

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 1355

By: Holt of the Senate

and

Schwartz of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to sex offender registration; amending 57 O.S. 2011, Section 583, which relates to petition for release from registration requirement; requiring court order for certain purpose; providing exception; requiring petition for removal of certain designation level and registration requirement; requiring certain report; requiring issuance of court order under certain circumstances; requiring removal of certain information from the public registry of sex offenders under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 583, is amended to read as follows:

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

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

9 2. With the local law enforcement authority having jurisdiction
10 in the area where the person resides or intends to reside for seven
11 (7) consecutive days or longer, calculated beginning with the first
12 day. The registration is required within three (3) days after
13 entering the jurisdiction of the law enforcement authority; and

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

19 For purposes of this section, "local law enforcement authority"
20 means:

- 21 a. the municipal police department, if the person resides
22 or intends to reside or stay within the jurisdiction
23 of any municipality of this state, or
24

1 b. the county sheriff, if the person resides or intends
2 to reside or stay at any place outside the
3 jurisdiction of any municipality within this state,
4 and

5 c. the police or security department of any institution
6 of higher learning within this state if the person:

7 (1) enrolls as a full-time or part-time student,

8 (2) is a full-time or part-time employee at an
9 institution of higher learning, or

10 (3) resides or intends to reside or stay on any
11 property owned or controlled by the institution
12 of higher learning.

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

19 1. With the Department of Corrections when the person enters
20 and intends to be in the state for any purpose for five (5)
21 consecutive days or longer, calculated beginning with the first day,
22 has any type of full-time or part-time employment, with or without
23 compensation for more than five (5) cumulative days in any sixty-day
24 period, or is enrolled as a full-time or part-time student within

1 this state. Such registration is required within two (2) days after
2 entering the state;

3 2. With the local law enforcement authority having jurisdiction
4 in the area where the person intends to reside or to stay for five
5 (5) consecutive days or longer, calculated beginning with the first
6 day, has any type of full-time or part-time employment, with or
7 without compensation for more than five (5) cumulative days in any
8 sixty-day period, or is enrolled as a full-time or part-time student
9 within this state. The registration is required with local law
10 enforcement within two (2) days after entering the jurisdiction of
11 the law enforcement authority; and

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

17 Upon registering a person who has been convicted of an offense
18 or received a deferred judgment for an offense in another
19 jurisdiction, which offense, if committed or attempted in this
20 state, would have been punishable as one or more of the offenses
21 listed in Section 582 of this title, the local law enforcement
22 authority shall forward the registration information to the sex
23 offender level assignment committee of the Department of
24 Corrections.

1 C. When a person has been convicted or received probation
2 within ~~the State of Oklahoma~~ this state, the person shall be
3 required to register with the Department of Corrections as follows:

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

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

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

10 The registration period shall begin from the date of the
11 completion of the sentence. The information received pursuant to
12 the registration with the Department of Corrections required by this
13 section shall be maintained by the Department of Corrections for at
14 least ten (10) years from the date of the last registration.

15 D. When a person has been convicted or received probation
16 within ~~the State of Oklahoma~~ this state, the person shall be
17 required to register with the local law enforcement authority as
18 follows:

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

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

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

1 The registration period shall begin from the date of completion
2 of the sentence and the information received pursuant to the
3 registration with the local law enforcement authority required by
4 this section shall be maintained by such authority for at least ten
5 (10) years from the date of the last registration.

6 E. Notwithstanding the provisions of subsection F of this
7 section, on or after November 1, 2012, as a matter of procedure, no
8 person assigned a level of one or two may be deemed to have
9 completed the required registration period without a court order.
10 Beginning forty-five (45) days before the conclusion of the required
11 registration period, a person assigned a level of one or two may
12 petition the district court in the jurisdiction where the person
13 resides for the purpose of removing the level designation and
14 allowing the person to no longer be subject to the registration
15 requirement of the Sex Offenders Registration Act. Notice of the
16 petition may be given to the State at the court's discretion. Upon
17 request of the Department of Corrections, the Department shall be a
18 named party in any petition requesting such an order. Within ten
19 (10) days of receipt of the petition, the court shall request from
20 the Department of Corrections a written report documenting the
21 person's registration history and record of compliance with the
22 requirements of the Sex Offenders Registration Act, which the
23 Department shall provide to the court within thirty (30) days of
24 receipt of the request. If a person filing the petition has fully

1 completed the requirements of the Sex Offenders Registration Act for
2 the required registration period applicable to the person's assigned
3 level, the court shall grant the petition and issue an order. If a
4 person filing the petition has not fully completed the requirements
5 of the Sex Offenders Registration Act for the required registration
6 period applicable to the person's assigned level, the court may deny
7 the petition. If the Department of Corrections does not respond to
8 the request from the court for a written report within forty-five
9 (45) days of receipt of the request, the court shall grant the
10 petition and issue an order. If a person provides to the Department
11 a certified copy of the order of the court removing the requirement
12 that the person register as a sex offender, the Department shall
13 remove all information about the person from the public registry of
14 sex offenders maintained by the Department.

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

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

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

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

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

20 4. Inform the offender that if the offender participates in any
21 full-time employment, with or without compensation, and changes or
22 terminates such employment, the offender shall appear in person and
23 give notice of the change or termination of employment to the
24 Department of Corrections and to the local law enforcement authority

1 in the location where the offender was employed within three (3)
2 days of such change or termination of employment;

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

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

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

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

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

7 10. Require the offender to read and sign a form stating that
8 the duty of the person to register under the Sex Offenders
9 Registration Act has been explained.

10 ~~G.~~ H. For the purpose of this section, the "date of the
11 completion of the sentence" means the day an offender completes all
12 incarceration, probation and parole pertaining to the sentence.

13 ~~H.~~ I. Any person who resides in another state and who has been
14 convicted of an offense or received a deferred judgment for an
15 offense in this state, or in another jurisdiction, which offense if
16 committed or attempted in this state would have been punishable as
17 one or more of the offenses listed in Section 582 of this title, and
18 who is the spouse of a person living in this state shall be
19 registered as follows:

20 1. With the Department of Corrections when the person enters
21 and intends to be in the state for any purpose for five (5)
22 consecutive days or longer, calculated beginning with the first day
23 or an aggregate period of five (5) days or longer in a calendar
24

1 year. Such registration is required within two (2) days after
2 entering the state; and

3 2. With the local law enforcement authority having jurisdiction
4 in the area where the person intends to reside or to stay within
5 this state for two (2) consecutive days or longer, calculated
6 beginning with the first day. The registration is required with
7 local law enforcement within two (2) days after entering the
8 jurisdiction of the law enforcement authority.

9 ~~I.~~ J. The duty to register as a sex offender in this state
10 shall not be prevented if, at the time of registration, it is
11 determined that the person owns or leases a residence that is
12 located within a restricted area provided for in Section 590 of this
13 title.

14 SECTION 2. This act shall become effective November 1, 2012.

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