

THE STATE SENATE
Monday, February 22, 2010

Committee Substitute for
Senate Bill No. 2301

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2301 - By: Newberry and Gumm of the Senate and Duncan of the House.

[prisons and reformatories - Electronic Monitoring Program
- Sex Offenders Registration Act - noncodification -
codification - effective date]

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Tabby's Law".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 583.1 of Title 57, unless there
is created a duplication in numbering, reads as follows:

There is hereby created the Electronic Monitoring Program for
persons registered pursuant to the provisions of the Sex Offenders
Registration Act. The Department of Corrections and any vendor
contracted with the Department are authorized to use an electronic
monitoring global positioning device to satisfy the requirements of
this act.

SECTION 3. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 583.2 of Title 57, unless there
is created a duplication in numbering, reads as follows:

1 A. There shall be an annual fee of Seventy-five Dollars
2 (\$75.00) to be paid by every person required to register pursuant to
3 the provisions of the Sex Offenders Registration Act. The fee shall
4 be paid to the Department of Corrections and deposited in the Sex
5 Offender Electronic Monitoring Revolving Fund created pursuant to
6 Section 4 of this act.

7 B. The Department of Corrections or its authorized vendor shall
8 use electronic monitoring devices for any persons convicted of a
9 crime pursuant to Sections 741, 843.5, 865, 885, 888, and 891,
10 excluding subsection A of Section 1021, 1021.2, 1021.3, 1040.13a,
11 1087, 1088, 1114, 1116 and 1123 of Title 21 of the Oklahoma
12 Statutes, which would require the person to register as a sex
13 offender pursuant to the Sex Offenders Registration Act. The
14 electronic monitoring device shall be used as follows:

15 1. Any person no longer under the supervision of the Department
16 of Corrections but required to register pursuant to the provisions
17 of the Sex Offenders Registration Act shall be fitted for an
18 electronic monitoring device, as directed by the court, if that
19 person fails to comply with any provisions of the Sex Offenders
20 Registration Act or if that person is convicted for a misdemeanor or
21 felony offense, excluding traffic violations which include standing
22 and parking violations, for a period not less than one (1) year and
23 not more than the duration of their registration;

1 2. Any person under the supervision of the Department of
2 Corrections shall be fitted for an electronic monitoring device upon
3 discharge from the Department's custody. Those persons convicted of
4 a crime pursuant to Sections 1021, excluding subsection A, 1021.2,
5 1021.3, 1040.13a, 1087, 1088, 1114, 1116, and 1123 of Title 21 of
6 the Oklahoma Statutes shall be required to wear the electronic
7 monitoring device for ten (10) years; provided they comply with all
8 provisions of the Sex Offenders Registration Act and have no
9 additional misdemeanor or felony convictions, excluding traffic
10 violations which include standing and parking violations. Upon
11 completion of the ten-year term the person may petition the court
12 for removal from the electronic monitoring program and at the
13 discretion of the court may be removed. Those persons convicted of
14 a crime pursuant to Sections 741, 843.5, 865, 885, 888, and 891 of
15 Title 21 of the Oklahoma Statutes shall be required to wear the
16 electronic monitoring device for a period of at least but not more
17 than fifteen (15) years; provided they comply with all provisions of
18 the Sex Offenders Registration Act and have no additional
19 misdemeanor or felony convictions, excluding traffic violations.
20 Upon completion of the fifteen-year term the person may petition the
21 court for removal from the electronic monitoring program and at the
22 discretion of the court may be removed. In addition to any penalty
23 imposed by the court, any person convicted of a second or subsequent

1 offense, excluding traffic violations which include standing and
2 parking violations, shall be required to wear the electronic
3 monitoring device for the duration of their lifetime;

4 3. Any person who removes or destroys the electronic monitoring
5 device shall be removed from the program and reassigned to
6 imprisonment in a correctional facility for not less than one (1)
7 year nor more than ten (10) years and shall be fined not less than
8 One Thousand Dollars (\$1,000.00) nor more than Ten Thousand Dollars
9 (\$10,000.00). Upon release from custody the person shall be
10 required to wear the electronic monitoring device for the duration
11 of his or her lifetime;

12 4. The Department of Corrections shall make provisions for the
13 monitoring equipment to be fitted to the person before they leave
14 the Department's facility; and

15 5. Any person who is unable to pay the cost of any monitoring
16 equipment or fee, supervision cost, or other costs while assigned to
17 electronic monitoring may have a sponsor who lives in the state pay
18 this fee for the duration of the time period they are being
19 monitored. If the person claims an inability to pay and does not
20 have a sponsor, upon request from the Department of Corrections, the
21 person shall provide the Department with such evidence. When the
22 proof of inability to pay is provided, the Department shall make
23 financial arrangements for the person's participation in the

1 electronic monitoring program. The Department shall make an annual
2 review of all evidence of inability to pay for participation in the
3 program.

4 C. The Department shall promulgate and adopt rules and
5 procedures necessary to implement the provisions of this section.

6 SECTION 4. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 583.3 of Title 57, unless there
8 is created a duplication in numbering, reads as follows:

9 There is hereby created in the State Treasury a revolving fund
10 to be designated as the "Sex Offender Electronic Monitoring
11 Revolving Fund", which shall consist of all monies appropriated or
12 transferred to the fund. The fund shall be a continuing fund not
13 subject to fiscal year limitations and shall be under the
14 administration of the Department of Corrections and may be disbursed
15 without legislative appropriation for purposes of the Electronic
16 Monitoring Program only.

17 SECTION 5. AMENDATORY 57 O.S. 2001, Section 587, as
18 amended by Section 10, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2009,
19 Section 587), is amended to read as follows:

20 Section 587. A. Any person required to register pursuant to
21 the provisions of the Sex Offenders Registration Act who violates
22 any provision of said act shall, upon conviction, be guilty of a
23 felony. Any person convicted of a violation of this section shall

1 be punished by imprisonment in the custody of the Department of
2 Corrections for not more than ~~five (5)~~ ten (10) years, a fine ~~not to~~
3 ~~exceed Five Thousand Dollars (\$5,000.00)~~ of One Hundred Dollars
4 (\$100.00) per day until the person registers, or both such fine and
5 imprisonment. If a person returns to the custody of the Department
6 of Corrections for failure to register the individual shall not be
7 eligible for early release as may be authorized by law.

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

15 SECTION 6. This act shall become effective November 1, 2010.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-17-10 - DO
17 PASS, As Amended and Coauthored.