

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1785

By: Tibbs

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending Section 3, Chapter 358, O.S.L. 2004, as
9 amended by Section 3, Chapter 162, O.S.L. 2008 (57
10 O.S. Supp. 2008, Section 593), which relates to the
Mary Rippy Violent Crime Offenders Registration Act;
adding category to mandatory registration
requirement; and providing an effective date.

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

14 SECTION 1. AMENDATORY Section 3, Chapter 358, O.S.L.
15 2004, as amended by Section 3, Chapter 162, O.S.L. 2008 (57 O.S.
16 Supp. 2008, Section 593), is amended to read as follows:

17 Section 593. A. On and after November 1, 2004, the provisions
18 of the Mary Rippy Violent Crime Offenders Registration Act shall
19 apply to:

20 1. Any person residing, working or attending school in this
21 state who is subsequently convicted of, or who receives a deferred
22 judgment or suspended sentence for, any crime or attempted crime
23 enumerated in subsection B of this section by any court in this
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1 state, another state, the United States, a tribal court, or a
2 military court; or

3 2. Any person who subsequently enters this state for purposes
4 of residence, work or to attend school and who has been previously
5 convicted of or is subject to a deferred judgment, suspended
6 sentence, probation or parole from any court of another state, the
7 United States, a tribal court, or a military court for any crime or
8 attempted crime which, if committed or attempted in this state,
9 would be a crime substantially similar to any crime enumerated in
10 subsection B of this section.

11 For purposes of this act, "convicted of" means an adjudication
12 of guilt by a court of competent jurisdiction whether upon a verdict
13 or plea of guilty or nolo contendere.

14 B. The following crimes and attempts to commit such crimes
15 shall be registered under the Mary Rippe Violent Crime Offenders
16 Registration Act:

17 1. First degree murder as provided for in Section 701.7 of
18 Title 21 of the Oklahoma Statutes;

19 2. Second degree murder as provided for in Section 701.8 of
20 Title 21 of the Oklahoma Statutes;

21 3. Manslaughter in the first degree as defined by Section 711
22 of Title 21 of the Oklahoma Statutes;

23 4. Shooting or discharging a firearm with intent to kill, use
24 of a vehicle to facilitate the intentional discharge of a firearm,

1 crossbow or other weapon, assault, battery, or assault and battery
2 with a deadly weapon or by other means likely to produce death or
3 great bodily harm, as provided for in Section 652 of Title 21 of the
4 Oklahoma Statutes;

5 5. Assault with intent to kill as provided for in Section 653
6 of Title 21 of the Oklahoma Statutes;

7 6. Bombing as provided for in Section 1767.1 of Title 21 of the
8 Oklahoma Statutes;

9 7. Abuse as specifically provided in subsection D of this
10 section; ~~and~~

11 8. Two or more felony convictions of any violation of the
12 Uniform Controlled Dangerous Substances Act; and

13 9. Any crime or attempt to commit a crime constituting a
14 substantially similar offense as stated in paragraphs 1 through 7 8
15 of this subsection adjudicated by any court of another state, the
16 United States, a tribal court, or a military court.

17 C. The registration requirements of the Mary Rippy Violent
18 Crime Offenders Registration Act shall not apply to any person while
19 the person is incarcerated in a maximum or medium correctional
20 institution of the Department of Corrections, a private correctional
21 institution, or another state, federal, tribal or military facility,
22 but shall apply to deferred, suspended, probation, parole and
23 discharges.

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1 D. 1. For purposes of the Mary Rippy Violent Crime Offenders
2 Registration Act, the requirement to register for a crime of abuse
3 shall be determined by the judge at the time of sentencing or upon
4 granting the defendant a deferred judgment. The judge shall
5 determine whether the crime for which the defendant is convicted or
6 pleads guilty or nolo contendere under any provision of Section 7115
7 of Title 10 of the Oklahoma Statutes or Section 843.1, 843.2, 852 or
8 852.1 of Title 21 of the Oklahoma Statutes resulted in:

- 9 a. physical pain, injury, sexual abuse, sexual
10 exploitation, unreasonable restraint or confinement,
11 or mental anguish to the victim, or
- 12 b. deprivation of nutrition, clothing, shelter, health
13 care, or other care or services which caused serious
14 physical or mental injury to the victim,

15 and whether the facts or nature of the offense warrant registration
16 for public disclosure and protection of victims.

17 2. Not every offense enumerated in paragraph 1 of this
18 subsection shall require automatic registration under the Mary Rippy
19 Violent Crime Offenders Registration Act, and no other offenses
20 shall be authorized for consideration for registration as a crime of
21 abuse. The judge shall not order any defendant to register under
22 the Mary Rippy Violent Crime Offenders Registration Act if the
23 defendant is required to register pursuant to any provision of the
24 Oklahoma Sex Offenders Registration Act for the same offense.

1 3. Upon the judge determining the defendant should register
2 pursuant to the Mary Rippy Violent Crime Offenders Registration Act
3 for a crime of abuse as authorized in this subsection, the defendant
4 shall be ordered to register and to comply with all provisions of
5 the Mary Rippy Violent Crime Offenders Registration Act, including,
6 but not limited to, the statutory term of registration.

7 SECTION 2. This act shall become effective November 1, 2009.

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