

EHB 2965

1 THE STATE SENATE
2 Monday, March 29, 2010

3 ENGROSSED

4 House Bill No. 2965

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2965 - By: Duncan, Ritze, Reynolds,
7 Thompson, Terrill, Billy, Martin (Steve), Tibbs, Wright (Harold) and
8 Ortega of the House and Sykes and Gumm of the Senate.

9 [sex crimes - child abuse - modifying and adding
10 penalties -
11 emergency]

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

13 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as
14 last amended by Section 5, Chapter 3, O.S.L. 2008, and as renumbered
15 by Section 207, Chapter 233, O.S.L. 2009 (21 O.S. Supp. 2009,
16 Section 843.5), is amended to read as follows:

17 Section 843.5 A. Any parent or other person who shall
18 willfully or maliciously engage in child abuse shall, upon
19 conviction, be guilty of a felony punishable by imprisonment in the
20 custody of the Department of Corrections not exceeding life
21 imprisonment, or by imprisonment in a county jail not exceeding one
22 (1) year, or by a fine of not less than Five Hundred Dollars
23 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
24 such fine and imprisonment. As used in this subsection, "child
25 abuse" means the willful or malicious abuse, as defined by paragraph

1 ~~± 2~~ of ~~subsection B of~~ Section ~~7102~~ 1-1-105 of ~~this title~~ Title 10A
2 of the Oklahoma Statutes, of a child under eighteen (18) years of
3 age by another, or the act of willfully or maliciously injuring,
4 torturing or maiming a child under eighteen (18) years of age by
5 another.

6 B. Any parent or other person who shall willfully or
7 maliciously engage in enabling child abuse shall, upon conviction,
8 be punished by imprisonment in the custody of the Department of
9 Corrections not exceeding life imprisonment, or by imprisonment in a
10 county jail not exceeding one (1) year, or by a fine of not less
11 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
12 Dollars (\$5,000.00) or both such fine and imprisonment. As used in
13 this subsection, "enabling child abuse" means the causing, procuring
14 or permitting of a willful or malicious act of child abuse, as
15 defined by paragraph ~~± 2~~ of ~~subsection B of~~ Section ~~7102~~ 1-1-105 of
16 ~~this title~~ Title 10A of the Oklahoma Statutes, of a child under
17 eighteen (18) years of age by another. As used in this subsection,
18 "permit" means to authorize or allow for the care of a child by an
19 individual when the person authorizing or allowing such care knows
20 or reasonably should know that the child will be placed at risk of
21 abuse as proscribed by this subsection.

22 C. Any parent or other person who shall willfully or
23 maliciously engage in child neglect shall, upon conviction, be

1 punished by imprisonment in the custody of the Department of
2 Corrections not exceeding life imprisonment, or by imprisonment in a
3 county jail not exceeding one (1) year, or by a fine of not less
4 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
5 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
6 this subsection, "child neglect" means the willful or malicious
7 neglect, as defined by paragraph ~~3~~ 46 of ~~subsection B of~~ Section
8 ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the Oklahoma Statutes, of a
9 child under eighteen (18) years of age by another.

10 D. Any parent or other person who shall willfully or
11 maliciously engage in enabling child neglect shall, upon conviction,
12 be punished by imprisonment in the custody of the Department of
13 Corrections not exceeding life imprisonment, or by imprisonment in a
14 county jail not exceeding one (1) year, or by a fine of not less
15 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
16 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
17 this subsection, "enabling child neglect" means the causing,
18 procuring or permitting of a willful or malicious act of child
19 neglect, as defined by paragraph ~~3~~ 46 of ~~subsection B of~~ Section
20 ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the Oklahoma Statutes, of a
21 child under eighteen (18) years of age by another. As used in this
22 subsection, "permit" means to authorize or allow for the care of a
23 child by an individual when the person authorizing or allowing such

1 care knows or reasonably should know that the child will be placed
2 at risk of neglect as proscribed by this subsection.

3 E. Any parent or other person who shall willfully or
4 maliciously engage in child sexual abuse shall, upon conviction, be
5 punished by imprisonment in the custody of the Department of
6 Corrections not exceeding life imprisonment, or by imprisonment in a
7 county jail not exceeding one (1) year, or by a fine of not less
8 than Five Hundred Dollars (\$500.00) nor more than ~~Five Thousand~~
9 ~~Dollars (\$5,000.00)~~ Twenty Thousand Dollars (\$20,000.00), or both
10 such fine and imprisonment, except as provided in Section 51.1a of
11 Title 21 of the Oklahoma Statutes or as otherwise provided in
12 subsection F of this section for a child victim under twelve (12)
13 years of age. Except for persons sentenced to life or life without
14 parole, any person sentenced to imprisonment for two (2) years or
15 more for a violation of this subsection shall be required to serve a
16 term of ~~post-imprisonment~~ postimprisonment supervision pursuant to
17 subparagraph f of paragraph 1 of subsection A of Section 991a of
18 Title 22 of the Oklahoma Statutes under conditions determined by the
19 Department of Corrections. The jury shall be advised that the
20 mandatory ~~post-imprisonment~~ postimprisonment supervision shall be in
21 addition to the actual imprisonment. As used in this section,
22 "child sexual abuse" means the willful or malicious sexual abuse, as
23 defined by subparagraph b of paragraph 6 2 of ~~subsection B of~~

1 Section ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the Oklahoma
2 Statutes, of a child under eighteen (18) years of age by another.

3 F. Any parent or other person who shall willfully or
4 maliciously engage in sexual abuse to a child under twelve (12)
5 years of age shall, upon conviction, be punished by imprisonment in
6 the custody of the Department of Corrections for not less than
7 twenty-five (25) years ~~nor more than~~ or for life imprisonment or
8 life without parole, and by a fine of not less than Five Hundred
9 Dollars (\$500.00) nor more than ~~Five Thousand Dollars (\$5,000.00)~~
10 Twenty Thousand Dollars (\$20,000.00).

11 G. Any parent or other person who shall willfully or
12 maliciously engage in enabling child sexual abuse shall, upon
13 conviction, be punished by imprisonment in the custody of the
14 Department of Corrections not exceeding life imprisonment, or by
15 imprisonment in a county jail not exceeding one (1) year, or by a
16 fine of not less than Five Hundred Dollars (\$500.00) nor more than
17 ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars
18 (\$20,000.00), or both such fine and imprisonment. As used in this
19 subsection, "enabling child sexual abuse" means the causing,
20 procuring or permitting of a willful or malicious act of child
21 sexual abuse, as defined by subparagraph b of paragraph 2 of
22 ~~subsection B of~~ Section ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the
23 Oklahoma Statutes, of a child under the age of eighteen (18) by

1 another. As used in this subsection, "permit" means to authorize or
2 allow for the care of a child by an individual when the person
3 authorizing or allowing such care knows or reasonably should know
4 that the child will be placed at risk of sexual abuse as proscribed
5 by this subsection.

6 H. Any parent or other person who shall willfully or
7 maliciously engage in child sexual exploitation shall, upon
8 conviction, be punished by imprisonment in the custody of the
9 Department of Corrections not exceeding life imprisonment, or by
10 imprisonment in a county jail not exceeding one (1) year, or by a
11 fine of not less than Five Hundred Dollars (\$500.00) nor more than
12 ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars
13 (\$20,000.00), or both such fine and imprisonment except as provided
14 in subsection I of this section for a child victim under twelve (12)
15 years of age. Except for persons sentenced to life or life without
16 parole, any person sentenced to imprisonment for two (2) years or
17 more for a violation of this subsection shall be required to serve a
18 term of ~~post-imprisonment~~ postimprisonment supervision pursuant to
19 subparagraph f of paragraph 1 of subsection A of Section 991a of
20 Title 22 of the Oklahoma Statutes under conditions determined by the
21 Department of Corrections. The jury shall be advised that the
22 mandatory ~~post-imprisonment~~ postimprisonment supervision shall be in
23 addition to the actual imprisonment. As used in this subsection,

1 "child sexual exploitation" means the willful or malicious sexual
2 exploitation, as defined by subparagraph c of paragraph 2 of
3 ~~subsection B of Section 7102~~ 1-1-105 of ~~this title~~ Title 10A of the
4 Oklahoma Statutes, of a child under eighteen (18) years of age by
5 another.

6 I. Any parent or other person who shall willfully or
7 maliciously engage in sexual exploitation of a child under twelve
8 (12) years of age shall, upon conviction, be punished by
9 imprisonment in the custody of the Department of Corrections for not
10 less than twenty-five (25) years ~~nor more than~~ or for life
11 ~~imprisonment~~ or life without parole, and by a fine of not less than
12 Five Hundred Dollars (\$500.00) nor more than ~~Five Thousand Dollars~~
13 ~~(\$5,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

14 J. Any parent or other person who shall willfully or
15 maliciously engage in enabling child sexual exploitation shall, upon
16 conviction, be punished by imprisonment in the custody of the
17 Department of Corrections not exceeding life imprisonment, or by
18 imprisonment in a county jail not exceeding one (1) year, or by a
19 fine of not less than Five Hundred Dollars (\$500.00) nor more than
20 ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars
21 (\$20,000.00), or both such fine and imprisonment. As used in this
22 subsection, "enabling child sexual exploitation" means the causing,
23 procuring or permitting of a willful or malicious act of child

1 sexual exploitation, as defined by subparagraph c of paragraph 7 2
2 of ~~subsection B of Section 7102 1-1-105~~ of this title Title 10A of
3 the Oklahoma Statutes, of a child under eighteen (18) years of age
4 by another. As used in this subsection, "permit" means to authorize
5 or allow for the care of a child by an individual when the person
6 authorizing or allowing such care knows or reasonably should know
7 that the child will be placed at risk of sexual exploitation as
8 proscribed by this subsection.

9 K. Notwithstanding any other provision of law, any parent or
10 other person convicted of forcible anal or oral sodomy, rape, rape
11 by instrumentation, or lewd molestation of a child under fourteen
12 (14) years of age subsequent to a previous conviction for any
13 offense of forcible anal or oral sodomy, rape, rape by
14 instrumentation, or lewd molestation of a child under fourteen (14)
15 years of age shall be punished by **death or by** imprisonment for life
16 without parole.

17 L. Any person convicted of rape of a child six (6) years of age
18 or younger in conjunction with a conviction for a qualifying felony
19 crime subsequent to a previous conviction and term of imprisonment
20 for rape of a child six (6) years of age or younger shall be
21 punished by imprisonment in the custody of the Department of
22 Corrections for life without parole or by death. The provisions of
23 this subsection shall not apply to any parent, guardian, or person

1 having custody or control over a child as defined in Section 1-1-105
2 of Title 10A of the Oklahoma Statutes. As used in this subsection,
3 "qualifying felony crime" means any felony crime wherein the
4 punishment for said crime includes a term of imprisonment of ten
5 (10) years or more.

6 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1015, as
7 last amended by Section 3, Chapter 275, O.S.L. 2009 (22 O.S. Supp.
8 2009, Section 1015), is amended to read as follows:

9 Section 1015. A. A judgment of death must be executed at the
10 Oklahoma State Penitentiary at McAlester, Oklahoma, said prison to
11 be designated by the court by which judgment is to be rendered.

12 B. The judgment of execution shall take place under the
13 authority of the Director of the ~~Oklahoma~~ Department of Corrections
14 and the warden must be present along with other necessary prison and
15 corrections officials to carry out the execution. The warden must
16 invite the presence of a physician and the district attorney of the
17 county in which the crime occurred or his or her designee, the judge
18 who presided at the trial issuing the sentence of death, the chief
19 of police of the municipality in which the crime occurred, if
20 applicable, and lead law enforcement officials of any state, county
21 or local law enforcement agency who investigated the crime or
22 testified in any court or clemency proceeding related to the crime,
23 including but not limited to the sheriff of the county wherein the

1 conviction was had, to witness the execution; in addition, the
2 Cabinet Secretary of Safety and Security must be invited ~~and~~ as well
3 as any other personnel or correctional personnel deemed appropriate
4 and approved by the Director. The warden shall, at the request of
5 the defendant, permit the presence of such ministers of the
6 defendant's choice, not exceeding two, and any persons, relatives or
7 friends, not to exceed five, as the defendant may name; provided,
8 reporters from recognized members of the news media will be admitted
9 upon proper identification, application and approval of the warden.

10 C. In the event the defendant has been sentenced to death in
11 one or more criminal proceedings in this state, or has been
12 sentenced to death in this state and by one or more courts of
13 competent jurisdiction in another state or pursuant to federal
14 authority, or any combination thereof, and this state has priority
15 to execute the defendant, the warden must invite the prosecuting
16 attorney or his or her designee, the judge, and the chief law
17 enforcement official from each jurisdiction where any death sentence
18 has issued. The above mentioned officials shall be allowed to
19 witness the execution or view the execution by closed circuit
20 television as determined by the Director of the Department of
21 Corrections.

22 D. A place shall be provided at the Oklahoma State Penitentiary
23 at McAlester so that individuals who are eighteen (18) years of age

1 or older and who are members of the immediate family of any deceased
2 victim of the defendant may witness the execution. The immediate
3 family members shall be allowed to witness the execution from an
4 area that is separate from the area to which other nonfamily member
5 witnesses are admitted, provided, however, if there are multiple
6 deceased victims, the Department shall not be required to provide
7 separate areas for each family of each deceased victim. If
8 facilities are not capable or sufficient to provide all immediate
9 family members with a direct view of the execution, the Department
10 of Corrections may broadcast the execution by means of a closed
11 circuit television system to an area in which other immediate family
12 members may be located.

13 Immediate family members may request individuals not directly
14 related to the deceased victim but who serve a close supporting role
15 or professional role to the deceased victim or an immediate family
16 member, including, but not limited to, a minister or licensed
17 counselor. The warden in consultation with the Director shall
18 approve or disapprove such requests. Provided further, the
19 Department may set a limit on the number of witnesses or viewers
20 within occupancy limits.

21 As used in this section, "members of the immediate family" means
22 the spouse, a child by birth or adoption, a stepchild, a parent, a

1 grandparent, a grandchild, a sibling of a deceased victim, or the
2 spouse of any immediate family member specified in this subsection.

3 E. Any surviving victim of the defendant who is eighteen (18)
4 years of age or older may view the execution by closed circuit
5 television with the approval of both the Director of the Department
6 of Corrections and the warden. The Director and warden shall
7 prioritize persons to view the execution, including immediate family
8 members, surviving victims, and supporting persons, and may set a
9 limit on the number of viewers within occupancy limits. Any
10 surviving victim approved to view the execution of their perpetrator
11 may have an accompanying support person as provided for members of
12 the immediate family of a deceased victim. As used in this
13 subsection, "surviving victim" means any person who suffered serious
14 harm or injury due to the criminal acts of the defendant of which
15 the defendant has been convicted in a court of competent
16 jurisdiction.

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

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

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

3 2. A complete description of the person, including a photograph
4 and fingerprints, and when requested by the Department of
5 Corrections, such registrant shall submit to a blood or saliva test
6 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
7 to testing for individuals registering shall be within thirty (30)
8 days of registration. Registrants who already have valid samples on
9 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
10 Offender Database shall not be required to submit duplicate samples
11 for testing;

12 3. The offenses listed in Section 582 of this title for which
13 the person has been convicted or the person received a suspended
14 sentence or any form of probation, where the offense was committed,
15 where the person was convicted or received the suspended sentence or
16 any form of probation, and the name under which the person was
17 convicted or received the suspended sentence or probation;

18 4. The name and location of each hospital or penal institution
19 to which the person was committed for each offense listed in Section
20 582 of this title;

21 5. Where the person previously resided, where the person
22 currently resides, how long the person has resided there, how long
23 the person expects to reside there, and how long the person expects

1 to remain in the county and in this state. The Department of
2 Corrections shall conduct address verification of each registered
3 sex offender as follows:

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

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

8 The Department of Corrections shall mail a nonforwardable
9 verification form to the last-reported address of the person. The
10 person shall return the verification form in person to the local law
11 enforcement authority of that jurisdiction within ten (10) days
12 after receipt of the form and may be photographed by the local law
13 enforcement authority at that time. The local law enforcement
14 authority shall require the person to produce proof of the identity
15 of the person and current address. Upon confirming the information
16 contained within the verification form, the local law enforcement
17 authority shall forward the form to the Department of Corrections
18 within three (3) days after receipt of the form. The verification
19 form shall be signed by the person and state the current address of
20 the person. Failure to return the verification form shall be a
21 violation of the Sex Offenders Registration Act. If the offender
22 has been determined to be a habitual or aggravated sex offender by
23 the Department of Corrections or has been assigned a level

1 assignment of three, the address verification shall be conducted
2 every ninety (90) days. The Department of Corrections shall notify
3 the office of the district attorney and local law enforcement
4 authority of the appropriate county, within forty-five (45) days if
5 unable to verify the address of a sex offender. A local law
6 enforcement authority may notify the office of the district attorney
7 whenever it comes to the attention of the local law enforcement
8 authority that a sex offender is not in compliance with any
9 provisions of this act. A local law enforcement authority
10 designated as the primary registration authority of the person may,
11 at any time, mail a nonforwardable verification form to the last-
12 reported address of the person. The person shall return the
13 verification form in person to the local law enforcement authority
14 that mailed the form within ten (10) days after receipt of the form.
15 The local law enforcement authority shall require the person to
16 produce proof of the identity of the person and current address;

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

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

23 8. The level assignment of the person.

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

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

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

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

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

17 4. The level assignment of the person.

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

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

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

13 D. Any person subject to the provisions of the Sex Offenders
14 Registration Act who changes address, employment or student
15 enrollment status shall appear in person and give notification to
16 the Department of Corrections and the local law enforcement
17 authority of the change of address and the new address, the change
18 of employment or the change of student enrollment status no later
19 than three (3) business days prior to the abandonment of or move
20 from the current address or, in the case of change of employment or
21 student enrollment, within three (3) business days of such change.
22 If the new address, employment or student enrollment is under the
23 jurisdiction of a different local law enforcement authority:

1 1. The Department of Corrections and the local law enforcement
2 authority shall notify the new local law enforcement authority by
3 teletype or electronic transmission of the change of address,
4 employment or student enrollment status;

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

7 3. The new local law enforcement authority shall notify the
8 most recent registering agency by teletype or electronic
9 transmission of the change in address, employment or student
10 enrollment status of the offender. If the new address is in another
11 state the Department of Corrections shall promptly notify the agency
12 responsible for registration in that state of the new address of the
13 offender.

14 E. Any person subject to the provisions of the Sex Offenders
15 Registration Act who is unable to provide an address to the
16 Department of Corrections or local law enforcement authority as
17 required in subsections A and C of this section and registers as a
18 transient shall report in person to the nearest local law
19 enforcement authority every seven (7) days and provide to the local
20 law enforcement authority the approximate location of where the
21 person is staying and where the person plans to stay. The fact that
22 the person is homeless and not able to provide an address to the
23 Department of Corrections or local law enforcement authority as

1 required in this subsection shall not constitute a defense to a
2 prosecution pursuant to this subsection.

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

16 G. The Superintendent of Public Instruction is authorized to
17 copy and shall distribute information from the sex offender registry
18 to school districts and individual public and private schools within
19 the state with a notice using the following or similar language: "A
20 person whose name appears on this registry has been convicted of a
21 sex offense. Continuing to employ a person whose name appears on
22 this registry may result in civil liability for the employer or

1 criminal prosecution pursuant to Section 589 of Title 57 of the
2 Oklahoma Statutes."

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

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

15 When a local law enforcement authority sends a copy of or
16 otherwise makes the sex offender registry available to any public or
17 private school offering any combination of prekindergarten through
18 twelfth grade classes or child care facility licensed by the state,
19 the agency shall provide a notice using the following or similar
20 language: "A person whose name appears on this registry has been
21 convicted of a sex offense. Continuing to employ a person whose
22 name appears on this registry may result in civil liability for the

1 employer or criminal prosecution pursuant to Section 589 of Title 57
2 of the Oklahoma Statutes."

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

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

- 1 a. who is subsequently convicted of a crime or an attempt
2 to commit a crime listed in subsection A of Section
3 582 of this title, or
4 b. who enters this state after November 1, 1997, and who
5 has been convicted of an additional crime or attempted
6 crime which, if committed or attempted in this state,
7 would be a crime or an attempt to commit a crime
8 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
11 and shall be designated by the Department of Corrections as a
12 habitual sex offender. A habitual sex offender shall be required to
13 register for the lifetime of the habitual sex offender.

14 2. On or after November 1, 1999, any person who has been
15 convicted of a crime or an attempt to commit a crime, received a
16 suspended sentence or any probationary term, including a deferred
17 sentence imposed in violation of subsection G of Section 991c of
18 Title 22 of the Oklahoma Statutes, for a crime provided for in
19 Section ~~7115~~ 843.5 of Title ~~10~~ 21 of the Oklahoma Statutes, if the
20 offense involved sexual abuse or sexual exploitation as these terms
21 are defined in Section ~~7102~~ 1-1-105 of Title ~~10~~ 10A of the Oklahoma
22 Statutes, Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the
23 Oklahoma Statutes shall be subject to all the registration

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

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

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

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

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

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

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

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

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

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

1 SECTION 4. AMENDATORY 57 O.S. 2001, Section 587, as
2 amended by Section 10, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2009,
3 Section 587), is amended to read as follows:

4 Section 587. A. Any person required to register pursuant to
5 the provisions of the Sex Offenders Registration Act who violates
6 any provision of said act shall, upon conviction, be guilty of a
7 felony. ~~Any person convicted of a violation of this section shall~~
8 ~~be punished~~ punishable by imprisonment in the custody of the
9 Department of Corrections for not more than ~~five (5)~~ twenty (20)
10 years, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or
11 by both such fine and imprisonment.

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

19 SECTION 5. It being immediately necessary for the preservation
20 of the public peace, health and safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-24-10 - DO
24 PASS, As Amended and Coauthored.