

1 STATE OF OKLAHOMA

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

3 SENATE BILL 958

By: Crain

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5
6 AS INTRODUCED

7 An Act relating to juvenile sex offenders; amending
8 10A, Sections 2-8-102, 2-8-103, 2-8-105, 2-8-107 and
9 2-8-108, which relate to juvenile sex offender
10 registry; modifying certain date; modifying
11 definition; requiring Office of Juvenile Affairs to
12 maintain certain registrations; requiring transfer of
13 certain information; authorizing release of certain
14 information to law enforcement; modifying time for
15 certain notice; requiring certain registration;
16 modifying certain misdemeanor offense; modifying
17 certain age requirements; requiring certain juvenile
18 offenders to register pursuant to the Oklahoma Sex
19 Offender Registration Act; requiring sealing of
20 certain juvenile offender records; amending 57 O.S.
21 2011, Section 583, which relates to registration;
22 requiring notification to offender of certain duty;
23 authorizing petition for removal of registration
24 requirement after certain time period; requiring
certain notice; prohibiting petition for certain time
period after denial; providing procedures for removal
from certain public registry; repealing 10A O.S.
2011, Sections 2-8-104 and 2-8-106, which relate to
district attorney application to put juvenile on
registry and name and address change notification;
providing for codification; and providing an
effective date.

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

23 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-8-102, is
24 amended to read as follows:

1 Section 2-8-102. As used in this act, "juvenile sex offender"
2 means a person who was not less than fourteen (14) years of age but
3 who was less than eighteen (18) years of age at the time the
4 qualifying sex offense was committed and who:

5 1. On or after July 1, ~~2001~~ 2012, was adjudicated delinquent or
6 a youthful offender for an action that would be an offense provided
7 in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of the
8 Oklahoma Statutes, if committed by an adult;

9 2. As of July 1, ~~2001~~ 2012, is serving formal probation or
10 commitment to the custody of the Office of Juvenile Affairs as the
11 result of adjudication or deferred adjudication imposed in violation
12 of subsection A of Section 2-2-404 of this title for an action that
13 would be an offense provided in Section 888, 1111, 1111.1, 1114 or
14 1115 of Title 21 of the Oklahoma Statutes, if committed by an adult;

15 3. Was adjudicated delinquent in another state or jurisdiction
16 for an action that is substantially equivalent to an offense
17 provided in Section 888, 1111, 1111.1, 1114 or 1115 of Title 21 of
18 the Oklahoma Statutes, and is subject on or after July 1, ~~2001~~ 2012,
19 to court jurisdiction in this state pursuant to the Interstate
20 Compact on Juveniles; or

21 4. Is required to register as a juvenile sex offender in
22 another state or jurisdiction for having committed a sex offense in
23 that state or jurisdiction regardless of the date of the offense or
24 its adjudication.

1 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-8-103, is
2 amended to read as follows:

3 Section 2-8-103. The Office of Juvenile Affairs shall ~~establish~~
4 ~~and maintain a registry for~~ register juvenile sex offenders ~~required~~
5 ~~by the court to register.~~ ~~The registry shall include fingerprints,~~
6 ~~photographs, and information collected from forms submitted and~~
7 ~~other communications relating to notice of duty to register, sex~~
8 ~~offender registration, and notice of change of name or address~~
9 pursuant to the Oklahoma Sex Offender Registration Act. The Office
10 of Juvenile Affairs shall maintain a file of all juvenile sex
11 offender registrations. A copy of the information contained in
12 those files shall be transferred as soon as is practicable to the
13 Department of Corrections for inclusion in the Oklahoma Sex Offender
14 registry. Information in the juvenile sex offender registry and
15 information in the Oklahoma Sex Offender registry regarding a
16 juvenile sex offender is subject to release to law enforcement
17 agencies and may be released to the public pursuant to court order
18 ~~as provided in Section 2-8-104 of this title.~~

19 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-8-105, is
20 amended to read as follows:

21 Section 2-8-105. ~~On or after July 1, 2001, when the court~~
22 ~~orders a juvenile sex offender to register on the juvenile sex~~
23 ~~offender registry as provided in Section 2-8-104 of this title~~ At
24 the time of adjudication or the imposition of a deferred

1 adjudication in violation of subsection A of Section 2-2-404 of this
2 title of a qualifying offender, the court shall provide ~~at the time~~
3 ~~of the order~~ written notification of the duty to register to any
4 juvenile who becomes subject to the provisions of the Juvenile Sex
5 Offender Registration Act. The written notification shall be a form
6 provided by the Office of Juvenile Affairs and shall be signed by
7 the juvenile and a parent or guardian who has custody and control of
8 the juvenile. One copy shall be retained by the court, one copy
9 shall be provided to the juvenile offender, and one copy shall be
10 submitted within three (3) working days to the ~~juvenile sex offender~~
11 ~~registry~~ Office of Juvenile Affairs. Except as otherwise provided
12 by this act, juvenile sex offenders shall register and report
13 pursuant to the provisions of the Oklahoma Sex Offender Registration
14 Act.

15 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-8-107, is
16 amended to read as follows:

17 Section 2-8-107. A. A juvenile sex offender required to
18 register pursuant to the Juvenile Sex Offender Registration Act who
19 ~~fails to register or provide notification of a change of name or~~
20 ~~address is~~ violates any provision of such Act shall, upon
21 adjudication, be guilty of a misdemeanor.

22 B. A parent or guardian who has custody and control of a
23 juvenile sex offender commits a misdemeanor offense of failure to
24 supervise a child if the juvenile offender ~~fails to register or~~

1 ~~provide notification of a change of name or address as required by~~
2 ~~this act~~ violates any provision of the Juvenile Sex Offender
3 Registration Act. A person convicted of this offense is punishable
4 by a fine of not more than One Thousand Dollars (\$1,000.00).

5 SECTION 5. AMENDATORY 10A O.S. 2011, Section 2-8-108, is
6 amended to read as follows:

7 Section 2-8-108. When a registered juvenile sex offender
8 reaches ~~twenty-one (21)~~ eighteen (18) years of age or is otherwise
9 released from the custody of the Office of Juvenile Affairs, the
10 district attorney ~~may~~ shall petition the court to transfer the
11 person's registration to the adult sex offender registry maintained
12 by the Department of Corrections, subject to the provisions of
13 Section 581 et seq. of Title 57 of the Oklahoma Statutes. After
14 notice, if the court determines at a hearing that the person who is
15 registered on the juvenile sex offender registry is likely to or
16 does pose an ongoing serious or aggressive threat to the public or
17 children under sixteen (16) years of age and that the offender has
18 failed to successfully complete an appropriate certified sex
19 offender treatment program, the court shall order that the
20 delinquent act requiring the offender to register pursuant to the
21 provisions of the Oklahoma Sex Offender Registration Act be deemed
22 an adult criminal conviction for the purpose of registration,
23 notification, and public information access pursuant to Section 581
24 et seq. of Title 57 of the Oklahoma Statutes. ~~If no petition is~~

1 ~~filed within ninety (90) days following the twenty-first birthday of~~
2 ~~the person or the date of release from custody, or if the court~~
3 determines the person is not likely to or does not pose an ongoing
4 serious or aggressive threat to the public or children under sixteen
5 (16) years of age and that the offender has successfully completed
6 an appropriate certified sex offender treatment program, the
7 juvenile's name and information shall be ~~deleted from the juvenile~~
8 ~~sex offender registry sealed~~, and the person may not be included in
9 the adult sex offender registry.

10 SECTION 6. AMENDATORY 57 O.S. 2011, Section 583, is
11 amended to read as follows:

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

15 1. With the Department of Corrections within three (3) business
16 days of being convicted or receiving a suspended sentence or any
17 probationary term, including a deferred sentence imposed in
18 violation of subsection G of Section 991c of Title 22 of the
19 Oklahoma Statutes, if the person is not incarcerated, or not less
20 than three (3) business days prior to the release of the person from
21 a correctional institution, except as provided in subsection B of
22 this section;

23 2. With the local law enforcement authority having jurisdiction
24 in the area where the person resides or intends to reside for seven

1 (7) consecutive days or longer, calculated beginning with the first
2 day. The registration is required within three (3) days after
3 entering the jurisdiction of the law enforcement authority; and

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

9 For purposes of this section, "local law enforcement authority"
10 means:

- 11 a. the municipal police department, if the person resides
12 or intends to reside or stay within the jurisdiction of
13 any municipality of this state, or
- 14 b. the county sheriff, if the person resides or intends to
15 reside or stay at any place outside the jurisdiction of
16 any municipality within this state, and
- 17 c. the police or security department of any institution of
18 higher learning within this state if the person:
 - 19 (1) enrolls as a full-time or part-time student,
 - 20 (2) is a full-time or part-time employee at an
21 institution of higher learning, or
 - 22 (3) resides or intends to reside or stay on any
23 property owned or controlled by the institution
24 of higher learning.

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

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

15 2. With the local law enforcement authority having jurisdiction
16 in the area where the person intends to reside or to stay for five
17 (5) consecutive days or longer, calculated beginning with the first
18 day, has any type of full-time or part-time employment, with or
19 without compensation for more than five (5) cumulative days in any
20 sixty-day period, or is enrolled as a full-time or part-time student
21 within this state. The registration is required with local law
22 enforcement within two (2) days after entering the jurisdiction of
23 the law enforcement authority; and

24

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

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

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

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

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

21 3. For life, if the level assignment of the person is three or
22 the person is classified as a habitual or aggravated sex offender.

23 The registration period shall begin from the date of the completion
24 of the sentence. The information received pursuant to the

1 registration with the Department of Corrections required by this
2 section shall be maintained by the Department of Corrections for at
3 least ten (10) years from the date of the last registration.

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

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

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

11 3. For life, if the level of the person is three or the person
12 has been classified as a habitual or aggravated sex offender.

13 The registration period shall begin from the date of completion of
14 the sentence and the information received pursuant to the
15 registration with the local law enforcement authority required by
16 this section shall be maintained by such authority for at least ten
17 (10) years from the date of the last registration.

18 E. Any person assigned a level of one who has been registered
19 for a period of ten (10) years and who has not been arrested or
20 convicted for any felony or misdemeanor offense since being released
21 from confinement, may petition the district court in the
22 jurisdiction where the person resides for the purpose of removing
23 the level designation and allowing the person to no longer be
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1 subject to the registration requirements of the Sex Offenders
2 Registration Act.

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

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

8 2. Inform the offender that if the offender changes address,
9 the offender shall appear in person and give notice of the move and
10 the new address to the Department of Corrections and to the local
11 law enforcement authority in the location in which the offender
12 previously resided no later than three (3) days before the offender
13 establishes residence or is temporarily domiciled at the new
14 address;

15 3. Inform the offender that if the offender changes address to
16 another state, the offender shall appear in person and give notice
17 of the move and shall register the new address with the Department
18 of Corrections and with a designated law enforcement agency in the
19 new state not later than ten (10) days before the offender
20 establishes residency or is temporarily domiciled in the new state,
21 if the new state has a registration requirement;

22 4. Inform the offender that if the offender participates in any
23 full-time employment, with or without compensation, and changes or
24 terminates such employment, the offender shall appear in person and

1 give notice of the change or termination of employment to the
2 Department of Corrections and to the local law enforcement authority
3 in the location where the offender was employed within three (3)
4 days of such change or termination of employment;

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

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

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

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

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

9 10. Inform the offender that if the offender engages in any
10 international travel, then the offender has a duty to notify the
11 Department of Corrections and the local law enforcement authority of
12 such travel at least twenty-one (21) days prior to commencing such
13 travel; and

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

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

20 H. Any person who resides in another state and who has been
21 convicted of an offense or received a deferred judgment for an
22 offense in this state, or in another jurisdiction, which offense if
23 committed or attempted in this state would have been punishable as
24 one or more of the offenses listed in Section 582 of this title, and

1 who is the spouse of a person living in this state shall be
2 registered as follows:

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

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

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

19 SECTION 7. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 590.3 of Title 57, unless there
21 is created a duplication in numbering, reads as follows:

22 A. A person becoming subject to the adult sex offender registry
23 pursuant to the provisions of Section 2-8-108 of Title 10A of the
24 Oklahoma Statutes may, not less than five (5) years following the

1 court's decision to transfer the person's registration to the adult
2 sex offender registry, petition the court in which the transfer
3 occurred for removal of the requirement to register as a sex
4 offender.

5 B. The person shall allege in the petition that the person
6 meets the criteria provided for in Section 2-8-108 of Title 10A of
7 the Oklahoma Statutes for removal of the requirement to register as
8 a sex offender. The district attorney shall be given notice of the
9 petition at least twenty-one (21) days before the hearing on the
10 petition. The district attorney may present evidence in opposition
11 to the requested relief or may otherwise demonstrate why the
12 petition should be denied. The court shall rule on the petition
13 and, if the court determines that the person meets the criteria
14 provided for in Section 2-8-108 of Title 10A of the Oklahoma
15 Statutes, may grant the petition and order the removal of the
16 registration requirement. If the court denies the petition, the
17 person shall not be authorized to file any further petition for
18 removal of the registration requirement pursuant to this section
19 within five (5) years.

20 C. If a person provides to the Department of Corrections a
21 certified copy of the order of the court removing the requirement
22 that the person register as a sex offender, the registration
23 requirement shall not apply to the person and the Department shall
24 remove all information about the person from the public registry of

1 sex offenders maintained by the Department. However, the removal of
2 information about the person from the public registry shall not mean
3 that the public is denied access to information about the criminal
4 history or record of the person that is otherwise available as a
5 public record.

6 SECTION 8. REPEALER 10A O.S. 2011, Sections 2-8-104 and
7 2-8-106, are hereby repealed.

8 SECTION 9. This act shall become effective November 1, 2013.

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