

1 ENGROSSED SENATE
2 BILL NO. 1355

By: Holt of the Senate

3 and

4 Schwartz of the House

5
6 An Act relating to prisons and reformatories; amending
7 57 O.S. 2011, Section 583, which relates to the Sex
8 Offenders Registration Act; making certain completions
9 of registration requirements subject to a court order;
10 providing exception; providing for certain petition
11 for the purpose of removing certain designation level
12 for certain purpose; making the Department of
13 Corrections a named party in certain petition request
14 and requiring notice; authorizing a district court to
15 grant certain petition and issue an order under
16 certain circumstances; making certain registration
17 requirement not apply to a person under certain
18 circumstances; authorizing the Department to remove
19 certain information from the public registry of sex
20 offenders under certain circumstances; and providing
21 an effective date.

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

23 SECTION 1. AMENDATORY 57 O.S. 2011, Section 583, is
24 amended to read as follows:

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

1. With the Department of Corrections within three (3) business
days of being convicted or receiving a suspended sentence or any
probationary term, including a deferred sentence imposed in

1 violation of subsection G of Section 991c of Title 22 of the
2 Oklahoma Statutes, if the person is not incarcerated, or not less
3 than three (3) business days prior to the release of the person from
4 a correctional institution, except as provided in subsection B of
5 this section;

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

11 3. With the Department of Corrections and the local law
12 enforcement authority no less than three (3) business days prior to
13 abandoning or moving from the address of the previous registration,
14 or within three (3) business days of changing or terminating
15 employment, or changing enrollment status as a student.

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

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

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

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

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

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

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

9 B. Any person who has been convicted of an offense or received
10 a deferred judgment for an offense in another jurisdiction, which
11 offense if committed or attempted in this state, would have been
12 punishable as one or more of the offenses listed in Section 582 of
13 this title and who enters this state on or after November 1,
14 1989, shall register, in person, as follows:

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

23 2. With the local law enforcement authority having jurisdiction
24 in the area where the person intends to reside or to stay for five

1 (5) consecutive days or longer, calculated beginning with the first
2 day, has any type of full-time or part-time employment, with or
3 without compensation for more than five (5) cumulative days in any
4 sixty-day period, or is enrolled as a full-time or part-time student
5 within this state. The registration is required with local law
6 enforcement within two (2) days after entering the jurisdiction of
7 the law enforcement authority; and

8 3. With the Department of Corrections and the local law
9 enforcement authority no less than three (3) business days prior to
10 abandoning or moving from the address of the previous registration,
11 or within three (3) business days of changing or terminating
12 employment, or changing enrollment status as a student.

13 Upon registering a person who has been convicted of an offense
14 or received a deferred judgment for an offense in another
15 jurisdiction, which offense, if committed or attempted in this
16 state, would have been punishable as one or more of the offenses
17 listed in Section 582 of this title, the local law enforcement
18 authority shall forward the registration information to the sex
19 offender level assignment committee of the Department of
20 Corrections.

21 C. 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 Department of Corrections as follows:
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1 1. For a period of fifteen (15) years, if the level assignment
2 of the person is one;

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

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

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

12 D. When a person has been convicted or received probation
13 within the State of Oklahoma, the person shall be required to
14 register with the local law enforcement authority as follows:

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

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

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

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

3 E. On or after November 1, 2012, no person assigned a level of
4 one or a level of two may be deemed to have completed their
5 registration requirement period without a court order, except an
6 offender provided for in subsection F of this section. Beginning
7 thirty (30) days before the conclusion of their required
8 registration period, any person assigned a level of one or a level
9 of two may petition the district court in the jurisdiction where the
10 person resides for the purpose of removing the level designation and
11 allowing the person to no longer be subject to the registration
12 requirement of the Sex Offenders Registration Act. The Department
13 of Corrections shall be a named party in any petition requesting
14 such an order and be given notice. If a person making such a
15 petition has fully completed the requirements of the Sex Offenders
16 Registration Act for the required registration period applicable to
17 that person's assigned level, the district court shall grant the
18 petition and issue an order. If a person provides to the Department
19 of Corrections a certified copy of the order of the court removing
20 the requirement that the person register as a sex offender, the
21 registration requirement shall not apply to the person and the
22 Department shall remove all information about the person from the
23 public registry of sex offenders maintained by the Department.
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1 F. Any person assigned a level of one who has been registered
2 for a period of ten (10) years and who has not been arrested or
3 convicted for any felony or misdemeanor offense since being released
4 from confinement, may petition the district court in the
5 jurisdiction where the person resides for the purpose of removing
6 the level designation and allowing the person to no longer be
7 subject to the registration requirements of the Sex Offenders
8 Registration Act.

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

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

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

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

1 new state not later than ten (10) days before the offender
2 establishes residency or is temporarily domiciled in the new state,
3 if the new state has a registration requirement;

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

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

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

20 7. Inform the offender that if the offender enrolls in any
21 school within this state as a full-time or part-time student, then
22 the offender has a duty to register as a sex offender with the
23 Department of Corrections and the local law enforcement authority;

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

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

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

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

21 ~~H.~~ I. Any person who resides in another state and who has been
22 convicted of an offense or received a deferred judgment for an
23 offense in this state, or in another jurisdiction, which offense if
24 committed or attempted in this state would have been punishable as

1 one or more of the offenses listed in Section 582 of this title, and
2 who is the spouse of a person living in this state shall be
3 registered as follows:

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

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

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

21 SECTION 2. This act shall become effective November 1, 2012.
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