

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2965

By: Duncan

4
5 AS INTRODUCED

6
7 An Act relating to sex crimes; amending 10 O.S. 2001,
8 Section 7115, as last amended by Section 5, Chapter
9 3, O.S.L. 2008, and as renumbered by Section 207,
10 Chapter 233, O.S.L. 2009 (21 O.S. Supp. 2009, Section
11 843.5), which relates to child abuse; modifying and
12 adding penalties; amending 22 O.S. 2001, Section
13 1014, which relates to manner of inflicting death
14 punishment; modifying death punishment procedure;
15 amending 57 O.S. 2001, Sections 584, as last amended
16 by Section 6, Chapter 404, O.S.L. 2009 and 587, as
17 amended by Section 10, Chapter 284, O.S.L. 2006 (57
18 O.S. Supp. 2009, Sections 584 and 587), which relate
19 to the Sex Offenders Registration Act; prohibiting
20 use of certain defense in prosecutions for failure to
21 register; modifying certain penalty; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7115, as
last amended by Section 5, Chapter 3, O.S.L. 2008, and as renumbered
by Section 207, Chapter 233, O.S.L. 2009 (21 O.S. Supp. 2009,
Section 843.5), is amended to read as follows:

Section 843.5 A. Any parent or other person who shall
willfully or maliciously engage in child abuse shall, upon
conviction, be guilty of a felony punishable by imprisonment in the

1 custody of the Department of Corrections not exceeding life
2 imprisonment, or by imprisonment in a county jail not exceeding one
3 (1) year, or by a fine of not less than Five Hundred Dollars
4 (\$500.00) nor more than Five Thousand Dollars (\$5,000.00), or both
5 such fine and imprisonment. As used in this subsection, "child
6 abuse" means the willful or malicious abuse, as defined by paragraph
7 ~~± 2~~ of ~~subsection B of~~ Section ~~7102~~ 1-1-105 of ~~this title~~ Title 10A
8 of the Oklahoma Statutes, of a child under eighteen (18) years of
9 age by another, or the act of willfully or maliciously injuring,
10 torturing or maiming a child under eighteen (18) years of age by
11 another.

12 B. Any parent or other person who shall willfully or
13 maliciously engage in enabling child abuse shall, upon conviction,
14 be punished by imprisonment in the custody of the Department of
15 Corrections not exceeding life imprisonment, or by imprisonment in a
16 county jail not exceeding one (1) year, or by a fine of not less
17 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
18 Dollars (\$5,000.00) or both such fine and imprisonment. As used in
19 this subsection, "enabling child abuse" means the causing, procuring
20 or permitting of a willful or malicious act of child abuse, as
21 defined by paragraph ~~± 2~~ of ~~subsection B of~~ Section ~~7102~~ 1-1-105 of
22 ~~this title~~ Title 10A of the Oklahoma Statutes, of a child under
23 eighteen (18) years of age by another. As used in this subsection,
24 "permit" means to authorize or allow for the care of a child by an

1 individual when the person authorizing or allowing such care knows
2 or reasonably should know that the child will be placed at risk of
3 abuse as proscribed by this subsection.

4 C. Any parent or other person who shall willfully or
5 maliciously engage in child neglect shall, upon conviction, be
6 punished by imprisonment in the custody of the Department of
7 Corrections not exceeding life imprisonment, or by imprisonment in a
8 county jail not exceeding one (1) year, or by a fine of not less
9 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
10 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
11 this subsection, "child neglect" means the willful or malicious
12 neglect, as defined by paragraph ~~3~~ 46 of ~~subsection B of~~ Section
13 ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the Oklahoma Statutes, of a
14 child under eighteen (18) years of age by another.

15 D. Any parent or other person who shall willfully or
16 maliciously engage in enabling child neglect shall, upon conviction,
17 be punished by imprisonment in the custody of the Department of
18 Corrections not exceeding life imprisonment, or by imprisonment in a
19 county jail not exceeding one (1) year, or by a fine of not less
20 than Five Hundred Dollars (\$500.00) nor more than Five Thousand
21 Dollars (\$5,000.00), or both such fine and imprisonment. As used in
22 this subsection, "enabling child neglect" means the causing,
23 procuring or permitting of a willful or malicious act of child
24 neglect, as defined by paragraph ~~3~~ 46 of ~~subsection B of~~ Section

1 ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the Oklahoma Statutes, of a
2 child under eighteen (18) years of age by another. As used in this
3 subsection, "permit" means to authorize or allow for the care of a
4 child by an individual when the person authorizing or allowing such
5 care knows or reasonably should know that the child will be placed
6 at risk of neglect as proscribed by this subsection.

7 E. Any parent or other person who shall willfully or
8 maliciously engage in child sexual abuse shall, upon conviction, be
9 punished by imprisonment in the custody of the Department of
10 Corrections not exceeding life imprisonment, or by imprisonment in a
11 county jail not exceeding one (1) year, or by a fine of not less
12 than Five Hundred Dollars (\$500.00) nor more than ~~Five Thousand~~
13 ~~Dollars (\$5,000.00)~~ Twenty Thousand Dollars (\$20,000.00), or both
14 such fine and imprisonment, except as provided in Section 51.1a of
15 Title 21 of the Oklahoma Statutes or as otherwise provided in
16 subsection F of this section for a child victim under twelve (12)
17 years of age. Except for persons sentenced to life or life without
18 parole, any person sentenced to imprisonment for two (2) years or
19 more for a violation of this subsection shall be required to serve a
20 term of ~~post imprisonment~~ postimprisonment supervision pursuant to
21 subparagraph f of paragraph 1 of subsection A of Section 991a of
22 Title 22 of the Oklahoma Statutes under conditions determined by the
23 Department of Corrections. The jury shall be advised that the
24 mandatory ~~post imprisonment~~ postimprisonment supervision shall be in

1 addition to the actual imprisonment. As used in this section,
2 "child sexual abuse" means the willful or malicious sexual abuse, as
3 defined by subparagraph b of paragraph 6 2 of subsection B of
4 Section 7102 1-1-105 of this title Title 10A of the Oklahoma
5 Statutes, of a child under eighteen (18) years of age by another.

6 F. Any parent or other person who shall willfully or
7 maliciously engage in sexual abuse to a child under twelve (12)
8 years of age shall, upon conviction, be punished by imprisonment in
9 the custody of the Department of Corrections for not less than
10 twenty-five (25) years ~~nor more than~~ or for life imprisonment
11 without parole, and by a fine of not less than Five Hundred Dollars
12 (\$500.00) nor more than ~~Five Thousand Dollars (\$5,000.00)~~ Twenty
13 Thousand Dollars (\$20,000.00).

14 G. Any parent or other person who shall willfully or
15 maliciously engage in enabling child sexual abuse shall, upon
16 conviction, be punished by imprisonment in the custody of the
17 Department of Corrections not exceeding life imprisonment, or by
18 imprisonment in a county jail not exceeding one (1) year, or by a
19 fine of not less than Five Hundred Dollars (\$500.00) nor more than
20 ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars
21 (\$20,000.00), or both such fine and imprisonment. As used in this
22 subsection, "enabling child sexual abuse" means the causing,
23 procuring or permitting of a willful or malicious act of child
24 sexual abuse, as defined by subparagraph b of paragraph 6 2 of

1 ~~subsection B~~ of Section ~~7102~~ 1-1-105 of ~~this title~~ Title 10A of the
2 Oklahoma Statutes, of a child under the age of eighteen (18) by
3 another. As used in this subsection, "permit" means to authorize or
4 allow for the care of a child by an individual when the person
5 authorizing or allowing such care knows or reasonably should know
6 that the child will be placed at risk of sexual abuse as proscribed
7 by this subsection.

8 H. Any parent or other person who shall willfully or
9 maliciously engage in child sexual exploitation shall, upon
10 conviction, be punished by imprisonment in the custody of the
11 Department of Corrections not exceeding life imprisonment, or by
12 imprisonment in a county jail not exceeding one (1) year, or by a
13 fine of not less than Five Hundred Dollars (\$500.00) nor more than
14 ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars
15 (\$20,000.00), or both such fine and imprisonment except as provided
16 in subsection I of this section for a child victim under twelve (12)
17 years of age. Except for persons sentenced to life or life without
18 parole, any person sentenced to imprisonment for two (2) years or
19 more for a violation of this subsection shall be required to serve a
20 term of ~~post-imprisonment~~ postimprisonment supervision pursuant to
21 subparagraph f of paragraph 1 of subsection A of Section 991a of
22 Title 22 of the Oklahoma Statutes under conditions determined by the
23 Department of Corrections. The jury shall be advised that the
24 mandatory ~~post-imprisonment~~ postimprisonment supervision shall be in

1 addition to the actual imprisonment. As used in this subsection,
2 "child sexual exploitation" means the willful or malicious sexual
3 exploitation, as defined by subparagraph c of paragraph 2 of
4 ~~subsection B of Section 7102 1-1-105 of this title~~ Title 10A of the
5 Oklahoma Statutes, of a child under eighteen (18) years of age by
6 another.

7 I. Any parent or other person who shall willfully or
8 maliciously engage in sexual exploitation of a child under twelve
9 (12) years of age shall, upon conviction, be punished by
10 imprisonment in the custody of the Department of Corrections for not
11 less than twenty-five (25) years ~~nor more than~~ or for life
12 ~~imprisonment without parole~~, and by a fine of not less than Five
13 Hundred Dollars (\$500.00) nor more than ~~Five Thousand Dollars~~
14 ~~(\$5,000.00)~~ Twenty Thousand Dollars (\$20,000.00).

15 J. Any parent or other person who shall willfully or
16 maliciously engage in enabling child sexual exploitation shall, upon
17 conviction, be punished by imprisonment in the custody of the
18 Department of Corrections not exceeding life imprisonment, or by
19 imprisonment in a county jail not exceeding one (1) year, or by a
20 fine of not less than Five Hundred Dollars (\$500.00) nor more than
21 ~~Five Thousand Dollars (\$5,000.00)~~ Twenty Thousand Dollars
22 (\$20,000.00), or both such fine and imprisonment. As used in this
23 subsection, "enabling child sexual exploitation" means the causing,
24 procuring or permitting of a willful or malicious act of child

1 sexual exploitation, as defined by subparagraph c of paragraph 7 2
2 of ~~subsection B of Section 7102 1-1-105~~ of ~~this title~~ Title 10A of
3 the Oklahoma Statutes, of a child under eighteen (18) years of age
4 by another. As used in this subsection, "permit" means to authorize
5 or allow for the care of a child by an individual when the person
6 authorizing or allowing such care knows or reasonably should know
7 that the child will be placed at risk of sexual exploitation as
8 proscribed by this subsection.

9 K. Notwithstanding any other provision of law, any parent or
10 other person convicted of forcible anal or oral sodomy, rape, rape
11 by instrumentation, or lewd molestation of a child under fourteen
12 (14) years of age subsequent to a previous conviction for any
13 offense of forcible anal or oral sodomy, rape, rape by
14 instrumentation, or lewd molestation of a child under fourteen (14)
15 years of age shall be punished by ~~death or by~~ imprisonment for life
16 without parole.

17 L. Any person convicted of rape of a child six (6) years of age
18 or younger in conjunction with a conviction for a qualifying felony
19 crime subsequent to a previous conviction and term of imprisonment
20 for rape of a child six (6) years of age or younger shall be
21 punished by death. The provisions of this subsection shall not
22 apply to any parent, guardian, or person having custody or control
23 over a child as defined in Section 1-1-105 of Title 10A of the
24 Oklahoma Statutes. As used in this subsection, "qualifying felony

1 crime" means any felony crime wherein the punishment for said crime
2 includes a term of imprisonment of ten (10) years or more.

3 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1014, is
4 amended to read as follows:

5 Section 1014. A. The punishment of death must be inflicted by
6 one of the following methods:

7 1. By the continuous, intravenous administration of a lethal
8 quantity of an ultrashort-acting barbiturate in combination with a
9 chemical paralytic agent;

10 2. By the continuous, intravenous administration of a lethal
11 quantity of thiopental sodium; or

12 3. If a suitable intravenous site cannot be attained or
13 maintained, by injecting through an intramuscular injection a
14 combination of two chemicals, midazolam and hydromorphone,
15 until death is pronounced by a licensed physician according to
16 accepted standards of medical practice.

17 B. If the execution of the sentence of death as provided in
18 subsection A of this section is held unconstitutional by an
19 appellate court of competent jurisdiction, then the sentence of
20 death shall be carried out by electrocution.

21 C. If the execution of the sentence of death as provided in
22 subsections A and B of this section is held unconstitutional by an
23 appellate court of competent jurisdiction, then the sentence of
24 death shall be carried out by firing squad.

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

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

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

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

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

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

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

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

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

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

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

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

24

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;

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

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

22 4. The level assignment of the person.

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

16 D. Any person subject to the provisions of the Sex Offenders
17 Registration Act who changes address, employment or student
18 enrollment status shall appear in person and give notification to
19 the Department of Corrections and the local law enforcement
20 authority of the change of address and the new address, the change
21 of employment or the change of student enrollment status no later
22 than three (3) business days prior to the abandonment of or move
23 from the current address or, in the case of change of employment or
24 student enrollment, within three (3) business days of such change.

1 If the new address, employment or student enrollment is under the
2 jurisdiction of a different local law enforcement authority:

3 1. The Department of Corrections and the local law enforcement
4 authority shall notify the new local law enforcement authority by
5 teletype or electronic transmission of the change of address,
6 employment or student enrollment status;

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

9 3. The new local law enforcement authority shall notify the
10 most recent registering agency by teletype or electronic
11 transmission of the change in address, employment or student
12 enrollment status of the offender. If the new address is in another
13 state the Department of Corrections shall promptly notify the agency
14 responsible for registration in that state of the new address of the
15 offender.

16 E. Any person subject to the provisions of the Sex Offenders
17 Registration Act who is unable to provide an address to the
18 Department of Corrections or local law enforcement authority as
19 required in subsections A and C of this section and registers as a
20 transient shall report in person to the nearest local law
21 enforcement authority every seven (7) days and provide to the local
22 law enforcement authority the approximate location of where the
23 person is staying and where the person plans to stay. The fact that
24 the person is homeless and not able to provide an address to the

1 Department of Corrections or local law enforcement authority as
2 required in this subsection shall not constitute a defense to a
3 prosecution pursuant to this subsection.

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

17 G. The Superintendent of Public Instruction is authorized to
18 copy and shall distribute information from the sex offender registry
19 to school districts and individual public and private schools within
20 the state with a notice using the following or similar language: "A
21 person whose name appears on this registry has been convicted of a
22 sex offense. Continuing to employ a person whose name appears on
23 this registry may result in civil liability for the employer or
24

1 criminal prosecution pursuant to Section 589 of Title 57 of the
2 Oklahoma Statutes."

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

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

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

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

16 K. 1. Any person who has been convicted of or received a
17 suspended sentence or any probationary term, including a deferred
18 sentence imposed in violation of subsection G of Section 991c of
19 Title 22 of the Oklahoma Statutes, for any crime listed in Section
20 582 of this title and:

21 a. who is subsequently convicted of a crime or an attempt
22 to commit a crime listed in subsection A of Section
23 582 of this title, or
24

1 b. who enters this state after November 1, 1997, and who
2 has been convicted of an additional crime or attempted
3 crime which, if committed or attempted in this state,
4 would be a crime or an attempt to commit a crime
5 provided for in subsection A of Section 582 of this
6 title,

7 shall be subject to all of the registration requirements of this act
8 and shall be designated by the Department of Corrections as a
9 habitual sex offender. A habitual sex offender shall be required to
10 register for the lifetime of the habitual sex offender.

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

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

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

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

- 19 a. the name and physical address of the habitual or
20 aggravated sex offender,
- 21 b. a physical description of the habitual or aggravated
22 sex offender, including, but not limited to, age,
23 height, weight and eye and hair color,

- c. a description of the vehicle that the habitual or aggravated sex offender is known to drive,
- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,
- e. a description of the primary and secondary targets of the habitual or aggravated sex offender,
- f. a description of the method of offense of the habitual or aggravated sex offender,
- g. a current photograph of the habitual or aggravated sex offender,
- h. the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender, and
- i. the level assignment of the person.

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

L. If the probation and parole officer supervising a person subject to registration receives information to the effect that the status of the person has changed in any manner that affects proper supervision of the person including, but not limited to, a change in the physical health of the person, address, employment, or educational status, higher educational status, incarceration, or

1 terms of release, the supervising officer or administrator shall
2 notify the appropriate local law enforcement authority or
3 authorities of that change.

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

7 1. Nothing in the Sex Offenders Registration Act shall be
8 deemed to impose any liability upon or to give rise to a cause of
9 action against any public official, public employee, or public
10 agency for releasing information to the public or for failing to
11 release information in accordance with the Sex Offenders
12 Registration Act.

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

17 SECTION 4. 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~~
24 ~~be punished~~ punishable by imprisonment in the custody of the

1 Department of Corrections for not more than ~~five (5)~~ twenty (20)
2 years, or a fine not to exceed Five Thousand Dollars (\$5,000.00), or
3 by both such fine and imprisonment.

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

11 SECTION 5. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

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