

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 879

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to sex offender registrants; creating
8 Tabby's Law; providing short title; creating an
9 electronic monitoring program for those registered
10 pursuant to the Sex Offenders Registration Act;
11 providing certain authorization; providing for an
12 annual fee paid by sex offender registrants;
13 specifying persons subject to authorized use of
14 electronic monitoring; providing penalty for removing
15 or destroying electronic monitoring device; providing
16 procedure for fitting; authorizing sponsorship for
17 payment of certain costs; authorizing adoption of
18 rules; creating certain fund; providing for
19 administration and disposition of fund; amending 21
20 O.S. 2011, Section 64, which relates to imposition of
21 certain fine in addition to imprisonment; assessing
22 certain fee upon conviction of certain crimes;
23 directing deposit of such fee; amending 57 O.S. 2011,
24 Section 587, which relates to the Sex Offenders
Registration Act; modifying penalty for violating
provisions of the Sex Offenders Registration Act;
providing for codification; providing for
noncodification; and providing an 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".

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

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

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

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

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

1 offender pursuant to the Sex Offenders Registration Act. The
2 electronic monitoring device shall be used as follows:

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

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

1 persons convicted of a crime pursuant to Sections 741, 843.5, 865,
2 885, 888 and 891 of Title 21 of the Oklahoma Statutes shall be
3 required to wear the electronic monitoring device for a period of
4 fifteen (15) years from the date of discharge from the Department of
5 Corrections; provided they comply with all provisions of the Sex
6 Offenders Registration Act and have no additional misdemeanor or
7 felony convictions, excluding traffic violations. Upon completion
8 of the fifteen-year term the person may petition the court for
9 removal from the electronic monitoring program and at the discretion
10 of the court may be removed. In addition to any penalty imposed by
11 the court, any person convicted of a second or subsequent offense,
12 excluding traffic violations which include standing and parking
13 violations, shall be required to wear the electronic monitoring
14 device for the duration of their lifetime;

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

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1 4. The Department of Corrections shall make provisions for the
2 monitoring equipment to be fitted to the person before they leave
3 the Department's facility.

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

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

9 There is hereby created in the State Treasury a revolving fund
10 to be designated the "Sex Offender Electronic Monitoring Revolving
11 Fund", which shall consist of all monies appropriated or transferred
12 to the fund. The fund shall be a continuing fund not subject to
13 fiscal year limitations and shall be under the administration of the
14 Department of Corrections and may be disbursed without legislative
15 appropriation for purposes of the Electronic Monitoring Program
16 only.

17 SECTION 5. AMENDATORY 21 O.S. 2011, Section 64, is
18 amended to read as follows:

19 Section 64. A. Upon a conviction for any misdemeanor
20 punishable by imprisonment in any jail, in relation to which no fine
21 is prescribed by law, the court or a jury may impose a fine on the
22 offender not exceeding One Thousand Dollars (\$1,000.00) in addition
23 to the imprisonment prescribed.

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1 B. Upon a conviction for any felony punishable by imprisonment
2 in any jail or prison, in relation to which no fine is prescribed by
3 law, the court or a jury may impose a fine on the offender not
4 exceeding Ten Thousand Dollars (\$10,000.00) in addition to the
5 imprisonment prescribed.

6 C. Upon conviction of any misdemeanor or any felony as provided
7 in subsection A and B of this section, a fee of Ten Dollars (\$10.00)
8 shall be assessed. All fees collected pursuant to this section
9 shall be paid to the Department of Corrections and deposited in the
10 Sex Offender Electronic Monitoring Revolving Fund created pursuant
11 to Section 4 of this act.

12 SECTION 6. AMENDATORY 57 O.S. 2011, Section 587, is
13 amended to read as follows:

14 Section 587. A. Any person required to register pursuant to
15 the provisions of the Sex Offenders Registration Act who violates
16 any provision of ~~said~~ the act shall, upon conviction, be guilty of a
17 felony. Any person convicted of a violation of this section shall
18 be punished by imprisonment in the custody of the Department of
19 Corrections for not more than ~~five (5)~~ ten (10) years, a fine ~~not to~~
20 ~~exceed Five Thousand Dollars (\$5,000.00)~~ of One Hundred Dollars
21 (\$100.00) per day until the person registers, or both such fine and
22 imprisonment. If a person returns to the custody of the Department
23 of Corrections for failure to register, the individual shall not be
24 eligible for early release as may be otherwise authorized by law.

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

8 SECTION 7. This act shall become effective November 1, 2013.

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