

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1141

By: Johnson (Constance)

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6 AS INTRODUCED

7 An Act relating to domestic abuse; creating the
8 Domestic Violence Registration Act; providing short
9 title; stating legislative findings; providing
10 application and scope of act; creating registration
11 system for crimes of domestic abuse and for final
12 protective orders; specifying time period for
13 registration; requiring registration upon address
14 change; authorizing court clerk and judge to take
15 certain registration information for submission;
16 designating the Department of Corrections to develop
17 certain registry, forms and methods of registration;
18 requiring local law enforcement authority to verify
19 certain information; making registration information
20 public; defining terms; providing registration for
21 certain offenses committed in other jurisdictions;
22 stating maximum period of time for registration;
23 exempting registration during period of
24 incarceration; stating minimum time to keep certain
information; requiring certain statement be signed as
part of registration; authorizing fingerprint, photo
and DNA sample; granting certain immunity; directing
certain information be public information; allowing
distribution of registry by Internet; requiring
certain information be transmitted electronically to
the Department of Corrections by court; allowing
access and publication of certain information;
criminalizing certain acts; setting penalty;
providing for codification; and providing an
effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 61 of Title 22, unless there is
3 created a duplication in numbering, reads as follows:

4 A. This act shall be known and may be cited as the "Domestic
5 Violence Registration Act".

6 B. The Legislature finds that the state has an overriding
7 public safety interest in persons who commit acts of violence,
8 intimidation, threat, stalking or harassment against family members,
9 and in persons who cause others to seek court-ordered protective
10 orders for safety and protection from such persons. The legislature
11 further finds that the privacy interest of a person found guilty of
12 a crime of domestic abuse or a party to a final protective order is
13 less important than the state's interest in public safety and
14 protection of its citizens from acts of violence, intimidation or
15 threat. The Legislature additionally finds that a system of
16 registration is needed for persons who commit acts of domestic abuse
17 or who cause others to seek protective orders against acts of such
18 persons and that a registration system will permit law enforcement
19 officials to better respond to domestic situations.

20 SECTION 2. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 61.1 of Title 22, unless there
22 is created a duplication in numbering, reads as follows:

23 A. The provisions of this act shall apply to any person who, on
24 or after the effective date of this act:

1 1. Is found guilty of a crime of domestic abuse pursuant to
2 Section 644 of Title 21 of the Oklahoma Statutes or who is found
3 guilty by a court of competent jurisdiction pursuant to any similar
4 provision of law in another state, whether upon a verdict or plea of
5 guilty or upon a plea of nolo contendere; or

6 2. Is a party to an active and final protective order, whether
7 the party is the plaintiff or defendant.

8 B. This act shall further apply to any person who enters the
9 State of Oklahoma, on or after the effective date of this act, and
10 who:

11 1. Intends to reside in this state for any portion of a year
12 after having been found guilty of a crime constituting domestic
13 abuse by a court of competent jurisdiction in a jurisdiction other
14 than this state when the act was committed any time within five (5)
15 years prior to entering this state, whether upon a verdict or plea
16 of guilty or upon a plea of nolo contendere; or

17 2. Is a party to an active and final protective order issued in
18 a jurisdiction other than this state, whether the party is the
19 plaintiff or defendant.

20 C. The provisions of this act shall not apply to any person
21 while the person is incarcerated in any jail or correctional
22 institution, but upon release from the facility, the provisions of
23 this act shall immediately apply.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 61.2 of Title 22, unless there
3 is created a duplication in numbering, reads as follows:

4 A. 1. Any person who becomes subject to the provisions of this
5 act, shall register, with the Department of Corrections within three
6 (3) business days of the determination of guilty by a court of
7 competent jurisdiction for a crime of domestic abuse or at any time
8 after issuance of an active and final protective order; and

9 2. With the Department of Corrections not less than three (3)
10 business days prior to abandoning or moving from an address of
11 previous registration.

12 B. 1. The court clerk or judge after a determination of guilt
13 or issuance of a final protective order may take the initial
14 registration information and submit it to the Department of
15 Corrections, or the Department may develop methods for either an in
16 person or electronic registration. Upon registration, the
17 Department of Corrections shall cause a copy of the registration
18 information to be mailed or forwarded to the local law enforcement
19 authority where the person resides. The local law enforcement
20 authority is responsible to verify the name and address provided in
21 the registration, and to notify the Department of Corrections if the
22 name or address is incorrect. The Department of Corrections and the
23 local law enforcement agency are authorized to keep and make

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1 available to the public all names, addresses and offenses of persons
2 registered pursuant to this act.

3 2. For purposes of this subsection, "local law enforcement
4 authority" means:

5 a. the municipal police department, if the person resides
6 within the jurisdiction of any municipality of this
7 state, or

8 b. the county sheriff, if the person resides at any place
9 outside the jurisdiction of any municipality within
10 this state.

11 C. Any person who is found guilty of an offense in another
12 jurisdiction, which offense if committed or attempted in this state,
13 would be punishable as domestic abuse shall register in the same
14 manner as if the offense had occurred in this state when the person
15 resides in this state or subsequently enters this state.

16 D. Every person required to register shall be continuously
17 registered for four (4) years and persons with active and final
18 protective orders shall be continuously registered as long as the
19 order is in effect and both parties are living. Any person who
20 changes a registered address shall be required to report such change
21 as required in this act, including any relocation to a place outside
22 this state. For persons who are sentenced to any period of
23 incarceration, the registration time shall begin to run from the
24 date of release from the facility. The information received

1 pursuant to a registration with the Department of Corrections shall
2 be maintained by the Department of Corrections for at least seven
3 (7) years from the date of the last registration.

4 E. The Department of Corrections shall inform a person of the
5 continuing duty to register and duty to report changes of address or
6 relocation as required in this act. A signed statement shall be
7 required as part of the registration and the person shall
8 acknowledge that he or she understands the duty to register as
9 specified in this act.

10 F. The Department shall develop the registration process and
11 forms and such forms may include any information deemed necessary
12 for an accurate description and identification of the person and the
13 offense to be registered or the parties and terms of the final
14 protective order. Registration may include or require fingerprints,
15 photographs, and a DNA sample of the person to be registered.

16 G. Public officials, public employees, and public agencies are
17 immune from civil liability for good faith conduct under this act.

18 H. The information contained in the registry shall be public
19 information and may be released upon request or distributed publicly
20 by any means, including, but not limited to, distribution by use of
21 the Internet.

22 I. The district courts of this state shall electronically file
23 determinations of guilt for crimes of domestic abuse, final
24 protective orders, and orders to rescind a final protective order

1 through the Oklahoma Supreme Court Network system or any other
2 electronic photo-electronic or photo-optical means, and, upon
3 receipt of such information, the Department of Corrections shall
4 include the information in the registry created pursuant to this
5 act.

6 J. No person shall refuse, withdraw or withhold any information
7 or public record authorized for inclusion in the registry created
8 pursuant to this act. The Department of Corrections is authorized
9 to access and publish in the domestic violence registry any public
10 information contained in a person's criminal history records or
11 court records, or to reference public information contained in any
12 record when deemed appropriate for the safety of the citizens of
13 this state from acts of violence, intimidation or threat.

14 K. As used in this act, "family member" and "domestic abuse"
15 are defined by Section 60.1 of Title 22 of the Oklahoma Statutes and
16 by the elements of the crime of domestic abuse pursuant to Section
17 644 of Title 21 of the Oklahoma Statutes.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 61.3 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 Any person required to register or provide information pursuant
22 to the provisions of this act who willfully refuses or fails to
23 register as required by the provisions of this act or to provide
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1 information in compliance with registration or provisions for
2 records sharing shall, upon conviction, be guilty of a misdemeanor.

3 SECTION 5. This act shall become effective November 1, 2009.

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