

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 217

By: Griffin

COMMITTEE SUBSTITUTE

An Act relating to sex offender registration; amending 57 O.S. 2011, Section 582.2, which relates to duty to forward registration information; modifying procedures; amending 57 O.S. 2011, Section 584, as amended by Section 1, Chapter 24, O.S.L. 2014 (57 O.S. Supp. 2016, Section 584), which relates to information required on registration; modifying reporting procedures; amending 57 O.S. 2011, Section 590, as last amended by Section 2, Chapter 270, O.S.L. 2015 (57 O.S. Supp. 2016, Section 590), which relates to unlawful residence locations; modifying reporting requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 582.2, is amended to read as follows:

Section 582.2. A. No less than seven (7) days prior to the date on which a person, who will be subject to the provisions of the Sex Offenders Registration Act, is to be released from a correctional institution, the person in charge of the correctional institution shall forward the registration information, as provided

1 in subsection A of Section 585 of this title, and level assignment
2 to the Department of Corrections and to:

3 1. The local law enforcement authority in the municipality or
4 county in which the person expects to reside, if the person expects
5 to reside within this state; or

6 2. The local law enforcement authority that is identified by
7 the correctional institution as the agency designated by another
8 state to receive registration information, if the person expects to
9 reside in that other state and that other state has a registration
10 requirement for sex offenders.

11 B. If a person, who will be subject to the provisions of the
12 Sex Offenders Registration Act, received a suspended sentence or any
13 probationary term, including a deferred sentence imposed in
14 violation of subsection G of Section 991c of Title 22 of the
15 Oklahoma Statutes, the court shall, on the day of pronouncing the
16 judgment and sentence÷

17 ~~1. Make a determination of the level assignment of the person~~
18 ~~using the guidelines provided for in Section 582.5 of this title;~~

19 ~~2. Assign to the person a level of one, two, or three; and~~

20 ~~3. Notify the person of the obligation to register as a sex~~
21 ~~offender as provided for in Section 585 of this title, order the~~
22 ~~offender to report to the local law enforcement authority in the~~
23 ~~municipality or county in which the offender resides and to report~~
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1 to the Oklahoma Department of Corrections probation and parole
2 office in the district in which the offender resides.

3 C. Within three (3) business days after the Court orders the
4 judgment and sentence, the court clerk shall transmit to the Sex and
5 Violent Offenders Registration Unit of the Department of Corrections
6 by facsimile, electronic mail or actual delivery of a certified copy
7 of:

8 1. The judgment and sentence; or

9 2. Plea paperwork, Summary of Facts and Sentence on Plea or
10 Sentencing After Jury Trial Summary of Facts.

11 SECTION 2. AMENDATORY 57 O.S. 2011, Section 584, as
12 amended by Section 1, Chapter 24, O.S.L. 2014 (57 O.S. Supp. 2016,
13 Section 584), is amended to read as follows:

14 Section 584. A. Any registration with the Department of
15 Corrections required by the Sex Offenders Registration Act shall be
16 in a form approved by the Department and shall include the following
17 information about the person registering:

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

20 2. A complete description of the person, including a photograph
21 and fingerprints, and when requested by the Department of
22 Corrections, such registrant shall submit to a blood or saliva test
23 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
24 to testing for individuals registering shall be within thirty (30)

1 days of registration. Registrants who already have valid samples on
2 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
3 Offender Database shall not be required to submit duplicate samples
4 for testing;

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

11 4. The name and location of each hospital or penal institution
12 to which the person was committed for each offense listed in Section
13 582 of this title;

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

22 a. on an annual basis, if the numeric risk level of the
23 person is one, or
24

b. on a semiannual basis, if the numeric risk level of the person is two.

The Department of Corrections shall mail a nonforwardable verification form to the last-reported address of the person. The person shall return the verification form in person to the local law enforcement authority of that jurisdiction within ten (10) days after receipt of the form and may be photographed by the local law enforcement authority at that time; provided that the person shall be photographed by the local law enforcement authority at that time if the photograph in the Department of Corrections sex offender registry is more than one year old, or if it cannot be determined when the photograph in the registry was taken. The local law enforcement authority shall require the person to produce proof of the identity of the person and a current mappable address with a zip code. Upon confirming the information contained within the verification form, the local law enforcement authority shall forward a copy of the form to the Department of Corrections, in a manner approved by the Department of Corrections, within three (3) days after receipt of the form. The verification form shall be signed by the person and state the current address of the person. Failure to return the verification form shall be a violation of the Sex Offenders Registration Act. If the offender has been determined to be a habitual or aggravated sex offender by the Department of Corrections or has been assigned a level assignment of three, the

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

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

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

23 8. The level assignment of the person; and
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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 Rippy Violent Crime Offenders
13 Registration Act, who has an out-of-state conviction that requires
14 registration, shall provide the local law enforcement authority
15 where the offender intends to reside with a certified copy of the
16 offender's judgment and sentencing report within sixty (60) days of
17 the offender's initial registration with this state. If an offender
18 moves to a different location in this state outside of the
19 jurisdiction of the law enforcement authority that has a certified
20 copy of the judgment and sentencing report, the offender shall
21 provide the local law enforcement authority of the new location
22 where the offender intends to reside with a certified copy of the
23 judgment and sentencing report within sixty (60) days of
24 establishing residency in the new location.

1 ~~Upon the effective date of this act~~ On or after November 1,
2 2011, the Department of Corrections shall notify by regular first-
3 class mail to the registered addresses in the sex offender registry
4 all offenders required to register in this state that have an out-
5 of-state conviction to obtain a certified copy of the offender's
6 judgment and sentencing report and file it with the local law
7 enforcement authority in which the offender resides within one
8 hundred twenty (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:
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- a. the municipal police department, if the person resides or intends to reside or stay within the jurisdiction of any municipality of this state, or
- b. the county sheriff, if the person resides or intends to reside or stay at any place outside the jurisdiction of any municipality within this state, and
- c. the police or security department of any institution of higher learning within this state if the person:
 - (1) enrolls as a full-time or part-time student,
 - (2) is a full-time or part-time employee at an institution of higher learning, or
 - (3) resides or intends to reside or stay on any property owned or controlled by the institution of higher learning; and

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

E. Any person subject to the provisions of the Sex Offenders Registration Act who changes address, employment or student enrollment status shall appear in person and give notification to ~~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 Department of Corrections and the new
13 local law enforcement authority by teletype or electronic
14 transmission of the change of address, employment or student
15 enrollment status;

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

18 3. The new local law enforcement authority shall notify the
19 most recent registering agency by teletype or electronic
20 transmission of the change in address, employment or student
21 enrollment status of the offender. If the new address is in another
22 state the Department of Corrections shall promptly notify the agency
23 responsible for registration in that state of the new address of the
24 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. Any person subject to the provisions of the Sex Offenders
14 Registration Act who resides with a minor child as the parent,
15 stepparent or grandparent of the minor child, provided the minor
16 child was not the victim of the offense for which the person is
17 required to register, must provide to the Department of Human
18 Services, within three (3) days of intent to reside with a minor
19 child, the name and date of birth of any and all minor children
20 residing in the same household.

21 I. The Department of Corrections shall maintain a file of all
22 sex offender registrations. A copy of the information contained in
23 the registration shall promptly be available to state, county and
24 municipal law enforcement agencies, the State Superintendent of

1 Public Instruction, the State Commissioner of Health, and the
2 National Sex Offender Registry maintained by the Federal Bureau of
3 Investigation, unless otherwise prohibited by law. The file shall
4 promptly be made available for public inspection or copying pursuant
5 to rules ~~promulgated~~ prescribed by the Department of Corrections and
6 may be made available through Internet access, unless otherwise
7 prohibited by law. The Department of Corrections shall promptly
8 provide all municipal police departments, all county sheriff
9 departments and all campus police departments a list of those sex
10 offenders registered and living in their county.

11 ~~I.~~ J. The Department of Corrections shall, upon the request of
12 any Internet entity, release to such entity any information required
13 pursuant to paragraph 9 of subsection A of this section or paragraph
14 5 of subsection D of this section that would enable the Internet
15 entity to prescreen or remove sex offenders from its services or, in
16 conformity with state and federal law, advise law enforcement or
17 other governmental entities of potential violations of law or
18 threats to public safety. Before releasing information to an
19 Internet entity the Department shall require an Internet entity that
20 requests information to submit to the Department the name, address
21 and telephone number of such entity and the specific legal nature
22 and corporate status of such entity. Except for the purposes
23 specified in this subsection, an Internet entity shall not publish
24 or in any way disclose or redisclose any information provided to it

1 by the Department pursuant to this subsection. The Department shall
2 update any information released pursuant to this subsection on a
3 monthly basis to ensure that the information of every individual
4 that has been removed from the sex offender registry in this state
5 is no longer released pursuant to this subsection. The Department
6 may charge the Internet entity a fee for access to information
7 pursuant to this subsection. The Department shall promulgate any
8 rules necessary to implement the provisions of this subsection. As
9 used in this subsection "Internet entity" means any business,
10 organization or other entity providing or offering a service over
11 the Internet which permits persons under eighteen (18) years of age
12 to access, meet, congregate or communicate with other users for the
13 purpose of social networking. This definition shall not include
14 general e-mail services.

15 ~~¶~~ K. The Superintendent of Public Instruction is authorized to
16 copy and shall distribute information from the sex offender registry
17 to school districts and individual public and private schools within
18 the state with a notice using the following or similar language: "A
19 person whose name appears on this registry has been convicted of a
20 sex offense. Continuing to employ a person whose name appears on
21 this registry may result in civil liability for the employer or
22 criminal prosecution pursuant to Section 589 of Title 57 of the
23 Oklahoma Statutes."
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1 ~~K.~~ L. The State Commissioner of Health is authorized to
2 distribute information from the sex offender registry to any nursing
3 home or long-term care facility. Nothing in this subsection shall
4 be deemed to impose any liability upon or give rise to a cause of
5 action against any person, agency, organization, or company for
6 failing to release information in accordance with the Sex Offenders
7 Registration Act.

8 ~~L.~~ M. Each local law enforcement authority shall make its sex
9 offender registry available upon request, without restriction, at a
10 cost that is no more than what is charged for other records provided
11 by the local law enforcement authority pursuant to the Oklahoma Open
12 Records Act.

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

23 ~~M.~~ N. Samples of blood or saliva for DNA testing required by
24 subsection A of this section shall be taken by employees or

1 contractors of the Department of Corrections. Said individuals
2 shall be properly trained to collect blood or saliva samples.
3 Persons collecting samples for DNA testing pursuant to this section
4 shall be immune from civil liabilities arising from this activity.
5 The Department of Corrections shall ensure the collection of samples
6 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
7 within ten (10) days of the time the subject appears for testing.
8 The Department shall use sample kits provided by the OSBI and
9 procedures promulgated by the OSBI. Persons subject to DNA testing
10 pursuant to this section shall be required to pay to the Department
11 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
12 collected pursuant to this subsection shall be deposited in the
13 Department of Corrections revolving account.

14 ~~N.~~ O. 1. Any person who has been convicted of or received a
15 suspended sentence or any probationary term, including a deferred
16 sentence imposed in violation of subsection G of Section 991c of
17 Title 22 of the Oklahoma Statutes, for any crime listed in Section
18 582 of this title and:

- 19 a. who is subsequently convicted of a crime or an attempt
20 to commit a crime listed in subsection A of Section
21 582 of this title, or
22 b. who enters this state after November 1, 1997, and who
23 has been convicted of an additional crime or attempted
24 crime which, if committed or attempted in this state,

1 would be a crime or an attempt to commit a crime
2 provided for in subsection A of Section 582 of this
3 title,

4 shall be subject to all of the registration requirements of the Sex
5 Offenders Registration Act and shall be designated by the Department
6 of Corrections as a habitual sex offender. A habitual sex offender
7 shall be required to register for the lifetime of the habitual sex
8 offender.

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

23 3. Upon registration of any person designated as a habitual or
24 aggravated sex offender, pursuant to this subsection, a local law

1 enforcement authority shall notify, by any method of communication
2 it deems appropriate, anyone that the local law enforcement
3 authority determines appropriate, including, but not limited to:

- 4 a. the family of the habitual or aggravated sex offender,
- 5 b. any prior victim of the habitual or aggravated sex
6 offender,
- 7 c. residential neighbors and churches, community parks,
8 schools, convenience stores, businesses and other
9 places that children or other potential victims may
10 frequent, and
- 11 d. a nursing facility, a specialized facility, a
12 residential care home, a continuum-of-care facility,
13 an assisted living center, and an adult day care
14 facility.

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

- 17 a. the name and physical address of the habitual or
18 aggravated sex offender,
- 19 b. a physical description of the habitual or aggravated
20 sex offender, including, but not limited to, age,
21 height, weight and eye and hair color,
- 22 c. a description of the vehicle that the habitual or
23 aggravated sex offender is known to drive,

- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,
- e. a description of the primary and secondary targets of the habitual or aggravated sex offender,
- f. a description of the method of offense of the habitual or aggravated sex offender,
- g. a current photograph of the habitual or aggravated sex offender,
- h. the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender, and
- i. the level assignment of the person.

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

~~Ø.~~ P. If the probation and parole officer supervising a person subject to registration receives information to the effect that the status of the person has changed in any manner that affects proper supervision of the person including, but not limited to, a change in the physical health of the person, address, employment, or educational status, higher educational status, incarceration, or terms of release, the supervising officer or administrator shall

1 notify the appropriate local law enforcement authority or
2 authorities of that change.

3 ~~P.~~ Q. Public officials, public employees, and public agencies
4 are immune from civil liability for good faith conduct under any
5 provision of the Sex Offenders Registration Act.

6 1. Nothing in the Sex Offenders Registration Act shall be
7 deemed to impose any liability upon or to give rise to a cause of
8 action against any public official, public employee, or public
9 agency for releasing information to the public or for failing to
10 release information in accordance with the Sex Offenders
11 Registration Act.

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

16 SECTION 3. AMENDATORY 57 O.S. 2011, Section 590, as last
17 amended by Section 2, Chapter 270, O.S.L. 2015 (57 O.S. Supp. 2016,
18 Section 590), is amended to read as follows:

19 Section 590. A. It is unlawful for any person registered
20 pursuant to the Sex Offenders Registration Act to reside, either
21 temporarily or permanently, within a two-thousand-foot radius of any
22 public or private school site, educational institution, property or
23 campsite used by an organization whose primary purpose is working
24 with children, a playground or park that is established, operated or

1 supported in whole or in part by a homeowners' association or a
2 city, town, county, state, federal or tribal government, or a
3 licensed child care center as defined by the Department of Human
4 Services. Establishment of a day care center or park in the
5 vicinity of the residence of a registered sex offender will not
6 require the relocation of the sex offender or the sale of the
7 property. On the effective date of this act, the distance indicated
8 in this section shall be measured from the nearest property line of
9 the residence of the person to the nearest property line of the
10 public or private school site, educational institution, property or
11 campsite used by an organization whose primary purpose is working
12 with children, playground, park, or licensed child care facility;
13 provided, any nonprofit organization established and housing sex
14 offenders prior to the effective date of this provision shall be
15 allowed to continue its operation.

16 Nothing in this provision shall require any person to sell or
17 otherwise dispose of any real estate or home acquired or owned prior
18 to the conviction of the person as a sex offender.

19 B. It shall be unlawful for any person who is required to
20 register pursuant to the Sex Offenders Registration Act for any
21 offense in which a minor child was the victim to reside with a minor
22 child or establish any other living accommodation where a minor
23 child resides. Provided, however, the person may reside with a
24 minor child if the person is the parent, stepparent or grandparent

1 of the minor child and the minor child was not the victim of the
2 offense for which the person is required to register. Any person
3 subject to the provisions of the Sex Offenders Registration Act who
4 resides with a minor child as the parent, stepparent or grandparent
5 of the minor child, provided the minor child was not the victim of
6 the offense for which the person is required to register, must
7 provide to the Department of Human Services, within three (3) days
8 of intent to reside with a minor child, the name and date of birth
9 of any and all minor children residing in the same household.

10 C. The provisions of this section shall not apply to any
11 registered sex offender residing in a hospital or other facility
12 certified or licensed by the State of Oklahoma to provide medical
13 services.

14 D. Any person willfully violating the provisions of this
15 section by:

16 1. Intentionally moving into any neighborhood or to any real
17 estate or home within the prohibited distance; or

18 2. Intentionally moving into a residence with a minor child or
19 establishing any other living accommodation where a minor child
20 resides as specified in subsection B of this section,
21 shall, upon conviction, be guilty of a felony punishable by a fine
22 not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment
23 in the custody of the Department of Corrections for a term of not
24 less than one (1) year nor more than three (3) years, or by both

1 such fine and imprisonment. Any person convicted of a second or
2 subsequent violation of this section shall be punished by a fine not
3 to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in
4 the custody of the Department of Corrections for a term of not less
5 than three (3) years, or by both such fine and imprisonment.

6 SECTION 4. This act shall become effective November 1, 2017.

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