

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1057

By: Tadlock

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5
6 AS INTRODUCED

7 An Act relating to prisons and reformatories;
8 amending 57 O.S. 2011, Section 584, as amended by
9 Section 1, Chapter 24, O.S.L. 2014 (57 O.S. Supp.
10 2014, Section 584), which relates to the Sex
11 Offenders Registration Act; requiring payment of fee
12 under certain circumstances; directing use of
13 collected fee; and providing an effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 584, as
16 amended by Section 1, Chapter 24, O.S.L. 2014 (57 O.S. Supp. 2014,
17 Section 584), is amended to read as follows:

18 Section 584. A. Any registration with the Department of
19 Corrections required by the Sex Offenders Registration Act shall be
20 in a form approved by the Department and shall include the following
21 information about the person registering:

22 1. The name of the person and all aliases used or under which
23 the person has been known;

24 2. A complete description of the person, including a photograph
and fingerprints, and when requested by the Department of

1 Corrections, such registrant shall submit to a blood or saliva test
2 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
3 to testing for individuals registering shall be within thirty (30)
4 days of registration. Registrants who already have valid samples on
5 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
6 Offender Database shall not be required to submit duplicate samples
7 for testing;

8 3. The offenses listed in Section 582 of this title for which
9 the person has been convicted or the person received a suspended
10 sentence or any form of probation, where the offense was committed,
11 where the person was convicted or received the suspended sentence or
12 any form of probation, and the name under which the person was
13 convicted or received the suspended sentence or probation;

14 4. The name and location of each hospital or penal institution
15 to which the person was committed for each offense listed in Section
16 582 of this title;

17 5. Where the person previously resided, where the person
18 currently resides including a mappable address and a zip code, how
19 long the person has resided there, how long the person expects to
20 reside there, and how long the person expects to remain in the
21 county and in this state. The address of the residence shall be a
22 physical address, not a post office box. The Department of
23 Corrections shall conduct address verification of each registered
24 sex offender as follows:

- 1 a. on an annual basis, if the numeric risk level of the
- 2 person is one, or
- 3 b. on a semiannual basis, if the numeric risk level of
- 4 the person is two.

5 The Department of Corrections shall mail a nonforwardable
6 verification form to the last-reported address of the person. The
7 person shall return the verification form in person to the local law
8 enforcement authority of that jurisdiction within ten (10) days
9 after receipt of the form and may be photographed by the local law
10 enforcement authority at that time; provided that the person shall
11 be photographed by the local law enforcement authority at that time
12 if the photograph in the Department of Corrections sex offender
13 registry is more than one year old, or if it cannot be determined
14 when the photograph in the registry was taken. The local law
15 enforcement authority shall require the person to produce proof of
16 the identity of the person and a current mappable address with a zip
17 code. Upon confirming the information contained within the
18 verification form, the local law enforcement authority shall forward
19 the form to the Department of Corrections within three (3) days
20 after receipt of the form. The verification form shall be signed by
21 the person and state the current address of the person. Failure to
22 return the verification form shall be a violation of the Sex
23 Offenders Registration Act. If the offender has been determined to
24 be a habitual or aggravated sex offender by the Department of

1 Corrections or has been assigned a level assignment of three, the
2 address verification shall be conducted every ninety (90) days. The
3 Department of Corrections shall notify the office of the district
4 attorney and local law enforcement authority of the appropriate
5 county, within forty-five (45) days if unable to verify the address
6 of a sex offender. A local law enforcement authority may notify the
7 office of the district attorney whenever it comes to the attention
8 of the local law enforcement authority that a sex offender is not in
9 compliance with any provisions of Section 581 et seq. of this title.
10 A local law enforcement authority designated as the primary
11 registration authority of the person may, at any time, mail a
12 nonforwardable verification form to the last-reported address of the
13 person. The person shall return the verification form in person to
14 the local law enforcement authority that mailed the form within ten
15 (10) days after receipt of the form. The local law enforcement
16 authority shall require the person to produce proof of the identity
17 of the person and a current mappable address with a zip code;

18 6. The name and address of any school where the person expects
19 to become or is enrolled or employed for any length of time;

20 7. A description of all occupants residing with the person
21 registering, including, but not limited to, name, date of birth,
22 gender, relation to the person registering, and how long the
23 occupant has resided there;

24 8. The level assignment of the person; and

1 9. Any electronic mail address information, instant message,
2 chat or other Internet communication name or identity information
3 that the person uses or intends to use while accessing the Internet
4 or used for other purposes of social networking or other similar
5 Internet communication.

6 B. Conviction data and fingerprints shall be promptly
7 transmitted at the time of registration to the Oklahoma State Bureau
8 of Investigation (OSBI) and the Federal Bureau of Investigation
9 (FBI) if the state has not previously sent the information at the
10 time of conviction.

11 C. Any person subject to the provisions of the Sex Offenders
12 Registration Act or the Mary Rippey Act, who has an out-of-state
13 conviction that requires registration, shall provide the local law
14 enforcement authority where the offender intends to reside with a
15 certified copy of the offender's judgment and sentencing report
16 within sixty (60) days of the offender's initial registration with
17 this state. If an offender moves to a different location in this
18 state outside of the jurisdiction of the law enforcement authority
19 that has a certified copy of the judgment and sentencing report, the
20 offender shall provide the local law enforcement authority of the
21 new location where the offender intends to reside with a certified
22 copy of the judgment and sentencing report within sixty (60) days of
23 establishing residency in the new location.
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1 Upon the effective date of this act, the Department of
2 Corrections shall notify by regular first-class mail to the
3 registered addresses in the sex offender registry all offenders
4 required to register in this state that have an out-of-state
5 conviction to obtain a certified copy of the offender's judgment and
6 sentencing report and file it with the local law enforcement
7 authority in which the offender resides within one hundred twenty
8 (120) days of receipt of the mailed notice.

9 D. The registration with the local law enforcement authority
10 required by the Sex Offenders Registration Act shall be in a form
11 approved by the local law enforcement authority and shall include
12 the following information about the person registering:

13 1. The full name of the person, alias, date of birth, sex,
14 race, height, weight, eye color, social security number, driver
15 license number, and a mappable home address with a zip code. The
16 home address shall be a physical address, not a post office box;

17 2. A description of the offense for which the offender was
18 convicted, the date of the conviction, and the sentence imposed, if
19 applicable;

20 3. A photocopy of the driver license of the person;

21 4. The level assignment of the person.

22 For purposes of this section, "local law enforcement authority"
23 means:
24

- 1 a. the municipal police department, if the person resides
2 or intends to reside or stay within the jurisdiction
3 of any municipality of this state, or
- 4 b. the county sheriff, if the person resides or intends
5 to reside or stay at any place outside the
6 jurisdiction of any municipality within this state,
7 and
- 8 c. the police or security department of any institution
9 of higher learning within this state if the person:
10 (1) enrolls as a full-time or part-time student,
11 (2) is a full-time or part-time employee at an
12 institution of higher learning, or
13 (3) resides or intends to reside or stay on any
14 property owned or controlled by the institution
15 of higher learning; and

16 5. Any electronic mail address information, instant message,
17 chat or other Internet communication name or identity information
18 that the person uses or intends to use while accessing the Internet
19 or used for other purposes of social networking or other similar
20 Internet communication.

21 E. Any person subject to the provisions of the Sex Offenders
22 Registration Act who changes address, employment or student
23 enrollment status shall appear in person and give notification to
24 the Department of Corrections and the local law enforcement

1 authority of the change of address and the new mappable address with
2 zip code, the change of employment or the change of student
3 enrollment status no later than three (3) business days prior to the
4 abandonment of or move from the current address or, in the case of
5 change of employment or student enrollment, within three (3)
6 business days of such change. The address given to the Department
7 of Corrections and the local law enforcement authority shall be a
8 physical address, not a post office box. If the new address,
9 employment or student enrollment is under the jurisdiction of a
10 different local law enforcement authority:

11 1. The Department of Corrections and the local law enforcement
12 authority shall notify the new local law enforcement authority by
13 teletype or electronic transmission of the change of address,
14 employment or student enrollment status;

15 2. The offender shall notify the new local law enforcement
16 authority of any previous registration; and

17 3. The new local law enforcement authority shall notify the
18 most recent registering agency by teletype or electronic
19 transmission of the change in address, employment or student
20 enrollment status of the offender. If the new address is in another
21 state the Department of Corrections shall promptly notify the agency
22 responsible for registration in that state of the new address of the
23 offender.

1 F. Any person registered as a sex offender, pursuant to the Sex
2 Offenders Registration Act, who has provided a post office box as an
3 address shall be contacted by local law enforcement and required to
4 provide a physical address.

5 G. Any person subject to the provisions of the Sex Offenders
6 Registration Act who is unable to provide a mappable address with a
7 zip code to the Department of Corrections or local law enforcement
8 authority as required in subsections A, C and D of this section and
9 registers as a transient shall report in person to the nearest local
10 law enforcement authority every seven (7) days and provide to the
11 local law enforcement authority the approximate location of where
12 the person is staying and where the person plans to stay.

13 H. The Department of Corrections shall maintain a file of all
14 sex offender registrations. A copy of the information contained in
15 the registration shall promptly be available to state, county and
16 municipal law enforcement agencies, the State Superintendent of
17 Public Instruction, the State Commissioner of Health, and the
18 National Sex Offender Registry maintained by the Federal Bureau of
19 Investigation. The file shall promptly be made available for public
20 inspection or copying pursuant to rules promulgated by the
21 Department of Corrections and may be made available through Internet
22 access. The Department of Corrections shall promptly provide all
23 municipal police departments, all county sheriff departments and all
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1 campus police departments a list of those sex offenders registered
2 and living in their county.

3 I. The Department of Corrections shall, upon the request of any
4 Internet entity, release to such entity any information required
5 pursuant to paragraph 9 of subsection A of this section or paragraph
6 5 of subsection D of this section that would enable the Internet
7 entity to prescreen or remove sex offenders from its services or, in
8 conformity with state and federal law, advise law enforcement or
9 other governmental entities of potential violations of law or
10 threats to public safety. Before releasing information to an
11 Internet entity the Department shall require an Internet entity that
12 requests information to submit to the Department the name, address
13 and telephone number of such entity and the specific legal nature
14 and corporate status of such entity. Except for the purposes
15 specified in this subsection, an Internet entity shall not publish
16 or in any way disclose or redisclose any information provided to it
17 by the Department pursuant to this subsection. The Department shall
18 update any information released pursuant to this subsection on a
19 monthly basis to ensure that the information of every individual
20 that has been removed from the sex offender registry in this state
21 is no longer released pursuant to this subsection. The Department
22 may charge the Internet entity a fee for access to information
23 pursuant to this subsection. The Department shall promulgate any
24 rules necessary to implement the provisions of this subsection. As

1 used in this subsection "Internet entity" means any business,
2 organization or other entity providing or offering a service over
3 the Internet which permits persons under eighteen (18) years of age
4 to access, meet, congregate or communicate with other users for the
5 purpose of social networking. This definition shall not include
6 general e-mail services.

7 J. The Superintendent of Public Instruction is authorized to
8 copy and shall distribute information from the sex offender registry
9 to school districts and individual public and private schools within
10 the state with a notice using the following or similar language: "A
11 person whose name appears on this registry has been convicted of a
12 sex offense. Continuing to employ a person whose name appears on
13 this registry may result in civil liability for the employer or
14 criminal prosecution pursuant to Section 589 of Title 57 of the
15 Oklahoma Statutes."

16 K. The State Commissioner of Health is authorized to distribute
17 information from the sex offender registry to any nursing home or
18 long-term care facility. Nothing in this subsection shall be deemed
19 to impose any liability upon or give rise to a cause of action
20 against any person, agency, organization, or company for failing to
21 release information in accordance with the Sex Offenders
22 Registration Act.

23 L. Each local law enforcement authority shall make its sex
24 offender registry available upon request, without restriction, at a

1 cost that is no more than what is charged for other records provided
2 by the local law enforcement authority pursuant to the Oklahoma Open
3 Records Act.

4 When a local law enforcement authority sends a copy of or
5 otherwise makes the sex offender registry available to any public or
6 private school offering any combination of prekindergarten through
7 twelfth grade classes or child care facility licensed by the state,
8 the agency shall provide a notice using the following or similar
9 language: "A person whose name appears on this registry has been
10 convicted of a sex offense. Continuing to employ a person whose
11 name appears on this registry may result in civil liability for the
12 employer or criminal prosecution pursuant to Section 589 of Title 57
13 of the Oklahoma Statutes."

14 M. Samples of blood or saliva for DNA testing required by
15 subsection A of this section shall be taken by employees or
16 contractors of the Department of Corrections. Said individuals
17 shall be properly trained to collect blood or saliva samples.
18 Persons collecting samples for DNA testing pursuant to this section
19 shall be immune from civil liabilities arising from this activity.
20 The Department of Corrections shall ensure the collection of samples
21 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
22 within ten (10) days of the time the subject appears for testing.
23 The Department shall use sample kits provided by the OSBI and
24 procedures promulgated by the OSBI. Persons subject to DNA testing

1 pursuant to this section shall be required to pay to the Department
2 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
3 collected pursuant to this subsection shall be deposited in the
4 Department of Corrections revolving account.

5 N. 1. Any person who has been convicted of or received a
6 suspended sentence or any probationary term, including a deferred
7 sentence imposed in violation of subsection G of Section 991c of
8 Title 22 of the Oklahoma Statutes, for any crime listed in Section
9 582 of this title and:

10 a. who is subsequently convicted of a crime or an attempt
11 to commit a crime listed in subsection A of Section
12 582 of this title, or

13 b. who enters this state after November 1, 1997, and who
14 has been convicted of an additional crime or attempted
15 crime which, if committed or attempted in this state,
16 would be a crime or an attempt to commit a crime
17 provided for in subsection A of Section 582 of this
18 title,

19 shall be subject to all of the registration requirements of the Sex
20 Offenders Registration Act and shall be designated by the Department
21 of Corrections as a habitual sex offender. A habitual sex offender
22 shall be required to register for the lifetime of the habitual sex
23 offender.
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1 2. On or after November 1, 1999, any person who has been
2 convicted of a crime or an attempt to commit a crime, received a
3 suspended sentence or any probationary term, including a deferred
4 sentence imposed in violation of subsection G of Section 991c of
5 Title 22 of the Oklahoma Statutes, for a crime provided for in
6 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense
7 involved sexual abuse or sexual exploitation as these terms are
8 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
9 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
10 Statutes shall be subject to all the registration requirements of
11 the Sex Offenders Registration Act and shall be designated by the
12 Department of Corrections as an aggravated sex offender. An
13 aggravated sex offender shall be required to register for the
14 lifetime of the aggravated sex offender.

15 3. Upon registration of any person designated as a habitual or
16 aggravated sex offender, pursuant to this subsection, a local law
17 enforcement authority shall notify, by any method of communication
18 it deems appropriate, anyone that the local law enforcement
19 authority determines appropriate, including, but not limited to:

- 20 a. the family of the habitual or aggravated sex offender,
- 21 b. any prior victim of the habitual or aggravated sex
22 offender,
- 23 c. residential neighbors and churches, community parks,
24 schools, convenience stores, businesses and other

1 places that children or other potential victims may
2 frequent, and

- 3 d. a nursing facility, a specialized facility, a
4 residential care home, a continuum-of-care facility,
5 an assisted living center, and an adult day care
6 facility.

7 4. The notification may include, but is not limited to, the
8 following information:

- 9 a. the name and physical address of the habitual or
10 aggravated sex offender,
11 b. a physical description of the habitual or aggravated
12 sex offender, including, but not limited to, age,
13 height, weight and eye and hair color,
14 c. a description of the vehicle that the habitual or
15 aggravated sex offender is known to drive,
16 d. any conditions or restrictions upon the probation,
17 parole or conditional release of the habitual or
18 aggravated sex offender,
19 e. a description of the primary and secondary targets of
20 the habitual or aggravated sex offender,
21 f. a description of the method of offense of the habitual
22 or aggravated sex offender,
23 g. a current photograph of the habitual or aggravated sex
24 offender,

1 h. the name and telephone number of the probation or
2 parole officer of the habitual or aggravated sex
3 offender, and

4 i. the level assignment of the person.

5 5. The local law enforcement authority shall make the
6 notification provided for in this subsection regarding a habitual or
7 aggravated sex offender available to any person upon request.

8 O. If the probation and parole officer supervising a person
9 subject to registration receives information to the effect that the
10 status of the person has changed in any manner that affects proper
11 supervision of the person including, but not limited to, a change in
12 the physical health of the person, address, employment, or
13 educational status, higher educational status, incarceration, or
14 terms of release, the supervising officer or administrator shall
15 notify the appropriate local law enforcement authority or
16 authorities of that change.

17 P. Public officials, public employees, and public agencies are
18 immune from civil liability for good faith conduct under any
19 provision of the Sex Offenders Registration Act.

20 1. Nothing in the Sex Offenders Registration Act shall be
21 deemed to impose any liability upon or to give rise to a cause of
22 action against any public official, public employee, or public
23 agency for releasing information to the public or for failing to
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1 release information in accordance with the Sex Offenders
2 Registration Act.

3 2. Nothing in this section shall be construed to prevent law
4 enforcement officers from notifying members of the public of any
5 persons that pose a danger under circumstances that are not
6 enumerated in the Sex Offenders Registration Act.

7 Q. Any person required to register as a sex offender, pursuant
8 to the Sex Offenders Registration Act, shall be required to pay a
9 registration fee every time the person registers or has a change of
10 address. The offender shall pay a fee of Twenty-five Dollars
11 (\$25.00) when registering or notifying the local law enforcement
12 authority of a change of address. Any fee collected shall be
13 retained by the local law enforcement authority and shall be used
14 exclusively to defray the costs associated with establishing and
15 maintaining a sex offender management program. The fee provided for
16 in this subsection shall not be assessed for the first six (6)
17 months following the initial registration of the offender with the
18 Department of Corrections and local law enforcement authority.

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