

1 ENGROSSED SENATE
2 BILL NO. 282

By: Holt and Ivester of the
Senate

3 and

4 Grau of the House
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7 An Act relating to sex offenders; amending 57 O.S.
8 2001, Section 584, as last amended by Section 1,
9 Chapter 407, O.S.L. 2010 (57 O.S. Supp. 2010, Section
10 584), which relates to the Sex Offenders Registration
11 Act; requiring certain offenders to provide certain
12 documents to local law enforcement agencies;
13 requiring certain notice; specifying requirements for
14 certain offenders; and providing an effective date.

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

16 SECTION 1. AMENDATORY 57 O.S. 2001, Section 584, as last
17 amended by Section 1, Chapter 407, O.S.L. 2010 (57 O.S. Supp. 2010,
18 Section 584), is amended to read as follows:

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

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

2. A complete description of the person, including a photograph
and fingerprints, and when requested by the Department of

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

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

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

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

- a. on an annual basis, if the numeric risk level of the person is one, or
- b. on a semiannual basis, if the numeric risk level of the person is two.

The Department of Corrections shall mail a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement authority at that time. The local law enforcement authority shall require the person to produce proof of the identity of the person and a current mappable address with a zip code. Upon confirming the information contained within the verification form, the local law enforcement authority shall forward the form to the Department of Corrections within three (3) days after receipt of the form. The verification form shall be signed by the person and state the current address of the person. Failure to return the verification form shall be a violation of the Sex Offenders Registration Act. If the offender has been determined to be a habitual or aggravated sex offender by the Department of Corrections or has been assigned a level assignment of three, the address verification shall be conducted every ninety (90) days. The Department of Corrections shall notify the office of the district attorney and local law enforcement authority of the appropriate

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

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

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

20 8. The level assignment of the person; and

21 9. Any electronic mail address information, instant message,
22 chat or other Internet communication name or identity information
23 that the person uses or intends to use while accessing the Internet
24

1 or used for other purposes of social networking or other similar
2 Internet communication.

3 B. Conviction data and fingerprints shall be promptly
4 transmitted at the time of registration to the Oklahoma State Bureau
5 of Investigation (OSBI) and the Federal Bureau of Investigation
6 (FBI) if the state has not previously sent the information at the
7 time of conviction.

8 C. Any person subject to the provisions of the Sex Offenders
9 Registration Act or the Mary Rippey Act, who has an out-of-state
10 conviction that requires registration, shall provide the local law
11 enforcement authority where the offender intends to reside with a
12 certified copy of the offender's judgment and sentencing report
13 within sixty (60) days of the offender's initial registration with
14 this state. If an offender moves to a different location in this
15 state outside of the jurisdiction of the law enforcement authority
16 that has a certified copy of the judgment and sentencing report, the
17 offender shall provide the local law enforcement authority of the
18 new location where the offender intends to reside with a certified
19 copy of the judgment and sentencing report within sixty (60) days of
20 establishing residency in the new location.

21 Upon the effective date of this act, the Department of
22 Corrections shall notify by regular first-class mail to the
23 registered addresses in the sex offender registry all offenders
24 required to register in this state that have an out-of-state

1 conviction to obtain a certified copy of the offender's judgment and
2 sentencing report and file it with the local law enforcement
3 authority in which the offender resides within one hundred twenty
4 (120) days of receipt of the mailed notice.

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

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

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

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

17 4. The level assignment of the person.

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

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

23 b. the county sheriff, if the person resides or intends
24 to reside or stay at any place outside the

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; and

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

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

1 business days of such change. The address given to the Department
2 of Corrections and the local law enforcement authority shall be a
3 physical address, not a post office box. If the new address,
4 employment or student enrollment is under the jurisdiction of a
5 different local law enforcement authority:

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

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

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

19 ~~E.~~ F. Any person registered as a sex offender, pursuant to the
20 Sex Offenders Registration Act, who has provided a post office box
21 as an address shall be contacted by local law enforcement and
22 required to provide a physical address.

23 ~~F.~~ G. Any person subject to the provisions of the Sex Offenders
24 Registration Act who is unable to provide a mappable address with a

1 zip code to the Department of Corrections or local law enforcement
2 authority as required in subsections A ~~and~~, C and D of this section
3 and registers as a transient shall report in person to the nearest
4 local law enforcement authority every seven (7) days and provide to
5 the local law enforcement authority the approximate location of
6 where the person is staying and where the person plans to stay.

7 ~~G.~~ H. The Department of Corrections shall maintain a file of
8 all sex offender registrations. A copy of the information contained
9 in the registration shall promptly be available to state, county and
10 municipal law enforcement agencies, the State Superintendent of
11 Public Instruction, the State Commissioner of Health, and the
12 National Sex Offender Registry maintained by the Federal Bureau of
13 Investigation. The 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. The Department of Corrections shall promptly provide all
17 municipal police departments, all county sheriff departments and all
18 campus police departments a list of those sex offenders registered
19 and living in their county.

20 ~~H.~~ I. The Department of Corrections shall, upon the request of
21 any Internet entity, release to such entity any information required
22 pursuant to paragraph 9 of subsection A of this section or paragraph
23 5 of subsection ~~C~~ D of this section that would enable the Internet
24 entity to prescreen or remove sex offenders from its services or, in

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

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

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

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

22 When a local law enforcement authority sends a copy of or
23 otherwise makes the sex offender registry available to any public or
24 private school offering any combination of prekindergarten through

1 twelfth grade classes or child care facility licensed by the state,
2 the agency shall provide a notice using the following or similar
3 language: "A person whose name appears on this registry has been
4 convicted of a sex offense. Continuing to employ a person whose
5 name appears on this registry may result in civil liability for the
6 employer or criminal prosecution pursuant to Section 589 of Title 57
7 of the Oklahoma Statutes."

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

23 ~~M.~~ N. 1. Any person who has been convicted of or 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 any crime listed in Section
3 582 of this title and:

- 4 a. who is subsequently convicted of a crime or an attempt
5 to commit a crime listed in subsection A of Section
6 582 of this title, or
- 7 b. who enters this state after November 1, 1997, and who
8 has been convicted of an additional crime or attempted
9 crime which, if committed or attempted in this state,
10 would be a crime or an attempt to commit a crime
11 provided for in subsection A of Section 582 of this
12 title,

13 shall be subject to all of the registration requirements of the Sex
14 Offenders Registration Act and shall be designated by the Department
15 of Corrections as a habitual sex offender. A habitual sex offender
16 shall be required to register for the lifetime of the habitual sex
17 offender.

18 2. On or after November 1, 1999, any person who has been
19 convicted of a crime or an attempt to commit a crime, received a
20 suspended sentence or any probationary term, including a deferred
21 sentence imposed in violation of subsection G of Section 991c of
22 Title 22 of the Oklahoma Statutes, for a crime provided for in
23 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense
24 involved sexual abuse or sexual exploitation as these terms are

1 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
2 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
3 Statutes shall be subject to all the registration requirements of
4 the Sex Offenders Registration Act and shall be designated by the
5 Department of Corrections as an aggravated sex offender. An
6 aggravated sex offender shall be required to register for the
7 lifetime of the aggravated sex offender.

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

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

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

- 3 a. the name and physical address of the habitual or
4 aggravated sex offender,
 - 5 b. a physical description of the habitual or aggravated
6 sex offender, including, but not limited to, age,
7 height, weight and eye and hair color,
 - 8 c. a description of the vehicle that the habitual or
9 aggravated sex offender is known to drive,
 - 10 d. any conditions or restrictions upon the probation,
11 parole or conditional release of the habitual or
12 aggravated sex offender,
 - 13 e. a description of the primary and secondary targets of
14 the habitual or aggravated sex offender,
 - 15 f. a description of the method of offense of the habitual
16 or aggravated sex offender,
 - 17 g. a current photograph of the habitual or aggravated sex
18 offender,
 - 19 h. the name and telephone number of the probation or
20 parole officer of the habitual or aggravated sex
21 offender, and
 - 22 i. the level assignment of the person.
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1 5. The local law enforcement authority shall make the
2 notification provided for in this subsection regarding a habitual or
3 aggravated sex offender available to any person upon request.

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

13 ~~Θ.~~ P. Public officials, public employees, and public agencies
14 are immune from civil liability for good faith conduct under any
15 provision of the Sex Offenders Registration Act.

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

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

3 SECTION 2. This act shall become effective November 1, 2011.

4 Passed the Senate the 9th day of March, 2011.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2011.

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Presiding Officer of the House
of Representatives

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