

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1654

By: Brewer

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, 2021, 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 copy
9 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
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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:
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- 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 supervision 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. 2020,
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, 2021.

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