

1 **SENATE FLOOR VERSION**

2 February 24, 2011

3 As Amended

4 SENATE BILL NO. 691

5 By: Bass of the Senate

6 and

7 Brown of the House

8 [Oklahoma Sex Offenders Registration Act -
9 prohibited from employment - effective date -
10 emergency]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 57 O.S. 2001, Section 589, as
14 last amended by Section 2, Chapter 162, O.S.L. 2008 (57 O.S. Supp.
15 2010, Section 589), is amended to read as follows:

16 Section 589. A. It is unlawful for any person registered
17 pursuant to the Oklahoma Sex Offenders Registration Act or the Mary
18 Rippy Violent Crime Offenders Registration Act to work with or
19 provide services to children or to work on school premises, or for
20 any person or business which contracts for work to be performed on
21 school premises to knowingly and willfully allow any employee to
22 work with children or to work on school premises who is registered
23 pursuant to the Oklahoma Sex Offenders Registration Act or the Mary
24 Rippy Violent Crime Offenders Registration Act. Upon conviction for

1 any violation of the provisions of this subsection, the violator
2 shall be guilty of a misdemeanor punishable by a fine not to exceed
3 One Thousand Dollars (\$1,000.00). In addition, the violator may be
4 liable for civil damages.

5 B. 1. A person or business who offers or provides services to
6 children shall ensure compliance with subsection A of this section
7 by conducting a name search of employees at least annually against
8 the registries maintained pursuant to the Oklahoma Sex Offenders
9 Registration Act and the Mary Rippy Violent Crime Offenders
10 Registration Act while such person is working with or serving
11 children. All persons working with or providing services to
12 children shall be required to sign a statement declaring that he or
13 she is not currently required to register under the provisions of
14 the Oklahoma Sex Offenders Registration Act or the Mary Rippy
15 Violent Crime Offenders Registration Act. Compliance with the
16 signed statement shall be mandatory for all persons working with or
17 providing services to children, and there shall be no liability or
18 obligation placed upon any person or business to ascertain the
19 truthfulness of the affidavit. Any person or business having a
20 contract with a school shall ensure compliance as provided by
21 Section 6-101.48 of Title 70 of the Oklahoma Statutes.

22 2. Failure of any person or business who works with or provides
23 services to children to conduct the annual name search of each
24 person employed shall be a misdemeanor. Upon conviction for failure

1 to conduct a name search, the violator shall be guilty of a
2 misdemeanor punishable by a fine not to exceed One Thousand Dollars
3 (\$1,000.00). Refusal of any person who is employed to work with or
4 provide services to children to sign a statement declaring they have
5 no requirement to register as provided in this section shall be a
6 misdemeanor, upon conviction, punishable by a fine not to exceed One
7 Thousand Dollars (\$1,000.00), and the person shall be immediately
8 terminated from employment. Any person discovering an employment or
9 registration violation as required by any provision of law for any
10 person currently employed to work with or provide services to
11 children has a duty to and shall immediately report such findings to
12 the district attorney.

13 C. It is unlawful for any law enforcement agency to employ any
14 person as a peace officer or criminal investigator who has received
15 a verdict of guilty or pled guilty or nolo contendere to any offense
16 required to register pursuant to the Sex Offenders Registration Act
17 or the Mary Rippy Violent Crime Offenders Registration Act,
18 including those receiving a verdict of guilt, pleading guilty or
19 nolo contendere as part of a deferred judgment or other provision of
20 law authorizing a delayed or suspended judgment or sentence. Every
21 person receiving a verdict of guilty or pleading guilty or nolo
22 contendere to any offense required to register pursuant to the Sex
23 Offenders Registration Act or the Mary Rippy Violent Crime Offenders
24 Registration Act shall be prohibited from being certified by the

1 Council on Law Enforcement Education and Training (CLEET) as a peace
2 officer, private investigator, or security guard, and if at the time
3 of the verdict or plea such person has been previously CLEET
4 certified such certification shall be revoked. Any violator shall
5 be guilty of a misdemeanor upon conviction of noncompliance with the
6 provisions of this subsection.

7 D. It shall be unlawful for any person who is required to
8 register as a sex offender pursuant to the Sex Offenders
9 Registration Act to operate any amusement ride as defined by Section
10 461 of Title 40 of the Oklahoma Statutes or bus, taxicab, limousine,
11 motorcycle, bicycle or any other device or other motor vehicle
12 designed to transport passengers as its primary purpose that is
13 operated for hire. Employers, contractors or persons operating a
14 business or providing services as prescribed in this subsection
15 shall conduct a name search on the Sex Offender Registry for all new
16 and future employee hires and for all current employees upon the
17 effective date of this act. A name search of all employees shall
18 also be conducted annually and any discovery of an employment or
19 registration violation as currently provided by law shall be
20 immediately reported to the district attorney.

21 Failure of any employer, contractor, person or business who
22 provides services as described in this subsection to conduct the
23 annual name search of each person employed shall, upon conviction,

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1 be guilty of a misdemeanor punishable by a fine not to exceed One
2 Thousand Dollars (\$1,000.00).

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

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON BUSINESS & COMMERCE, dated 2-17-11
9 - DO PASS, As Amended and Coauthored.

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