

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 217

By: Griffin

6 AS INTRODUCED

7 An Act relating to sex offender registration;
8 amending 57 O.S. 2011, Section 582.2, which relates
9 to duty to forward registration information;
10 modifying procedures; amending 57 O.S. 2011, Section
11 584, 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; 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 582.2, is
16 amended to read as follows:

17 Section 582.2. A. No less than seven (7) days prior to the
18 date on which a person, who will be subject to the provisions of the
19 Sex Offenders Registration Act, is to be released from a
20 correctional institution, the person in charge of the correctional
21 institution shall forward the registration information, as provided
22 in subsection A of Section 585 of this title, and level assignment
23 to the Department of Corrections and to:

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

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

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

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

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

18 ~~3. Notify the person of the obligation to register as a sex~~
19 ~~offender as provided for in Section 585 of this title, order the~~
20 offender to report to the local law enforcement authority in the
21 municipality or county in which the offender resides and to report
22 to the Oklahoma Department of Corrections probation and parole
23 office in the district in which the offender resides.
24

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

6 1. The judgment and sentence; or

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

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

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

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

18 2. A complete description of the person, including a photograph
19 and fingerprints, and when requested by the Department of
20 Corrections, such registrant shall submit to a blood or saliva test
21 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
22 to testing for individuals registering shall be within thirty (30)
23 days of registration. Registrants who already have valid samples on
24 file in the Oklahoma State Bureau of Investigation (OSBI) DNA

1 Offender Database shall not be required to submit duplicate samples
2 for testing;

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

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

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

- 20 a. on an annual basis, if the numeric risk level of the
21 person is one, or
22 b. on a semiannual basis, if the numeric risk level of
23 the person is two.
24

1 The Department of Corrections shall mail a nonforwardable
2 verification form to the last-reported address of the person. The
3 person shall return the verification form in person to the local law
4 enforcement authority of that jurisdiction within ten (10) days
5 after receipt of the form and may be photographed by the local law
6 enforcement authority at that time; provided that the person shall
7 be photographed by the local law enforcement authority at that time
8 if the photograph in the Department of Corrections sex offender
9 registry is more than one year old, or if it cannot be determined
10 when the photograph in the registry was taken. The local law
11 enforcement authority shall require the person to produce proof of
12 the identity of the person and a current mappable address with a zip
13 code. Upon confirming the information contained within the
14 verification form, the local law enforcement authority shall forward
15 a copy of the form to the Department of Corrections, in a manner
16 approved by the Department of Corrections, within three (3) days
17 after receipt of the form. The verification form shall be signed by
18 the person and state the current address of the person. Failure to
19 return the verification form shall be a violation of the Sex
20 Offenders Registration Act. If the offender has been determined to
21 be a habitual or aggravated sex offender by the Department of
22 Corrections or has been assigned a level assignment of three, the
23 address verification shall be conducted every ninety (90) days. The
24 Department of Corrections shall notify the office of the district

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

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

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

21 8. The level assignment of the person; and

22 9. Any electronic mail address information, instant message,
23 chat or other Internet communication name or identity information
24 that the person uses or intends to use while accessing the Internet

1 or used for other purposes of social networking or other similar
2 Internet communication.

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

8 C. Any person subject to the provisions of the Sex Offenders
9 Registration Act or the Mary Rippey Violent Crime Offenders
10 Registration Act, who has an out-of-state conviction that requires
11 registration, shall provide the local law enforcement authority
12 where the offender intends to reside with a certified copy of the
13 offender's judgment and sentencing report within sixty (60) days of
14 the offender's initial registration with this state. If an offender
15 moves to a different location in this state outside of the
16 jurisdiction of the law enforcement authority that has a certified
17 copy of the judgment and sentencing report, the offender shall
18 provide the local law enforcement authority of the new location
19 where the offender intends to reside with a certified copy of the
20 judgment and sentencing report within sixty (60) days of
21 establishing residency in the new location.

22 ~~Upon the effective date of this act~~ On or after November 1,
23 2011, the Department of Corrections shall notify by regular first-
24 class mail to the registered addresses in the sex offender registry

1 all offenders required to register in this state that have an out-
2 of-state conviction to obtain a certified copy of the offender's
3 judgment and sentencing report and file it with the local law
4 enforcement authority in which the offender resides within one
5 hundred twenty (120) days of receipt of the mailed notice.

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

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

14 2. A description of the offense for which the offender was
15 convicted, the date of the conviction, and the sentence imposed, if
16 applicable;

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

18 4. The level assignment of the person.

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
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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; and

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

18 E. Any person subject to the provisions of the Sex Offenders
19 Registration Act who changes address, employment or student
20 enrollment status shall appear in person and give notification to
21 ~~the Department of Corrections and~~ the local law enforcement
22 authority of the change of address and the new mappable address with
23 zip code, the change of employment or the change of student
24 enrollment status no later than three (3) business days prior to the

1 abandonment of or move from the current address or, in the case of
2 change of employment or student enrollment, within three (3)
3 business days of such change. The address given to ~~the Department~~
4 ~~of Corrections and~~ the local law enforcement authority shall be a
5 physical address, not a post office box. If the new address,
6 employment or student enrollment is under the jurisdiction of a
7 different local law enforcement authority:

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

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

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

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

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

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

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

1 the Internet which permits persons under eighteen (18) years of age
2 to access, meet, congregate or communicate with other users for the
3 purpose of social networking. This definition shall not include
4 general e-mail services.

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

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

21 L. Each local law enforcement authority shall make its sex
22 offender registry available upon request, without restriction, at a
23 cost that is no more than what is charged for other records provided
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1 by the local law enforcement authority pursuant to the Oklahoma Open
2 Records Act.

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

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

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

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

- 9 a. who is subsequently convicted of a crime or an attempt
10 to commit a crime listed in subsection A of Section
11 582 of this title, or
12 b. who enters this state after November 1, 1997, and who
13 has been convicted of an additional crime or attempted
14 crime which, if committed or attempted in this state,
15 would be a crime or an attempt to commit a crime
16 provided for in subsection A of Section 582 of this
17 title,

18 shall be subject to all of the registration requirements of the Sex
19 Offenders Registration Act and shall be designated by the Department
20 of Corrections as a habitual sex offender. A habitual sex offender
21 shall be required to register for the lifetime of the habitual sex
22 offender.

23 2. On or after November 1, 1999, any person who has been
24 convicted of a crime or an attempt to commit a crime, received a

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

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

- 18 a. the family of the habitual or aggravated sex offender,
- 19 b. any prior victim of the habitual or aggravated sex
20 offender,
- 21 c. residential neighbors and churches, community parks,
22 schools, convenience stores, businesses and other
23 places that children or other potential victims may
24 frequent, and

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

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

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

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 SECTION 3. This act shall become effective November 1, 2017.

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