

1 STATE OF OKLAHOMA

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

3 SENATE BILL 2231

By: Branan

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2001, Section 584, as last amended
9 by Section 148, Chapter 234, O.S.L. 2009 (57 O.S.
10 Supp. 2009, Section 584), which relates to sex
11 offender registration; modifying definition of
12 address; requiring use of physical address; amending
13 57 O.S. 2001, Section 585, which relates to sex
14 offender registration notification, modifying
15 definition of address; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 57 O.S. 2001, Section 584, as last
19 amended by Section 148, Chapter 234, O.S.L. 2009 (57 O.S. Supp.
20 2009, Section 584), is amended to read as follows:

21 Section 584. A. Any registration with the Department of
22 Corrections required by the Sex Offenders Registration Act shall be
23 in a form approved by the Department and shall include the following
24 information about the person registering:

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

1 2. A complete description of the person, including a photograph
2 and fingerprints, and when requested by the Department of
3 Corrections, such registrant shall submit to a blood or saliva test
4 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
5 to testing for individuals registering shall be within thirty (30)
6 days of registration. Registrants who already have valid samples on
7 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
8 Offender Database shall not be required to submit duplicate samples
9 for testing;

10 3. The offenses listed in Section 582 of this title for which
11 the person has been convicted or the person received a suspended
12 sentence or any form of probation, where the offense was committed,
13 where the person was convicted or received the suspended sentence or
14 any form of probation, and the name under which the person was
15 convicted or received the suspended sentence or probation;

16 4. The name and location of each hospital or penal institution
17 to which the person was committed for each offense listed in Section
18 582 of this title;

19 5. Where the person previously resided, where the person
20 currently resides, how long the person has resided there, how long
21 the person expects to reside there, and how long the person expects
22 to remain in the county and in this state. The address of the
23 residence shall be a physical address, not a post office box. The
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1 Department of Corrections shall conduct address verification of each
2 registered sex offender as follows:

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

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

7 The Department of Corrections shall mail a nonforwardable
8 verification form to the last-reported address of the person. The
9 person shall return the verification form in person to the local law
10 enforcement authority of that jurisdiction within ten (10) days
11 after receipt of the form and may be photographed by the local law
12 enforcement authority at that time. The local law enforcement
13 authority shall require the person to produce proof of the identity
14 of the person and current address. Upon confirming the information
15 contained within the verification form, the local law enforcement
16 authority shall forward the form to the Department of Corrections
17 within three (3) days after receipt of the form. The verification
18 form shall be signed by the person and state the current address of
19 the person. Failure to return the verification form shall be a
20 violation of the Sex Offenders Registration Act. If the offender
21 has been determined to be a habitual or aggravated sex offender by
22 the Department of Corrections or has been assigned a numeric risk
23 level of three, the address verification shall be conducted every
24 ninety (90) days. The Department of Corrections shall notify the

1 office of the district attorney and local law enforcement authority
2 of the appropriate county, within forty-five (45) days if unable to
3 verify the address of a sex offender. A local law enforcement
4 authority may notify the office of the district attorney whenever it
5 comes to the attention of the local law enforcement authority that a
6 sex offender is not in compliance with any provisions of ~~this act~~
7 Section 581 et seq. of this title. A local law enforcement
8 authority designated as the primary registration authority of the
9 person may, at any time, mail a nonforwardable verification form to
10 the last-reported address of the person. The person shall return
11 the verification form in person to the local law enforcement
12 authority that mailed the form within ten (10) days after receipt of
13 the form. The local law enforcement authority shall require the
14 person to produce proof of the identity of the person and current
15 address;

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

18 7. A description of all occupants residing with the person
19 registering, including, but not limited to, name, date of birth,
20 gender, relation to the person registering, and how long the
21 occupant has resided there; and

22 8. The numeric risk level of the person.

23 B. Conviction data and fingerprints shall be promptly
24 transmitted at the time of registration to the Oklahoma State Bureau

1 of Investigation (OSBI) and the Federal Bureau of Investigation
2 (FBI) if the state has not previously sent the information at the
3 time of conviction.

4 C. The registration with the local law enforcement authority
5 required by the Sex Offenders Registration Act shall be in a form
6 approved by the local law enforcement authority and shall include
7 the following information about the person registering:

8 1. The full name of the person, alias, date of birth, sex,
9 race, height, weight, eye color, social security number, driver
10 license number, and home address. The home address shall be a
11 physical address, not a post office box;

12 2. A description of the offense for which the offender was
13 convicted, the date of the conviction, and the sentence imposed, if
14 applicable;

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

16 4. The numeric risk level of the person.

17 For purposes of this section, "local law enforcement authority"
18 means:

19 a. the municipal police department, if the person resides
20 or intends to reside or stay within the jurisdiction
21 of any municipality of this state, or

22 b. the county sheriff, if the person resides or intends
23 to reside or stay at any place outside the
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1 jurisdiction of any municipality within this state,
2 and

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

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

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

8 (3) resides or intends to reside or stay on any
9 property owned or controlled by the institution
10 of higher learning.

11 D. Any person subject to the provisions of the Sex Offenders
12 Registration Act who changes an address shall give written
13 notification to the Department of Corrections and the local law
14 enforcement authority of the change of address and the new address
15 no later than three (3) business days prior to the abandonment of or
16 move from the current address. The address given to the Department
17 of Corrections and the local law enforcement authority shall be a
18 physical address, not a post office box. If the new address is
19 under the jurisdiction of a different local law enforcement
20 authority:

21 1. The Department of Corrections and the local law enforcement
22 authority shall notify the new local law enforcement authority by
23 teletype, electronic transmission, or letter of the change of
24 address;

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

3 3. The new local law enforcement authority shall notify the
4 most recent registering agency by teletype or letter of the change
5 in address of the offender. If the new address is in another state
6 the Department of Corrections shall promptly notify the agency
7 responsible for registration in that state of the new address of the
8 offender.

9 E. Any person registered as a sex offender, pursuant to the Sex
10 Offender Registration Act, who has provided a post office box as an
11 address shall be contacted by local law enforcement and required to
12 provide a physical address.

13 F. The Department of Corrections shall maintain a file of all
14 sex offender registrations. A copy of the information contained in
15 the registration shall promptly be available to state, county and
16 municipal law enforcement agencies, the State Superintendent of
17 Public Instruction, the State Commissioner of Health, and the
18 National Sex Offender Registry maintained by the Federal Bureau of
19 Investigation. The file shall promptly be made available for public
20 inspection or copying pursuant to rules promulgated by the
21 Department of Corrections and may be made available through Internet
22 access. The Department of Corrections shall promptly provide all
23 municipal police departments, all county sheriff departments and all

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1 campus police departments a list of those sex offenders registered
2 and living in their county.

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

12 ~~G.~~ H. The State Commissioner of Health is authorized to
13 distribute information from the sex offender registry to any nursing
14 home or long-term care facility. Nothing in this subsection shall
15 be deemed to impose any liability upon or give rise to a cause of
16 action against any person, agency, organization, or company for
17 failing to release information in accordance with the Sex Offenders
18 Registration Act.

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

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

11 ~~I.~~ J. Samples of blood or saliva for DNA testing required by
12 subsection A of this section shall be taken by employees or
13 contractors of the Department of Corrections. Said individuals
14 shall be properly trained to collect blood or saliva samples.
15 Persons collecting samples for DNA testing pursuant to this section
16 shall be immune from civil liabilities arising from this activity.
17 The Department of Corrections shall ensure the collection of samples
18 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
19 within ten (10) days of the time the subject appears for testing.
20 The Department shall use sample kits provided by the OSBI and
21 procedures promulgated by the OSBI. Persons subject to DNA testing
22 pursuant to this section shall be required to pay to the Department
23 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees

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1 collected pursuant to this subsection shall be deposited in the
2 Department of Corrections revolving account.

3 ~~J.~~ K. 1. Any person who has been convicted of or received a
4 suspended sentence or any probationary term, including a deferred
5 sentence imposed in violation of subsection G of Section 991c of
6 Title 22 of the Oklahoma Statutes, for any crime listed in Section
7 582 of this title and:

8 a. who is subsequently convicted of a crime or an attempt
9 to commit a crime listed in subsection A of Section
10 582 of this title, or

11 b. who enters this state after November 1, 1997, and who
12 has been convicted of an additional crime or attempted
13 crime which, if committed or attempted in this state,
14 would be a crime or an attempt to commit a crime
15 provided for in subsection A of Section 582 of this
16 title,

17 shall be subject to all of the registration requirements of ~~this act~~
18 the Sex Offenders Registration Act and shall be designated by the
19 Department of Corrections as a habitual sex offender. A habitual
20 sex offender shall be required to register for the lifetime of the
21 habitual sex offender.

22 2. On or after November 1, 1999, any person who has been
23 convicted of a crime or an attempt to commit a crime, received a
24 suspended sentence or any probationary term, including a deferred

1 sentence imposed in violation of subsection G of Section 991c of
2 Title 22 of the Oklahoma Statutes, for a crime provided for in
3 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense
4 involved sexual abuse or sexual exploitation as these terms are
5 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
6 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
7 Statutes shall be subject to all the registration requirements of
8 ~~this act~~ the Sex Offenders Registration Act and shall be designated
9 by the Department of Corrections as an aggravated sex offender. An
10 aggravated sex offender shall be required to register for the
11 lifetime of the aggravated sex offender.

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

- 17 a. the family of the habitual or aggravated sex offender,
- 18 b. any prior victim of the habitual or aggravated sex
19 offender,
- 20 c. residential neighbors and churches, community parks,
21 schools, convenience stores, businesses and other
22 places that children or other potential victims may
23 frequent, and
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1 d. a nursing facility, a specialized facility, a
2 residential care home, a continuum-of-care facility,
3 an assisted living center, and an adult day care
4 facility.

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

- 7 a. the name and physical address of the habitual or
8 aggravated sex offender,
9 b. a physical description of the habitual or aggravated
10 sex offender, including, but not limited to, age,
11 height, weight and eye and hair color,
12 c. a description of the vehicle that the habitual or
13 aggravated sex offender is known to drive,
14 d. any conditions or restrictions upon the probation,
15 parole or conditional release of the habitual or
16 aggravated sex offender,
17 e. a description of the primary and secondary targets of
18 the habitual or aggravated sex offender,
19 f. a description of the method of offense of the habitual
20 or aggravated sex offender,
21 g. a current photograph of the habitual or aggravated sex
22 offender,
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1 h. the name and telephone number of the probation or
2 parole officer of the habitual or aggravated sex
3 offender; and

4 i. the numeric risk level of the person.

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

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

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

20 1. Nothing in the Sex Offenders Registration Act shall be
21 deemed to impose any liability upon or to give rise to a cause of
22 action against any public official, public employee, or public
23 agency for releasing information to the public or for failing to
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1 release information in accordance with the Sex Offenders
2 Registration Act.

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

7 SECTION 2. AMENDATORY 57 O.S. 2001, Section 585, is amended
8 to read as follows:

9 Section 585. A. Each person in charge of a correctional
10 institution from which a person subject to the provisions of the Sex
11 Offenders Registration Act, Section 581 et seq. of this title, is
12 released and each judge who suspends the sentence of a person
13 subject to the provisions of the Sex Offenders Registration Act or
14 orders any probationary term, including a deferred sentence imposed
15 in violation of subsection G of Section 991c of Title 22 of the
16 Oklahoma Statutes, for a person subject to the provisions of the Sex
17 Offenders Registration Act shall prior to discharge or release of
18 ~~said~~ the person:

19 1. Explain to the person the duty to register pursuant to the
20 Sex Offenders Registration Act;

21 2. Require the person to sign a written statement that the duty
22 to register has been explained and the person understands the duty
23 to register;

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1 3. Obtain the address at which the person is to reside upon
2 discharge or release. The address shall be a physical address, not
3 a post office box; and

4 4. Forward ~~said~~ the information to the Department of
5 Corrections.

6 B. The Department of Public Safety shall issue written
7 notification of the registration requirements of the Sex Offenders
8 Registration Act to any person who enters this state from another
9 jurisdiction and makes an initial application for an operator's or
10 chauffeur's license to operate a motor vehicle in this state.

11 C. The Department of Corrections shall coordinate with the
12 Administrative Office of the Courts in promulgating rules to
13 establish other necessary procedures for notifying offenders of the
14 obligation to register pursuant to ~~this act~~ the Sex Offenders
15 Registration Act and procedures for registration of those offenders.

16 D. The Department of Corrections shall coordinate with
17 surrounding states to establish necessary procedures for notifying
18 offenders that reside in other states but work or attend school
19 within the State of Oklahoma of the obligation to register pursuant
20 to ~~this act~~ the Sex Offenders Registration Act and the procedure for
21 registration of those offenders.

22 SECTION 3. This act shall become effective November 1, 2010.
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