

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1509

By: Blackwell

4
5
6 AS INTRODUCED

7 An Act relating to sex offenders; amending 21 O.S.
8 2001, Section 440, which relates to harboring
9 criminals and fugitives; making certain acts
10 unlawful; providing penalties; updating language;
11 amending 57 O.S. 2001, Sections 582, as last amended
12 by Section 22, Chapter 261, O.S.L. 2007, Section 24,
13 Chapter 261, O.S.L. 2007, 583, as last amended by
14 Section 2, Chapter 94, O.S.L. 2008 and 584, as last
15 amended by Section 28, Chapter 261, O.S.L. 2007 (57
16 O.S. Supp. 2008, Sections 582, 582.2, 583 and 584),
17 which relate to the Sex Offenders Registration Act;
18 adding certain crimes to list of offenses that
19 require registration; clarifying scope of
20 registration requirements; modifying statutory
21 references; authorizing local law enforcement
22 authorities to determine and assign numeric risk
23 levels; requiring transient sex offenders to report
24 to local law enforcement authorities; and providing
an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 440, is
amended to read as follows:

Section 440. A. Any person who shall knowingly feed, lodge,
clothe, arm, equip in whole or in part, harbor, aid, assist or
conceal in any manner any person guilty of any felony, or outlaw, or
fugitive from justice, or any person seeking to escape arrest for

1 any felony committed within this state or any other state or
2 territory, shall be guilty of a felony punishable by imprisonment at
3 ~~hard labor~~ in the ~~State Penitentiary~~ custody of the Department of
4 Corrections for a period not exceeding ten (10) years.

5 B. It shall be unlawful for any person who has reason to
6 believe that a sex offender is in violation of the registration
7 requirements of the Sex Offenders Registration Act and who has the
8 intent to assist the sex offender in eluding arrest, to do any of
9 the following:

10 1. Withhold information from, or fail to notify, a law
11 enforcement agency about the noncompliance of the sex offender with
12 the registration requirements of the Sex Offenders Registration Act,
13 and, if known, the whereabouts of the offender;

14 2. Harbor, attempt to harbor, or assist another person in
15 harboring or attempting to harbor, the sex offender;

16 3. Conceal, or attempt to conceal, or assist another person in
17 concealing or attempting to conceal, the sex offender; or

18 4. Provide information to a law enforcement agency regarding
19 the sex offender that the person knows to be false information.

20 C. Any person convicted of violating the provisions of
21 subsection B of this section shall be guilty of a misdemeanor
22 punishable by a fine of not less than Five Hundred Dollars
23 (\$500.00), or by imprisonment in the county jail for a term not to
24 exceed one (1) year, or by both such fine and imprisonment.

1 SECTION 2. AMENDATORY 57 O.S. 2001, Section 582, as last
2 amended by Section 22, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008,
3 Section 582), is amended to read as follows:

4 Section 582. A. The provisions of the Sex Offenders
5 Registration Act, ~~Section 581 et seq. of this title,~~ shall apply to
6 any person residing, working or attending school within the State of
7 Oklahoma who, after November 1, 1989, has been convicted, whether
8 upon a verdict or plea of guilty or upon a plea of nolo contendere,
9 or received a suspended sentence or any probationary term, or is
10 currently serving a sentence or any form of probation or parole for
11 a crime or an attempt to commit a crime provided for in Section 7115
12 of Title 10 of the Oklahoma Statutes if the offense involved sexual
13 abuse or sexual exploitation as those terms are defined in Section
14 7102 of Title 10 of the Oklahoma Statutes, Section 681, if the
15 offense involved sexual assault, 741, if the offense involved sexual
16 abuse or sexual exploitation, Section 843.1, if the offense involved
17 sexual abuse or sexual exploitation, Section 852.1, if the offense
18 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
19 if the offense involved sexual abuse or sexual exploitation, 1021,
20 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, ~~1040.51,~~ 1087,
21 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

22 B. The provisions of the Sex Offenders Registration Act shall
23 apply to any person who after November 1, 1989, resides, works or
24 attends school within the State of Oklahoma and who has been

1 convicted or received a suspended sentence at any time in any court
2 of another state, the District of Columbia, Puerto Rico, Guam,
3 American Samoa, the Northern Mariana Islands and the United States
4 Virgin Islands, a federal court, an Indian tribal court ~~or,~~ a
5 military court, or a court of a foreign country for a crime ~~or,~~
6 attempted crime or a conspiracy to commit a crime which, if
7 committed or attempted in this state, would be a crime ~~or,~~ an
8 attempt to commit a crime or a conspiracy to commit a crime provided
9 for in any of said laws listed in subsection A of this section.

10 C. The provisions of the Sex Offenders Registration Act shall
11 apply to any person who resides, works or attends school within the
12 State of Oklahoma and who has received a deferred judgment at any
13 time in any court of another state, the District of Columbia, Puerto
14 Rico, Guam, American Samoa, the Northern Mariana Islands and the
15 United States Virgin Islands, a federal court, an Indian tribal
16 court ~~or,~~ a military court, or a court of a foreign country for a
17 crime ~~or,~~ attempted crime or a conspiracy to commit a crime which,
18 if committed or attempted or conspired to be committed in this
19 state, would be a crime ~~or,~~ an attempt to commit a crime or a
20 conspiracy to commit a crime provided for in Section 7115 of Title
21 10 of the Oklahoma Statutes if the offense involved sexual abuse or
22 sexual exploitation as those terms are defined in Section 7102 of
23 Title 10 of the Oklahoma Statutes, Section 681, if the offense
24 involved sexual assault, 741, if the offense involved sexual abuse

1 or sexual exploitation, Section 843.1, if the offense involved
2 sexual abuse or sexual exploitation, Section 852.1, if the offense
3 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
4 if the offense involved sexual abuse or sexual exploitation, 1021,
5 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, ~~1040.51~~, 1087,
6 1088, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

7 The provisions of the Sex Offenders Registration Act shall not apply
8 to any such person while the person is incarcerated in a maximum or
9 medium correctional institution of the Department of Corrections.

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

16 SECTION 3. AMENDATORY Section 24, Chapter 261, O.S.L.
17 2007 (57 O.S. Supp. 2008, Section 582.2), is amended to read as
18 follows:

19 Section 582.2 A. No less than seven (7) days prior to the date
20 on which a person, who will be subject to the provisions of the Sex
21 Offenders Registration Act, is to be released from a correctional
22 institution, the person in charge of the correctional institution
23 shall forward the registration information, as provided in
24 subsection A of Section 585 of ~~Title 57 of the Oklahoma Statutes~~

1 this title, and numeric risk level to the Department of Corrections
2 and to:

3 1. The local law enforcement authority in the municipality or
4 county in which the person expects to reside, if the person expects
5 to reside within this state; or

6 2. The local law enforcement authority that is identified by
7 the correctional institution as the agency designated by another
8 state to receive registration information, if the person expects to
9 reside in that other state and that other state has a registration
10 requirement for sex offenders.

11 B. If a person, who will be subject to the provisions of the
12 Sex Offenders Registration Act, received a suspended sentence or any
13 probationary term, including a deferred sentence imposed in
14 violation of subsection G of Section ~~991a~~ 991c of Title 22 of the
15 Oklahoma Statutes, the court shall, on the day of pronouncing the
16 judgment and sentence:

17 1. Make a determination of the numeric risk level of the person
18 using the sex offender screening tool developed or selected pursuant
19 to Section ~~26~~ 582.5 of this ~~act~~ title;

20 2. Assign to the person a numeric risk level of one, two, or
21 three; and

22 3. Notify the person of the obligation to register as a sex
23 offender as provided for in Section 585 of ~~Title 57 of the Oklahoma~~
24 ~~Statutes~~ this title.

1 SECTION 4. AMENDATORY 57 O.S. 2001, Section 583, as last
2 amended by Section 2, Chapter 94, O.S.L. 2008 (57 O.S. Supp. 2008,
3 Section 583), is amended to read as follows:

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

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

15 2. With the local law enforcement authority having jurisdiction
16 in the area where the person resides or intends to reside for seven
17 (7) consecutive days or longer, calculated beginning with the first
18 day. The registration is required within three (3) days after
19 entering the jurisdiction of 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.

23 For purposes of this section, "local law enforcement authority"
24 means:

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

15 B. Any person who has been convicted of an offense or received
16 a deferred judgment for an offense in another jurisdiction, which
17 offense if committed or attempted in this state, would have been
18 punishable as one or more of the offenses listed in Section 582 of
19 this title and who enters this state on or after November 1, 1989,
20 shall register, in person, as follows:

21 1. With the Department of Corrections when the person enters
22 and intends to be in the state for any purpose for five (5)
23 consecutive days or longer, calculated beginning with the first day,
24 has any type of full-time or part-time employment, with or without

1 compensation for more than five (5) cumulative days in any sixty-day
2 period, or is enrolled as a full-time or part-time student within
3 this state. Such registration is required within two (2) days after
4 entering the state;

5 2. With the local law enforcement authority having jurisdiction
6 in the area where the person intends to reside or to stay for five
7 (5) consecutive days or longer, calculated beginning with the first
8 day, has any type of full-time or part-time employment, with or
9 without compensation for more than five (5) cumulative days in any
10 sixty-day period, or is enrolled as a full-time or part-time student
11 within this state. The registration is required with local law
12 enforcement within two (2) days after entering the jurisdiction of
13 the law enforcement authority; and

14 3. With the Department of Corrections and the local law
15 enforcement authority no less than three (3) business days prior to
16 abandoning or moving from the address of the previous registration.

17 Upon registering a person who has been convicted of an offense
18 or received a deferred judgment for an offense in another
19 jurisdiction, which offense, if committed or attempted in this
20 state, would have been punishable as one or more of the offenses
21 listed in Section 582 of this title, the local law enforcement
22 authority ~~shall~~ may forward the registration information to the risk
23 assessment review committee of the Department of Corrections or may
24 make a determination of the numeric risk level of the person using

1 the sex offender screening tool developed or selected pursuant to
2 Section 582.5 of this title. Upon assigning a numeric risk level to
3 a person, the local law enforcement authority shall forward the
4 registration information and numeric risk level assignment to the
5 Department of Corrections.

6 C. When a person has been convicted or received probation
7 within the State of Oklahoma, the person shall be required to
8 register as follows:

9 1. For a period of fifteen (15) years, if the numeric risk
10 level of the person is one;

11 2. For a period of twenty-five (25) years, if the numeric risk
12 level of the person is two; and

13 3. For life, if the numeric risk level of the person is three
14 or the person is classified as a habitual or aggravated sex
15 offender.

16 The registration period shall begin from the date of the completion
17 of the sentence. The information received pursuant to the
18 registration with the Department of Corrections required by this
19 section shall be maintained by the Department of Corrections for at
20 least ten (10) years from the date of the last registration.

21 D. When a person has been convicted or received probation
22 within the State of Oklahoma, the person shall be required to
23 register as follows:

24

1 1. For a period of fifteen (15) years, if the numeric risk
2 level of the person is one;

3 2. For a period of twenty-five (25) years, if the numeric risk
4 level of the person is two; and

5 3. For life, if the numeric risk level of the person is three
6 or the person has been classified as a habitual or aggravated sex
7 offender.

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

13 E. Any person assigned a numeric risk level of one who has been
14 registered for a period of ten (10) years and who has not been
15 arrested or convicted for any felony or misdemeanor offense since
16 being released from confinement, may petition the district court in
17 the jurisdiction where the person resides for the purpose of
18 removing the numeric risk level designation and allowing the person
19 to no longer be subject to the registration requirements of the Sex
20 Offenders Registration Act.

21 F. When registering an offender as provided in this section the
22 Department of Corrections or the local law enforcement agency having
23 jurisdiction shall:

24

1 1. Inform the offender of the duty to register and obtain the
2 information required for registration as described in this section;

3 2. Inform the offender that if the offender changes address,
4 the offender shall give notice of the move and the new address to
5 the Department of Corrections and to the local law enforcement
6 authority in the location in which the offender previously resided
7 in writing no later than three (3) days before the offender
8 establishes residence or is temporarily domiciled at the new
9 address;

10 3. Inform the offender that if the offender changes address to
11 another state, the offender shall give notice of the move and shall
12 register the new address with the Department of Corrections and with
13 a designated law enforcement agency in the new state not later than
14 ten (10) days before the offender establishes residency or is
15 temporarily domiciled in the new state, if the new state has a
16 registration requirement;

17 4. Inform the offender that if the offender participates in any
18 full-time or part-time employment, in another state, with or without
19 compensation for more than fourteen (14) cumulative days in any
20 sixty-day period or an aggregate period exceeding thirty (30) days
21 in a calendar year, then the offender has a duty to register as a
22 sex offender in that state;

23

24

1 5. Inform the offender that if the offender enrolls in any type
2 of school in another state as a full-time or part-time student then
3 the offender has a duty to register as a sex offender in that state;

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

8 7. Inform the offender that if the offender participates in any
9 full-time or part-time employment at any school, with or without
10 compensation, or participates in any vocational course or occupation
11 at any school in this state, then the offender has a duty to notify
12 the Department of Corrections and the local law enforcement
13 authority in writing of such employment or participation at least
14 three (3) days before commencing or upon terminating such employment
15 or participation;

16 8. Inform the offender that if the offender graduates,
17 transfers, drops, terminates or otherwise changes enrollment or
18 employment at any school in this state, then the offender shall
19 notify the Department of Corrections and the local law enforcement
20 authority in writing of such change in enrollment or employment
21 within three (3) days of the change; and

22 9. Require the offender to read and sign a form stating that
23 the duty of the person to register under the Sex Offenders
24 Registration Act has been explained.

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

4 H. Any person who resides in another state and who has been
5 convicted of an offense or received a deferred judgment for an
6 offense in this state, or in another jurisdiction, which offense if
7 committed or attempted in this state would have been punishable as
8 one or more of the offenses listed in Section 582 of this title, and
9 who is the spouse of a person living in this state shall be
10 registered as follows:

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

17 2. With the local law enforcement authority having jurisdiction
18 in the area where the person intends to reside or to stay within
19 this state for two (2) consecutive days or longer, calculated
20 beginning with the first day. The registration is required with
21 local law enforcement within two (2) days after entering the
22 jurisdiction of the law enforcement authority.

23 I. The duty to register as a sex offender in this state shall
24 not be prevented if, at the time of registration, it is determined

1 that the person owns or leases a residence that is located within a
2 restricted area provided for in Section 590 of this title.

3 SECTION 5. AMENDATORY 57 O.S. 2001, Section 584, as last
4 amended by Section 28, Chapter 261, O.S.L. 2007 (57 O.S. Supp. 2008,
5 Section 584), is amended to read as follows:

6 Section 584. A. Any registration with the Department of
7 Corrections required by the Sex Offenders Registration Act shall be
8 in a form approved by the Department and shall include the following
9 information about the person registering:

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

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

21 3. The offenses listed in Section 582 of this title for which
22 the person has been convicted or the person received a suspended
23 sentence or any form of probation, where the offense was committed,
24 where the person was convicted or received the suspended sentence or

1 any form of probation, and the name under which the person was
2 convicted or received the suspended sentence or probation;

3 4. The name and location of each hospital or penal institution
4 to which the person was committed for each offense listed in Section
5 582 of this title;

6 5. Where the person previously resided, where the person
7 currently resides, how long the person has resided there, how long
8 the person expects to reside there, and how long the person expects
9 to remain in the county and in this state. The Department of
10 Corrections shall conduct address verification of each registered
11 sex offender as follows:

- 12 a. on an annual basis, if the numeric risk level of the
13 person is one, or
- 14 b. on a semiannual basis, if the numeric risk level of
15 the person is two.

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

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

24

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

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

7 8. The numeric risk level of the person.

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

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

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

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

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

24 4. The numeric risk level 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 within the jurisdiction
5 of any municipality of this state, or

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

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

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

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

15 (3) resides or intends to reside or stay on any
16 property owned or controlled by the institution
17 of higher learning.

18 D. Any person subject to the provisions of the Sex Offenders
19 Registration Act who changes an address shall give written
20 notification to the Department of Corrections and the local law
21 enforcement authority of the change of address and the new address
22 no later than three (3) business days prior to the abandonment of or
23 move from the current address. If the new address is under the
24 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, electronic transmission, or letter of the change of
4 address;

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 letter of the change
9 in address of the offender. If the new address is in another state
10 the Department of Corrections shall promptly notify the agency
11 responsible for registration in that state of the new address of the
12 offender.

13 E. Any person subject to the provisions of the Sex Offenders
14 Registration Act who is unable to provide an address to the
15 Department of Corrections or local law enforcement authority as
16 required in subsections A and C of this section and registers as a
17 transient shall report in person to the nearest local law
18 enforcement authority every seven (7) days and provide to the local
19 law enforcement authority the approximate location of where the
20 person is staying and where the person plans to stay.

21 F. The Department of Corrections shall maintain a file of all
22 sex offender registrations. A copy of the information contained in
23 the registration shall promptly be available to state, county and
24 municipal law enforcement agencies, the State Superintendent of

1 Public Instruction, the Commissioner of Health, and the National Sex
2 Offender Registry maintained by the Federal Bureau of Investigation.
3 The file shall promptly be made available for public inspection or
4 copying pursuant to rules promulgated by the Department of
5 Corrections and may be made available through Internet access. The
6 Department of Corrections shall promptly provide all municipal
7 police departments, all county sheriff departments and all campus
8 police departments a list of those sex offenders registered and
9 living in their county.

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

19 ~~G.~~ H. The State Commissioner of Health is authorized to
20 distribute information from the sex offender registry to any nursing
21 home or long-term care facility. Nothing in this subsection shall
22 be deemed to impose any liability upon or give rise to a cause of
23 action against any person, agency, organization, or company for
24

1 failing to release information in accordance with the Sex Offenders
2 Registration Act.

3 ~~H.~~ I. Each local law enforcement authority shall make its sex
4 offender registry available upon request, without restriction, at a
5 cost that is no more than what is charged for other records provided
6 by the local law enforcement authority pursuant to the Oklahoma Open
7 Records Act.

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

18 ~~I.~~ J. Samples of blood or saliva for DNA testing required by
19 subsection A of this section shall be taken by employees or
20 contractors of the Department of Corrections. Said individuals
21 shall be properly trained to collect blood or saliva samples.
22 Persons collecting samples for DNA testing pursuant to this section
23 shall be immune from civil liabilities arising from this activity.
24 The Department of Corrections shall ensure the collection of samples

1 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
2 within ten (10) days of the time the subject appears for testing.
3 The Department shall use sample kits provided by the OSBI and
4 procedures promulgated by the OSBI. Persons subject to DNA testing
5 pursuant to this section shall be required to pay to the Department
6 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
7 collected pursuant to this subsection shall be deposited in the
8 Department of Corrections revolving account.

9 ~~J.~~ K. 1. Any person who has been convicted of or received a
10 suspended sentence or any probationary term, including a deferred
11 sentence imposed in violation of subsection G of Section 991c of
12 Title 22 of the Oklahoma Statutes, for any crime listed in Section
13 582 of this title and:

14 a. who is subsequently convicted of a crime or an attempt
15 to commit a crime listed in subsection A of Section
16 582 of this title, or

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

23 shall be subject to all of the registration requirements of this act
24 and shall be designated by the Department of Corrections as a

1 habitual sex offender. A habitual sex offender shall be required to
2 register for the lifetime of the habitual sex offender.

3 2. On or after November 1, 1999, any person who has been
4 convicted of a crime or an attempt to commit a crime, received a
5 suspended sentence or any probationary term, including a deferred
6 sentence imposed in violation of subsection G of Section 991c of
7 Title 22 of the Oklahoma Statutes, for a crime provided for in
8 Section 7115 of Title 10 of the Oklahoma Statutes, if the offense
9 involved sexual abuse or sexual exploitation as these terms are
10 defined in Section 7102 of Title 10 of the Oklahoma Statutes,
11 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
12 Statutes shall be subject to all the registration requirements of
13 this act and shall be designated by the Department of Corrections as
14 an aggravated sex offender. An aggravated sex offender shall be
15 required to register for the lifetime of the aggravated sex
16 offender.

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

- 22 a. the family of the habitual or aggravated sex offender,
- 23 b. any prior victim of the habitual or aggravated sex
24 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,

23 f. a description of the method of offense of the habitual
24 or aggravated sex offender,

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

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

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

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

22 1. Nothing in the Sex Offenders Registration Act shall be
23 deemed to impose any liability upon or to give rise to a cause of
24 action against any public official, public employee, or public

1 agency for releasing information to the public or for failing to
2 release information in accordance with the Sex Offenders
3 Registration Act.

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

8 SECTION 6. This act shall become effective November 1, 2009.

9

10 52-1-6051 GRS 01/14/09

11

12

13

14

15

16

17

18

19

20

21

22

23

24