

1 STATE OF OKLAHOMA

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

3 SENATE BILL 334

By: Newberry

4  
5 AS INTRODUCED

6 An Act relating to sex offender registrants; creating  
7 Tabby's Law; providing short title; creating an  
8 electronic monitoring program for those registered  
9 pursuant to the Sex Offenders Registration Act;  
10 providing certain authorization; providing for an  
11 annual fee paid by sex offender registrants;  
12 specifying persons subject to authorized use of  
13 electronic monitoring; providing penalty for removing  
14 or destroying electronic monitoring device; providing  
15 procedure for fitting; authorizing sponsorship for  
16 payment of certain costs; authorizing adoption of  
17 rules; creating certain fund; providing for  
18 administration and disposition of fund; amending 57  
19 O.S. 2001, Section 587, as amended by Section 10,  
20 Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2010, Section  
21 587), which relates to the Sex Offenders Registration  
22 Act; modifying penalty for violating provisions of  
23 the Sex Offenders Registration Act; and providing an  
24 effective date.

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

SECTION 1. NEW LAW A new section of law not to be  
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as "Tabby's Law".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 583.1 of Title 57, unless there  
is created a duplication in numbering, reads as follows:

1        There is hereby created the Electronic Monitoring Program for  
2 persons registered pursuant to the provisions of the Sex Offenders  
3 Registration Act. The Department of Corrections and any vendor  
4 contracted with the Department are authorized to use an electronic  
5 monitoring global positioning device to satisfy the requirements of  
6 this act.

7        SECTION 3.        NEW LAW        A new section of law to be codified  
8 in the Oklahoma Statutes as Section 583.2 of Title 57, unless there  
9 is created a duplication in numbering, reads as follows:

10        A. There shall be an annual fee of Seventy-five Dollars  
11 (\$75.00) to be paid by every person required to register pursuant to  
12 the provisions of the Sex Offenders Registration Act. The fee shall  
13 be paid to the Department of Corrections and deposited in the Sex  
14 Offender Electronic Monitoring Revolving Fund created pursuant to  
15 Section 4 of this act.

16        B. The Department of Corrections or its authorized vendor shall  
17 use electronic monitoring devices for any persons convicted of a  
18 crime pursuant to Sections 741, 843.5, 865, 885, 888, and 891,  
19 excluding subsection A of Section 1021, 1021.2, 1021.3, 1040.13a,  
20 1087, 1088, 1114, 1116 and 1123 of Title 21 of the Oklahoma  
21 Statutes, which would require the person to register as a sex  
22 offender pursuant to the Sex Offenders Registration Act. The  
23 electronic monitoring device shall be used as follows:

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1           1. Any person no longer under the supervision of the Department  
2 of Corrections but required to register pursuant to the provisions  
3 of the Sex Offenders Registration Act shall be fitted for an  
4 electronic monitoring device, as directed by the court, if that  
5 person fails to comply with any provisions of the Sex Offenders  
6 Registration Act or if that person is convicted for a misdemeanor or  
7 felony offense, excluding traffic violations which include standing  
8 and parking violations, for a period not less than one (1) year and  
9 not more than the duration of their registration;

10           2. Any person under the supervision of the Department of  
11 Corrections shall be fitted for an electronic monitoring device upon  
12 discharge from the Department's custody. Those persons convicted of  
13 a crime pursuant to Sections 1021, excluding subsection A, 1021.2,  
14 1021.3, 1040.13a, 1087, 1088, 1114, 1116 and 1123 of Title 21 of the  
15 Oklahoma Statutes shall be required to wear the electronic  
16 monitoring device for ten (10) years from the date of discharge;  
17 provided they comply with all provisions of the Sex Offenders  
18 Registration Act and have no additional misdemeanor or felony  
19 convictions, excluding traffic violations which include standing and  
20 parking violations. Upon completion of the ten-year term the person  
21 may petition the court for removal from the electronic monitoring  
22 program and at the discretion of the court may be removed. Those  
23 persons convicted of a crime pursuant to Sections 741, 843.5, 865,  
24 885, 888 and 891 of Title 21 of the Oklahoma Statutes shall be

1 required to wear the electronic monitoring device for a period of  
2 fifteen (15) years from the date of discharge from the Department of  
3 Corrections; provided they comply with all provisions of the Sex  
4 Offenders Registration Act and have no additional misdemeanor or  
5 felony convictions, excluding traffic violations. Upon completion  
6 of the fifteen-year term the person may petition the court for  
7 removal from the electronic monitoring program and at the discretion  
8 of the court may be removed. In addition to any penalty imposed by  
9 the court, any person convicted of a second or subsequent offense,  
10 excluding traffic violations which include standing and parking  
11 violations, shall be required to wear the electronic monitoring  
12 device for the duration of their lifetime;

13 3. Any person who removes or destroys the electronic monitoring  
14 device shall be removed from the program, shall be guilty of a  
15 felony and, if convicted, shall be reassigned to imprisonment in a  
16 correctional facility for not less than one (1) year nor more than  
17 ten (10) years and shall be fined not less than One Thousand Dollars  
18 (\$1,000.00) nor more than Ten Thousand Dollars (\$10,000.00). Upon  
19 release from custody the person shall be required to wear the  
20 electronic monitoring device for the duration of his or her  
21 lifetime;

22 4. The Department of Corrections shall make provisions for the  
23 monitoring equipment to be fitted to the person before they leave  
24 the Department's facility; and

1           5. Any person who is unable to pay the cost of any monitoring  
2 equipment or fee, supervision cost, or other costs while assigned to  
3 electronic monitoring may have a sponsor who lives in the state pay  
4 this fee for the duration of the time period they are being  
5 monitored. If the person claims an inability to pay and does not  
6 have a sponsor, upon request from the Department of Corrections, the  
7 person shall provide the Department with such evidence. When the  
8 proof of inability to pay is provided, the Department shall make  
9 financial arrangements for the person's participation in the  
10 electronic monitoring program. The Department shall make an annual  
11 review of all evidence of inability to pay for participation in the  
12 program.

13           C. The Department shall promulgate and adopt rules and  
14 procedures necessary to implement the provisions of this section.

15           SECTION 4.           NEW LAW           A new section of law to be codified  
16 in the Oklahoma Statutes as Section 583.3 of Title 57, unless there  
17 is created a duplication in numbering, reads as follows:

18           There is hereby created in the State Treasury a revolving fund  
19 to be designated the "Sex Offender Electronic Monitoring Revolving  
20 Fund", which shall consist of all monies appropriated or transferred  
21 to the fund. The fund shall be a continuing fund not subject to  
22 fiscal year limitations and shall be under the administration of the  
23 Department of Corrections and may be disbursed without legislative  
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1 appropriation for purposes of the Electronic Monitoring Program  
2 only.

3 SECTION 5. AMENDATORY 57 O.S. 2001, Section 587, as  
4 amended by Section 10, Chapter 284, O.S.L. 2006 (57 O.S. Supp. 2010,  
5 Section 587), is amended to read as follows:

6 Section 587. A. Any person required to register pursuant to  
7 the provisions of the Sex Offenders Registration Act who violates  
8 any provision of said act shall, upon conviction, be guilty of a  
9 felony. Any person convicted of a violation of this section shall  
10 be punished by imprisonment in the custody of the Department of  
11 Corrections for not more than ~~five (5)~~ ten (10) years, a fine ~~not to~~  
12 ~~exceed Five Thousand Dollars (\$5,000.00)~~ of One Hundred Dollars  
13 (\$100.00) per day until the person registers, or both such fine and  
14 imprisonment. If a person returns to the custody of the Department  
15 of Corrections for failure to register, the individual shall not be  
16 eligible for early release as may be otherwise authorized by law.

17 B. Any person required to register pursuant to the Sex  
18 Offenders Registration Act who fails to comply with the established  
19 guidelines for global position system (GPS) monitoring shall, upon  
20 conviction, be guilty of a felony punishable by a fine not to exceed  
21 One Thousand Dollars (\$1,000.00), or by imprisonment in the custody  
22 of the county jail for not more than one (1) year, or by both such  
23 fine and imprisonment.

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SECTION 6. This act shall become effective November 1, 2011.

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