

THE STATE SENATE
Monday, February 23, 2009

Committee Substitute for
Senate Bill No. 1141

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1141 - By: Johnson
(Constance) of the Senate and Peterson of the House.

[domestic abuse - Domestic Violence Registration Act -
requiring registration - Department of Corrections to
develop registry - criminalizing certain acts - penalty -
codification - effective date]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 61 of Title 22, unless there is
created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Domestic
Violence Registration Act".

B. The Legislature finds that the state has an overriding
public safety interest in persons who commit acts of violence,
intimidation, threat, stalking or harassment against family members.
The legislature further finds that the privacy interest of a person
found guilty of a crime of domestic abuse is less important than the
state's interest in public safety and protection of its citizens
from acts of violence, intimidation or threat. The Legislature
additionally finds that a system of registration is needed for
persons who commit acts of domestic abuse and that a registration

1 system will permit law enforcement officials to better respond to
2 domestic situations.

3 SECTION 2. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 61.1 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The provisions of this act shall apply to any person who, on
7 or after the effective date of this act, is found guilty of a crime
8 of domestic abuse pursuant to Section 644 of Title 21 of the
9 Oklahoma Statutes or who is found guilty by a court of competent
10 jurisdiction pursuant to any similar provision of law in another
11 state, whether upon a verdict or plea of guilty or upon a plea of
12 nolo contendere.

13 B. This act shall further apply to any person who enters the
14 State of Oklahoma, on or after the effective date of this act, and
15 who intends to reside in this state for any portion of a year after
16 having been found guilty of a crime constituting domestic abuse by a
17 court of competent jurisdiction in a jurisdiction other than this
18 state when the act was committed any time within five (5) years
19 prior to entering this state, whether upon a verdict or plea of
20 guilty or upon a plea of nolo contendere.

21 C. The provisions of this act shall not apply to any person
22 while the person is incarcerated in any jail or correctional

1 institution, but upon release from the facility, the provisions of
2 this act shall immediately apply.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 61.2 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A. 1. Any person who becomes subject to the provisions of this
7 act shall register with the Department of Corrections within three
8 (3) business days of the determination of guilty by a court of
9 competent jurisdiction for a crime of domestic abuse; or

10 2. With the Department of Corrections not less than three (3)
11 business days prior to abandoning or moving from an address of
12 previous registration.

13 B. 1. The court clerk or judge, after a determination of guilt
14 for the crime of domestic abuse, may take the initial registration
15 information and submit it to the Department of Corrections, or the
16 Department may develop methods for either an in-person or electronic
17 registration. Upon registration, the Department of Corrections
18 shall cause a copy of the registration information to be mailed or
19 forwarded to the local law enforcement authority where the person
20 resides. The local law enforcement authority is responsible to
21 verify the name and address provided in the registration, and to
22 notify the Department of Corrections if the name or address is
23 incorrect. The Department of Corrections and the local law

1 enforcement agency are authorized to keep and make available to the
2 public all names, addresses and offenses of persons registered
3 pursuant to this act.

4 2. For purposes of this subsection, "local law enforcement
5 authority" means:

6 a. the municipal police department, if the person resides
7 within the jurisdiction of any municipality of this
8 state, or

9 b. the county sheriff, if the person resides at any place
10 outside the jurisdiction of any municipality within
11 this state.

12 C. Any person who is found guilty of an offense in another
13 jurisdiction, which offense if committed or attempted in this state
14 would be punishable as domestic abuse, shall register in the same
15 manner as if the offense had occurred in this state when the person
16 resides in this state or subsequently enters this state.

17 D. Every person required to register shall be continuously
18 registered for four (4) years. Any person who changes a registered
19 address shall be required to report such change as required in this
20 act, including any relocation to a place outside this state. For
21 persons who are sentenced to any period of incarceration, the
22 registration time shall begin to run from the date of release from
23 the facility. The information received pursuant to a registration

1 with the Department of Corrections shall be maintained by the
2 Department of Corrections for at least seven (7) years from the date
3 of the last registration.

4 E. The Department of Corrections shall inform a person of the
5 continuing duty to register and duty to report changes of address or
6 relocation as required in this act. A signed statement shall be
7 required as part of the registration, and the person shall
8 acknowledge that he or she understands the duty to register as
9 specified in this act.

10 F. The Department shall develop the registration process and
11 forms, and such forms may include any information deemed necessary
12 for an accurate description and identification of the person and the
13 offense to be registered. Registration may include or require
14 fingerprints, photographs, and a DNA sample of the person to be
15 registered.

16 G. Public officials, public employees, and public agencies are
17 immune from civil liability for good-faith conduct under this act.

18 H. The information contained in the registry shall be public
19 information and may be released upon request or distributed publicly
20 by any means, including, but not limited to, distribution by use of
21 the Internet.

22 I. The district courts of this state shall electronically file
23 determinations of guilt for crimes of domestic abuse through the

1 Oklahoma Supreme Court Network system or any other electronic photo-
2 electronic or photo-optical means, and, upon receipt of such
3 information, the Department of Corrections shall include the
4 information in the registry created pursuant to this act.

5 J. No person shall refuse, withdraw or withhold any information
6 or public record authorized for inclusion in the registry created
7 pursuant to this act. The Department of Corrections is authorized
8 to access and publish in the domestic violence registry any public
9 information contained in a person's criminal history records or
10 court records, or to reference public information contained in any
11 record when deemed appropriate for the safety of the citizens of
12 this state from acts of violence, intimidation or threat.

13 K. As used in this act, "family member" and "domestic abuse"
14 are defined by Section 60.1 of Title 22 of the Oklahoma Statutes and
15 by the elements of the crime of domestic abuse pursuant to Section
16 644 of Title 21 of the Oklahoma Statutes.

17 SECTION 4. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 61.3 of Title 22, unless there
19 is created a duplication in numbering, reads as follows:

20 Any person required to register or provide information pursuant
21 to the provisions of this act who willfully refuses or fails to
22 register as required by the provisions of this act or to provide

1 information in compliance with registration or provisions for
2 records sharing shall, upon conviction, be guilty of a misdemeanor.

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

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO
5 PASS, As Amended and Coauthored.