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THE STATE SENATE
Thursday, February 18, 2010

Committee Substitute for
Senate Bill No. 2215

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2215 - By: Sykes of the Senate and Nelson of the House.

An Act relating to prisons and reformatories; amending 57 O.S. 2001, Sections 582, 583, 584, as last amended by Sections 2, 5, and 6, Chapter 404, O.S.L. 2009, 585, and Section 12, Chapter 284, O.S.L. 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Sections 582, 583, 584, and 590.1), which relate to the Sex Offenders Registration Act; expanding scope of application of Sex Offenders Registration Act; adding information to disclose for certain registrants; modifying certain definitions; adding duties to certain jurisdictional entities; adding required information for registration purposes; modifying certain definition; adding certain disclosures for changes in status; modifying information requirement for certain notification for habitual and aggravated sex offenders; modifying information obtained from certain persons upon discharge or release; and providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 582, as last amended by Section 2, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2009, Section 582), is amended to read as follows:

Section 582. A. The provisions of the Sex Offenders Registration Act shall apply to any person residing, working, ~~or~~ attending school, or who is homeless as defined in Section 2900.1 of Title 74 of the Oklahoma Statutes within the State of Oklahoma who, after November 1, 1989, has been convicted, whether upon a verdict

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

15 B. The provisions of the Sex Offenders Registration Act shall
16 apply to any person who after November 1, 1989, resides, works, ~~or~~
17 attends school, or who is homeless as defined in Section 2900.1 of
18 Title 74 of the Oklahoma Statutes within the State of Oklahoma and
19 who has been convicted or received a suspended sentence at any time
20 in any court of another state, the District of Columbia, Puerto
21 Rico, Guam, American Samoa, the Northern Mariana Islands and the
22 United States Virgin Islands, a federal court, an Indian tribal
23 court, a military court, or a court of a foreign country for a

1 crime, attempted crime or a conspiracy to commit a crime which, if
2 committed or attempted in this state, would be a crime, an attempt
3 to commit a crime or a conspiracy to commit a crime provided for in
4 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, or is
7 homeless as defined in Section 2900.1 of Title 74 of the Oklahoma
8 Statutes within the State of Oklahoma and who has received a
9 deferred judgment at any time in any court of another state, the
10 District of Columbia, Puerto Rico, Guam, American Samoa, the
11 Northern Mariana Islands and the United States Virgin Islands, a
12 federal court, an Indian tribal court, a military court, or a court
13 of a foreign country for a crime, attempted crime or a conspiracy to
14 commit a crime which, if committed or attempted or conspired to be
15 committed in this state, would be a crime, an attempt to commit a
16 crime or a conspiracy to commit a crime provided for in Section 7115
17 of Title 10 of the Oklahoma Statutes if the offense involved sexual
18 abuse or sexual exploitation as those terms are defined in Section
19 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the
20 offense involved sexual assault, 741, if the offense involved sexual
21 abuse or sexual exploitation, Section 843.1, if the offense involved
22 sexual abuse or sexual exploitation, Section 852.1, if the offense
23 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,

1 if the offense involved sexual abuse or sexual exploitation, 1021,
2 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,
3 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes. The
4 provisions of the Sex Offenders Registration Act shall not apply to
5 any such person while the person is incarcerated in a maximum or
6 medium correctional institution of the Department of Corrections.

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

13 E. The provisions of the Sex Offenders Registration Act shall
14 not apply to any such person who has received a criminal history
15 records expungement for a conviction in another state for a crime or
16 attempted crime which, if committed or attempted in this state,
17 would be a crime or an attempt to commit a crime provided for in any
18 said laws listed in subsection A of this section.

19 SECTION 2. AMENDATORY 57 O.S. 2001, Section 583, as
20 last amended by Section 5, Chapter 404, O.S.L. 2009 (57 O.S. Supp.
21 2009, Section 583), is amended to read as follows:

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

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

12 2. With the local law enforcement authority having jurisdiction
13 in the area where the person resides, or ~~or~~ intends to reside for seven
14 (7) consecutive days or longer, calculated beginning with the first
15 day, or is located while homeless. The registration is required
16 within three (3) days after entering the jurisdiction of the law
17 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 or within three (3) business days of changing or terminating
22 employment, or changing enrollment status as a student.

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

19 B. Any person who has been convicted of an offense or received
20 a deferred judgment for an offense in another jurisdiction, which
21 offense if committed or attempted in this state, would have been
22 punishable as one or more of the offenses listed in Section 582 of

1 this title and who enters this state on or after November 1,
2 1989, shall register, in person, as follows:

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

11 2. With the local law enforcement authority having jurisdiction
12 in the area where the person intends to reside or to stay for five
13 (5) consecutive days or longer, calculated beginning with the first
14 day, has any type of full-time or part-time employment, with or
15 without compensation for more than five (5) cumulative days in any
16 sixty-day period, or is enrolled as a full-time or part-time student
17 within this state. The registration is required with local law
18 enforcement within two (2) days after entering the jurisdiction of
19 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 or within three (3) business days of changing or terminating
2 employment, or changing enrollment status as a student.

3 Upon registering a person who has been convicted of an offense
4 or received a deferred judgment for an offense in another
5 jurisdiction, which offense, if committed or attempted in this
6 state, would have been punishable as one or more of the offenses
7 listed in Section 582 of this title, the local law enforcement
8 authority shall forward the registration information to the sex
9 offender level assignment committee of the Department of
10 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 with the Department of Corrections as follows:

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

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

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

20 The registration period shall begin from the date of the completion
21 of the sentence. The information received pursuant to the
22 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 with the local law enforcement authority as follows:

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

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

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

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

17 E. Any person assigned a level of one who has been registered
18 for a period of ten (10) years and who has not been arrested or
19 convicted for any felony or misdemeanor offense since being released
20 from confinement, may petition the district court in the
21 jurisdiction where the person resides for the purpose of removing
22 the level designation and allowing the person to no longer be

1 subject to the registration requirements of the Sex Offenders
2 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, or
9 becomes homeless, the offender shall appear in person and give
10 notice of the move and the new address or his or her status as a
11 homeless individual to the Department of Corrections and to the
12 local law enforcement authority in the location in which the
13 offender previously resided no later than three (3) days before the
14 offender establishes residence or is temporarily domiciled at the
15 new address;

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

1 4. Inform the offender that if the offender participates in any
2 full-time employment, with or without compensation, and changes or
3 terminates such employment, the offender shall appear in person and
4 give notice of the change or termination of employment to the
5 Department of Corrections and to the local law enforcement authority
6 in the location where the offender was employed within three (3)
7 days of such change or termination of employment;

8 5. Inform the offender that if the offender participates in any
9 full-time or part-time employment, in another state, with or without
10 compensation for more than fourteen (14) cumulative days in any
11 sixty-day period or an aggregate period exceeding thirty (30) days
12 in a calendar year, then the offender has a duty to register as a
13 sex offender in that state;

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

17 7. Inform the offender that if the offender enrolls in any
18 school within this state as a full-time or part-time student, then
19 the offender has a duty to register as a sex offender with the
20 Department of Corrections and the local law enforcement authority;

21 8. Inform the offender that if the offender participates in any
22 full-time or part-time employment at any school, with or without
23 compensation, or participates in any vocational course or occupation

1 at any school in this state, then the offender has a duty to appear
2 in person and notify the Department of Corrections and the local law
3 enforcement authority of such employment or participation at least
4 three (3) days before commencing or upon terminating such employment
5 or participation;

6 9. Inform the offender that if the offender graduates,
7 transfers, drops, terminates or otherwise changes enrollment or
8 employment at any school in this state, then the offender shall
9 appear in person and notify the Department of Corrections and the
10 local law enforcement authority of such change in enrollment or
11 employment within three (3) days of the change; and

12 10. Require the offender to read and sign a form stating that
13 the duty of the person to register under the Sex Offenders
14 Registration Act has been explained.

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

18 H. Any person who resides in another state and who has been
19 convicted of an offense or received a deferred judgment for an
20 offense in this state, or in another jurisdiction, which offense if
21 committed or attempted in this state would have been punishable as
22 one or more of the offenses listed in Section 582 of this title, and

1 who is the spouse of a person living in this state shall be
2 registered as follows:

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

9 2. With the local law enforcement authority having jurisdiction
10 in the area where the person intends to reside or to stay within
11 this state for two (2) consecutive days or longer, calculated
12 beginning with the first day. The registration is required with
13 local law enforcement within two (2) days after entering the
14 jurisdiction of the law enforcement authority.

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

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

22 Section 584. A. Any registration with the Department of
23 Corrections required by the Sex Offenders Registration Act shall be

1 in a form approved by the Department and shall include the following
2 information about the person registering:

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

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

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

20 4. The name and location of each hospital or penal institution
21 to which the person was committed for each offense listed in Section
22 582 of this title;

1 5. Where the person previously resided, where the person
2 currently resides or is located if the person is homeless, how long
3 the person has resided or been located there, how long the person
4 expects to reside or be located there, and how long the person
5 expects to remain in the county and in this state. The Department
6 of Corrections shall conduct address verification of each registered
7 sex offender as follows:

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

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

12 The Department of Corrections shall mail a nonforwardable
13 verification form to the last-reported address of the person. The
14 person shall return the verification form in person to the local law
15 enforcement authority of that jurisdiction within ten (10) days
16 after receipt of the form and may be photographed by the local law
17 enforcement authority at that time. The local law enforcement
18 authority shall require the person to produce proof of the identity
19 of the person and current address. Upon confirming the information
20 contained within the verification form, the local law enforcement
21 authority shall forward the form to the Department of Corrections
22 within three (3) days after receipt of the form. The verification
23 form shall be signed by the person and state the current address of

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

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

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

5 8. The level assignment of the person.

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

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

15 1. The full name of the person, alias, date of birth, sex,
16 race, height, weight, eye color, social security number, driver
17 license number, and home address or if no home address, the person's
18 status as a homeless individual;

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

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

23 4. The level assignment of the person.

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 while homeless, is
5 located within the jurisdiction of any municipality of
6 this state, or

7 b. the county sheriff, if the person resides or intends
8 to reside or stay while homeless, is located at any
9 place outside the jurisdiction of any municipality
10 within this state, and

11 c. the police or security department of any institution
12 of higher learning within this state if the person:
13 (1) enrolls as a full-time or part-time student,
14 (2) is a full-time or part-time employee at an
15 institution of higher learning, or
16 (3) resides or intends to reside or stay on any
17 property owned or controlled by the institution
18 of higher learning.

19 D. Any person subject to the provisions of the Sex Offenders
20 Registration Act who changes address or becomes homeless, or changes
21 employment or student enrollment status shall appear in person and
22 give notification to the Department of Corrections and the local law
23 enforcement authority of the change of address and the new address

1 or the fact that the person has become homeless, the change of
2 employment or the change of student enrollment status no later than
3 three (3) business days prior to the abandonment of or move from the
4 current address or, in the case of change of employment or student
5 enrollment, within three (3) business days of such change. If the
6 new address, location while homeless, employment or student
7 enrollment is under the jurisdiction of a different local law
8 enforcement authority:

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

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

15 3. The new local law enforcement authority shall notify the
16 most recent registering agency by teletype or electronic
17 transmission of the change in address, employment or student
18 enrollment status of the offender. If the new address is in another
19 state the Department of Corrections shall promptly notify the agency
20 responsible for registration in that state of the new address of the
21 offender.

22 E. Any person subject to the provisions of the Sex Offenders
23 Registration Act who is unable to provide an address to the

1 Department of Corrections or local law enforcement authority as
2 required in subsections A and C of this section and registers as a
3 transient shall report in person to the nearest local law
4 enforcement authority every seven (7) days and provide to the local
5 law enforcement authority the approximate location of where the
6 person is staying and where the person plans to stay.

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

20 G. The Superintendent of Public Instruction is authorized to
21 copy and shall distribute information from the sex offender registry
22 to school districts and individual public and private schools within
23 the state with a notice using the following or similar language: "A

1 person whose name appears on this registry has been convicted of a
2 sex offense. Continuing to employ a person whose name appears on
3 this registry may result in civil liability for the employer or
4 criminal prosecution pursuant to Section 589 of Title 57 of the
5 Oklahoma Statutes."

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

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

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

1 convicted of a sex offense. Continuing to employ a person whose
2 name appears on this registry may result in civil liability for the
3 employer or criminal prosecution pursuant to Section 589 of Title 57
4 of the Oklahoma Statutes."

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

20 K. 1. Any person who has been convicted of or received a
21 suspended sentence or any probationary term, including a deferred
22 sentence imposed in violation of subsection G of Section 991c of

1 Title 22 of the Oklahoma Statutes, for any crime listed in Section
2 582 of this title and:

3 a. who is subsequently convicted of a crime or an attempt
4 to commit a crime listed in subsection A of Section
5 582 of this title, or

6 b. who enters this state after November 1, 1997, and who
7 has been convicted of an additional crime or attempted
8 crime which, if committed or attempted in this state,
9 would be a crime or an attempt to commit a crime
10 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
13 and shall be designated by the Department of Corrections as a
14 habitual sex offender. A habitual sex offender shall be required to
15 register for the lifetime of the habitual sex offender.

16 2. On or after November 1, 1999, any person who has been
17 convicted of a crime or an attempt to commit a crime, received a
18 suspended sentence or any probationary term, including a deferred
19 sentence imposed in violation of subsection G of Section 991c of
20 Title 22 of the Oklahoma Statutes, for a crime provided for in
21 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
22 involved sexual abuse or sexual exploitation as these terms are
23 defined in Section 7102 of Title 10 of the Oklahoma Statutes,

1 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
2 Statutes shall be subject to all the registration requirements of
3 this act and shall be designated by the Department of Corrections as
4 an aggravated sex offender. An aggravated sex offender shall be
5 required to register for the lifetime of the aggravated sex
6 offender.

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

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

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

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

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

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

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

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

22 2. Nothing in this section shall be construed to prevent law
23 enforcement officers from notifying members of the public of any

1 persons that pose a danger under circumstances that are not
2 enumerated in the Sex Offenders Registration Act.

3 SECTION 4. AMENDATORY 57 O.S. 2001, Section 585, is
4 amended to read as follows:

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

15 1. Explain to the person the duty to register pursuant to the
16 Sex Offenders Registration Act;

17 2. Require the person to sign a written statement that the duty
18 to register has been explained and the person understands the duty
19 to register;

20 3. Obtain the address at which the person is to reside or the
21 law enforcement jurisdiction within which the person will be located
22 if the person is or is likely to become homeless upon discharge or
23 release; and

1 4. Forward said information to the Department of Corrections.

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

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

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

17 SECTION 5. AMENDATORY Section 12, Chapter 284, O.S.L.
18 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57
19 O.S. Supp. 2009, Section 590.1), is amended to read as follows:

20 Section 590.1. A. 1. It is unlawful for two or more persons
21 required to register as sex offenders to reside together in any
22 individual dwelling during the term of registration as a sex
23 offender. Every person violating this provision shall be guilty,

1 upon conviction, of a misdemeanor punishable by imprisonment in the
2 county jail for a term not more than one (1) year and a fine in an
3 amount not to exceed One Thousand Dollars (\$1,000.00). Every person
4 convicted of a second or subsequent violation of this section shall
5 be guilty of a felony punishable by imprisonment in the custody of
6 the Department of Corrections for a term not more than five (5)
7 years and a fine in an amount not to exceed Two Thousand Dollars
8 (\$2,000.00).

9 2. The provisions of paragraph 1 of this subsection shall not
10 be construed to prohibit a registered sex offender from residing in
11 any properly zoned and established boarding house, apartment
12 building or other multi-unit structure; provided the individual
13 dwellings are separate for each registered person. Nothing in this
14 subsection shall prohibit the sharing of living quarters, jail or
15 prison space, or any multi-person or dormitory-style housing of sex
16 offenders in the custody of any jail or correctional facility or any
17 properly zoned facility under contract with a jail or correctional
18 agency for the purpose of housing prisoners, or any properly
19 established treatment or nonprofit facility located in a properly
20 zoned area determined by the local governing authority and housing
21 persons for purposes of sex offender services and treatment.
22 Nothing in this subsection shall prohibit married persons, both of
23 whom are required to register as sex offenders, or two or more blood

1 relatives who are required to register as sex offenders, from
2 residing in any individual dwelling during the term of registration
3 as a sex offender.

4 3. For purposes of this subsection, "individual dwelling"
5 means:

- 6 a. a private residential property, whether owned, leased
7 or rented, including all real property zoned as
8 single-family residential property or zoned as multi-
9 family residential property due to any adjacent,
10 detached or separate living quarters of any kind on
11 such property,
- 12 b. any room available within any boarding house or group
13 home as such term is defined by subsection D of this
14 section,
- 15 c. any single apartment for rent or lease within an
16 apartment building, or
- 17 d. any separate residential unit made available for sale,
18 rent or lease within a multi-unit structure, including
19 a condominium, duplex, triplex, quadriplex or any unit
20 that is constructed together with other separate units
21 into one structure.

22 4. For purposes of this subsection "multi-unit structure"
23 means:

1 a. a structure with multiple residential units that
2 provide independent living facilities for living,
3 sleeping, cooking, eating, and sanitation within each
4 individual unit, and
5 b. manufactured homes, mobile homes, trailers, and
6 recreational vehicles that do not meet the provisions
7 of subparagraph a are not multi-unit structures.

8 B. The Department of Corrections is prohibited from contracting
9 for the housing of any person required to register as a sex offender
10 in any individual dwelling, as defined by paragraph 3 of subsection
11 A of this section, where another person required to register as a
12 sex offender also resides.

13 C. No halfway house, nonprofit organization, or private entity
14 shall contract with the Department of Corrections or any jail to
15 house any person required to register as a sex offender or offer
16 housing independently to any person required to register as a sex
17 offender if such housing facility is located within a single-family
18 zoned residential neighborhood or is not properly zoned as a multi-
19 unit housing structure, jail or correctional facility.

20 D. No person or entity shall knowingly establish or operate a
21 boarding house or group home, or otherwise knowingly rent or lease
22 rooms, for the residency of persons required to register pursuant to
23 the Sex Offenders Registration Act unless treatment services are

1 provided. Said facility must also be in a properly zoned area
2 determined by the local governing authority. For purposes of this
3 subsection, "boarding house or group home" means a dwelling that is
4 used for the residency of two or more unrelated persons.

5 E. No person or entity shall knowingly establish, lease,
6 operate, or own any structure or portion of a structure where
7 persons required to register pursuant to the Sex Offenders
8 Registration Act are residing together in violation of this section
9 or knowingly allow any other violation of this section.

10 1. Every person violating this provision shall be guilty, upon
11 conviction, of a felony punishable by imprisonment in the county
12 jail for a term not more than one (1) year or a fine in an amount
13 not to exceed Two Thousand Dollars (\$2,000.00) or by both such fine
14 and imprisonment; and

15 2. Every person convicted of a second or subsequent violation
16 of this section shall be guilty of a felony punishable by
17 imprisonment in the custody of the Department of Corrections for a
18 term not more than five (5) years or a fine in an amount not to
19 exceed Five Thousand Dollars (\$5,000.00) or by both such fine and
20 imprisonment.

21 SECTION 6. This act shall become effective July 1, 2010.

22 SECTION 7. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
3 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
4 dated 2-16-10 - DO PASS, As Amended and Coauthored.