



1 | contendere, or received a suspended sentence or any deferred or  
2 | probationary term, or are currently serving a sentence or any form  
3 | of probation or parole for a crime or attempt to commit a crime  
4 | including, but not limited to, unlawful possession, conspiring,  
5 | endeavoring, manufacturing, distribution or trafficking of a  
6 | precursor or methamphetamines under the provisions of Section 2-322,  
7 | 2-332, 2-401, 2-402, 2-408 or 2-415 of ~~Title 63 of the Oklahoma~~  
8 | ~~Statutes~~ this title, or any crime including, but not limited to,  
9 | crimes involving the possession, distribution, manufacturing or  
10 | trafficking of methamphetamines or illegal amounts of or uses of  
11 | pseudoephedrine in any federal court, Indian tribal court, or any  
12 | court of another state if the person is a resident of the State of  
13 | Oklahoma or seeks to remain in the State of Oklahoma in excess of  
14 | ten (10) days.

15 |       B. It shall be unlawful for any person subject to the registry  
16 | created in subsection A of this section to purchase, possess or have  
17 | control of any Schedule V compound, mixture, or preparation  
18 | containing any detectable quantity of pseudoephedrine, its salts or  
19 | optical isomers, or salts of optical isomers. As provided in  
20 | Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this title, the  
21 | provisions of this subsection shall not apply to any compounds,  
22 | mixtures, or preparations which are in liquid, liquid capsule, or  
23 | gel capsule form if pseudoephedrine is not the only active

1 ingredient. A prescription for pseudoephedrine shall not provide an  
2 exemption for any person to this law. Any person convicted of  
3 violating the provisions of this subsection shall be guilty of a  
4 felony, punishable by imprisonment in the custody of the Department  
5 of Corrections for not less than two (2) years and not more than ten  
6 (10) years, or by a fine of not more than Five Thousand Dollars  
7 (\$5,000.00), or by both such fine and imprisonment.

8 C. The registry created in subsection A of this section shall  
9 be maintained by the Bureau. The registry shall be made available  
10 for registrants who sell or dispense pseudoephedrine-related  
11 products and to law enforcement agencies for law enforcement  
12 purposes through the Central Repository and the prescription  
13 monitoring program. Every registrant selling, dispensing or  
14 otherwise delivering pseudoephedrine products shall deny any sale of  
15 pseudoephedrine to any individual listed on the methamphetamine  
16 offender registry.

17 D. The registry shall consist of the following information:

- 18 1. Name of the person;
- 19 2. Date of birth of the person;
- 20 3. The offense or offenses which made the person eligible for  
21 inclusion on the registry;

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1 4. The date of conviction or the date that a plea of guilty or  
2 nolo contendere was accepted by the court for any violation of an  
3 offense provided for in subsection A of this section;

4 5. The county where the offense or offenses occurred; and

5 6. Such other identifying data as the Bureau determines is  
6 necessary to properly identify the person.

7 E. Beginning November 1, 2010, all district court clerks shall  
8 forward a copy of the judgment and sentence or other applicable  
9 information relating to the disposition of the criminal case and  
10 date of birth of all persons who are subject to the provisions of  
11 this act for a violation of the offenses described in subsection A  
12 of this section to the Bureau. The information shall be sent in an  
13 electronic format in a manner prescribed by the Bureau within thirty  
14 (30) days of the date of final disposition of the case. ~~Every~~ Any  
15 ~~person that receives~~ subject to the registry pursuant to subsection  
16 A of this section, having received a deferred sentence or ~~is~~  
17 ~~otherwise not in the custody of the Department of Corrections~~  
18 conviction in a federal court, Indian tribal court, or any court of  
19 another state, shall be required to register and submit a  
20 methamphetamine offender registration form in a format prescribed by  
21 the Bureau within ~~thirty (30) days of entering a plea or receiving a~~  
22 ~~sentence for an offense described in subsection A of this section~~  
23 ten (10) days of entering the State of Oklahoma or if incarcerated

1 in a federal institution within the boundaries of Oklahoma, within  
2 ten (10) days of release from said institution. Failure to submit  
3 the form required by this subsection shall constitute a misdemeanor.

4 F. The Bureau shall remove from the registry the name and other  
5 identifying information of a person who has been convicted of a  
6 violation of any of the offenses described in subsection A of this  
7 section ten (10) years after the date of the most recent judgment  
8 and sentence. Any person having received a deferred sentence that  
9 expires prior to the ten-year time limitation may apply to the  
10 Bureau to be removed from the registry upon the completion of the  
11 deferred sentence by providing to the Bureau a certified copy of the  
12 dismissal of the case by certified mail. The Bureau may remove the  
13 person from the registry upon expiration of the deferred sentence.

14 G. It shall be a violation for any person to assist another  
15 person who is subject to the registry in the purchase of any  
16 pseudoephedrine products. Any person convicted of violating the  
17 provisions of this subsection shall, for a first offense, be guilty  
18 of a misdemeanor, punishable by incarceration in the county jail for  
19 not more than one (1) year, or by a fine of not more than One  
20 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.  
21 Any second or subsequent conviction for a violation of this  
22 subsection shall be a felony, punishable by incarceration in the  
23 custody of the Department of Corrections for not more than two (2)

1 years, or by a fine of not less than Two Thousand Five Hundred  
2 Dollars (\$2,500.00) or by both such fine and imprisonment. For the  
3 purposes of this subsection, knowledge that a person was subject to  
4 the methamphetamine offender registry may be proven through court  
5 testimony or any other public notice or publicly available record  
6 including, but not limited to, court records maintained by the  
7 Oklahoma Supreme Court Network and the Oklahoma Court Information  
8 System. On or prior to November 1, 2011, the Oklahoma State Bureau  
9 of Narcotics and Dangerous Drugs Control shall maintain a  
10 methamphetamine offender registry website available for viewing by  
11 the public.

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

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14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-24-2011 -  
15 DO PASS, As Coauthored.

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