ENGROSSED HOUSE
BILL NO. 1793 By: Roberts (Sean) of the House

and

David of the Senate

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-701, as last amended by Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2014, Section 2-701), which relates to the methamphetamine offender registry; requiring offenders to provide certain notice; providing penalty for certain violations; providing guidelines for accessing the methamphetamine offender registry website; providing exemption from liability under certain circumstances; granting authority to release certain information; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-701, as last amended by Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp. 2014, Section 2-701), is amended to read as follows:

Section 2-701. A. There is hereby created within the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control a registry of persons who, after November 1, 2010, have been convicted, whether upon a verdict or plea of guilty or upon a verdict or plea of nolo contendere, or received a suspended sentence or any deferred or 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, endeavoring, manufacturing, distribution or trafficking of a precursor or methamphetamines under the provisions of Section 2-322, 2-332, 2-401, 2-402, 2-408 or 2-415 of this title, or any crime including, but not limited to, crimes involving the possession, distribution, manufacturing or trafficking of methamphetamines or illegal amounts of or uses of pseudoephedrine in any federal court, Indian tribal court, or any court of another state if the person is a resident of the State of Oklahoma or seeks to remain in the State of Oklahoma in excess of ten (10) days.

B. It shall be unlawful for any person who knows that he or she is subject to the registry created in subsection A of this section to purchase, possess or have control of any Schedule V compound, mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers. A prescription for pseudoephedrine shall not provide an exemption for any person to this law. Any person convicted of violating the provisions of this subsection shall be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections for not less than two (2) years and not more than ten (10) years, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. The registry created in subsection A of this section shall be maintained by the Bureau. The registry shall be made available for registrants who sell or dispense pseudoephedrine-related products and to law enforcement agencies for law enforcement purposes through the electronic methamphetamine precursor tracking service. The electronic methamphetamine precursor tracking service shall generate a stop-sale alert on any sale of pseudoephedrine to any individual listed on the methamphetamine offender registry in real time.

D. The registry shall consist of the following information:

1. Name and address of the person;

2. Date of birth of the person;

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

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

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

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

E. 1. Beginning November 1, 2010, all district court clerks shall forward a copy of the judgment and sentence or other applicable information relating to the disposition of the criminal case, address of the current residence and date of birth of all

persons who are subject to the provisions of the Oklahoma Methamphetamine Offender Registry Act for a violation of the offenses described in subsection A of this section to the Bureau. The information shall be sent in an electronic format in a manner prescribed by the Bureau within ten (10) days of the date of final disposition of the case.

2. Any person subject to the registry pursuant to subsection A of this section, having received a deferred sentence or conviction in a federal court, Indian tribal court, or any court of another state, shall be required to register and submit a methamphetamine offender registration form in a format prescribed by the Bureau within ten (10) days of entering the State of Oklahoma or if incarcerated in a federal institution within the boundaries of Oklahoma, within ten (10) days of release from the institution. ~~Knowingly failing to submit the form required by this subsection shall constitute a misdemeanor.~~

3. If the offender changes address, the offender shall give notice of the move and the new address to the Bureau no more than ten (10) days after the offender establishes residency or is temporarily domiciled at the new address.

4. It shall be unlawful for an offender to knowingly fail to register and submit a methamphetamine offender registration form as required in paragraph 2 of this subsection or knowingly fail to notify the Bureau of a change of address as required in paragraph 3

of this subsection. Any person convicted of violating the provisions of paragraph 2 or 3 of this subsection shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a fine of Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

F. Upon receipt of the information provided by the district court clerk, the Bureau shall transmit in an electronic format to the electronic methamphetamine precursor tracking service at least every seven (7) days the name of any person placed on the methamphetamine offender registry as provided in this section. The information transmitted to the electronic tracking service shall include the first, middle, and last name of the person, ~~and~~ the address and the date of birth of the person. The electronic methamphetamine precursor tracking service shall be designed to generate a stop-sale alert for any person who is on the methamphetamine offender registry and whose name, address and date of birth have been transmitted by the Bureau to the electronic tracking service.

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

may apply to the Bureau to be removed from the registry upon the completion of the deferred sentence by providing to the Bureau a certified copy of the dismissal of the case by certified mail. The Bureau may remove the person from the methamphetamine offender registry upon expiration of the deferred sentence. The Bureau shall also be required to notify the provider of the electronic methamphetamine precursor tracking service when a person is removed from the methamphetamine offender registry. Upon notification from the Bureau, the provider of the electronic tracking service shall remove the name of the person from the electronic methamphetamine precursor tracking service and the person shall thereafter be permitted to purchase pseudoephedrine-related products.

H. It shall be a violation for any person to assist another, with knowledge that the person is subject to the registry, in the purchase of any pseudoephedrine products. Any person convicted of violating the provisions of this subsection shall, for a first offense, be guilty of a misdemeanor, punishable by incarceration in the county jail for not more than one (1) year, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment. Any second or subsequent conviction for a violation of this subsection shall be a felony, punishable by incarceration in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) or by both such fine and imprisonment.

I. 1. On or prior to November 1, 2011, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall maintain a methamphetamine offender registry website available for viewing by the public.

2. Any person accessing the methamphetamine offender registry website shall have the option to search for offenders using the last name of the offender or the address of the offender. No other information shall be required to conduct a search on the registry.

3. Information provided by the website from a name or address search shall include the full name of the offender, any alias names, a mappable address of the current residence of the offender, the offense which requires registration, and the date of conviction or the date that a plea of guilty or nolo contendere was accepted by the court. In addition, information may be provided in the name or address search concerning the date and place of the offense, the sentence disposition, a photograph of the registered offender, and other pertinent information about the offender, if available.

4. There shall be no liability to any governmental agency for the release or publication of any information maintained on the methamphetamine offender registry under the provisions of this subsection.

J. For the purposes of this section, knowledge that a person was subject to the methamphetamine offender registry may be proven through court testimony or any other public notice or publicly

available record including, but not limited to, court records maintained by the Oklahoma Supreme Court Network and the Oklahoma Court Information System.

K. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall take necessary actions through the promulgation of rules and cooperation with pharmacies and the courts to ensure that notice of the provisions of this section is provided to those persons subject to the methamphetamine offender registry as listed in subsection A of this section. The Bureau shall have the authority to submit any criminal records or other applicable information relating to persons subject to the Oklahoma Methamphetamine Offender Registry Act to an outside vendor designated by the Bureau that is responsible for compiling and administering data for the methamphetamine offender registry website.

SECTION 2. This act shall become effective November 1, 2015.

Passed the House of Representatives the 11th day of March, 2015.

_____
Presiding Officer of the House
of Representatives

Passed the Senate the ___ day of _____, 2015.

_____
Presiding Officer of the Senate