

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3263

By: Brewer

4
5 AS INTRODUCED

6 An Act relating to domestic violence; creating the
7 Domestic Violence Offender Registration Act; defining
8 terms; directing courts to enter orders designating
9 persons convicted of certain crimes as serious
10 domestic violence offenders; requiring names of
11 designated persons to appear on certain registry;
12 directing courts to provide certain notice; directing
13 courts to forward certain documentation to the
14 Department of Corrections; directing the Department
15 of Corrections to maintain a central registry for
16 serious domestic violence offenders; requiring public
17 access to registry information; providing list of
18 information to be included on the website; providing
19 for the use of photographs; stating registration time
20 periods for serious domestic violence offenders;
21 directing the Department of Corrections to conduct
22 certain investigation upon request of registrants;
23 authorizing removal from registry under certain
24 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
Corrections; directing the Department of Corrections
to adopt certain rules; amending 12 O.S. 2021,

1 Section 1631, which relates to change of name
2 petitions; requiring serious domestic violence
3 offenders to follow specific procedures; providing
4 for codification; and providing an effective date.

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

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

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

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

14 As used in the Domestic Violence Offender Registration Act:

15 1. "Conviction" means an adjudication of guilty by a court of
16 competent jurisdiction whether upon a verdict or plea of guilty or
17 upon a plea of nolo contendere;

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

21 3. "Qualifying domestic violence offense" means a conviction
22 for any domestic violence offense that either:

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

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

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

15 A. On or after November 1, 2022, when a person is convicted of
16 a qualifying domestic violence offense, the court shall enter an
17 order designating the person a serious domestic violence offender
18 and require the name of the person to appear on the Domestic
19 Violence Offender Registry established under Section 4 of this act.

20 B. A court entering an order pursuant to subsection A of this
21 section shall provide notice to the person of his or her status as a
22 serious domestic violence offender and that his or her name will
23 appear on the Domestic Violence Offender Registry for the applicable
24 time period established pursuant to Section 5 of this act. The

1 notice shall be included on any guilty plea forms and judgment and
2 sentence forms provided to the person.

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

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

11 A. The Department of Corrections shall maintain a central
12 registry of serious domestic violence offenders. The central
13 registry, which shall be referred to as the Domestic Violence
14 Offender Registry, shall be made available to the public through a
15 searchable website.

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

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

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

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

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

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

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

17 1. The present qualifying domestic violence offense conviction
18 is a felony; or

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

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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 judgment 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 shall prevent 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 Domestic Violence Offender Registry or the failure to remove a
15 person from the Domestic Violence Offender Registry according to the
16 time frames provided for 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 petition seeking relief from registration requirements
4 shall be made to the court in which the petitioner was ordered to be
5 included on the Domestic Violence Offender Registry. The
6 prosecuting attorney shall be named and served as the respondent in
7 the petition seeking relief. The prosecuting attorney shall make
8 reasonable efforts to notify the victim of the domestic violence
9 offense by telephone, letter or electronic means, if known.

10 C. 1. The court may order the removal of the petitioner from
11 the registry only if the petitioner shows by clear and convincing
12 evidence that the petitioner is sufficiently rehabilitated to
13 warrant removal from the registry.

14 2. In determining whether the petitioner is sufficiently
15 rehabilitated to warrant removal from the registry, the following
16 factors are provided as guidance to assist the court in making its
17 determination:

- 18 a. the nature of the domestic violence offense or
19 offenses committed, including the number of victims
20 and the length of the offense history,
- 21 b. any subsequent criminal history,
- 22 c. compliance by the petitioner with any applicable
23 supervision requirements,

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- 1 d. the length of time since the charged incident
- 2 occurred,
- 3 e. any input from community corrections officers, law
- 4 enforcement, treatment providers or other criminal
- 5 justice professionals,
- 6 f. the stability of petitioner in employment and housing,
- 7 g. the community and personal support system of the
- 8 petitioner,
- 9 h. any risk assessments or evaluations prepared by a
- 10 qualified professional, and
- 11 i. any other factors the court may consider relevant.

12 D. If an entry on the registry of a serious domestic violence
13 offender lists an offense for which the conviction is subsequently
14 overturned or otherwise set aside by court order on grounds
15 consistent with innocence, the serious domestic violence offender
16 may petition the court for removal of that offense from the
17 registry. If the court finds that the conviction for the offense
18 has been overturned or otherwise set aside by court order on grounds
19 consistent with innocence, the court may order the removal of the
20 offense from the registry.

21 E. If the court orders removal from the registry or removal of
22 an offense from the registry, the court shall send a copy of the
23 order to the Department of Corrections. The Department shall remove
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1 the person or the offense from the registry within thirty (30)
2 calendar days.

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

6 The Department of Corrections shall notify registered serious
7 domestic violence offenders of any changes to the domestic violence
8 offender registration requirements.

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

12 A serious domestic violence offender who applies to change his
13 or her name under the provisions of Sections 1631 through 1637 of
14 Title 12 of the Oklahoma Statutes or any other law shall submit a
15 copy of the application to the Department of Corrections not fewer
16 than five (5) business days prior to the entry of an order granting
17 the name change. A serious domestic violence offender may not be
18 granted an order changing his or her name under the provisions of
19 Sections 1631 through 1637 of Title 12 of the Oklahoma Statutes or
20 any other law if the court finds that doing so will interfere with
21 legitimate law enforcement interests, except that no order may be
22 denied when the name change is requested in recognition of marriage
23 or dissolution of marriage. A court granting an order changing the
24 name of a serious domestic violence offender shall submit a copy of

1 the order to the Department of Corrections within seventy-two (72)
2 hours of the entry of said order.

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

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

8 SECTION 11. AMENDATORY 12 O.S. 2021, Section 1631, is
9 amended to read as follows:

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

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

3 SECTION 12. This act shall become effective November 1, 2022.

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