

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 HOUSE BILL 2506

By: Russ

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5  
6 AS INTRODUCED

7 An Act relating to sex offenders; amending 57 O.S.  
8 2011, Sections 582 and 583, which relate to the Sex  
9 Offenders Registration Act; deleting applicable date  
for registration requirements; and providing an  
effective date.

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

13 SECTION 1. AMENDATORY 57 O.S. 2011, Section 582, is  
14 amended to read as follows:

15 Section 582. A. The provisions of the Sex Offenders  
16 Registration Act shall apply to any person residing, working or  
17 attending school within the State of Oklahoma who, ~~after November 1,~~  
18 ~~1989,~~ has been convicted, whether upon a verdict or plea of guilty  
19 or upon a plea of nolo contendere, or received a suspended sentence  
20 or any probationary term, or is currently serving a sentence or any  
21 form of probation or parole for a crime or an attempt to commit a  
22 crime provided for in Section 843.5 of Title 21 of the Oklahoma  
23 Statutes if the offense involved sexual abuse or sexual exploitation  
24 as those terms are defined in Section 1-1-105 of Title 10A of the

1 Oklahoma Statutes, Section 681, if the offense involved sexual  
2 assault, 741, if the offense involved sexual abuse or sexual  
3 exploitation, Section 843.1, if the offense involved sexual abuse or  
4 sexual exploitation, Section 852.1, if the offense involved sexual  
5 abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense  
6 involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3,  
7 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or  
8 1123 of Title 21 of the Oklahoma Statutes.

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

21 C. The provisions of the Sex Offenders Registration Act shall  
22 apply to any person who resides, works or attends school within the  
23 State of Oklahoma and who has received a deferred judgment at any  
24 time in any court of another state, the District of Columbia, Puerto

1 Rico, Guam, American Samoa, the Northern Mariana Islands and the  
2 United States Virgin Islands, a federal court, an Indian tribal  
3 court, a military court, or a court of a foreign country for a  
4 crime, attempted crime or a conspiracy to commit a crime which, if  
5 committed or attempted or conspired to be committed in this state,  
6 would be a crime, an attempt to commit a crime or a conspiracy to  
7 commit a crime provided for in Section 843.5 of Title 21 of the  
8 Oklahoma Statutes if the offense involved sexual abuse or sexual  
9 exploitation as those terms are defined in Section 1-1-105 of Title  
10 10A of the Oklahoma Statutes, Section 681, if the offense involved  
11 sexual assault, 741, if the offense involved sexual abuse or sexual  
12 exploitation, Section 843.1, if the offense involved sexual abuse or  
13 sexual exploitation, Section 852.1, if the offense involved sexual  
14 abuse of a child, 865 et seq., 885, 886, 888, 891, if the offense  
15 involved sexual abuse or sexual exploitation, 1021, 1021.2, 1021.3,  
16 1024.2, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114 or  
17 1123 of Title 21 of the Oklahoma Statutes. The provisions of the  
18 Sex Offenders Registration Act shall not apply to any such person  
19 while the person is incarcerated in a maximum or medium correctional  
20 institution of the Department of Corrections.

21 D. On the effective date of this act, any person registered as  
22 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma  
23 Statutes shall be summarily removed from the Sex Offender Registry  
24 by the Department of Corrections and all law enforcement agencies of

1 any political subdivision of this state, unless the offense involved  
2 sexual abuse or sexual exploitation.

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

9 SECTION 2. AMENDATORY 57 O.S. 2011, Section 583, is  
10 amended to read as follows:

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

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

22 2. With the local law enforcement authority having jurisdiction  
23 in the area where the person resides or intends to reside for seven  
24 (7) consecutive days or longer, calculated beginning with the first

1 day. The registration is required within three (3) days after  
2 entering the jurisdiction of the law enforcement authority; and

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

8 For purposes of this section, "local law enforcement authority"  
9 means:

- 10 a. the municipal police department, if the person resides  
11 or intends to reside or stay within the jurisdiction of  
12 any municipality of this state, or
- 13 b. the county sheriff, if the person resides or intends to  
14 reside or stay at any place outside the jurisdiction of  
15 any municipality within this state, and
- 16 c. the police or security department of any institution of  
17 higher learning within this state if the person:
  - 18 (1) enrolls as a full-time or part-time student,
  - 19 (2) is a full-time or part-time employee at an  
20 institution of higher learning, or
  - 21 (3) resides or intends to reside or stay on any  
22 property owned or controlled by the institution  
23 of higher learning.

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1 B. Any person who has been convicted of an offense or received  
2 a deferred judgment for an offense in another jurisdiction, which  
3 offense if committed or attempted in this state, would have been  
4 punishable as one or more of the offenses listed in Section 582 of  
5 this title and who enters this state on or after November 1,  
6 1989, shall register, in person, as follows:

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

15 2. With the local law enforcement authority having jurisdiction  
16 in the area where the person intends to reside or to stay for five  
17 (5) consecutive days or longer, calculated beginning with the first  
18 day, has any type of full-time or part-time employment, with or  
19 without compensation for more than five (5) cumulative days in any  
20 sixty-day period, or is enrolled as a full-time or part-time student  
21 within this state. The registration is required with local law  
22 enforcement within two (2) days after entering the jurisdiction of  
23 the law enforcement authority; and  
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1           3. With the Department of Corrections and the local law  
2 enforcement authority no less than three (3) business days prior to  
3 abandoning or moving from the address of the previous registration,  
4 or within three (3) business days of changing or terminating  
5 employment, or changing enrollment status as a student.

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

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

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

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

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

23 The registration period shall begin from the date of the completion  
24 of the sentence. The information received pursuant to the

1 registration with the Department of Corrections required by this  
2 section shall be maintained by the Department of Corrections for at  
3 least ten (10) years from the date of the last registration.

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

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

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

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

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

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

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

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

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

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

22 4. Inform the offender that if the offender participates in any  
23 full-time employment, with or without compensation, and changes or  
24 terminates such employment, the offender shall appear in person and

1 give notice of the change or termination of employment to the  
2 Department of Corrections and to the local law enforcement authority  
3 in the location where the offender was employed within three (3)  
4 days of such change or termination of employment;

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

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

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

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

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

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

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

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

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

1 or an aggregate period of five (5) days or longer in a calendar  
2 year. Such registration is required within two (2) days after  
3 entering the state; and

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

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

14 SECTION 3. This act shall become effective November 1, 2012.

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16 53-2-8083 GRS 01/15/12

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