

3 Senate Bill No. 2231

4 SENATE BILL NO. 2231 - By: Branam of the Senate and Martin (Scott)  
5 of the House.

6 An Act relating to prisons and reformatories; amending 57  
7 O.S. 2001, Section 584, as last amended by Section 148,  
8 Chapter 234, O.S.L. 2009 (57 O.S. Supp. 2009, Section 584),  
9 which relates to sex offender registration; modifying  
10 definition of address; requiring use of physical address;  
11 amending 57 O.S. 2001, Section 585, which relates to sex  
12 offender registration notification, modifying definition of  
13 address; and providing an effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 584, as last  
16 amended by Section 148, Chapter 234, O.S.L. 2009 (57 O.S. Supp.  
17 2009, Section 584), is amended to read as follows:

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

- 22 1. The name of the person and all aliases used or under which  
23 the person has been known;
- 24 2. A complete description of the person, including a photograph  
25 and fingerprints, and when requested by the Department of  
26 Corrections, such registrant shall submit to a blood or saliva test  
27 for purposes of a deoxyribonucleic acid (DNA) profile. Submission

1 to testing for individuals registering shall be within thirty (30)  
2 days of registration. Registrants who already have valid samples on  
3 file in the Oklahoma State Bureau of Investigation (OSBI) DNA  
4 Offender Database shall not be required to submit duplicate samples  
5 for testing;

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

12 4. The name and location of each hospital or penal institution  
13 to which the person was committed for each offense listed in Section  
14 582 of this title;

15 5. Where the person previously resided, where the person  
16 currently resides, how long the person has resided there, how long  
17 the person expects to reside there, and how long the person expects  
18 to remain in the county and in this state. The address of the  
19 residence shall be a physical address, not a post office box. The  
20 Department of Corrections shall conduct address verification of each  
21 registered sex offender as follows:

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

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

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

1 authority may notify the office of the district attorney whenever it  
2 comes to the attention of the local law enforcement authority that a  
3 sex offender is not in compliance with any provisions of ~~this act~~  
4 Section 581 et seq. of this title. A local law enforcement  
5 authority designated as the primary registration authority of the  
6 person may, at any time, mail a nonforwardable verification form to  
7 the last-reported address of the person. The person shall return  
8 the verification form in person to the local law enforcement  
9 authority that mailed the form within ten (10) days after receipt of  
10 the form. The local law enforcement authority shall require the  
11 person to produce proof of the identity of the person and current  
12 address;

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

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

19 8. The numeric risk level of the person.

20 B. Conviction data and fingerprints shall be promptly  
21 transmitted at the time of registration to the Oklahoma State Bureau  
22 of Investigation (OSBI) and the Federal Bureau of Investigation

1 (FBI) if the state has not previously sent the information at the  
2 time of conviction.

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

7 1. The full name of the person, alias, date of birth, sex,  
8 race, height, weight, eye color, social security number, driver  
9 license number, and home address. The home address shall be a  
10 physical address, not a post office box;

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

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

15 4. The numeric risk level of the person.

16 For purposes of this section, "local law enforcement authority"  
17 means:

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

21 b. the county sheriff, if the person resides or intends  
22 to reside or stay at any place outside the

1 jurisdiction of any municipality within this state,  
2 and

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

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

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

8 (3) resides or intends to reside or stay on any  
9 property owned or controlled by the institution  
10 of higher learning.

11 D. Any person subject to the provisions of the Sex Offenders  
12 Registration Act who changes an address shall give written  
13 notification to the Department of Corrections and the local law  
14 enforcement authority of the change of address and the new address  
15 no later than three (3) business days prior to the abandonment of or  
16 move from the current address. The address given to the Department  
17 of Corrections and the local law enforcement authority shall be a  
18 physical address, not a post office box. If the new address is  
19 under the jurisdiction of a different local law enforcement  
20 authority:

21 1. The Department of Corrections and the local law enforcement  
22 authority shall notify the new local law enforcement authority by

1 teletype, electronic transmission, or letter of the change of  
2 address;

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

5 3. The new local law enforcement authority shall notify the  
6 most recent registering agency by teletype or letter of the change  
7 in address of the offender. If the new address is in another state  
8 the Department of Corrections shall promptly notify the agency  
9 responsible for registration in that state of the new address of the  
10 offender.

11 E. Any person registered as a sex offender, pursuant to the Sex  
12 Offender Registration Act, who has provided a post office box as an  
13 address shall be contacted by local law enforcement and required to  
14 provide a physical address.

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

1 access. The Department of Corrections shall promptly provide all  
2 municipal police departments, all county sheriff departments and all  
3 campus police departments a list of those sex offenders registered  
4 and living in their county.

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

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

21 ~~H.~~ I. Each local law enforcement authority shall make its sex  
22 offender registry available upon request, without restriction, at a  
23 cost that is no more than what is charged for other records provided

1 by the local law enforcement authority pursuant to the Oklahoma Open  
2 Records Act.

3 When a local law enforcement authority sends a copy of or  
4 otherwise makes the sex offender registry available to any public or  
5 private school offering any combination of prekindergarten through  
6 twelfth grade classes or child care facility licensed by the state,  
7 the agency shall provide a notice using the following or similar  
8 language: "A person whose name appears on this registry has been  
9 convicted of a sex offense. Continuing to employ a person whose  
10 name appears on this registry may result in civil liability for the  
11 employer or criminal prosecution pursuant to Section 589 of Title 57  
12 of the Oklahoma Statutes."

13 ~~I.~~ J. Samples of blood or saliva for DNA testing required by  
14 subsection A of this section shall be taken by employees or  
15 contractors of the Department of Corrections. Said individuals  
16 shall be properly trained to collect blood or saliva samples.  
17 Persons collecting samples for DNA testing pursuant to this section  
18 shall be immune from civil liabilities arising from this activity.  
19 The Department of Corrections shall ensure the collection of samples  
20 is mailed to the Oklahoma State Bureau of Investigation (OSBI)  
21 within ten (10) days of the time the subject appears for testing.  
22 The Department shall use sample kits provided by the OSBI and  
23 procedures promulgated by the OSBI. Persons subject to DNA testing

1 pursuant to this section shall be required to pay to the Department  
2 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees  
3 collected pursuant to this subsection shall be deposited in the  
4 Department of Corrections revolving account.

5 ~~J.~~ K. 1. Any person who has been convicted of or received a  
6 suspended sentence or any probationary term, including a deferred  
7 sentence imposed in violation of subsection G of Section 991c of  
8 Title 22 of the Oklahoma Statutes, for any crime listed in Section  
9 582 of this title and:

10 a. who is subsequently convicted of a crime or an attempt  
11 to commit a crime listed in subsection A of Section  
12 582 of this title, or

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

19 shall be subject to all of the registration requirements of ~~this act~~  
20 the Sex Offenders Registration Act and shall be designated by the  
21 Department of Corrections as a habitual sex offender. A habitual  
22 sex offender shall be required to register for the lifetime of the  
23 habitual sex offender.

1           2. On or after November 1, 1999, any person who has been  
2 convicted of a crime or an attempt to commit a crime, received a  
3 suspended sentence or any probationary term, including a deferred  
4 sentence imposed in violation of subsection G of Section 991c of  
5 Title 22 of the Oklahoma Statutes, for a crime provided for in  
6 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense  
7 involved sexual abuse or sexual exploitation as these terms are  
8 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
9 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma  
10 Statutes shall be subject to all the registration requirements of  
11 ~~this act~~ the Sex Offenders Registration Act and shall be designated  
12 by the Department of Corrections as an aggravated sex offender. An  
13 aggravated sex offender shall be required to register for the  
14 lifetime of the aggravated sex offender.

15           3. Upon registration of any person designated as a habitual or  
16 aggravated sex offender, pursuant to this subsection, a local law  
17 enforcement authority shall notify, by any method of communication  
18 it deems appropriate, anyone that the local law enforcement  
19 authority determines appropriate, including, but not limited to:  
20           a. the family of the habitual or aggravated sex offender,  
21           b. any prior victim of the habitual or aggravated sex  
22           offender,

- 1           c.   residential neighbors and churches, community parks,  
2                   schools, convenience stores, businesses and other  
3                   places that children or other potential victims may  
4                   frequent, and
- 5           d.   a nursing facility, a specialized facility, a  
6                   residential care home, a continuum-of-care facility,  
7                   an assisted living center, and an adult day care  
8                   facility.

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

- 11           a.   the name and physical address of the habitual or  
12                   aggravated sex offender,
- 13           b.   a physical description of the habitual or aggravated  
14                   sex offender, including, but not limited to, age,  
15                   height, weight and eye and hair color,
- 16           c.   a description of the vehicle that the habitual or  
17                   aggravated sex offender is known to drive,
- 18           d.   any conditions or restrictions upon the probation,  
19                   parole or conditional release of the habitual or  
20                   aggravated sex offender,
- 21           e.   a description of the primary and secondary targets of  
22                   the habitual or aggravated sex offender,

- 1           f.    a description of the method of offense of the habitual  
2                    or aggravated sex offender,  
3           g.    a current photograph of the habitual or aggravated sex  
4                    offender,  
5           h.    the name and telephone number of the probation or  
6                    parole officer of the habitual or aggravated sex  
7                    offender; and  
8           i.    the numeric risk level of the person.

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

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

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

1           1. Nothing in the Sex Offenders Registration Act shall be  
2 deemed to impose any liability upon or to give rise to a cause of  
3 action against any public official, public employee, or public  
4 agency for releasing information to the public or for failing to  
5 release information in accordance with the Sex Offenders  
6 Registration Act.

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

11           SECTION 2. AMENDATORY           57 O.S. 2001, Section 585, is amended  
12 to read as follows:

13           Section 585. A. Each person in charge of a correctional  
14 institution from which a person subject to the provisions of the Sex  
15 Offenders Registration Act, Section 581 et seq. of this title, is  
16 released and each judge who suspends the sentence of a person  
17 subject to the provisions of the Sex Offenders Registration Act or  
18 orders any probationary term, including a deferred sentence imposed  
19 in violation of subsection G of Section 991c of Title 22 of the  
20 Oklahoma Statutes, for a person subject to the provisions of the Sex  
21 Offenders Registration Act shall prior to discharge or release of  
22 ~~said~~ the person:

- 1           1. Explain to the person the duty to register pursuant to the  
2 Sex Offenders Registration Act;
- 3           2. Require the person to sign a written statement that the duty  
4 to register has been explained and the person understands the duty  
5 to register;
- 6           3. Obtain the address at which the person is to reside upon  
7 discharge or release. The address shall be a physical address, not  
8 a post office box; and
- 9           4. Forward ~~said~~ the information to the Department of  
10 Corrections.

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

16           C. The Department of Corrections shall coordinate with the  
17 Administrative Office of the Courts in promulgating rules to  
18 establish other necessary procedures for notifying offenders of the  
19 obligation to register pursuant to ~~this act~~ the Sex Offenders  
20 Registration Act and procedures for registration of those offenders.

21           D. The Department of Corrections shall coordinate with  
22 surrounding states to establish necessary procedures for notifying  
23 offenders that reside in other states but work or attend school

1 within the State of Oklahoma of the obligation to register pursuant  
2 to ~~this act~~ the Sex Offenders Registration Act and the procedure for  
3 registration of those offenders.

4 SECTION 3. This act shall become effective November 1, 2010.

5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
6 dated 2-9-10 - DO PASS, As Coauthored.