

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3283

By: Pittman

AS INTRODUCED

An Act relating to domestic violence; creating the Domestic Violence Offender Registration Act; defining terms; directing courts to enter orders designating persons convicted of certain crimes as serious domestic violence offenders; requiring names of designated persons to appear on certain registry; directing courts to provide certain notice; directing courts to forward certain documentation to the Department of Corrections; directing the Department of Corrections to maintain a central registry for serious domestic violence offenders; requiring public access to registry information; providing list of information to be included on the website; providing for the use of photographs; stating registration time periods for serious domestic violence offenders; directing the Department of Corrections to conduct certain investigation upon request of registrants; authorizing removal from registry under certain circumstances; providing immunity from civil liability for removing or failing to remove registrants; providing guidelines and procedures when requesting removal from registry; specifying factors to consider when determining if registrant is sufficiently rehabilitated; stating time limitation for removal of registrants from registry upon receipt of court order; directing the Department of Corrections to notify registrants of changes made to registration requirements; requiring serious domestic violence offenders to submit name change application to the Department of Corrections prior to entry of an order granting said name change; prohibiting serious domestic violence offenders from seeking a name change upon certain finding by the court; providing an exception; directing courts to submit copy of order granting name change to the Department of

1 Corrections; directing the Department of Corrections  
2 to adopt certain rules; amending 12 O.S. 2011,  
3 Section 1631, as amended by Section 1, Chapter 35,  
4 O.S.L. 2014 (12 O.S. Supp. 2019, Section 1631), which  
5 relates to change of name petitions; requiring  
6 serious domestic violence offenders to follow  
7 specific procedures set forth in the Domestic  
8 Violence Offender Registry; providing for  
9 codification; and providing an effective date.

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

11 SECTION 1. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 600 of Title 57, unless there is  
13 created a duplication in numbering, reads as follows:

14 Sections 1 through 10 of this act shall be known and may be  
15 cited as the "Domestic Violence Offender Registration Act".

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 600.1 of Title 57, unless there  
18 is created a duplication in numbering, reads as follows:

19 As used in the Domestic Violence Offender Registration Act:

20 1. "Conviction" means an adjudication of guilty by a court of  
21 competent jurisdiction whether upon a verdict or plea of guilty or  
22 upon a plea of nolo contendere;

23 2. "Domestic violence offense" means a conviction for a crime  
24 in which domestic abuse, as defined in Section 60.1 of Title 22 of  
the Oklahoma Statutes, was pleaded and proven;

1        3. "Qualifying domestic violence offense" means a conviction  
2 for any domestic violence offense that either:

3            a. is a felony, or

4            b. is not a felony and the person with the conviction has  
5 one or more prior or simultaneously entered  
6 convictions for a domestic violence offense or a  
7 federal or out-of-state conviction for an offense that  
8 under the laws of this state would be classified as a  
9 domestic violence offense if committed in Oklahoma;  
10 and

11        4. "Serious domestic violence offender" means any person who is  
12 convicted of a qualifying domestic violence offense and ordered to  
13 appear on the Domestic Violence Offender Registry established under  
14 Section 4 of this act.

15        SECTION 3.        NEW LAW        A new section of law to be codified  
16 in the Oklahoma Statutes as Section 600.2 of Title 57, unless there  
17 is created a duplication in numbering, reads as follows:

18            A. On or after November 1, 2020, when a person is convicted of  
19 a qualifying domestic violence offense, the court shall enter an  
20 order designating the person a serious domestic violence offender  
21 and require the name of the person to appear on the Domestic  
22 Violence Offender Registry established under Section 4 of this act.

23            B. A court entering an order pursuant to subsection A of this  
24 section shall provide notice to the person of his or her status as a

1 serious domestic violence offender and that his or her name will  
2 appear on the Domestic Violence Offender Registry for the applicable  
3 time period established pursuant to Section 5 of this act. The  
4 notice shall be included on any guilty plea forms and judgment and  
5 sentence forms provided to the person.

6 C. The clerk of the court in which the person was convicted of  
7 the qualifying domestic violence offense must forward,  
8 electronically or otherwise, to the Department of Corrections, a  
9 copy of the judgment and sentence and, to the extent known, the  
10 information set out in subsection B of Section 4 of this act.

11 SECTION 4. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 600.3 of Title 57, unless there  
13 is created a duplication in numbering, reads as follows:

14 A. The Department of Corrections shall maintain a central  
15 registry of serious domestic violence offenders. The central  
16 registry shall be made available to the public through a searchable  
17 website.

18 B. To the extent information is available, the website shall  
19 contain, but not be limited to, the following information pertaining  
20 to each serious domestic violence offender:

- 21 1. Name;
- 22 2. Date of birth;
- 23 3. All domestic violence offense convictions including  
24 conviction dates and county and state of conviction;

1       4. Address;

2       5. Photograph; and

3       6. Any other identifying data the Department of Corrections  
4 deems necessary for the public to properly identify the person, but  
5 shall not include the Social Security number of the person.

6       C. The Department of Corrections may use any verified photo of  
7 the serious domestic violence offender that is available including,  
8 but not limited to, the photograph of the offender taken at a jail  
9 booking facility.

10       SECTION 5.       NEW LAW       A new section of law to be codified  
11 in the Oklahoma Statutes as Section 600.4 of Title 57, unless there  
12 is created a duplication in numbering, reads as follows:

13       A. A serious domestic violence offender shall continue to  
14 appear on the Domestic Violence Offender Registry for the longest  
15 qualifying duration provided in this section.

16       B. A serious domestic violence offender shall appear on the  
17 Domestic Violence Offender Registry for a period of fifteen (15)  
18 consecutive years if:

19       1. The present qualifying domestic violence offense conviction  
20 is a felony; or

21       2. The offender has a prior felony conviction for a domestic  
22 violence offense or has one or more prior federal or out-of-state  
23 convictions for an offense that would be a felony domestic violence  
24 offense if committed in Oklahoma.

1 C. Unless subsection B of this section applies, a serious  
2 domestic violence offender shall appear on the Domestic Violence  
3 Offender Registry for a period of ten (10) consecutive years if:

4 1. The present qualifying domestic violence offense conviction  
5 is a misdemeanor; or

6 2. The offender has a prior misdemeanor conviction for a  
7 domestic violence offense or has one or more prior federal or out-  
8 of-state convictions for an offense that would be a misdemeanor  
9 domestic violence offense if committed in Oklahoma.

10 D. The time periods in subsections B and C of this section run  
11 from the last date of release from confinement following the  
12 conviction for the qualifying offense, if any, or the date of entry  
13 of the judgement and sentence for the qualifying offense, whichever  
14 is later.

15 E. Nothing in this section prevents a person from being removed  
16 from the registry under the process provided for in Section 7 of  
17 this act.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 600.5 of Title 57, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Upon request of a person who appears on the Domestic  
22 Violence Offender Registry, the Department of Corrections shall  
23 investigate whether the registration period of the person has ended  
24 by operation of law pursuant to Section 5 of this act.

1       B. Using available records, the Department of Corrections shall  
2 verify that the person has spent the requisite time in the community  
3 and has not been convicted of any felony or any domestic violence  
4 offenses during that time.

5       C. If the Department of Corrections determines the registration  
6 period has ended by operation of law, the Department shall remove  
7 the person from the Domestic Violence Offender Registry.

8       D. Nothing in this section prevents the Department of  
9 Corrections from investigating, upon its own initiative, whether the  
10 registration period of a person has ended by operation of law  
11 pursuant to Section 5 of this act.

12       E. The Department of Corrections and its employees are immune  
13 from civil liability for damages for removing a person from the  
14 registry of domestic violence offenders or the failure to remove a  
15 person from the registry according to the time frames provided for  
16 in Section 5 of this act.

17       SECTION 7.       NEW LAW       A new section of law to be codified  
18 in the Oklahoma Statutes as Section 600.6 of Title 57, unless there  
19 is created a duplication in numbering, reads as follows:

20       A. Except as provided for in subsection B of this section, a  
21 serious domestic violence offender may petition the court for  
22 removal from the Domestic Violence Offender Registry when he or she  
23 has spent five (5) consecutive years in the community without being  
24

1 convicted of any felony or any domestic violence offense during that  
2 time period.

3 B. A serious domestic violence offender whose appearance on the  
4 Domestic Violence Offender Registry is based exclusively on one or  
5 more domestic violence offenses committed as a juvenile may petition  
6 for removal from the Domestic Violence Offender Registry under the  
7 following timelines:

8 1. If the offense or offenses requiring registration include  
9 any felony domestic violence offense, the offender may petition  
10 when:

- 11 a. at least five (5) years have passed since the  
12 adjudication of the petitioner and completion of any  
13 term of confinement for the offense or offenses giving  
14 rise to inclusion on the registry, and
- 15 b. the petitioner has not been adjudicated or convicted  
16 of any felony or any domestic violence offenses within  
17 five (5) years prior to filing the petition.

18 2. For all other domestic violence offenses committed by a  
19 juvenile not included in paragraph 1 of this subsection, the  
20 offender may petition the court when:

- 21 a. at least twenty-four (24) months have passed since the  
22 adjudication of the petitioner and completion of any  
23 term of confinement for the offense giving rise to  
24 inclusion on the registry, and

1           b.     the petitioner has not been adjudicated or convicted  
2                   of any felony or any domestic violence offenses within  
3                   twenty-four (24) months prior to filing the petition.

4           C.    A petition seeking relief from registration requirements  
5 shall be made to the court in which the petitioner was ordered to be  
6 included on the Domestic Violence Offender Registry. The  
7 prosecuting attorney shall be named and served as the respondent in  
8 the petition seeking relief. The prosecuting attorney shall make  
9 reasonable efforts to notify the victim of the domestic violence  
10 offense by telephone, letter or electronic means, if known.

11          D.    1. The court may order the removal of the petitioner from  
12 the registry only if the petitioner shows by clear and convincing  
13 evidence that the petitioner is sufficiently rehabilitated to  
14 warrant removal from the registry. If inclusion of the petitioner  
15 on the registry is based entirely on offenses committed while the  
16 petitioner was a juvenile, the burden of proof of the petitioner  
17 shall be a preponderance of the evidence that the petitioner is  
18 sufficiently rehabilitated to warrant removal from the registry.

19          2.    In determining whether the petitioner is sufficiently  
20 rehabilitated to warrant removal from the registry, the following  
21 factors are provided as guidance to assist the court in making its  
22 determination:  
23  
24

- a. the nature of the domestic violence offenses committed, including the number of victims and the length of the offense history,
- b. any subsequent criminal history,
- c. compliance by the petitioner with any applicable supervisions requirements,
- d. the length of time since the charged incident occurred,
- e. any input from community corrections officers, law enforcement, treatment providers or other criminal justice professionals,
- f. the stability of petitioner in employment and housing,
- g. the community and personal support system of the petitioner,
- h. any risk assessments or evaluations prepared by a qualified professional, and
- i. any other factors the court may consider relevant.

E. If entry on the registry of a serious domestic violence offender lists an offense for which the conviction is subsequently overturned or otherwise set aside by court order on grounds consistent with innocence, the serious domestic violence offender may petition the court for removal of that offense from the registry. If the court finds that the conviction for the offense has been overturned or otherwise set aside by court order on grounds

1 consistent with innocence, the court may order the removal of the  
2 offense from the registry.

3 F. If the court orders removal from the registry or removal of  
4 an offense from the registry, the court shall send a copy of the  
5 order to the Department of Corrections. The Department shall remove  
6 the person from the registry within thirty (30) calendar days.

7 SECTION 8. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 600.7 of Title 57, unless there  
9 is created a duplication in numbering, reads as follows:

10 The Department of Corrections shall notify registered serious  
11 domestic violence offenders of any changes to the domestic violence  
12 offender registration requirements.

13 SECTION 9. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 600.8 of Title 57, unless there  
15 is created a duplication in numbering, reads as follows:

16 A serious domestic violence offender who applies to change his  
17 or her name under the provisions of Sections 1631 through 1637 of  
18 Title 12 of the Oklahoma Statutes or any other law shall submit a  
19 copy of the application to the Department of Corrections not fewer  
20 than five (5) business days prior to the entry of an order granting  
21 the name change. A serious domestic violence offender may not be  
22 granted an order changing his or her name under the provisions of  
23 Sections 1631 through 1637 of Title 12 of the Oklahoma Statutes or  
24 any other law if the court finds that doing so will interfere with

1 legitimate law enforcement interests, except that no order may be  
2 denied when the name change is requested in recognition of marriage  
3 or dissolution of marriage. A court granting an order changing the  
4 name of a serious domestic violence offender shall submit a copy of  
5 the order to the Department of Corrections within seventy-two (72)  
6 hours of the entry of said order.

7 SECTION 10. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 600.9 of Title 57, unless there  
9 is created a duplication in numbering, reads as follows:

10 The Department of Corrections shall adopt rules necessary to  
11 implement the provisions of Sections 1 through 9 of this act.

12 SECTION 11. AMENDATORY 12 O.S. 2011, Section 1631, as  
13 amended by Section 1, Chapter 35, O.S.L. 2014 (12 O.S. Supp. 2019,  
14 Section 1631), is amended to read as follows:

15 Section 1631. A. Any natural person, who has been domiciled in  
16 this state or who has been residing upon any military reservation  
17 located in said state, for more than thirty (30) days, and has been  
18 an actual resident of the county or such military reservation  
19 situated in said county, or county in which the military reservation  
20 is situated, for more than thirty (30) days, next preceding the  
21 filing of the action, may petition for a change of name in a civil  
22 action in the district court; provided, no person who is required to  
23 register as a sex offender pursuant to the Oklahoma Sex Offenders  
24 Registration Act may petition for a change of name. If the person

1 be a minor, the action may be brought by guardian or next friend as  
2 in other actions.

3 B. A serious domestic violence offender subject to registration  
4 under the provisions of Section 3 of this act who applies to change  
5 his or her name under subsection A of this section shall follow the  
6 procedures set forth in Section 9 of this act.

7 SECTION 12. This act shall become effective November 1, 2020.

8  
9 57-2-9959 GRS 12/30/19