

**CORRECTED COPY**

**SENATE CHAMBER**

**STATE OF OKLAHOMA**

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

**No. \_\_\_\_\_**

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1355, by striking the title, enacting clause and entire body of the bill and substituting the attached floor substitute.

Submitted by:

\_\_\_\_\_  
Senator Holt

Holt-LKS-FS-Req#3272

3/5/2012 4:34 PM

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1355

By: Holt of the Senate

and

Schwartz of the House

FLOOR SUBSTITUTE

[ prisons and reformatories - Sex Offenders  
Registration Act - 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. With the Department of Corrections within three (3) business  
days of being convicted or receiving a suspended sentence or any  
probationary term, including a deferred sentence imposed in  
violation of subsection G of Section 991c of Title 22 of the  
Oklahoma Statutes, if the person is not incarcerated, or not less  
than three (3) business days prior to the release of the person from

1 a correctional institution, except as provided in subsection B of  
2 this section;

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

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

13 For purposes of this section, "local law enforcement authority"  
14 means:

15 a. the municipal police department, if the person resides  
16 or intends to reside or stay within the jurisdiction of  
17 any municipality of this state, or

18 b. the county sheriff, if the person resides or intends to  
19 reside or stay at any place outside the jurisdiction of  
20 any municipality within this state, and

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

23 (1) enrolls as a full-time or part-time student,  
24

- 1                   (2) is a full-time or part-time employee at an  
2                   institution of higher learning, or  
3                   (3) resides or intends to reside or stay on any  
4                   property owned or controlled by the institution  
5                   of higher learning.

6       B. Any person who has been convicted of an offense or received  
7 a deferred judgment for an offense in another jurisdiction, which  
8 offense if committed or attempted in this state, would have been  
9 punishable as one or more of the offenses listed in Section 582 of  
10 this title and who enters this state on or after November 1,  
11 1989, shall register, in person, as follows:

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

20       2. With the local law enforcement authority having jurisdiction  
21 in the area where the person intends to reside or to stay for five  
22 (5) consecutive days or longer, calculated beginning with the first  
23 day, has any type of full-time or part-time employment, with or  
24 without compensation for more than five (5) cumulative days in any

1 sixty-day period, or is enrolled as a full-time or part-time student  
2 within this state. The registration is required with local law  
3 enforcement within two (2) days after entering the jurisdiction of  
4 the law enforcement authority; and

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

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

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

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

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

1        3. For life, if the level assignment of the person is three or  
2 the person is classified as a habitual or aggravated sex offender.  
3 The registration period shall begin from the date of the completion  
4 of the sentence. The information received pursuant to the  
5 registration with the Department of Corrections required by this  
6 section shall be maintained by the Department of Corrections for at  
7 least ten (10) years from the date of the last registration.

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

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

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

15        3. For life, if the level of the person is three or the person  
16 has been classified as a habitual or aggravated sex offender.  
17 The registration period shall begin from the date of completion of  
18 the sentence and the information received pursuant to the  
19 registration with the local law enforcement authority required by  
20 this section shall be maintained by such authority for at least ten  
21 (10) years from the date of the last registration.

22        E. On or after November 1, 2012, no person assigned a level of  
23 one or a level of two may be deemed to have completed their  
24 registration requirement period without a court order, except an

1 offender provided for in subsection F of this section. Beginning  
2 thirty (30) days before the conclusion of their required  
3 registration period, any person assigned a level of one or a level  
4 of two may petition the district court in the jurisdiction where the  
5 person resides for the purpose of removing the level designation and  
6 allowing the person to no longer be subject to the registration  
7 requirement of the Sex Offenders Registration Act. The Department  
8 of Corrections shall be a named party in any petition requesting  
9 such an order and be given notice. If a person making such a  
10 petition has fully completed the requirements of the Sex Offenders  
11 Registration Act for the required registration period applicable to  
12 that person's assigned level, the district court shall grant the  
13 petition and issue an order. If a person provides to the Department  
14 of Corrections a certified copy of the order of the court removing  
15 the requirement that the person register as a sex offender, the  
16 registration requirement shall not apply to the person and the  
17 Department shall remove all information about the person from the  
18 public registry of sex offenders maintained by the Department.

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

1 subject to the registration requirements of the Sex Offenders  
2 Registration Act.

3 ~~F.~~ G. When registering an offender as provided in this section  
4 the Department of Corrections or the local law enforcement agency  
5 having 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  
24

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

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

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

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

1 or an aggregate period of five (5) days or longer in a calendar  
2 year. Such registration is required within two (2) days after  
3 entering the state; and

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

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

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

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17 53-2-3272 LKS 3/5/2012 4:34:50 PM  
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