

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1350

By: Blackwell

4
5
6 AS INTRODUCED

7 An Act relating to sex offenders; amending 10 O.S.
8 2001, Sections 7308-1.2, as amended by Section 1,
Chapter 164, O.S.L. 2002, 7308-1.3, as last amended
9 by Section 103, Chapter 234, O.S.L. 2009, 7308-1.5,
as last amended by Section 105, Chapter 234, O.S.L.
10 2009, 7308-1.8 and 7308-1.9, as amended by Section 5,
Chapter 164, O.S.L. 2002, and as renumbered by
11 Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
2010, Sections 2-8-102, 2-8-103, 2-8-105, 2-8-107 and
12 2-8-108), which relate to the Juvenile Sex Offenders
Registration Act; modifying definition; directing
13 Office of Juvenile Affairs to register juvenile sex
offenders pursuant to the Sex Offenders Registration
14 Act; deleting juvenile sex offender registry
procedures; providing procedures for registering
15 juvenile sex offenders; modifying notice provisions;
deleting certain unlawful act; reducing certain age
16 limitation; modifying transfer procedures for adult
registration requirements; amending 57 O.S. 2001,
17 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
18 Section 1, Chapter 407, O.S.L. 2010 and Section 8,
Chapter 404, O.S.L. 2009 (57 O.S. Supp. 2010,
19 Sections 582, 583, 584 and 590.2), which relate to
the Sex Offenders Registration Act; deleting
20 applicable date for registration requirements;
exempting persons from registration requirements
21 under certain circumstances; making registration
requirements applicable to certain juvenile
22 offenders; modifying certain definition; requiring
collection and transmission of palm prints; modifying
23 criteria for petitioning removal from registration
requirements; repealing 10 O.S. 2001, Sections 7308-
24 1.4, as last amended by Section 104, Chapter 234,

1 O.S.L. 2009, as renumbered by Section 191, Chapter
2 234, O.S.L. 2009, 7308-1.7, 7308-1.10, 7308-1.11 and
3 7308-1.13, as renumbered by Section 191, Chapter 234,
4 O.S.L. 2009 (10A O.S. Supp. 2010, Sections 2-8-104,
5 2-8-106, 2-8-109, 2-8-110 and 2-8-112), which relate
6 to the Juvenile Sex Offender Registration Act;
7 providing an effective date; and declaring an
8 emergency.

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

10 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7308-1.2, as
11 amended by Section 1, Chapter 164, O.S.L. 2002, and as renumbered by
12 Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2010, Section
13 2-8-102), is amended to read as follows:

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

18 1. ~~On or after July 1, 2001, was~~ Was adjudicated delinquent or
19 a youthful offender for an action that would be an offense provided
20 in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the
21 Oklahoma Statutes, if committed by an adult;

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

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

7 4. Is required to register as a ~~juvenile~~ sex offender in
8 another state or jurisdiction for having committed a sex offense in
9 that state regardless of the date of the offense or its
10 adjudication.

11 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7308-1.3, as
12 last amended by Section 103, Chapter 234, O.S.L. 2009, and as
13 renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
14 2010, Section 2-8-103), is amended to read as follows:

15 Section 2-8-103. The Office of Juvenile Affairs shall ~~establish~~
16 ~~and maintain a registry for~~ register juvenile sex offenders ~~required~~
17 ~~by the court to register. The registry shall include fingerprints,~~
18 ~~photographs, and information collected from forms submitted and~~
19 ~~other communications relating to notice of duty to register, sex~~
20 ~~offender registration, and notice of change of name or address.~~
21 ~~Information in the juvenile sex offender registry is subject to~~
22 ~~release to law enforcement agencies and may be released to the~~
23 ~~public pursuant to court order as provided in Section 2-8-104 of~~
24 ~~this title pursuant to the provisions of the Sex Offenders~~

1 Registration Act. The Office of Juvenile Affairs shall maintain a
2 file of all juvenile sex offender registrations. A copy of the
3 information contained in those files shall promptly be transferred
4 to the Department of Corrections for inclusion in the Oklahoma sex
5 offender registry.

6 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7308-1.5, as
7 last amended by Section 105, Chapter 234, O.S.L. 2009, and as
8 renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
9 2010, Section 2-8-105), is amended to read as follows:

10 Section 2-8-105. ~~On or after July 1, 2001, when the~~ When a
11 ~~court orders a juvenile sex offender to register on the juvenile sex~~
12 ~~offender registry as provided in Section 2-8-104 of this title, the~~
13 ~~court shall provide at the time of the order~~ adjudicates an offender
14 for an offense requiring registration pursuant to the Sex Offenders
15 Registration Act, the court shall provide written notification to
16 the juvenile sex offender of the duty to register. The written
17 notification shall be a form provided by the Office of Juvenile
18 Affairs and shall be signed by the juvenile and a parent or guardian
19 who has custody and control of the juvenile. One copy shall be
20 retained by the court, one copy shall be provided to the juvenile
21 offender, and one copy shall be submitted within three (3) working
22 days to the ~~juvenile sex offender registry~~ Office of Juvenile
23 Affairs.

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1 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7308-1.8, as
2 renumbered by Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp.
3 2010, Section 2-8-107), is amended to read as follows:

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

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

14 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7308-1.9, as
15 amended by Section 5, Chapter 164, O.S.L. 2002, and as renumbered by
16 Section 191, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2010, Section
17 2-8-108), is amended to read as follows:

18 Section 2-8-108. When a registered juvenile sex offender
19 reaches ~~twenty one (21)~~ eighteen (18) years of age ~~or is otherwise~~
20 ~~released from the custody of the Office of Juvenile Affairs, the~~
21 ~~district attorney may petition the court to transfer the person's~~
22 ~~registration to the adult sex offender registry maintained by the~~
23 ~~Department of Corrections, subject to the provisions of Section 581~~
24 ~~et seq. of Title 57 of the Oklahoma Statutes. After notice, if the~~

1 ~~court determines at a hearing that the person who is registered on~~
2 ~~the juvenile sex offender registry is likely to or does pose an~~
3 ~~ongoing serious or aggressive threat to the public or children under~~
4 ~~sixteen (16) years of age, the court shall order that the delinquent~~
5 ~~act requiring the offender to register pursuant to the provisions of~~
6 ~~the Sex Offenders Registration Act be deemed an adult criminal~~
7 ~~conviction for the purpose of registration, notification, and public~~
8 ~~information access pursuant to Section 581 et seq. of Title 57 of~~
9 ~~the Oklahoma Statutes. If no petition is filed within ninety (90)~~
10 ~~days following the twenty first birthday of the person or the date~~
11 ~~of release from custody, or if the court determines the person is~~
12 ~~not likely to or does not pose an ongoing serious or aggressive~~
13 ~~threat to the public or children under sixteen (16) years of age,~~
14 ~~the juvenile's name and information shall be deleted from the~~
15 ~~juvenile sex offender registry, and the person may not be included~~
16 ~~in the adult sex offender registry the Sex Offenders Registration~~
17 ~~Act.~~

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

21 Section 582. A. The provisions of the Sex Offenders
22 Registration Act shall apply to any person residing, working or
23 attending school within the State of Oklahoma who, ~~after November 1,~~
24 ~~1989,~~ has been convicted, whether upon a verdict or plea of guilty

1 or upon a plea of nolo contendere, or received a suspended sentence
2 or any probationary term, or is currently serving a sentence or any
3 form of probation or parole for a crime ~~or~~, an attempt or a
4 conspiracy to commit a crime provided for in Section 843.5 of Title
5 21 of the Oklahoma Statutes if the offense involved sexual abuse or
6 sexual exploitation as those terms are defined in Section 1-1-105 of
7 Title 10A of the Oklahoma Statutes, Section 681, if the offense
8 involved sexual assault, 741, if the offense involved sexual abuse
9 or sexual exploitation, Section 843.1, if the offense involved
10 sexual abuse or sexual exploitation, Section 852.1, if the offense
11 involved sexual abuse of a child, 865 et seq., 885, 886, 888, 891,
12 if the offense involved sexual abuse or sexual exploitation, 1021,
13 1021.2, 1021.3, 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088,
14 1111.1, 1114 or 1123 of Title 21 of the Oklahoma Statutes.

15 B. The provisions of the Sex Offenders Registration Act shall
16 apply to any person who ~~after November 1, 1989,~~ resides, works or
17 attends school within the State of Oklahoma and who has been
18 convicted or received a suspended sentence at any time in any court
19 of another state, the District of Columbia, Puerto Rico, Guam,
20 American Samoa, the Northern Mariana Islands and the United States
21 Virgin Islands, a federal court, an Indian tribal court, a military
22 court, or a court of a foreign country for a crime, attempted crime
23 or a conspiracy to commit a crime which, if committed or attempted
24 in this state, would be a crime, an attempt to commit a crime or a

1 conspiracy to commit a crime provided for in any of said laws listed
2 in subsection A of this section or for a crime that requires the
3 offender to register as a sex offender in the offending state or
4 jurisdiction.

5 C. The provisions of the Sex Offenders Registration Act shall
6 apply to any person who resides, works or attends school within the
7 State of Oklahoma and who has received a deferred judgment at any
8 time in any court of another state, the District of Columbia, Puerto
9 Rico, Guam, American Samoa, the Northern Mariana Islands and the
10 United States Virgin Islands, a federal court, an Indian tribal
11 court, a military court, or a court of a foreign country for a
12 crime, attempted crime or a conspiracy to commit a crime which, if
13 committed or attempted or conspired to be committed in this state,
14 would be a crime, an attempt to commit a crime or a conspiracy to
15 commit a crime provided for in Section 843.5 of Title 21 of the
16 Oklahoma Statutes if the offense involved sexual abuse or sexual
17 exploitation as those terms are defined in Section 1-1-105 of Title
18 10A of the Oklahoma Statutes, Section 681, if the offense involved
19 sexual assault, 741, if the offense involved sexual abuse or sexual
20 exploitation, Section 843.1, if the offense involved sexual abuse or
21 sexual exploitation, Section 852.1, if the offense involved sexual
22 abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense
23 involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3,
24 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or

1 1123 of Title 21 of the Oklahoma Statutes or for a crime that
2 requires the offender to register as a sex offender in the offending
3 state or jurisdiction. The provisions of the Sex Offenders
4 Registration Act shall not apply to any such person while the person
5 is incarcerated in a maximum or medium correctional institution of
6 the Department of Corrections.

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

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

19 F. Any person who has been convicted, whether upon a verdict or
20 plea of guilty or upon a plea of nolo contendere, or received a
21 suspended sentence or any probationary term, including a deferred
22 sentence imposed in violation of subsection G of Section 991c of
23 Title 22 of the Oklahoma Statutes, or who served a sentence or any
24 form of probation or parole for a crime or an attempt or conspiracy

1 to commit a crime provided for in any of said laws listed in this
2 section which, prior to November 1, 1989, did not require
3 registration pursuant to this section, or any person who has
4 satisfied the registration requirements pursuant to this act, shall
5 not be required to register pursuant to the provisions of the Sex
6 Offenders Registration Act unless the person is subsequently
7 convicted or receives any probationary term, including a deferred
8 sentence imposed in violation of subsection G of Section 991c of
9 Title 22 of the Oklahoma Statutes, for any violation of law. Upon
10 such conviction, the person shall be required to register pursuant
11 to the provisions of the Sex Offenders Registration Act.

12 G. The provisions of the Sex Offenders Registration Act shall
13 apply to any juvenile not less than fourteen (14) years of age who,
14 after July 1, 2011, is adjudicated delinquent or a youthful offender
15 for an act that would be an offense provided in Section 888, 1111,
16 1111.1, 1114 or 1115 of Title 21 of the Oklahoma Statutes if
17 committed by an adult, or adjudicated delinquent in another state
18 for an act that is substantially equivalent to an offense provided
19 in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the
20 Oklahoma Statutes, and who is residing, working or attending school
21 within the State of Oklahoma. Provided, residency and working
22 restrictions provided in the Sex Offenders Registration Act and the
23 restrictions provided for in Section 1125 of Title 21 of the
24 Oklahoma Statutes shall not apply to juveniles required to register

1 pursuant to this subsection until such juvenile offender becomes
2 eighteen (18) years of age, is emancipated, or no longer resides
3 with the parent or guardian of the juvenile offender.

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

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

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

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

23 3. With the Department of Corrections and the local law
24 enforcement authority no less than three (3) business days prior to

1 abandoning or moving from the address of the previous registration,
2 or within three (3) business days of changing or terminating
3 employment, or changing enrollment status as a student.

4 For purposes of this section, "local law enforcement authority"
5 means:

6 a. the municipal police department, if the person resides
7 or intends to reside or stay within the jurisdiction of
8 any municipality of this state, or

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

12 c. the tribal police, if the person resides or intends to
13 reside or stay at any place within Indian Country,
14 provided the tribe has a sex offender registry, and

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

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

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

20 (3) resides or intends to reside or stay on any
21 property owned or controlled by the institution
22 of higher learning.

23 B. Any person who has been convicted of an offense or received
24 a deferred judgment for an offense in another jurisdiction, which

1 offense if committed or attempted in this state, would have been
2 punishable as one or more of the offenses listed in Section 582 of
3 this title and who enters this state ~~on or after November 1, 1989,~~
4 shall register, in person, as follows:

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

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

22 3. With the Department of Corrections and the local law
23 enforcement authority no less than three (3) business days prior to
24 abandoning or moving from the address of the previous registration,

1 or within three (3) business days of changing or terminating
2 employment, or changing enrollment status as a student.

3 Upon registering a person who has been convicted of an offense
4 or received a deferred judgment for an offense in another
5 jurisdiction, which offense, if committed or attempted in this
6 state, would have been punishable as one or more of the offenses
7 listed in Section 582 of this title, the local law enforcement
8 authority shall forward the registration information to the sex
9 offender level assignment committee of the Department of
10 Corrections.

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

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

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

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

20 The registration period shall begin from the date of the completion
21 of the sentence. The information received pursuant to the
22 registration with the Department of Corrections required by this
23 section shall be maintained by the Department of Corrections for at
24 least ten (10) years from the date of the last registration.

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

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

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

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

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

15 E. Any person assigned a level of one who has been registered
16 for a period of ten (10) years and who has not been arrested or
17 convicted for any felony or misdemeanor offense since being released
18 from confinement, may petition the district court in the
19 jurisdiction where the person resides for the purpose of removing
20 the level designation and allowing the person to no longer be
21 subject to the registration requirements of the Sex Offenders
22 Registration Act.

1 F. When registering an offender as provided in this section the
2 Department of Corrections or the local law enforcement agency having
3 jurisdiction shall:

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

6 2. Inform the offender that if the offender changes address,
7 the offender shall appear in person and give notice of the move and
8 the new address to the Department of Corrections and to the local
9 law enforcement authority in the location in which the offender
10 previously resided no later than three (3) days before the offender
11 establishes residence or is temporarily domiciled at the new
12 address;

13 3. Inform the offender that if the offender changes address to
14 another state, the offender shall appear in person and give notice
15 of the move and shall register the new address with the Department
16 of Corrections and with a designated law enforcement agency in the
17 new state not later than ten (10) days before the offender
18 establishes residency or is temporarily domiciled in the new state,
19 if the new state has a registration requirement;

20 4. Inform the offender that if the offender participates in any
21 full-time employment, with or without compensation, and changes or
22 terminates such employment, the offender shall appear in person and
23 give notice of the change or termination of employment to the
24 Department of Corrections and to the local law enforcement authority

1 in the location where the offender was employed within three (3)
2 days of such change or termination of employment;

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

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

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

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

24

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

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

10 G. For the purpose of this section, the "date of the completion
11 of the sentence" means the day an offender completes all
12 incarceration, probation and parole pertaining to the sentence.

13 H. Any person who resides in another state and who has been
14 convicted of an offense or received a deferred judgment for an
15 offense in this state, or in another jurisdiction, which offense if
16 committed or attempted in this state would have been punishable as
17 one or more of the offenses listed in Section 582 of this title, and
18 who is the spouse of a person living in this state shall be
19 registered as follows:

20 1. With the Department of Corrections when the person enters
21 and intends to be in the state for any purpose for five (5)
22 consecutive days or longer, calculated beginning with the first day
23 or an aggregate period of five (5) days or longer in a calendar
24

1 year. Such registration is required within two (2) days after
2 entering the state; and

3 2. With the local law enforcement authority having jurisdiction
4 in the area where the person intends to reside or to stay within
5 this state for two (2) consecutive days or longer, calculated
6 beginning with the first day. The registration is required with
7 local law enforcement within two (2) days after entering the
8 jurisdiction of the law enforcement authority.

9 I. The duty to register as a sex offender in this state shall
10 not be prevented if, at the time of registration, it is determined
11 that the person owns or leases a residence that is located within a
12 restricted area provided for in Section 590 of this title.

13 SECTION 8. AMENDATORY 57 O.S. 2001, Section 584, as last
14 amended by Section 1, Chapter 407, O.S.L. 2010 (57 O.S. Supp. 2010,
15 Section 584), is amended to read as follows:

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

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

22 2. A complete description of the person, including a photograph
23 ~~and~~, fingerprints and palm prints, and when requested by the
24 Department of Corrections, such registrant shall submit to a blood

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

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

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

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

24

- 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 the Sex Offenders Registration Act. A local law enforcement
7 authority designated as the primary registration authority of the
8 person may, at any time, mail a nonforwardable verification form to
9 the last-reported address of the person. The person shall return
10 the verification form in person to the local law enforcement
11 authority that mailed the form within ten (10) days after receipt of
12 the form. The local law enforcement authority shall require the
13 person to produce proof of the identity of the person and a current
14 mappable address with a zip code;

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

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

21 8. The level assignment of the person; and

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

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

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

8 C. The registration with the local law enforcement authority
9 required by the Sex Offenders Registration Act shall be in a form
10 approved by the local law enforcement authority and shall include
11 the following information about the person registering:

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

16 2. A description of the offense for which the offender was
17 convicted, the date of the conviction, and the sentence imposed, if
18 applicable;

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

20 4. The level assignment of the person.

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

23

24

- 1 a. the municipal police department, if the person resides
2 or intends to reside or stay within the jurisdiction
3 of any municipality of this state, ~~or~~
- 4 b. the county sheriff, if the person resides or intends
5 to reside or stay at any place outside the
6 jurisdiction of any municipality within this state,
7 ~~and~~
- 8 c. the tribal police, if the person resides or intends to
9 reside or stay at any place within Indian Country,
10 provided the tribe has a sex offender registry, or
- 11 d. the police or security department of any institution
12 of higher learning within this state if the person:
13 (1) enrolls as a full-time or part-time student,
14 (2) is a full-time or part-time employee at an
15 institution of higher learning, or
16 (3) resides or intends to reside or stay on any
17 property owned or controlled by the institution
18 of higher learning; and

19 5. Any electronic mail address information, instant message,
20 chat or other Internet communication name or identity information
21 that the person uses or intends to use while accessing the Internet
22 or used for other purposes of social networking or other similar
23 Internet communication.
24

1 D. Any person subject to the provisions of the Sex Offenders
2 Registration Act who changes address, employment or student
3 enrollment status shall appear in person and give notification to
4 the Department of Corrections and the local law enforcement
5 authority of the change of address and the new mappable address with
6 zip code, the change of employment or the change of student
7 enrollment status no later than three (3) business days prior to the
8 abandonment of or move from the current address or, in the case of
9 change of employment or student enrollment, within three (3)
10 business days of such change. The address given to the Department
11 of Corrections and the local law enforcement authority shall be a
12 physical address, not a post office box. If the new address,
13 employment or student enrollment is under the jurisdiction of a
14 different local law enforcement authority:

15 1. The Department of Corrections and the local law enforcement
16 authority shall notify the new local law enforcement authority by
17 teletype or electronic transmission of the change of address,
18 employment or student enrollment status;

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

21 3. The new local law enforcement authority shall notify the
22 most recent registering agency by teletype or electronic
23 transmission of the change in address, employment or student
24 enrollment status of the offender. If the new address is in another

1 state the Department of Corrections shall promptly notify the agency
2 responsible for registration in that state of the new address of the
3 offender.

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

8 F. Any person subject to the provisions of the Sex Offenders
9 Registration Act who is unable to provide a mappable address with a
10 zip code to the Department of Corrections or local law enforcement
11 authority as required in subsections A and C of this section and
12 registers as a transient shall report in person to the nearest local
13 law enforcement authority every seven (7) days and provide to the
14 local law enforcement authority the approximate location of where
15 the person is staying and where the person plans to stay.

16 G. The Department of Corrections shall maintain a file of all
17 sex offender registrations. A copy of the information contained in
18 the registration shall promptly be available to state, county and
19 municipal law enforcement agencies, the State Superintendent of
20 Public Instruction, the State Commissioner of Health, and the
21 National Sex Offender Registry maintained by the Federal Bureau of
22 Investigation. The file shall promptly be made available for public
23 inspection or copying pursuant to rules promulgated by the
24 Department of Corrections and may be made available through Internet

1 access. The Department of Corrections shall promptly provide all
2 municipal police departments, all county sheriff departments and all
3 campus police departments a list of those sex offenders registered
4 and living in their county.

5 H. The Department of Corrections shall, upon the request of any
6 Internet entity, release to such entity any information required
7 pursuant to paragraph 9 of subsection A of this section or paragraph
8 5 of subsection C of this section that would enable the Internet
9 entity to prescreen or remove sex offenders from its services or, in
10 conformity with state and federal law, advise law enforcement or
11 other governmental entities of potential violations of law or
12 threats to public safety. Before releasing information to an
13 Internet entity the Department shall require an Internet entity that
14 requests information to submit to the Department the name, address
15 and telephone number of such entity and the specific legal nature
16 and corporate status of such entity. Except for the purposes
17 specified in this subsection, an Internet entity shall not publish
18 or in any way disclose or redisclose any information provided to it
19 by the Department pursuant to this subsection. The Department shall
20 update any information released pursuant to this subsection on a
21 monthly basis to ensure that the information of every individual
22 that has been removed from the sex offender registry in this state
23 is no longer released pursuant to this subsection. The Department
24 may charge the Internet entity a fee for access to information

1 pursuant to this subsection. The Department shall promulgate any
2 rules necessary to implement the provisions of this subsection. As
3 used in this subsection "Internet entity" means any business,
4 organization or other entity providing or offering a service over
5 the Internet which permits persons under eighteen (18) years of age
6 to access, meet, congregate or communicate with other users for the
7 purpose of social networking. This definition shall not include
8 general e-mail services.

9 I. The Superintendent of Public Instruction is authorized to
10 copy and shall distribute information from the sex offender registry
11 to school districts and individual public and private schools within
12 the state with a notice using the following or similar language: "A
13 person whose name appears on this registry has been convicted of a
14 sex offense. Continuing to employ a person whose name appears on
15 this registry may result in civil liability for the employer or
16 criminal prosecution pursuant to Section 589 of Title 57 of the
17 Oklahoma Statutes."

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

1 K. Each local law enforcement authority shall make its sex
2 offender registry available upon request, without restriction, at a
3 cost that is no more than what is charged for other records provided
4 by the local law enforcement authority pursuant to the Oklahoma Open
5 Records Act.

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

16 L. Samples of blood or saliva for DNA testing required by
17 subsection A of this section shall be taken by employees or
18 contractors of the Department of Corrections. Said individuals
19 shall be properly trained to collect blood or saliva samples.
20 Persons collecting samples for DNA testing pursuant to this section
21 shall be immune from civil liabilities arising from this activity.
22 The Department of Corrections shall ensure the collection of samples
23 is mailed to the Oklahoma State Bureau of Investigation ~~(OSBI)~~
24 within ten (10) days of the time the subject appears for testing.

1 The Department shall use sample kits provided by the ~~OSBI~~ Bureau and
2 procedures promulgated by the ~~OSBI~~ Bureau. Persons subject to DNA
3 testing pursuant to this section shall be required to pay to the
4 Department of Corrections a fee of Fifteen Dollars (\$15.00). Any
5 fees collected pursuant to this subsection shall be deposited in the
6 Department of Corrections revolving account.

7 M. 1. Any person who has been convicted of or received a
8 suspended sentence or any probationary term, including a deferred
9 sentence imposed in violation of subsection G of Section 991c of
10 Title 22 of the Oklahoma Statutes, for any crime listed in Section
11 582 of this title and:

12 a. who is subsequently convicted of a crime or an attempt
13 to commit a crime listed in ~~subsection A~~ of Section
14 582 of this title, or

15 b. who enters this state after November 1, 1997, and who
16 has been convicted of an additional crime ~~or,~~
17 attempted crime or conspiracy to commit a crime which,
18 if committed or attempted in this state, would be a
19 crime, an attempt to commit or conspiracy to commit a
20 crime provided for in ~~subsection A~~ of Section 582 of
21 this title,

22 shall be subject to all of the registration requirements of the Sex
23 Offenders Registration Act and shall be designated by the Department
24 of Corrections as a habitual sex offender. A habitual sex offender

1 shall be required to register for the lifetime of the habitual sex
2 offender.

3 2. ~~On or after November 1, 1999, any~~ Any person who has been
4 convicted of a crime ~~or~~, an attempt to commit a crime or conspiracy
5 to commit a crime, received a suspended sentence or any probationary
6 term, including a deferred sentence imposed in violation of
7 subsection G of Section 991c of Title 22 of the Oklahoma Statutes,
8 for a crime provided for in Section 843.5 of Title 21 of the
9 Oklahoma Statutes, if the offense involved sexual abuse or sexual
10 exploitation as these terms are defined in Section 1-1-105 of Title
11 10A of the Oklahoma Statutes, Section 885, 888, 1111.1, 1114 or 1123
12 of Title 21 of the Oklahoma Statutes shall be subject to all the
13 registration requirements of the Sex Offenders Registration Act and
14 shall be designated by the Department of Corrections as an
15 aggravated sex offender. An aggravated sex offender shall be
16 required to register for the lifetime of the aggravated sex
17 offender.

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

23 a. the family of the habitual or aggravated sex offender,
24

- b. any prior victim of the habitual or aggravated sex offender,
- c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and
- d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

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

- a. the name and physical address of the habitual or aggravated sex offender,
- b. a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color,
- c. a description of the vehicle that the habitual or aggravated sex offender is known to drive,
- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,
- e. a description of the primary and secondary targets of the habitual or aggravated sex offender,

- 1 f. a description of the method of offense of the habitual
2 or aggravated sex offender,
3 g. a current photograph of the habitual or aggravated sex
4 offender,
5 h. the name and telephone number of the probation or
6 parole officer of the habitual or aggravated sex
7 offender, and
8 i. the level assignment of the person.

9 5. The local law enforcement authority shall make the
10 notification provided for in this subsection regarding a habitual or
11 aggravated sex offender available to any person upon request.

12 N. If the probation and parole officer supervising a person
13 subject to registration receives information to the effect that the
14 status of the person has changed in any manner that affects proper
15 supervision of the person including, but not limited to, a change in
16 the physical health of the person, address, employment, or
17 educational status, higher educational status, incarceration, or
18 terms of release, the supervising officer or administrator shall
19 notify the appropriate local law enforcement authority or
20 authorities of that change.

21 O. Public officials, public employees, and public agencies are
22 immune from civil liability for good faith conduct under any
23 provision of the Sex Offenders Registration Act.
24

1 1. Nothing in the Sex Offenders Registration Act shall be
2 deemed to impose any liability upon or to give rise to a cause of
3 action against any public official, public employee, or public
4 agency for releasing information to the public or for failing to
5 release information in accordance with the Sex Offenders
6 Registration Act.

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

11 SECTION 9. AMENDATORY Section 8, Chapter 404, O.S.L.
12 2009 (57 O.S. Supp. 2010, Section 590.2), is amended to read as
13 follows:

14 Section 590.2 A. For purposes of this section, a person shall
15 be considered for removal of the requirement to register as a sex
16 offender if the person:

17 1. Was convicted of ~~a violation of Section 1111.1 or 1114 of~~
18 ~~Title 21 of the Oklahoma Statutes~~ an offense set forth in subsection
19 A of Section 582 of this title and the person does not have any
20 other conviction for ~~a violation of Section 1111.1 or 1114 of Title~~
21 ~~21 of the Oklahoma Statutes~~ an offense set forth in subsection A of
22 Section 582 of this title;

23 2. Is required to register as a sex offender ~~solely on the~~
24 ~~basis of a violation of Section 1111.1 or 1114 of Title 21 of the~~

1 ~~Oklahoma Statutes~~ pursuant to the provisions of the Sex Offenders
2 Registration Act; and

3 3. Was not more than four (4) years older than the victim of
4 the violation who was fourteen (14) years of age or older but not
5 more than seventeen (17) years of age at the time the person
6 committed the violation.

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

24

1 petition for removal of the registration requirement pursuant to
2 this section.

3 C. If a person, who has yet to be sentenced for a conviction
4 ~~for a violation of Section 1111.1 or 1114 of Title 21 of the~~
5 ~~Oklahoma Statutes~~ of an offense set forth in subsection A of Section
6 582 of this title, meets the criteria provided for in subsection A
7 of this section, the person may move the sentencing court for
8 removal of the requirement to register as a sex offender. The
9 person shall allege in the motion that the person meets the criteria
10 provided for in subsection A of this section and that removal of the
11 requirement to register as a sex offender will not conflict with
12 federal law. The district attorney shall be given notice of the
13 motion at least twenty-one (21) days prior to the hearing on the
14 motion. The district attorney may present evidence in opposition to
15 the requested relief or may otherwise demonstrate why the motion
16 should be denied. The court shall rule on the motion and, if the
17 court determines that the person meets the criteria provided for in
18 subsection A of this section and that removal of the requirement to
19 register will not conflict with federal law, may grant the motion
20 and order the removal of the registration requirement. If the court
21 denies the motion, the person shall not be authorized to file any
22 further motions or petitions for removal of the registration
23 requirement pursuant to this section.

24

1 D. If a person provides to the Department of Corrections a
2 certified copy of the order of the court removing the requirement
3 that the person register as a sex offender, the registration
4 requirement shall not apply to the person and the Department shall
5 remove all information about the person from the public registry of
6 sex offenders maintained by the Department. However, the removal of
7 information about the person from the public registry shall not mean
8 that the public is denied access to information about the criminal
9 history or record of the person that is otherwise available as a
10 public record.

11 SECTION 10. REPEALER 10 O.S. 2001, Sections 7308-1.4, as
12 last amended by Section 104, Chapter 234, O.S.L. 2009, as renumbered
13 by Section 191, Chapter 234, O.S.L. 2009, 7308-1.7, 7308-1.10, 7308-
14 1.11 and 7308-1.13, as renumbered by Section 191, Chapter 234,
15 O.S.L. 2009 (10A O.S. Supp. 2010, Sections 2-8-104, 2-8-106, 2-8-
16 109, 2-8-110 and 2-8-112), are hereby repealed.

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

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

22
23 53-1-5483 GRS 01/18/11
24