

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1355

By: Burrage

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2011, Section 583, which relates to
9 the Sex Offenders Registration Act; requiring a court
10 order to be removed from the Registry under certain
11 circumstances; making the Department of Corrections a
12 named party to any requested order; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 583, is
16 amended to read as follows:

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

20 1. With the Department of Corrections within three (3) business
21 days of being convicted or receiving a suspended sentence or any
22 probationary term, including a deferred sentence imposed in
23 violation of subsection G of Section 991c of Title 22 of the
24 Oklahoma Statutes, if the person is not incarcerated, or not less
than three (3) business days prior to the release of the person from

1 a correctional institution, except as provided in subsection B of
2 this section;

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

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

13 For purposes of this section, "local law enforcement authority"
14 means:

15 a. the municipal police department, if the person resides
16 or intends to reside or stay within the jurisdiction of
17 any municipality of this state, or

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

21 c. the police or security department of any institution of
22 higher learning within this state if the person:

23 (1) enrolls as a full-time or part-time student,
24

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

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

6 B. Any person who has been convicted of an offense or received
7 a deferred judgment for an offense in another jurisdiction, which
8 offense if committed or attempted in this state, would have been
9 punishable as one or more of the offenses listed in Section 582 of
10 this title and who enters this state on or after November 1,
11 1989, shall register, in person, as follows:

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

20 2. With the local law enforcement authority having jurisdiction
21 in the area where the person intends to reside or to stay for five
22 (5) consecutive days or longer, calculated beginning with the first
23 day, has any type of full-time or part-time employment, with or
24 without compensation for more than five (5) cumulative days in any

1 sixty-day period, or is enrolled as a full-time or part-time student
2 within this state. The registration is required with local law
3 enforcement within two (2) days after entering the jurisdiction of
4 the law enforcement authority; and

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

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

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

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

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

1 3. For life, if the level assignment of the person is three or
2 the person is classified as a habitual or aggravated sex offender.
3 The registration period shall begin from the date of the completion
4 of the sentence. The information received pursuant to the
5 registration with the Department of Corrections required by this
6 section shall be maintained by the Department of Corrections for at
7 least ten (10) years from the date of the last registration.

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

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

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

15 3. For life, if the level of the person is three or the person
16 has been classified as a habitual or aggravated sex offender.
17 The registration period shall begin from the date of completion of
18 the sentence and the information received pursuant to the
19 registration with the local law enforcement authority required by
20 this section shall be maintained by such authority for at least ten
21 (10) years from the date of the last registration.

22 E. 1. Any person assigned a level of one who has been
23 registered for a period of ten (10) years and who has not been
24 arrested or convicted for any felony or misdemeanor offense since

1 being released from confinement, may petition the district court in
2 the jurisdiction where the person resides for the purpose of
3 removing the level designation and allowing the person to no longer
4 be subject to the registration requirements of the Sex Offenders
5 Registration Act.

6 2. Upon completion of the registration requirement, no person
7 of any level may be removed from the Department of Corrections Sex
8 Offender Registry without a court order. The Department of
9 Corrections shall be a named party to any requested order.

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

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

15 2. Inform the offender that if the offender changes address,
16 the offender shall appear in person and give notice of the move and
17 the new address to the Department of Corrections and to the local
18 law enforcement authority in the location in which the offender
19 previously resided no later than three (3) days before the offender
20 establishes residence or is temporarily domiciled at the new
21 address;

22 3. Inform the offender that if the offender changes address to
23 another state, the offender shall appear in person and give notice
24 of the move and shall register the new address with the Department

1 of Corrections and with a designated law enforcement agency in the
2 new state not later than ten (10) days before the offender
3 establishes residency or is temporarily domiciled in the new state,
4 if the new state has a registration requirement;

5 4. Inform the offender that if the offender participates in any
6 full-time employment, with or without compensation, and changes or
7 terminates such employment, the offender shall appear in person and
8 give notice of the change or termination of employment to the
9 Department of Corrections and to the local law enforcement authority
10 in the location where the offender was employed within three (3)
11 days of such change or termination of employment;

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

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

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

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

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

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

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

21 H. Any person who resides in another state and who has been
22 convicted of an offense or received a deferred judgment for an
23 offense in this state, or in another jurisdiction, which offense if
24 committed or attempted in this state would have been punishable as

1 one or more of the offenses listed in Section 582 of this title, and
2 who is the spouse of a person living in this state shall be
3 registered as follows:

4 1. With the Department of Corrections when the person enters
5 and intends to be in the state for any purpose for five (5)
6 consecutive days or longer, calculated beginning with the first day
7 or an aggregate period of five (5) days or longer in a calendar
8 year. Such registration is required within two (2) days after
9 entering the state; and

10 2. With the local law enforcement authority having jurisdiction
11 in the area where the person intends to reside or to stay within
12 this state for two (2) consecutive days or longer, calculated
13 beginning with the first day. The registration is required with
14 local law enforcement within two (2) days after entering the
15 jurisdiction of the law enforcement authority.

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

20 SECTION 2. This act shall become effective November 1, 2012.

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