a person, the local law enforcement authority shall forward the
9 registration information and numeric risk level assignment to the
10 Department of Corrections.

11 C. When a person has been convicted or received probation
12 within the State of Oklahoma, the person shall be required to
13 register as follows:

14 1. For a period of fifteen (15) years, if the numeric risk
15 level of the person is one;

16 2. For a period of twenty-five (25) years, if the numeric risk
17 level of the person is two; and

18 3. For life, if the numeric risk level of the person is three
19 or the person is classified as a habitual or aggravated sex
20 offender.

21 The registration period shall begin from the date of the completion
22 of the sentence. The information received pursuant to the
23 registration with the Department of Corrections required by this

1 section shall be maintained by the Department of Corrections for at
2 least ten (10) years from the date of the last registration.

3 D. When a person has been convicted or received probation
4 within the State of Oklahoma, the person shall be required to
5 register as follows:

6 1. For a period of fifteen (15) years, if the numeric risk
7 level of the person is one;

8 2. For a period of twenty-five (25) years, if the numeric risk
9 level of the person is two; and

10 3. For life, if the numeric risk level of the person is three
11 or the person has been classified as a habitual or aggravated sex
12 offender.

13 The registration period shall begin from the date of completion of
14 the sentence and the information received pursuant to the
15 registration with the local law enforcement authority required by
16 this section shall be maintained by such authority for at least ten
17 (10) years from the date of the last registration.

18 E. Any person assigned a numeric risk level of one who has been
19 registered for a period of ten (10) years and who has not been
20 arrested or convicted for any felony or misdemeanor offense since
21 being released from confinement, may petition the district court in
22 the jurisdiction where the person resides for the purpose of
23 removing the numeric risk level designation and allowing the person

1 to no longer be subject to the registration requirements of the Sex
2 Offenders Registration Act.

3 F. When registering an offender as provided in this section the
4 Department of Corrections or the local law enforcement agency having
5 jurisdiction shall:

6 1. Inform the offender of the duty to register and obtain the
7 information required for registration as described in this section;

8 2. Inform the offender that if the offender changes address,
9 the offender shall give notice of the move and the new address to
10 the Department of Corrections and to the local law enforcement
11 authority in the location in which the offender previously resided
12 in writing no later than three (3) days before the offender
13 establishes residence or is temporarily domiciled at the new
14 address;

15 3. Inform the offender that if the offender changes address to
16 another state, the offender shall give notice of the move and shall
17 register the new address with the Department of Corrections and with
18 a designated law enforcement agency in the new state not later than
19 ten (10) days before the offender establishes residency or is
20 temporarily domiciled in the new state, if the new state has a
21 registration requirement;

22 4. Inform the offender that if the offender participates in any
23 full-time or part-time employment, in another state, with or without

1 compensation for more than fourteen (14) cumulative days in any
2 sixty-day period or an aggregate period exceeding thirty (30) days
3 in a calendar year, then the offender has a duty to register as a
4 sex offender in that state;

5 5. Inform the offender that if the offender enrolls in any type
6 of school in another state as a full-time or part-time student then
7 the offender has a duty to register as a sex offender in that state;

8 6. Inform the offender that if the offender enrolls in any
9 school within this state as a full-time or part-time student, then
10 the offender has a duty to register as a sex offender with the
11 Department of Corrections and the local law enforcement authority;

12 7. Inform the offender that if the offender participates in any
13 full-time or part-time employment at any school, with or without
14 compensation, or participates in any vocational course or occupation
15 at any school in this state, then the offender has a duty to notify
16 the Department of Corrections and the local law enforcement
17 authority in writing of such employment or participation at least
18 three (3) days before commencing or upon terminating such employment
19 or participation;

20 8. Inform the offender that if the offender graduates,
21 transfers, drops, terminates or otherwise changes enrollment or
22 employment at any school in this state, then the offender shall
23 notify the Department of Corrections and the local law enforcement

1 authority in writing of such change in enrollment or employment
2 within three (3) days of the change; and

3 9. Require the offender to read and sign a form stating that
4 the duty of the person to register under the Sex Offenders
5 Registration Act has been explained.

6 G. For the purpose of this section, the "date of the completion
7 of the sentence" means the day an offender completes all
8 incarceration, probation and parole pertaining to the sentence.

9 H. Any person who resides in another state and who has been
10 convicted of an offense or received a deferred judgment for an
11 offense in this state, or in another jurisdiction, which offense if
12 committed or attempted in this state would have been punishable as
13 one or more of the offenses listed in Section 582 of this title, and
14 who is the spouse of a person living in this state shall be
15 registered as follows:

16 1. With the Department of Corrections when the person enters
17 and intends to be in the state for any purpose for five (5)
18 consecutive days or longer, calculated beginning with the first day
19 or an aggregate period of five (5) days or longer in a calendar
20 year. Such registration is required within two (2) days after
21 entering the state; and

22 2. With the local law enforcement authority having jurisdiction
23 in the area where the person intends to reside or to stay within

1 this state for two (2) consecutive days or longer, calculated
2 beginning with the first day. The registration is required with
3 local law enforcement within two (2) days after entering the
4 jurisdiction of the law enforcement authority.

5 I. The duty to register as a sex offender in this state shall
6 not be prevented if, at the time of registration, it is determined
7 that the person owns or leases a residence that is located within a
8 restricted area provided for in Section 590 of this title.

9 SECTION 5. AMENDATORY 57 O.S. 2001, Section 584, as last
10 amended by Section 28, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008,
11 Section 584), is amended to read as follows:

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

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

18 2. A complete description of the person, including a photograph
19 and fingerprints, and when requested by the Department of
20 Corrections, such registrant shall submit to a blood or saliva test
21 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
22 to testing for individuals registering shall be within thirty (30)
23 days of registration. Registrants who already have valid samples on

1 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
2 Offender Database shall not be required to submit duplicate samples
3 for testing;

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

10 4. The name and location of each hospital or penal institution
11 to which the person was committed for each offense listed in Section
12 582 of this title;

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

19 a. on an annual basis, if the numeric risk level of the
20 person is one, or

21 b. on a semiannual basis, if the numeric risk level of
22 the person is two.

1 The Department of Corrections shall mail a nonforwardable
2 verification form to the last-reported address of the person. The
3 person shall return the verification form in person to the local law
4 enforcement authority of that jurisdiction within ten (10) days
5 after receipt of the form and may be photographed by the local law
6 enforcement authority at that time. The local law enforcement
7 authority shall require the person to produce proof of the identity
8 of the person and current address. Upon confirming the information
9 contained within the verification form, the local law enforcement
10 authority shall forward the form to the Department of Corrections
11 within three (3) days after receipt of the form. The verification
12 form shall be signed by the person and state the current address of
13 the person. Failure to return the verification form shall be a
14 violation of the Sex Offenders Registration Act. If the offender
15 has been determined to be a habitual or aggravated sex offender by
16 the Department of Corrections or has been assigned a numeric risk
17 level of three, the address verification shall be conducted every
18 ninety (90) days. The Department of Corrections shall notify the
19 office of the district attorney and local law enforcement authority
20 of the appropriate county, within forty-five (45) days if unable to
21 verify the address of a sex offender. A local law enforcement
22 authority may notify the office of the district attorney whenever it
23 comes to the attention of the local law enforcement authority that a

1 sex offender is not in compliance with any provisions of this act.
2 A local law enforcement authority designated as the primary
3 registration authority of the person may, at any time, mail a
4 nonforwardable verification form to the last-reported address of the
5 person. The person shall return the verification form in person to
6 the local law enforcement authority that mailed the form within ten
7 (10) days after receipt of the form. The local law enforcement
8 authority shall require the person to produce proof of the identity
9 of the person and current address;

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

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

16 8. The numeric risk level of the person.

17 B. Conviction data and fingerprints shall be promptly
18 transmitted at the time of registration to the Oklahoma State Bureau
19 of Investigation (OSBI) and the Federal Bureau of Investigation
20 (FBI) if the state has not previously sent the information at the
21 time of conviction.

22 C. The registration with the local law enforcement authority
23 required by the Sex Offenders Registration Act shall be in a form

1 approved by the local law enforcement authority and shall include
2 the following information about the person registering:

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

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

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

10 4. The numeric risk level of the person.

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

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

16 b. the county sheriff, if the person resides or intends
17 to reside or stay at any place outside the
18 jurisdiction of any municipality within this state,
19 and

20 c. the police or security department of any institution
21 of higher learning within this state if the person:

22 (1) enrolls as a full-time or part-time student,

- 1 (2) is a full-time or part-time employee at an
2 institution of higher learning, or
3 (3) resides or intends to reside or stay on any
4 property owned or controlled by the institution
5 of higher learning.

6 D. Any person subject to the provisions of the Sex Offenders
7 Registration Act who changes an address shall give written
8 notification to the Department of Corrections and the local law
9 enforcement authority of the change of address and the new address
10 no later than three (3) business days prior to the abandonment of or
11 move from the current address. If the new address is under the
12 jurisdiction of a different local law enforcement authority:

13 1. The Department of Corrections and the local law enforcement
14 authority shall notify the new local law enforcement authority by
15 teletype, electronic transmission, or letter of the change of
16 address;

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

19 3. The new local law enforcement authority shall notify the
20 most recent registering agency by teletype or letter of the change
21 in address of the offender. If the new address is in another state
22 the Department of Corrections shall promptly notify the agency

1 responsible for registration in that state of the new address of the
2 offender.

3 E. Any person subject to the provisions of the Sex Offenders
4 Registration Act who is unable to provide an address to the
5 Department of Corrections or local law enforcement authority as
6 required in subsections A and C of this section and registers as a
7 transient shall report in person to the nearest local law
8 enforcement authority every seven (7) days and provide to the local
9 law enforcement authority the approximate location of where the
10 person is staying and where the person plans to stay.

11 F. The Department of Corrections shall maintain a file of all
12 sex offender registrations. A copy of the information contained in
13 the registration shall promptly be available to state, county and
14 municipal law enforcement agencies, the State Superintendent of
15 Public Instruction, the Commissioner of Health, and the National Sex
16 Offender Registry maintained by the Federal Bureau of Investigation.
17 The file shall promptly be made available for public inspection or
18 copying pursuant to rules promulgated by the Department of
19 Corrections and may be made available through Internet access. The
20 Department of Corrections shall promptly provide all municipal
21 police departments, all county sheriff departments and all campus
22 police departments a list of those sex offenders registered and
23 living in their county.

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

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

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

22 When a local law enforcement authority sends a copy of or
23 otherwise makes the sex offender registry available to any public or

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

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

1 ~~J.~~ K. 1. Any person who has been convicted of or received a
2 suspended sentence or any probationary term, including a deferred
3 sentence imposed in violation of subsection G of Section 991c of
4 Title 22 of the Oklahoma Statutes, for any crime listed in Section
5 582 of this title and:

6 a. who is subsequently convicted of a crime or an attempt
7 to commit a crime listed in subsection A of Section
8 582 of this title, or

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

15 shall be subject to all of the registration requirements of this act
16 and shall be designated by the Department of Corrections as a
17 habitual sex offender. A habitual sex offender shall be required to
18 register for the lifetime of the habitual sex offender.

19 2. On or after November 1, 1999, any person who has been
20 convicted of a crime or an attempt to commit a crime, received a
21 suspended sentence or any probationary term, including a deferred
22 sentence imposed in violation of subsection G of Section 991c of
23 Title 22 of the Oklahoma Statutes, for a crime provided for in

1 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
2 involved sexual abuse or sexual exploitation as these terms are
3 defined in Section 7102 of Title 10 of the Oklahoma Statutes,
4 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
5 Statutes shall be subject to all the registration requirements of
6 this act and shall be designated by the Department of Corrections as
7 an aggravated sex offender. An aggravated sex offender shall be
8 required to register for the lifetime of the aggravated sex
9 offender.

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

- 15 a. the family of the habitual or aggravated sex offender,
- 16 b. any prior victim of the habitual or aggravated sex
17 offender,
- 18 c. residential neighbors and churches, community parks,
19 schools, convenience stores, businesses and other
20 places that children or other potential victims may
21 frequent, and
- 22 d. a nursing facility, a specialized facility, a
23 residential care home, a continuum-of-care facility,

1 an assisted living center, and an adult day care
2 facility.

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

- 5 a. the name and physical address of the habitual or
6 aggravated sex offender,
- 7 b. a physical description of the habitual or aggravated
8 sex offender, including, but not limited to, age,
9 height, weight and eye and hair color,
- 10 c. a description of the vehicle that the habitual or
11 aggravated sex offender is known to drive,
- 12 d. any conditions or restrictions upon the probation,
13 parole or conditional release of the habitual or
14 aggravated sex offender,
- 15 e. a description of the primary and secondary targets of
16 the habitual or aggravated sex offender,
- 17 f. a description of the method of offense of the habitual
18 or aggravated sex offender,
- 19 g. a current photograph of the habitual or aggravated sex
20 offender,
- 21 h. the name and telephone number of the probation or
22 parole officer of the habitual or aggravated sex
23 offender; and

1 i. the numeric risk level of the person.

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

5 ~~K.~~ L. If the probation and parole officer supervising a person
6 subject to registration receives information to the effect that the
7 status of the person has changed in any manner that affects proper
8 supervision of the person including, but not limited to, a change in
9 the physical health of the person, address, employment, or
10 educational status, higher educational status, incarceration, or
11 terms of release, the supervising officer or administrator shall
12 notify the appropriate local law enforcement authority or
13 authorities of that change.

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

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

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

5 SECTION 6. This act shall become effective November 1, 2009.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-2-09 - DO PASS,
7 As Amended.