

1 ENGROSSED HOUSE
2 BILL NO. 1350

By: Blackwell of the House

3 and

4 Johnson (Rob) of the Senate

5
6
7
8 An Act relating to sex offenders; amending 10 O.S.
9 2001, Sections 7308-1.2, as amended by Section 1,
10 Chapter 164, O.S.L. 2002, 7308-1.3, as last amended
11 by Section 103, Chapter 234, O.S.L. 2009, 7308-1.5,
12 as last amended by Section 105, Chapter 234, O.S.L.
13 2009, 7308-1.8 and 7308-1.9, as amended by Section 5,
14 Chapter 164, O.S.L. 2002, and as renumbered by
15 Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
16 2010, Sections 2-8-102, 2-8-103, 2-8-105, 2-8-107 and
17 2-8-108), which relate to the Juvenile Sex Offenders
18 Registration Act; modifying definition; directing
19 Office of Juvenile Affairs to register juvenile sex
20 offenders pursuant to the Sex Offenders Registration
21 Act; making certain information confidential;
22 deleting juvenile sex offender registry procedures;
23 providing procedures for registering juvenile sex
24 offenders; modifying notice provisions; deleting
certain unlawful act; reducing certain age
limitation; modifying transfer procedures for adult
registration requirements; amending 57 O.S. 2001,
Sections 582, as last amended by Section 25, Chapter
2, O.S.L. 2010, 583, as last amended by Section 5,
Chapter 404, O.S.L. 2009, 584, as last amended by
Section 1, Chapter 407, O.S.L. 2010 and Section 8,
Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2010,
Sections 582, 583, 584 and 590.2), which relate to
the Sex Offenders Registration Act; deleting
applicable date for registration requirements;
exempting persons from registration requirements
under certain circumstances; making registration
requirements applicable to certain juvenile
offenders; modifying certain definition; modifying
eligibility requirements for petitioning the court to

1 lower level designation and remove registration
2 requirements; providing eligibility requirements for
3 juvenile and youthful offenders to petition the court
4 to lower level designation and remove registration
5 requirements; modifying notification requirements;
6 requiring collection and transmission of palm prints;
7 modifying criteria for petitioning removal from
8 registration requirements; modifying requirements for
9 maintenance of certain files; requiring that
10 information be made available to certain agencies;
11 repealing 10 O.S. 2001, Sections 7308-1.4, as last
12 amended by Section 104, Chapter 234, O.S.L. 2009, as
13 renumbered by Section 191, Chapter 234, O.S.L. 2009,
14 7308-1.7, 7308-1.10, 7308-1.11 and 7308-1.13, as
15 renumbered by Section 191, Chapter 234, O.S.L. 2009
16 (10A O.S. Supp. 2010, Sections 2-8-104, 2-8-106, 2-8-
17 109, 2-8-110 and 2-8-112), which relate to the
18 Juvenile Sex Offender Registration Act; providing an
19 effective date; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7308-1.2, as
22 amended by Section 1, Chapter 164, O.S.L. 2002, and as renumbered by
23 Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2010, Section
24 2-8-102), is amended to read as follows:

Section 2-8-102. ~~As used in this act, "juvenile~~ "Juvenile sex
offender" means a person who was not less than fourteen (14) years
of age but who was less than eighteen (18) years of age at the time
the ~~qualifying~~ sex offense was committed and who:

1. ~~On or after July 1, 2001, was~~ Was adjudicated delinquent or
a youthful offender for an action that would be an offense provided

1 in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the
2 Oklahoma Statutes, if committed by an adult;

3 2. ~~As of July 1, 2001, is~~ Is serving formal probation or
4 commitment to the custody of the Office of Juvenile Affairs as the
5 result of adjudication for an action that would be an offense
6 provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of
7 the Oklahoma Statutes, if committed by an adult;

8 3. Was adjudicated delinquent in another state or jurisdiction
9 for an action that is substantially equivalent to an offense
10 provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of
11 the Oklahoma Statutes, and is subject ~~on or after July 1, 2001,~~ to
12 court jurisdiction in this state pursuant to the Interstate Compact
13 on Juveniles; or

14 4. Is required to register as a ~~juvenile~~ sex offender in
15 another state or jurisdiction for having committed a sex offense in
16 that state regardless of the date of the offense or its
17 adjudication.

18 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7308-1.3, as
19 last amended by Section 103, Chapter 234, O.S.L. 2009, and as
20 renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
21 2010, Section 2-8-103), is amended to read as follows:

22 Section 2-8-103. The Office of Juvenile Affairs shall ~~establish~~
23 ~~and maintain a registry for~~ register juvenile sex offenders ~~required~~
24 ~~by the court to register.~~ ~~The registry shall include fingerprints,~~

1 ~~photographs, and information collected from forms submitted and~~
2 ~~other communications relating to notice of duty to register, sex~~
3 ~~offender registration, and notice of change of name or address.~~
4 ~~Information in the juvenile sex offender registry is subject to~~
5 ~~release to law enforcement agencies and may be released to the~~
6 ~~public pursuant to court order as provided in Section 2-8-104 of~~
7 ~~this title pursuant to the provisions of the Sex Offenders~~
8 Registration Act. The Office of Juvenile Affairs shall maintain a
9 file of all juvenile sex offender registrations. A copy of the
10 information contained in those files shall promptly be transferred
11 to the Department of Corrections for inclusion in the Oklahoma sex
12 offender registry. Information in the juvenile sex offender
13 registry is confidential and shall only be released by the
14 Department of Corrections to law enforcement agencies for purposes
15 of complying with the provisions of the Sex Offenders Registration
16 Act.

17 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7308-1.5, as
18 last amended by Section 105, Chapter 234, O.S.L. 2009, and as
19 renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
20 2010, Section 2-8-105), is amended to read as follows:

21 Section 2-8-105. ~~On or after July 1, 2001, when the~~ When a
22 ~~court orders a juvenile sex offender to register on the juvenile sex~~
23 ~~offender registry as provided in Section 2-8-104 of this title, the~~
24 ~~court shall provide at the time of the order~~ adjudicates an offender

1 for an offense requiring registration pursuant to the Sex Offenders
2 Registration Act, the court shall provide written notification to
3 the juvenile sex offender of the duty to register. The written
4 notification shall be a form provided by the Office of Juvenile
5 Affairs and shall be signed by the juvenile and a parent or guardian
6 who has custody and control of the juvenile. One copy shall be
7 retained by the court, one copy shall be provided to the juvenile
8 offender, and one copy shall be submitted within three (3) working
9 days to the ~~juvenile sex offender registry~~ Office of Juvenile
10 Affairs.

11 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7308-1.8, as
12 renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
13 2010, Section 2-8-107), is amended to read as follows:

14 Section 2-8-107. ~~A. A juvenile sex offender who fails to~~
15 ~~register or provide notification of a change of name or address is~~
16 ~~guilty of a misdemeanor.~~

17 ~~B.~~ A parent or guardian who has custody and control of a
18 juvenile sex offender commits a misdemeanor offense of failure to
19 supervise a child if the juvenile offender fails to register or
20 provide notification of a change of name or address as required by
21 ~~this act~~ the Sex Offenders Registration Act. A person convicted of
22 this offense is punishable by a fine of not more than One Thousand
23 Dollars (\$1,000.00).

24

1 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7308-1.9, as
2 amended by Section 5, Chapter 164, O.S.L. 2002, and as renumbered by
3 Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2010, Section
4 2-8-108), is amended to read as follows:

5 Section 2-8-108. When a registered juvenile sex offender
6 reaches ~~twenty one (21)~~ eighteen (18) years of age ~~or is otherwise~~
7 ~~released from the custody of the Office of Juvenile Affairs, the~~
8 ~~district attorney may petition the court to transfer the person's~~
9 ~~registration to the adult sex offender registry maintained by the~~
10 ~~Department of Corrections, subject to the provisions of Section 581~~
11 ~~et seq. of Title 57 of the Oklahoma Statutes. After notice, if the~~
12 ~~court determines at a hearing that the person who is registered on~~
13 ~~the juvenile sex offender registry is likely to or does pose an~~
14 ~~ongoing serious or aggressive threat to the public or children under~~
15 ~~sixteen (16) years of age, the court shall order that the delinquent~~
16 ~~act requiring the offender to register pursuant to the provisions of~~
17 ~~the Sex Offenders Registration Act be deemed an adult criminal~~
18 ~~conviction for the purpose of registration, and notification, and~~
19 ~~public information access pursuant to Section 581 et seq. of Title~~
20 ~~57 of the Oklahoma Statutes. If no petition is filed within ninety~~
21 ~~(90) days following the twenty-first birthday of the person or the~~
22 ~~date of release from custody, or if the court determines the person~~
23 ~~is not likely to or does not pose an ongoing serious or aggressive~~
24 ~~threat to the public or children under sixteen (16) years of age,~~

1 ~~the juvenile's name and information shall be deleted from the~~
2 ~~juvenile sex offender registry, and the person may not be included~~
3 ~~in the adult sex offender registry~~ the Sex Offenders Registration
4 Act.

5 SECTION 6. AMENDATORY 57 O.S. 2001, Section 582, as last
6 amended by Section 25, Chapter 2, O.S.L. 2010 (57 O.S. Supp. 2010,
7 Section 582), is amended to read as follows:

8 Section 582. A. The provisions of the Sex Offenders
9 Registration Act shall apply to any person residing, working or
10 attending school within the State of Oklahoma who, ~~after November 1,~~
11 ~~1989,~~ has been convicted, whether upon a verdict or plea of guilty
12 or upon a plea of nolo contendere, or received a suspended sentence
13 or any probationary term, or is currently serving a sentence or any
14 form of probation or parole for a crime ~~or~~, an attempt or a
15 conspiracy to commit a crime provided for in Section 843.5 of Title
16 21 of the Oklahoma Statutes if the offense involved sexual abuse or
17 sexual exploitation as those terms are defined in Section 1-1-105 of
18 Title 10A of the Oklahoma Statutes, Section 681, if the offense
19 involved sexual assault, 741, if the offense involved sexual abuse
20 or sexual exploitation, Section 843.1, if the offense involved
21 sexual abuse or sexual exploitation, Section 852.1, if the offense
22 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
23 if the offense involved sexual abuse or sexual exploitation, 1021,

24

1 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,
2 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

3 B. The provisions of the Sex Offenders Registration Act shall
4 apply to any person who ~~after November 1, 1989,~~ resides, works or
5 attends school within the State of Oklahoma and who has been
6 convicted or received a suspended sentence at any time in any court
7 of another state, the District of Columbia, Puerto Rico, Guam,
8 American Samoa, the Northern Mariana Islands and the United States
9 Virgin Islands, a federal court, an Indian tribal court, a military
10 court, or a court of a foreign country for a crime, attempted crime
11 or a conspiracy to commit a crime which, if committed or attempted
12 in this state, would be a crime, an attempt to commit a crime or a
13 conspiracy to commit a crime provided for in any of said laws listed
14 in subsection A of this section or for a crime that requires the
15 offender to register as a sex offender in the offending state or
16 jurisdiction.

17 C. The provisions of the Sex Offenders Registration Act shall
18 apply to any person who resides, works or attends school within the
19 State of Oklahoma and who has received a deferred judgment at any
20 time in any court of another state, the District of Columbia, Puerto
21 Rico, Guam, American Samoa, the Northern Mariana Islands and the
22 United States Virgin Islands, a federal court, an Indian tribal
23 court, a military court, or a court of a foreign country for a
24 crime, attempted crime or a conspiracy to commit a crime which, if

1 committed or attempted or conspired to be committed in this state,
2 would be a crime, an attempt to commit a crime or a conspiracy to
3 commit a crime provided for in Section 843.5 of Title 21 of the
4 Oklahoma Statutes if the offense involved sexual abuse or sexual
5 exploitation as those terms are defined in Section 1-1-105 of Title
6 10A of the Oklahoma Statutes, Section 681, if the offense involved
7 sexual assault, 741, if the offense involved sexual abuse or sexual
8 exploitation, Section 843.1, if the offense involved sexual abuse or
9 sexual exploitation, Section 852.1, if the offense involved sexual
10 abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense
11 involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3,
12 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or
13 1123 of Title 21 of the Oklahoma Statutes or for a crime that
14 requires the offender to register as a sex offender in the offending
15 state or jurisdiction. The provisions of the Sex Offenders
16 Registration Act shall not apply to any such person while the person
17 is incarcerated in a maximum or medium correctional institution of
18 the Department of Corrections.

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

1 E. The provisions of the Sex Offenders Registration Act shall
2 not apply to any such person who has received a criminal history
3 records expungement for a conviction in another state for a crime or
4 attempted crime which, if committed or attempted in this state,
5 would be a crime or an attempt to commit a crime provided for in any
6 said laws listed in subsection A of this section.

7 F. Any person who has been convicted, whether upon a verdict or
8 plea of guilty or upon a plea of nolo contendere, or received a
9 suspended sentence or any probationary term, including a deferred
10 sentence imposed in violation of subsection G of Section 991c of
11 Title 22 of the Oklahoma Statutes, or who served a sentence or any
12 form of probation or parole for a crime or an attempt or conspiracy
13 to commit a crime provided for in any of said laws listed in this
14 section which, prior to November 1, 1989, did not require
15 registration pursuant to this section, or any person who has
16 satisfied the registration requirements pursuant to this act, shall
17 not be required to register pursuant to the provisions of the Sex
18 Offenders Registration Act unless the person is subsequently
19 convicted or receives any probationary term, including a deferred
20 sentence imposed in violation of subsection G of Section 991c of
21 Title 22 of the Oklahoma Statutes, for a felony offense. Upon such
22 conviction, the person shall be required to register pursuant to the
23 provisions of the Sex Offenders Registration Act.

24

1 G. The provisions of the Sex Offenders Registration Act shall
2 apply to any juvenile not less than fourteen (14) years of age who,
3 after July 1, 2011, is adjudicated delinquent or a youthful offender
4 for an act that would be an offense provided in Section 888, 1111,
5 1111.1, 1114 or 1115 of Title 21 of the Oklahoma Statutes if
6 committed by an adult, or adjudicated delinquent in another state
7 for an act that is substantially equivalent to an offense provided
8 in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the
9 Oklahoma Statutes, and who is residing, working or attending school
10 within the State of Oklahoma. Provided, residency and working
11 restrictions provided in the Sex Offenders Registration Act and the
12 restrictions provided for in Section 1125 of Title 21 of the
13 Oklahoma Statutes shall not apply to juveniles or youthful offenders
14 required to register pursuant to this subsection until such juvenile
15 or youthful offender:

16 1. Becomes at least eighteen (18) years of age and is not under
17 the supervision or custody of the responsible county juvenile bureau
18 or the Office of Juvenile Affairs;

19 2. Is emancipated; or

20 3. No longer resides with his or her parent or guardian.

21 SECTION 7. AMENDATORY 57 O.S. 2001, Section 583, as last
22 amended by Section 5, Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2010,
23 Section 583), is amended to read as follows:

24

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

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

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

17 3. With the Department of Corrections and the local law
18 enforcement authority no less than three (3) business days prior to
19 abandoning or moving from the address of the previous registration,
20 or within three (3) business days of changing or terminating
21 employment, or changing enrollment status as a student.

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

- 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 tribal police, if the person resides or intends to
8 reside or stay at any place within Indian Country,
9 provided the tribe has a sex offender registry, and
- 10 d. the police or security department of any institution of
11 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 B. Any person who has been convicted of an offense or received
19 a deferred judgment for an offense in another jurisdiction, which
20 offense if committed or attempted in this state, would have been
21 punishable as one or more of the offenses listed in Section 582 of
22 this title and who enters this state ~~on or after November 1, 1989,~~
23 shall register, in person, as follows:
24

1 1. With the Department of Corrections when the person enters
2 and intends to be in the state for any purpose for five (5)
3 consecutive days or longer, calculated beginning with the first day,
4 has any type of full-time or part-time employment, with or without
5 compensation for more than five (5) cumulative days in any sixty-day
6 period, or is enrolled as a full-time or part-time student within
7 this state. Such registration is required within two (2) days after
8 entering the state;

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

18 3. With the Department of Corrections and the local law
19 enforcement authority no less than three (3) business days prior to
20 abandoning or moving from the address of the previous registration,
21 or within three (3) business days of changing or terminating
22 employment, or changing enrollment status as a student.

23 Upon registering a person who has been convicted of an offense
24 or received a deferred judgment for an offense in another

1 jurisdiction, which offense, if committed or attempted in this
2 state, would have been punishable as one or more of the offenses
3 listed in Section 582 of this title, the local law enforcement
4 authority shall forward the registration information to the sex
5 offender level assignment committee of the Department of
6 Corrections.

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

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

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

14 3. For life, if the level assignment of the person is three or
15 the person is classified as a habitual or aggravated sex 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 with the local law enforcement authority as follows:

24

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

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

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

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

12 E. Any person who has been assigned a level of one and who ~~has~~:

13 1. Has been registered for a period of ten (10) years ~~and who~~
14 ~~has~~;

15 2. Has not been arrested or convicted for any felony or
16 misdemeanor offense since being released from confinement⁷; and

17 3. Has successfully completed a federal or state-certified sex
18 offender treatment program,

19 may petition the district court in the jurisdiction where the person
20 resides for the purpose of removing the level designation and
21 allowing the person to no longer be subject to the registration
22 requirements of the Sex Offenders Registration Act.

23 F. Any juvenile or youthful offender who has been assigned a
24 sex offender level of three and who:

1 1. Has been registered for a period of twenty-five (25) years;

2 2. Has not been arrested or convicted for any felony or

3 misdemeanor offense since being required to register; and

4 3. Has successfully completed a federal or state-certified sex

5 offender treatment program,

6 may petition the district court in the jurisdiction where the person

7 resides for the purpose of removing the level designation and

8 allowing the person to no longer be subject to the registration

9 requirements of the Sex Offenders Registration Act.

10 G. When registering an offender as provided in this section
11 the Department of Corrections or the local law enforcement agency
12 having jurisdiction shall:

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

15 2. Inform the offender that if the offender changes address,
16 the offender shall appear in person and give notice of the move and
17 the new address to the Department of Corrections and to the local
18 law enforcement authority in the location in which the offender
19 previously resided no later than three (3) days before the offender
20 establishes residence or is temporarily domiciled at the new
21 address;

22 3. Inform the offender that if the offender changes address to
23 another state, the offender shall appear in person and give notice
24 of the move and shall register the new address with the Department

1 of Corrections and with a designated law enforcement agency in the
2 new state not later than ten (10) days before the offender
3 establishes residency or is temporarily domiciled in the new state,
4 if the new state has a registration requirement;

5 4. Inform the offender that if the offender participates in any
6 full-time employment, with or without compensation, and changes or
7 terminates such employment, the offender shall appear in person and
8 give notice of the change or termination of employment to the
9 Department of Corrections and to the local law enforcement authority
10 in the location where the offender was employed within three (3)
11 days of such change or termination of employment;

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

18 6. Inform the offender that if the offender enrolls in any type
19 of school in another state as a full-time or part-time student then
20 the offender has a duty to register as a sex offender in that state;

21 7. Inform the offender that if the offender enrolls in any
22 school within this state as a full-time or part-time student, then
23 the offender has a duty to register as a sex offender with the
24

1 Department of Corrections and the local law enforcement authority in
2 the jurisdiction where such school is located;

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

12 9. Inform the offender that if the offender graduates,
13 transfers, drops, terminates or otherwise changes enrollment or
14 employment at any school in this state, then the offender shall
15 appear in person and notify the Department of Corrections and the
16 local law enforcement authority of such change in enrollment or
17 employment within three (3) days of the change; and

18 10. Require the offender to read and sign a form stating that
19 the duty of the person to register under the Sex Offenders
20 Registration Act has been explained.

21 ~~G.~~ H. For the purpose of this section, the "date of the
22 completion of the sentence" means the day an offender completes all
23 incarceration, probation and parole pertaining to the sentence.

24

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

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

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

20 ~~I.~~ J. The duty to register as a sex offender in this state
21 shall not be prevented if, at the time of registration, it is
22 determined that the person owns or leases a residence that is
23 located within a restricted area provided for in Section 590 of this
24 title.

1 SECTION 8. AMENDATORY 57 O.S. 2001, Section 584, as last
2 amended by Section 1, Chapter 407, O.S.L. 2010 (57 O.S. Supp. 2010,
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 palm prints, and when requested by the
12 Department of Corrections, such registrant shall submit to a blood
13 or saliva test for purposes of a deoxyribonucleic acid (DNA)
14 profile. Submission to testing for individuals registering shall be
15 within thirty (30) days of registration. Registrants who already
16 have valid samples on file in the Oklahoma State Bureau of
17 Investigation ~~(OSBI)~~ DNA Offender Database shall not be required to
18 submit duplicate samples 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 including a mappable address and a zip code, how
6 long the person has resided there, how long the person expects to
7 reside there, and how long the person expects to remain in the
8 county and in this state. The address of the residence shall be a
9 physical address, not a post office box. 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 a current mappable address with a zip code. Upon
24 confirming the information contained within the verification form,

1 the local law enforcement authority shall forward the form to the
2 Department of Corrections within three (3) days after receipt of the
3 form. The verification form shall be signed by the person and state
4 the current address of the person. Failure to return the
5 verification form shall be a violation of the Sex Offenders
6 Registration Act. If the offender has been determined to be a
7 habitual or aggravated sex offender by the Department of Corrections
8 or has been assigned a level assignment of three, the address
9 verification shall be conducted every ninety (90) days. The
10 Department of Corrections shall notify the office of the district
11 attorney and local law enforcement authority of the appropriate
12 county, within forty-five (45) days if unable to verify the address
13 of a sex offender. A local law enforcement authority may notify the
14 office of the district attorney whenever it comes to the attention
15 of the local law enforcement authority that a sex offender is not in
16 compliance with any provisions of ~~Section 581 et seq. of this title~~
17 the Sex Offenders Registration Act. A local law enforcement
18 authority designated as the primary registration authority of the
19 person may, at any time, mail a nonforwardable verification form to
20 the last-reported address of the person. The person shall return
21 the verification form in person to the local law enforcement
22 authority that mailed the form within ten (10) days after receipt of
23 the form. The local law enforcement authority shall require the
24

1 person to produce proof of the identity of the person and a current
2 mappable address with a zip code;

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

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

9 8. The level assignment of the person; and

10 9. Any electronic mail address information, instant message,
11 chat or other Internet communication name or identity information
12 that the person uses or intends to use while accessing the Internet
13 or used for other purposes of social networking or other similar
14 Internet communication.

15 B. Conviction data ~~and~~, fingerprints and palm prints shall be
16 promptly transmitted at the time of registration to the Oklahoma
17 State Bureau of Investigation ~~(OSBI)~~ and the Federal Bureau of
18 Investigation ~~(FBI)~~ if the state has not previously sent the
19 information at the time of conviction.

20 C. The registration with the local law enforcement authority
21 required by the Sex Offenders Registration Act shall be in a form
22 approved by the local law enforcement authority and shall include
23 the following information about the person registering:
24

1 1. The full name of the person, alias, date of birth, sex,
2 race, height, weight, eye color, social security number, driver
3 license number, and a mappable home address with a zip code. The
4 home address shall be a physical address, not a post office box;

5 2. A description of the offense for which the offender was
6 convicted, the date of the conviction, and the sentence imposed, if
7 applicable;

8 3. A photocopy of the driver license of the person;

9 4. The level assignment of the person.

10 For purposes of this section, "local law enforcement authority"
11 means:

12 a. the municipal police department, if the person resides
13 or intends to reside or stay within the jurisdiction
14 of any municipality of this state, ~~or~~

15 b. the county sheriff, if the person resides or intends
16 to reside or stay at any place outside the
17 jurisdiction of any municipality within this state,

18 ~~and~~

19 c. the tribal police, if the person resides or intends to
20 reside or stay at any place within Indian Country,
21 provided the tribe has a sex offender registry, or

22 d. the police or security department of any institution
23 of higher learning within this state if the person:

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

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

3 (3) resides or intends to reside or stay on any
4 property owned or controlled by the institution
5 of higher learning; and

6 5. Any electronic mail address information, instant message,
7 chat or other Internet communication name or identity information
8 that the person uses or intends to use while accessing the Internet
9 or used for other purposes of social networking or other similar
10 Internet communication.

11 D. Any person subject to the provisions of the Sex Offenders
12 Registration Act who changes address, employment or student
13 enrollment status shall appear in person and give notification to
14 the Department of Corrections and the local law enforcement
15 authority of the change of address and the new mappable address with
16 zip code, the change of employment or the change of student
17 enrollment status no later than three (3) business days prior to the
18 abandonment of or move from the current address or, in the case of
19 change of employment or student enrollment, within three (3)
20 business days of such change. The address given to the Department
21 of Corrections and the local law enforcement authority shall be a
22 physical address, not a post office box. If the new address,
23 employment or student enrollment is under the jurisdiction of a
24 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 or electronic transmission of the change of address,
4 employment or student enrollment status;

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 electronic
9 transmission of the change in address, employment or student
10 enrollment status of the offender. If the new address is in another
11 state the Department of Corrections shall promptly notify the agency
12 responsible for registration in that state of the new address of the
13 offender.

14 E. Any person registered as a sex offender, pursuant to the Sex
15 Offenders Registration Act, who has provided a post office box as an
16 address shall be contacted by local law enforcement and required to
17 provide a physical address.

18 F. Any person subject to the provisions of the Sex Offenders
19 Registration Act who is unable to provide a mappable address with a
20 zip code to the Department of Corrections or local law enforcement
21 authority as required in subsections A and C of this section and
22 registers as a transient shall report in person to the nearest local
23 law enforcement authority every seven (7) days and provide to the

24

1 local law enforcement authority the approximate location of where
2 the person is staying and where the person plans to stay.

3 G. The Department of Corrections shall maintain a file of all
4 juvenile and adult sex offender registrations. A copy of the
5 information contained in the juvenile and adult registration shall
6 promptly be made available to state, county and municipal law
7 enforcement agencies, ~~the State Superintendent of Public~~
8 ~~Instruction, the State Commissioner of Health,~~ and the National Sex
9 Offender Registry maintained by the Federal Bureau of Investigation.
10 A copy of the information in the adult registration shall promptly
11 be made available to the State Superintendent of Public Instruction
12 and the State Commissioner of Health. The information in the adult
13 registration file shall promptly be made available for public
14 inspection or copying pursuant to rules promulgated by the
15 Department of Corrections and may be made available through Internet
16 access. Information in the juvenile registration shall not at any
17 time be made available for public inspection or copying while the
18 registrant is a juvenile and after the registrant becomes an adult.
19 The Department of Corrections shall promptly provide all municipal
20 police departments, all county sheriff departments and all campus
21 police departments a list of those juvenile and adult sex offenders
22 registered and living in their county.

23 H. The Department of Corrections shall, upon the request of any
24 Internet entity, release to such entity any information required

1 pursuant to paragraph 9 of subsection A of this section or paragraph
2 5 of subsection C of this section that would enable the Internet
3 entity to prescreen or remove sex offenders from its services or, in
4 conformity with state and federal law, advise law enforcement or
5 other governmental entities of potential violations of law or
6 threats to public safety. Before releasing information to an
7 Internet entity the Department shall require an Internet entity that
8 requests information to submit to the Department the name, address
9 and telephone number of such entity and the specific legal nature
10 and corporate status of such entity. Except for the purposes
11 specified in this subsection, an Internet entity shall not publish
12 or in any way disclose or redisclose any information provided to it
13 by the Department pursuant to this subsection. The Department shall
14 update any information released pursuant to this subsection on a
15 monthly basis to ensure that the information of every individual
16 that has been removed from the sex offender registry in this state
17 is no longer released pursuant to this subsection. The Department
18 may charge the Internet entity a fee for access to information
19 pursuant to this subsection. The Department shall promulgate any
20 rules necessary to implement the provisions of this subsection. As
21 used in this subsection "Internet entity" means any business,
22 organization or other entity providing or offering a service over
23 the Internet which permits persons under eighteen (18) years of age
24 to access, meet, congregate or communicate with other users for the

1 purpose of social networking. This definition shall not include
2 general e-mail services.

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

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

24

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

11 L. 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~~ Bureau and
21 procedures promulgated by the ~~OSBI~~ Bureau. Persons subject to DNA
22 testing pursuant to this section shall be required to pay to the
23 Department of Corrections a fee of Fifteen Dollars (\$15.00). Any
24

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

3 M. 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,~~
13 attempted crime or conspiracy to commit a crime which,
14 if committed or attempted in this state, would be a
15 crime, an attempt to commit or conspiracy to commit a
16 crime provided for in ~~subsection A of~~ Section 582 of
17 this title,

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

23 2. ~~On or after November 1, 1999, any~~ Any person who has been
24 convicted of a crime ~~or,~~ an attempt to commit a crime or conspiracy

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

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

- 19 a. the family of the habitual or aggravated sex offender,
- 20 b. any prior victim of the habitual or aggravated sex
21 offender,
- 22 c. residential neighbors and churches, community parks,
23 schools, convenience stores, businesses and other
24

1 places that children or other potential victims may
2 frequent, and

- 3 d. a nursing facility, a specialized facility, a
4 residential care home, a continuum-of-care facility,
5 an assisted living center, and an adult day care
6 facility.

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

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

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 level assignment 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 N. 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 O. Public officials, public employees, and public agencies are
18 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
24

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 9. AMENDATORY Section 8, Chapter 404, O.S.L.
8 2009 (57 O.S. Supp. 2010, Section 590.2), is amended to read as
9 follows:

10 Section 590.2 A. For purposes of this section, a person shall
11 ~~be considered for removal of the requirement~~ not be required to
12 register as a sex offender if ~~the person~~:

13 1. ~~Was~~ The person was convicted of a violation of paragraph 1
14 of subsection B of Section 888, 1111.1 or 1114 of Title 21 of the
15 Oklahoma Statutes and the person does not have any other conviction
16 for a violation of paragraph 1 of subsection B of Section 888,
17 1111.1 or 1114 of Title 21 of the Oklahoma Statutes;

18 2. ~~Is required to register as a sex offender solely on the~~
19 ~~basis of a violation of Section 1111.1 or 1114 of Title 21 of the~~
20 ~~Oklahoma Statutes~~ Both parties consented to the act committed; and

21 3. ~~Was~~ The person was not more than four (4) years older than
22 the victim of the violation who was fourteen (14) years of age or
23 older but not more than seventeen (17) years of age at the time the
24 person committed the violation.

1 B. If a person meets the criteria provided for in subsection A
2 of this section, the person may petition the court in which the
3 sentence for the conviction occurred for removal of the requirement
4 to register as a sex offender. The person shall allege in the
5 petition that the person meets the criteria provided for in
6 subsection A of this section and that removal of the registration
7 requirement will not conflict with federal law. The district
8 attorney shall be given notice of the petition at least twenty-one
9 (21) days before the hearing on the petition. The district attorney
10 may present evidence in opposition to the requested relief or may
11 otherwise demonstrate why the petition should be denied. The court
12 shall rule on the petition and, if the court determines that the
13 person meets the criteria provided for in subsection A of this
14 section and removal of the registration requirement will not
15 conflict with federal law, may grant the petition and order the
16 removal of the registration requirement. If the court denies the
17 petition, the person shall not be authorized to file any further
18 petition for removal of the registration requirement pursuant to
19 this section.

20 ~~C. If a person, who has yet to be sentenced for a conviction~~
21 ~~for a violation of Section 1111.1 or 1114 of Title 21 of the~~
22 ~~Oklahoma Statutes, meets the criteria provided for in subsection A~~
23 ~~of this section, the person may move the sentencing court for~~
24 ~~removal of the requirement to register as a sex offender. The~~

1 ~~person shall allege in the motion that the person meets the criteria~~
2 ~~provided for in subsection A of this section and that removal of the~~
3 ~~requirement to register as a sex offender will not conflict with~~
4 ~~federal law. The district attorney shall be given notice of the~~
5 ~~motion at least twenty one (21) days prior to the hearing on the~~
6 ~~motion. The district attorney may present evidence in opposition to~~
7 ~~the requested relief or may otherwise demonstrate why the motion~~
8 ~~should be denied. The court shall rule on the motion and, if the~~
9 ~~court determines that the person meets the criteria provided for in~~
10 ~~subsection A of this section and that removal of the requirement to~~
11 ~~register will not conflict with federal law, may grant the motion~~
12 ~~and order the removal of the registration requirement. If the court~~
13 ~~denies the motion, the person shall not be authorized to file any~~
14 ~~further motions or petitions for removal of the registration~~
15 ~~requirement pursuant to this section.~~

16 D. If a person provides to the Department of Corrections a
17 certified copy of the order of the court removing the requirement
18 that the person register as a sex offender, the registration
19 requirement shall not apply to the person and the Department shall
20 remove all information about the person from the public registry of
21 sex offenders maintained by the Department. However, the removal of
22 information about the person from the public registry shall not mean
23 that the public is denied access to information about the criminal
24

1 history or record of the person that is otherwise available as a
2 public record.

3 SECTION 10. REPEALER 10 O.S. 2001, Sections 7308-1.4, as
4 last amended by Section 104, Chapter 234, O.S.L. 2009, as renumbered
5 by Section 191, Chapter 234, O.S.L. 2009, 7308-1.7, 7308-1.10, 7308-
6 1.11 and 7308-1.13, as renumbered by Section 191, Chapter 234,
7 O.S.L. 2009 (10A O.S. Supp. 2010, Sections 2-8-104, 2-8-106, 2-8-
8 109, 2-8-110 and 2-8-112), are hereby repealed.

9 SECTION 11. This act shall become effective July 1, 2011.

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

14 Passed the House of Representatives the 17th day of March, 2011.

15

16

17

Presiding Officer of the House of
Representatives

18

19 Passed the Senate the ____ day of _____, 2011.

20

21

22

Presiding Officer of the Senate

23

24