

1 ENGROSSED SENATE  
2 BILL NO. 691

By: Bass of the Senate

3 and

4 Brown of the House

5  
6 An Act relating to the Oklahoma Sex Offenders  
7 Registration Act; amending 57 O.S. 2001, Section 589,  
8 as last amended by Section 2, Chapter 162, O.S.L.  
9 2008 (57 O.S. Supp. 2010, Section 589), which relates  
10 to registered offenders prohibited from certain  
11 employment; adding certain prohibited employment  
12 practice; requiring certain duty to report; stating  
13 penalty; providing an effective date; and declaring  
14 an emergency.

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

16 SECTION 1. AMENDATORY 57 O.S. 2001, Section 589, as  
17 last amended by Section 2, Chapter 162, O.S.L. 2008 (57 O.S. Supp.  
18 2010, Section 589), is amended to read as follows:

19 Section 589. A. It is unlawful for any person registered  
20 pursuant to the Oklahoma Sex Offenders Registration Act or the Mary  
21 Rippey Violent Crime Offenders Registration Act to work with or  
22 provide services to children or to work on school premises, or for  
23 any person or business which contracts for work to be performed on  
24 school premises to knowingly and willfully allow any employee to  
work with children or to work on school premises who is registered  
pursuant to the Oklahoma Sex Offenders Registration Act or the Mary

1 Rippy Violent Crime Offenders Registration Act. Upon conviction for  
2 any violation of the provisions of this subsection, the violator  
3 shall be guilty of a misdemeanor punishable by a fine not to exceed  
4 One Thousand Dollars (\$1,000.00). In addition, the violator may be  
5 liable for civil damages.

6 B. 1. A person or business who offers or provides services to  
7 children shall ensure compliance with subsection A of this section  
8 by conducting a name search of employees at least annually against  
9 the registries maintained pursuant to the Oklahoma Sex Offenders  
10 Registration Act and the Mary Rippy Violent Crime Offenders  
11 Registration Act while such person is working with or serving  
12 children. All persons working with or providing services to  
13 children shall be required to sign a statement declaring that he or  
14 she is not currently required to register under the provisions of  
15 the Oklahoma Sex Offenders Registration Act or the Mary Rippy  
16 Violent Crime Offenders Registration Act. Compliance with the  
17 signed statement shall be mandatory for all persons working with or  
18 providing services to children, and there shall be no liability or  
19 obligation placed upon any person or business to ascertain the  
20 truthfulness of the affidavit. Any person or business having a  
21 contract with a school shall ensure compliance as provided by  
22 Section 6-101.48 of Title 70 of the Oklahoma Statutes.

23 2. Failure of any person or business who works with or provides  
24 services to children to conduct the annual name search of each

1 person employed shall be a misdemeanor. Upon conviction for failure  
2 to conduct a name search, the violator shall be guilty of a  
3 misdemeanor punishable by a fine not to exceed One Thousand Dollars  
4 (\$1,000.00). Refusal of any person who is employed to work with or  
5 provide services to children to sign a statement declaring they have  
6 no requirement to register as provided in this section shall be a  
7 misdemeanor, upon conviction, punishable by a fine not to exceed One  
8 Thousand Dollars (\$1,000.00), and the person shall be immediately  
9 terminated from employment. Any person discovering an employment or  
10 registration violation as required by any provision of law for any  
11 person currently employed to work with or provide services to  
12 children has a duty to and shall immediately report such findings to  
13 the district attorney.

14 C. It is unlawful for any law enforcement agency to employ any  
15 person as a peace officer or criminal investigator who has received  
16 a verdict of guilty or pled guilty or nolo contendere to any offense  
17 required to register pursuant to the Sex Offenders Registration Act  
18 or the Mary Rippe Violent Crime Offenders Registration Act,  
19 including those receiving a verdict of guilt, pleading guilty or  
20 nolo contendere as part of a deferred judgment or other provision of  
21 law authorizing a delayed or suspended judgment or sentence. Every  
22 person receiving a verdict of guilty or pleading guilty or nolo  
23 contendere to any offense required to register pursuant to the Sex  
24 Offenders Registration Act or the Mary Rippe Violent Crime Offenders

1 Registration Act shall be prohibited from being certified by the  
2 Council on Law Enforcement Education and Training (CLEET) as a peace  
3 officer, private investigator, or security guard, and if at the time  
4 of the verdict or plea such person has been previously CLEET  
5 certified such certification shall be revoked. Any violator shall  
6 be guilty of a misdemeanor upon conviction of noncompliance with the  
7 provisions of this subsection.

8 D. Except for offenders designated as Level I sex offenders  
9 pursuant to Section 582.5 of this title, it shall be unlawful for  
10 any person who is otherwise required to register as a sex offender  
11 pursuant to the Sex Offenders Registration Act to operate any  
12 amusement ride as defined by Section 461 of Title 40 of the Oklahoma  
13 Statutes or bus, taxicab, limousine, motorcycle, bicycle or any  
14 other device or other motor vehicle designed to transport passengers  
15 as its primary purpose that is operated for hire. Employers,  
16 contractors or persons operating a business or providing services as  
17 prescribed in this subsection shall conduct a name search on the Sex  
18 Offender Registry for all new and future employee hires and for all  
19 current employees upon the effective date of this act. A name  
20 search of all employees shall also be conducted annually and any  
21 discovery of an employment or registration violation as currently  
22 provided by law shall be immediately reported to the district  
23 attorney.

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1        Failure of any employer, contractor, person or business who  
2 provides services as described in this subsection to conduct the  
3 annual name search of each person employed shall, upon conviction,  
4 be guilty of a misdemeanor punishable by a fine not to exceed One  
5 Thousand Dollars (\$1,000.00).

6        SECTION 2. This act shall become effective July 1, 2011.

7        SECTION 3. It being immediately necessary for the preservation  
8 of the public peace, health and safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

11        Passed the Senate the 14th day of March, 2011.

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Presiding Officer of the Senate

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15        Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
16 2011.

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Presiding Officer of the House  
of Representatives

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