

1 STATE OF OKLAHOMA

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

3 SENATE BILL 912

By: Shortey

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5  
6 AS INTRODUCED

7 An Act relating to public health and safety; amending  
8 Section 2, Chapter 458, O.S.L. 2010 (63 O.S. Supp.  
9 2010, Section 2-701), which relates to the  
10 methamphetamine offender registry; requiring  
11 registration of persons convicted of crimes in other  
12 jurisdictions; modifying time limitation for  
13 submitting registration form; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY Section 2, Chapter 458, O.S.L.  
17 2010 (63 O.S. Supp. 2010, Section 2-701), is amended to read as  
18 follows:

19 Section 2-701. A. There is hereby created within the Oklahoma  
20 State Bureau of Narcotics and Dangerous Drugs Control a registry of  
21 persons who, after November 1, 2010, have been convicted, whether  
22 upon a verdict or plea of guilty or upon a verdict or plea of nolo  
23 contendere, or received a suspended sentence or any deferred or  
24 probationary term, or are currently serving a sentence or any form  
of probation or parole for a crime or attempt to commit a crime  
including, but not limited to, unlawful possession, conspiring,

1 endeavoring, manufacturing, distribution or trafficking of a  
2 precursor or methamphetamines under the provisions of Section 2-322,  
3 2-332, 2-401, 2-402, 2-408 or 2-415 of ~~Title 63 of the Oklahoma~~  
4 ~~Statutes~~ this title, or any crime including, but not limited to,  
5 crimes involving the possession, distribution, manufacturing or  
6 trafficking of methamphetamines or illegal amounts of or uses of  
7 pseudoephedrine in any federal court, Indian tribal court, or any  
8 court of another state if the person is a resident of the State of  
9 Oklahoma or seeks to remain in the State of Oklahoma in excess of  
10 ten (10) days.

11 B. It shall be unlawful for any person subject to the registry  
12 created in subsection A of this section to purchase, possess or have  
13 control of any Schedule V compound, mixture, or preparation  
14 containing any detectable quantity of pseudoephedrine, its salts or  
15 optical isomers, or salts of optical isomers. As provided in  
16 Section 2-212 of ~~Title 63 of the Oklahoma Statutes~~ this title, the  
17 provisions of this subsection shall not apply to any compounds,  
18 mixtures, or preparations which are in liquid, liquid capsule, or  
19 gel capsule form if pseudoephedrine is not the only active  
20 ingredient. A prescription for pseudoephedrine shall not provide an  
21 exemption for any person to this law. Any person convicted of  
22 violating the provisions of this subsection shall be guilty of a  
23 felony, punishable by imprisonment in the custody of the Department  
24 of Corrections for not less than two (2) years and not more than ten

1 (10) years, or by a fine of not more than Five Thousand Dollars  
2 (\$5,000.00), or by both such fine and imprisonment.

3 C. The registry created in subsection A of this section shall  
4 be maintained by the Bureau. The registry shall be made available  
5 for registrants who sell or dispense pseudoephedrine-related  
6 products and to law enforcement agencies for law enforcement  
7 purposes through the Central Repository and the prescription  
8 monitoring program. Every registrant selling, dispensing or  
9 otherwise delivering pseudoephedrine products shall deny any sale of  
10 pseudoephedrine to any individual listed on the methamphetamine  
11 offender registry.

12 D. The registry shall consist of the following information:

13 1. Name of the person;

14 2. Date of birth of the person;

15 3. The offense or offenses which made the person eligible for  
16 inclusion on the registry;

17 4. The date of conviction or the date that a plea of guilty or  
18 nolo contendere was accepted by the court for any violation of an  
19 offense provided for in subsection A of this section;

20 5. The county where the offense or offenses occurred; and

21 6. Such other identifying data as the Bureau determines is  
22 necessary to properly identify the person.

23 E. Beginning November 1, 2010, all district court clerks shall  
24 forward a copy of the judgment and sentence or other applicable

1 information relating to the disposition of the criminal case and  
2 date of birth of all persons who are subject to the provisions of  
3 this act for a violation of the offenses described in subsection A  
4 of this section to the Bureau. The information shall be sent in an  
5 electronic format in a manner prescribed by the Bureau within thirty  
6 (30) days of the date of final disposition of the case. ~~Every~~ Any  
7 ~~person that receives~~ subject to the registry pursuant to subsection  
8 A of this section, having received a deferred sentence or ~~is~~  
9 ~~otherwise not in the custody of the Department of Corrections~~  
10 conviction in a federal court, Indian tribal court, or any court of  
11 another state, shall be required to register and submit a  
12 methamphetamine offender registration form in a format prescribed by  
13 the Bureau within ~~thirty (30) days of entering a plea or receiving a~~  
14 ~~sentence for an offense described in subsection A of this section~~  
15 ten (10) days of entering the State of Oklahoma or if incarcerated  
16 in a federal institution within the boundaries of Oklahoma, within  
17 ten (10) days of release from the institution. Failure to submit  
18 the form required by this subsection shall constitute a misdemeanor.

19 F. The Bureau shall remove from the registry the name and other  
20 identifying information of a person who has been convicted of a  
21 violation of any of the offenses described in subsection A of this  
22 section ten (10) years after the date of the most recent judgment  
23 and sentence. Any person having received a deferred sentence that  
24 expires prior to the ten-year time limitation may apply to the

1 Bureau to be removed from the registry upon the completion of the  
2 deferred sentence by providing to the Bureau a certified copy of the  
3 dismissal of the case by certified mail. The Bureau may remove the  
4 person from the registry upon expiration of the deferred sentence.

5 G. It shall be a violation for any person to assist another  
6 person who is subject to the registry in the purchase of any  
7 pseudoephedrine products. Any person convicted of violating the  
8 provisions of this subsection shall, for a first offense, be guilty  
9 of a misdemeanor, punishable by incarceration in the county jail for  
10 not more than one (1) year, or by a fine of not more than One  
11 Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.  
12 Any second or subsequent conviction for a violation of this  
13 subsection shall be a felony, punishable by incarceration in the  
14 custody of the Department of Corrections for not more than two (2)  
15 years, or by a fine of not less than Two Thousand Five Hundred  
16 Dollars (\$2,500.00) or by both such fine and imprisonment. For the  
17 purposes of this subsection, knowledge that a person was subject to  
18 the methamphetamine offender registry may be proven through court  
19 testimony or any other public notice or publicly available record  
20 including, but not limited to, court records maintained by the  
21 Oklahoma Supreme Court Network and the Oklahoma Court Information  
22 System. On or prior to November 1, 2011, the Oklahoma State Bureau  
23 of Narcotics and Dangerous Drugs Control shall maintain a

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1 methamphetamine offender registry website available for viewing by  
2 the public.

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