

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 217 By: Griffin of the Senate

3 and  
4 Osburn (Mike) of the House  
5

6  
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  
12 (57 O.S. Supp. 2016, Section 584), which relates to  
13 information required on registration; modifying  
14 reporting procedures; amending 57 O.S. 2011, Section  
15 590, as last amended by Section 2, Chapter 270,  
16 O.S.L. 2015 (57 O.S. Supp. 2016, Section 590), which  
17 relates to unlawful residence locations; modifying  
18 reporting requirements; and providing an effective  
19 date.

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16 AUTHOR: Add the following House Coauthor: Biggs

17 AUTHOR: Add the following Senate Coauthor: Pittman

18 AMENDMENT NO. 1. Replace the title, enacting clause and entire bill  
19 and insert

20 "An Act relating to sex offender registration;  
21 amending 57 O.S. 2011, Sections 582.2, 584, as  
22 amended by Section 1, Chapter 24, O.S.L. 2014 and  
23 590, as last amended by Section 2, Chapter 270,  
24 O.S.L. 2015 (57 O.S. Supp. 2016, Sections 584 and  
25 590), which relate to the Sex Offenders Registration  
26 Act; directing courts to utilize level assignment  
27 categorizations; establishing reporting requirement  
28 for offenders; providing time limitation for

1 transmitting certain documents to the Department of  
2 Corrections; adding address verification  
3 requirement; clarifying reporting procedures;  
4 deleting verification requirement; updating  
5 language; directing offenders to provide certain  
6 information to the Department of Human Services;  
7 providing for safety evaluations of offenders who  
8 live with minor children; and providing an effective  
9 date.

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

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

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

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

23 2. The local law enforcement authority that is identified by  
24 the correctional institution as the agency designated by another  
state to receive registration information, if the person expects to

1 reside in that other state and that other state has a registration  
2 requirement for sex offenders.

3 B. If a person, who will be subject to the provisions of the  
4 Sex Offenders Registration Act, received a suspended sentence or any  
5 probationary term, including a deferred sentence imposed in  
6 violation of subsection G of Section 991c of Title 22 of the  
7 Oklahoma Statutes, the court shall, on the day of pronouncing the  
8 judgment and sentence:

9 1. ~~Make a determination of the level assignment of the person~~  
10 ~~using the guidelines~~ Utilize the sex offender level assignments  
11 established by the sex offender level assignment committee provided  
12 for in Section 582.5 of this title;

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

14 3. Notify the person of the obligation to register as a sex  
15 offender as provided for in Section 585 of this title; and

16 4. Order the offender to report to the local law enforcement  
17 authority in the municipality or county in which the offender  
18 resides and to report to the Oklahoma Department of Corrections  
19 probation and parole office in the district in which the offender  
20 resides.

21 C. Within three (3) business days after the court orders the  
22 judgment and sentence, the court clerk shall transmit to the Sex and  
23 Violent Offenders Registration Unit of the Department of Corrections

24

1 by facsimile, electronic mail or actual delivery of a certified copy  
2 of:

3 1. The judgment and sentence; or

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

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

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

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

15 2. A complete description of the person, including a photograph  
16 and fingerprints, and when requested by the Department of  
17 Corrections, such registrant shall submit to a blood or saliva test  
18 for purposes of a deoxyribonucleic acid (DNA) profile. Submission  
19 to testing for individuals registering shall be within thirty (30)  
20 days of registration. Registrants who already have valid samples on  
21 file in the Oklahoma State Bureau of Investigation (OSBI) DNA  
22 Offender Database shall not be required to submit duplicate samples  
23 for testing;

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

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

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

- 18           a. on an annual basis, if the numeric risk level of the  
19 person is one, ~~or~~  
20           b. on a semiannual basis, if the numeric risk level of  
21 the person is two, or  
22           c. every ninety (90) days, if the offender has been  
23 determined to be a habitual or aggravated sex offender  
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1                   by the Department of Corrections or has been assigned  
2                   a level assignment of three.

3 The Department of Corrections shall mail a nonforwardable  
4 verification form to the last-reported address of the person. The  
5 person shall return the verification form in person to the local law  
6 enforcement authority of that jurisdiction within ten (10) days  
7 after receipt of the form and may be photographed by the local law  
8 enforcement authority at that time; provided that the person shall  
9 be photographed by the local law enforcement authority at that time  
10 if the photograph in the Department of Corrections sex offender  
11 registry is more than one year old, or if it cannot be determined  
12 when the photograph in the registry was taken. The local law  
13 enforcement authority shall require the person to produce proof of  
14 the identity of the person and a current mappable address with a zip  
15 code. Upon confirming the information contained within the  
16 verification form, the local law enforcement authority shall forward  
17 a copy of the form to the Department of Corrections, in a manner  
18 approved by the Department of Corrections, within three (3) days  
19 after receipt of the form. The verification form shall be signed by  
20 the person and state the current address of the person. In the  
21 absence of receipt of the mailed verification form by the offender,  
22 the offender must continue to comply with the reporting requirements  
23 as provided in this paragraph. The offender should report as  
24 required to the local law enforcement agency for current address

1 verification. The Department of Corrections will provide an  
2 alternative address verification form to local law enforcement for  
3 conformity. Failure to return the verification form or report as  
4 required shall be a violation of the Sex Offenders Registration Act.  
5 ~~If the offender has been determined to be a habitual or aggravated~~  
6 ~~sex offender by the Department of Corrections or has been assigned a~~  
7 ~~level assignment of three, the address verification shall be~~  
8 ~~conducted every ninety (90) days.~~ The Department of Corrections  
9 shall notify the office of the district attorney and local law  
10 enforcement authority of the appropriate county, within forty-five  
11 (45) days if unable to verify the address of a sex offender. A  
12 local law enforcement authority may notify the office of the  
13 district attorney whenever it comes to the attention of the local  
14 law enforcement authority that a sex offender is not in compliance  
15 with any provisions of Section 581 et seq. of this title. A local  
16 law enforcement authority designated as the primary registration  
17 authority of the person may, at any time, mail a nonforwardable  
18 verification form to the last-reported address of the person. The  
19 person shall return the verification form in person to the local law  
20 enforcement authority that mailed the form within ten (10) days  
21 after receipt of the form. The local law enforcement authority  
22 shall require the person to produce proof of the identity of the  
23 person and a current mappable address with a zip code;

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

3           7. A description of all occupants residing with the person  
4 registering, including, but not limited to, name, date of birth,  
5 gender, relation to the person registering, and how long the  
6 occupant has resided there;

7           8. The level assignment of the person; and

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

13           B. Conviction data and fingerprints shall be promptly  
14 transmitted at the time of registration to the Oklahoma State Bureau  
15 of Investigation (OSBI) and the Federal Bureau of Investigation  
16 (FBI) if the state has not previously sent the information at the  
17 time of conviction.

18           C. Any person subject to the provisions of the Sex Offenders  
19 Registration Act or the Mary Rippey Violent Crime Offenders  
20 Registration Act, who has an out-of-state conviction that requires  
21 registration, shall provide the local law enforcement authority  
22 where the offender intends to reside with a certified copy of the  
23 offender's judgment and sentencing report within sixty (60) days of  
24 the offender's initial registration with this state. If an offender



1 moves to a different location in this state outside of the  
2 jurisdiction of the law enforcement authority that has a certified  
3 copy of the judgment and sentencing report, the offender shall  
4 provide the local law enforcement authority of the new location  
5 where the offender intends to reside with a certified copy of the  
6 judgment and sentencing report within sixty (60) days of  
7 establishing residency in the new location.

8 ~~Upon the effective date of this act~~ On or after November 1,  
9 2011, the Department of Corrections shall notify by regular first-  
10 class mail to the registered addresses in the sex offender registry  
11 all offenders required to register in this state that have an out-  
12 of-state conviction to obtain a certified copy of the offender's  
13 judgment and sentencing report and file it with the local law  
14 enforcement authority in which the offender resides within one  
15 hundred twenty (120) days of receipt of the mailed notice.

16 D. The registration with the local law enforcement authority  
17 required by the Sex Offenders Registration Act shall be in a form  
18 approved by the local law enforcement authority and shall include  
19 the following information about the person registering:

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

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

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

5           4. The level assignment of the person.

6           For purposes of this section, "local law enforcement authority"  
7 means:

8           a. the municipal police department, if the person resides  
9 or intends to reside or stay within the jurisdiction  
10 of any municipality of this state, or

11           b. the county sheriff, if the person resides or intends  
12 to reside or stay at any place outside the  
13 jurisdiction of any municipality within this state,  
14 and

15           c. the police or security department of any institution  
16 of higher learning within this state if the person:

17           (1) enrolls as a full-time or part-time student,

18           (2) is a full-time or part-time employee at an  
19 institution of higher learning, or

20           (3) resides or intends to reside or stay on any  
21 property owned or controlled by the institution  
22 of higher learning; and

23           5. Any electronic mail address information, instant message,  
24 chat or other Internet communication name or identity information

1 that the person uses or intends to use while accessing the Internet  
2 or used for other purposes of social networking or other similar  
3 Internet communication.

4 E. Any person subject to the provisions of the Sex Offenders  
5 Registration Act who changes address, employment or student  
6 enrollment status shall appear in person and give notification to  
7 ~~the Department of Corrections and~~ the local law enforcement  
8 authority of the change of address and the new mappable address with  
9 zip code, the change of employment or the change of student  
10 enrollment status no later than three (3) business days prior to the  
11 abandonment of or move from the current address or, in the case of  
12 change of employment or student enrollment, within three (3)  
13 business days of such change. The address given to ~~the Department~~  
14 ~~of Corrections and~~ the local law enforcement authority shall be a  
15 physical address, not a post office box. If the new address,  
16 employment or student enrollment is under the jurisdiction of a  
17 different local law enforcement authority:

18 1. ~~The Department of Corrections and~~ the local law enforcement  
19 authority shall notify the Department of Corrections and the new  
20 local law enforcement authority by teletype or electronic  
21 transmission of the change of address, employment or student  
22 enrollment status;

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

1           3. The new local law enforcement authority shall notify the  
2 most recent registering agency by teletype or electronic  
3 transmission of the change in address, employment or student  
4 enrollment status of the offender. If the new address is in another  
5 state the Department of Corrections shall promptly notify the agency  
6 responsible for registration in that state of the new address of the  
7 offender.

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

12           G. Any person subject to the provisions of the Sex Offenders  
13 Registration Act who is unable to provide a mappable address with a  
14 zip code to the Department of Corrections or local law enforcement  
15 authority as required in subsections A, C and D of this section and  
16 registers as a transient shall report in person to the nearest local  
17 law enforcement authority every seven (7) days and provide to the  
18 local law enforcement authority the approximate location of where  
19 the person is staying and where the person plans to stay.

20           H. Any person subject to the provisions of the Sex Offenders  
21 Registration Act who resides with a minor child as the parent,  
22 stepparent or grandparent of the minor child, provided the minor  
23 child was not the victim of the offense for which the person is  
24 required to register, must report to the statewide centralized

1 hotline of the Department of Human Services the name and date of  
2 birth of any and all minor children residing in the same household  
3 and the offenses for which the person is required to register  
4 pursuant to the Sex Offenders Registration Act within three (3) days  
5 of intent to reside with a minor child.

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

20 ~~I.~~ J. The Department of Corrections shall, upon the request of  
21 any Internet entity, release to such entity any information required  
22 pursuant to paragraph 9 of subsection A of this section or paragraph  
23 5 of subsection D of this section that would enable the Internet  
24 entity to prescreen or remove sex offenders from its services or, in

1 conformity with state and federal law, advise law enforcement or  
2 other governmental entities of potential violations of law or  
3 threats to public safety. Before releasing information to an  
4 Internet entity the Department shall require an Internet entity that  
5 requests information to submit to the Department the name, address  
6 and telephone number of such entity and the specific legal nature  
7 and corporate status of such entity. Except for the purposes  
8 specified in this subsection, an Internet entity shall not publish  
9 or in any way disclose or redisclose any information provided to it  
10 by the Department pursuant to this subsection. The Department shall  
11 update any information released pursuant to this subsection on a  
12 monthly basis to ensure that the information of every individual  
13 that has been removed from the sex offender registry in this state  
14 is no longer released pursuant to this subsection. The Department  
15 may charge the Internet entity a fee for access to information  
16 pursuant to this subsection. The Department shall promulgate any  
17 rules necessary to implement the provisions of this subsection. As  
18 used in this subsection "Internet entity" means any business,  
19 organization or other entity providing or offering a service over  
20 the Internet which permits persons under eighteen (18) years of age  
21 to access, meet, congregate or communicate with other users for the  
22 purpose of social networking. This definition shall not include  
23 general e-mail services.

24

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

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

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

22       When a local law enforcement authority sends a copy of or  
23 otherwise makes the sex offender registry available to any public or  
24 private school offering any combination of prekindergarten through

1 twelfth grade classes or child care facility licensed by the state,  
2 the agency shall provide a notice using the following or similar  
3 language: "A person whose name appears on this registry has been  
4 convicted of a sex offense. Continuing to employ a person whose  
5 name appears on this registry may result in civil liability for the  
6 employer or criminal prosecution pursuant to Section 589 of Title 57  
7 of the Oklahoma Statutes."

8 ~~M.~~ N. Samples of blood or saliva for DNA testing required by  
9 subsection A of this section shall be taken by employees or  
10 contractors of the Department of Corrections. ~~Said~~ The individuals  
11 shall be properly trained to collect blood or saliva samples.  
12 Persons collecting samples for DNA testing pursuant to this section  
13 shall be immune from civil liabilities arising from this activity.  
14 The Department of Corrections shall ensure the collection of samples  
15 is mailed to the Oklahoma State Bureau of Investigation (OSBI)  
16 within ten (10) days of the time the subject appears for testing.  
17 The Department shall use sample kits provided by the OSBI and  
18 procedures promulgated by the OSBI. Persons subject to DNA testing  
19 pursuant to this section shall be required to pay to the Department  
20 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees  
21 collected pursuant to this subsection shall be deposited in the  
22 Department of Corrections revolving account.

23 ~~N.~~ O. 1. Any person who has been convicted of or received a  
24 suspended sentence or any probationary term, including a deferred



1 sentence imposed in violation of subsection G of Section 991c of  
2 Title 22 of the Oklahoma Statutes, for any crime listed in Section  
3 582 of this title and:

- 4 a. who is subsequently convicted of a crime or an attempt  
5 to commit a crime listed in subsection A of Section  
6 582 of this title, or
- 7 b. who enters this state after November 1, 1997, and who  
8 has been convicted of an additional crime or attempted  
9 crime which, if committed or attempted in this state,  
10 would be a crime or an attempt to commit a crime  
11 provided for in subsection A of Section 582 of this  
12 title,

13 shall be subject to all of the registration requirements of the Sex  
14 Offenders Registration Act and shall be designated by the Department  
15 of Corrections as a habitual sex offender. A habitual sex offender  
16 shall be required to register for the lifetime of the habitual sex  
17 offender.

18 2. On or after November 1, 1999, any person who has been  
19 convicted of a crime or an attempt to commit a crime, received a  
20 suspended sentence or any probationary term, including a deferred  
21 sentence imposed in violation of subsection G of Section 991c of  
22 Title 22 of the Oklahoma Statutes, for a crime provided for in  
23 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense  
24 involved sexual abuse or sexual exploitation as these terms are

1 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
2 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma  
3 Statutes shall be subject to all the registration requirements of  
4 the Sex Offenders Registration Act and shall be designated by the  
5 Department of Corrections as an aggravated sex offender. An  
6 aggravated sex offender shall be required to register for the  
7 lifetime of the aggravated sex offender.

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

- 13 a. the family of the habitual or aggravated sex offender,
- 14 b. any prior victim of the habitual or aggravated sex  
15 offender,
- 16 c. residential neighbors and churches, community parks,  
17 schools, convenience stores, businesses and other  
18 places that children or other potential victims may  
19 frequent, and
- 20 d. a nursing facility, a specialized facility, a  
21 residential care home, a continuum-of-care facility,  
22 an assisted living center, and an adult day care  
23 facility.

24

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

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

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

4           ~~Θ.~~ P. If the probation and parole officer supervising a person  
5 subject to registration receives information to the effect that the  
6 status of the person has changed in any manner that affects proper  
7 supervision of the person including, but not limited to, a change in  
8 the physical health of the person, address, employment, or  
9 educational status, higher educational status, incarceration, or  
10 terms of release, the supervising officer or administrator shall  
11 notify the appropriate local law enforcement authority or  
12 authorities of that change.

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

16           1. Nothing in the Sex Offenders Registration Act shall be  
17 deemed to impose any liability upon or to give rise to a cause of  
18 action against any public official, public employee, or public  
19 agency for releasing information to the public or for failing to  
20 release information in accordance with the Sex Offenders  
21 Registration Act.

22           2. Nothing in this section shall be construed to prevent law  
23 enforcement officers from notifying members of the public of any  
24

1 persons that pose a danger under circumstances that are not  
2 enumerated in the Sex Offenders Registration Act.

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

6 Section 590. A. It is unlawful for any person registered  
7 pursuant to the Sex Offenders Registration Act to reside, either  
8 temporarily or permanently, within a two-thousand-foot radius of any  
9 public or private school site, educational institution, property or  
10 campsite used by an organization whose primary purpose is working  
11 with children, a playground or park that is established, operated or  
12 supported in whole or in part by a homeowners' association or a  
13 city, town, county, state, federal or tribal government, or a  
14 licensed child care center as defined by the Department of Human  
15 Services. Establishment of a day care center or park in the  
16 vicinity of the residence of a registered sex offender will not  
17 require the relocation of the sex offender or the sale of the  
18 property. On ~~the effective date of this act~~ June 7, 2006, the  
19 distance indicated in this section shall be measured from the  
20 nearest property line of the residence of the person to the nearest  
21 property line of the public or private school site, educational  
22 institution, property or campsite used by an organization whose  
23 primary purpose is working with children, playground, park, or  
24 licensed child care facility; provided, any nonprofit organization

1 established and housing sex offenders prior to the effective date of  
2 this provision shall be allowed to continue its operation.

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

6 B. It shall be unlawful for any person who is required to  
7 register pursuant to the Sex Offenders Registration Act for any  
8 offense in which a minor child was the victim to reside with a minor  
9 child or establish any other living accommodation where a minor  
10 child resides. Provided, however, the person may reside with a  
11 minor child if the person is the parent, stepparent or grandparent  
12 of the minor child and the minor child was not the victim of the  
13 offense for which the person is required to register. Any person  
14 subject to the provisions of the Sex Offenders Registration Act who  
15 resides with a minor child as the parent, stepparent or grandparent  
16 of the minor child, provided the minor child was not the victim of  
17 the offense for which the person is required to register, must  
18 report to the statewide centralized hotline of the Department of  
19 Human Services the name and date of birth of any and all minor  
20 children residing in the same household and the offenses for which  
21 the person is required to register pursuant to the Sex Offenders  
22 Registration Act within three (3) days of intent to reside with a  
23 minor child.

1        Nothing in the provisions of this subsection shall prevent the  
2 Department of Human Services from conducting and completing a safety  
3 evaluation when a registered sex offender resides in the home of a  
4 minor child.

5        C. The provisions of this section shall not apply to any  
6 registered sex offender residing in a hospital or other facility  
7 certified or licensed by the State of Oklahoma to provide medical  
8 services.

9        D. Any person willfully violating the provisions of this  
10 section by:

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

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





1 ENGROSSED SENATE  
2 BILL NO. 217

By: Griffin of the Senate

and

Osburn (Mike) of the House

3  
4  
5  
6 An Act relating to sex offender registration;  
7 amending 57 O.S. 2011, Section 582.2, which relates  
8 to duty to forward registration information;  
9 modifying procedures; amending 57 O.S. 2011, Section  
10 584, as amended by Section 1, Chapter 24, O.S.L. 2014  
11 (57 O.S. Supp. 2016, Section 584), which relates to  
12 information required on registration; modifying  
13 reporting procedures; amending 57 O.S. 2011, Section  
14 590, as last amended by Section 2, Chapter 270,  
15 O.S.L. 2015 (57 O.S. Supp. 2016, Section 590), which  
16 relates to unlawful residence locations; modifying  
17 reporting requirements; and providing an effective  
18 date.

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

20 SECTION 5. AMENDATORY 57 O.S. 2011, Section 582.2, is  
21 amended to read as follows:

22 Section 582.2. A. No less than seven (7) days prior to the  
23 date on which a person, who will be subject to the provisions of the  
24 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  
in subsection A of Section 585 of this title, and level assignment  
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.~~

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 6.        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; or
- 24

1           c. every ninety (90) days, if the offender has been  
2           determined to be a habitual or aggravated sex offender  
3           by the Department of Corrections or has been assigned  
4           a level assignment of three (3).

5 The Department of Corrections shall mail a nonforwardable  
6 verification form to the last-reported address of the person. The  
7 person shall return the verification form in person to the local law  
8 enforcement authority of that jurisdiction within ten (10) days  
9 after receipt of the form and may be photographed by the local law  
10 enforcement authority at that time; provided that the person shall  
11 be photographed by the local law enforcement authority at that time  
12 if the photograph in the Department of Corrections sex offender  
13 registry is more than one year old, or if it cannot be determined  
14 when the photograph in the registry was taken. The local law  
15 enforcement authority shall require the person to produce proof of  
16 the identity of the person and a current mappable address with a zip  
17 code. Upon confirming the information contained within the  
18 verification form, the local law enforcement authority shall forward  
19 a copy of the form to the Department of Corrections, in a manner  
20 approved by the Department of Corrections, within three (3) days  
21 after receipt of the form. The verification form shall be signed by  
22 the person and state the current address of the person. In the  
23 absence of receipt of the mailed verification form by the offender,  
24 the offender must continue to comply with the reporting requirements

1 as provided in this paragraph. The offender should report as  
2 required to the local law enforcement agency for current address  
3 verification. The Department of Corrections will provide an  
4 alternative address verification form to local law enforcement for  
5 conformity. Failure to return the verification form or report as  
6 required shall be a violation of the Sex Offenders Registration Act.  
7 ~~If the offender has been determined to be a habitual or aggravated~~  
8 ~~sex offender by the Department of Corrections or has been assigned a~~  
9 ~~level assignment of three, the address verification shall be~~  
10 ~~conducted every ninety (90) days. The Department of Corrections~~  
11 shall notify the office of the district attorney and local law  
12 enforcement authority of the appropriate county, within forty-five  
13 (45) days if unable to verify the address of a sex offender. A  
14 local law enforcement authority may notify the office of the  
15 district attorney whenever it comes to the attention of the local  
16 law enforcement authority that a sex offender is not in compliance  
17 with any provisions of Section 581 et seq. of this title. A local  
18 law enforcement authority designated as the primary registration  
19 authority of the person may, at any time, mail a nonforwardable  
20 verification form to the last-reported address of the person. The  
21 person shall return the verification form in person to the local law  
22 enforcement authority that mailed the form within ten (10) days  
23 after receipt of the form. The local law enforcement authority

24

1 shall require the person to produce proof of the identity of the  
2 person and a current mappable address with a zip code;

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

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

9 8. The level assignment of the person; and

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

15 B. Conviction data and fingerprints shall be promptly  
16 transmitted at the time of registration to the Oklahoma State Bureau  
17 of Investigation (OSBI) and the Federal Bureau of Investigation  
18 (FBI) if the state has not previously sent the information at the  
19 time of conviction.

20 C. Any person subject to the provisions of the Sex Offenders  
21 Registration Act or the Mary Rippy Violent Crime Offenders  
22 Registration Act, who has an out-of-state conviction that requires  
23 registration, shall provide the local law enforcement authority  
24 where the offender intends to reside with a certified copy of the

1 offender's judgment and sentencing report within sixty (60) days of  
2 the offender's initial registration with this state. If an offender  
3 moves to a different location in this state outside of the  
4 jurisdiction of the law enforcement authority that has a certified  
5 copy of the judgment and sentencing report, the offender shall  
6 provide the local law enforcement authority of the new location  
7 where the offender intends to reside with a certified copy of the  
8 judgment and sentencing report within sixty (60) days of  
9 establishing residency in the new location.

10 ~~Upon the effective date of this act~~ On or after November 1,  
11 2011, the Department of Corrections shall notify by regular first-  
12 class mail to the registered addresses in the sex offender registry  
13 all offenders required to register in this state that have an out-  
14 of-state conviction to obtain a certified copy of the offender's  
15 judgment and sentencing report and file it with the local law  
16 enforcement authority in which the offender resides within one  
17 hundred twenty (120) days of receipt of the mailed notice.

18 D. The registration with the local law enforcement authority  
19 required by the Sex Offenders Registration Act shall be in a form  
20 approved by the local law enforcement authority and shall include  
21 the following information about the person registering:

22 1. The full name of the person, alias, date of birth, sex,  
23 race, height, weight, eye color, social security number, driver  
24



1 license number, and a mappable home address with a zip code. The  
2 home address shall be a physical address, not a post office box;

3 2. A description of the offense for which the offender was  
4 convicted, the date of the conviction, and the sentence imposed, if  
5 applicable;

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

7 4. The level assignment of the person.

8 For purposes of this section, "local law enforcement authority"  
9 means:

10 a. the municipal police department, if the person resides  
11 or intends to reside or stay within the jurisdiction  
12 of any municipality of this state, or

13 b. the county sheriff, if the person resides or intends  
14 to reside or stay at any place outside the  
15 jurisdiction of any municipality within this state,  
16 and

17 c. the police or security department of any institution  
18 of higher learning within this state if the person:

19 (1) enrolls as a full-time or part-time student,

20 (2) is a full-time or part-time employee at an  
21 institution of higher learning, or

22 (3) resides or intends to reside or stay on any  
23 property owned or controlled by the institution  
24 of higher learning; and

1           5. 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           E. Any person subject to the provisions of the Sex Offenders  
7 Registration Act who changes address, employment or student  
8 enrollment status shall appear in person and give notification to  
9 ~~the Department of Corrections~~ and the local law enforcement  
10 authority of the change of address and the new mappable address with  
11 zip code, the change of employment or the change of student  
12 enrollment status no later than three (3) business days prior to the  
13 abandonment of or move from the current address or, in the case of  
14 change of employment or student enrollment, within three (3)  
15 business days of such change. The address given to ~~the Department~~  
16 ~~of Corrections~~ and the local law enforcement authority shall be a  
17 physical address, not a post office box. If the new address,  
18 employment or student enrollment is under the jurisdiction of a  
19 different local law enforcement authority:

20           1. ~~The Department of Corrections and the~~ local law enforcement  
21 authority shall notify the Department of Corrections and the new  
22 local law enforcement authority by teletype or electronic  
23 transmission of the change of address, employment or student  
24 enrollment status;

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

3           3. The new local law enforcement authority shall notify the  
4 most recent registering agency by teletype or electronic  
5 transmission of the change in address, employment or student  
6 enrollment status of the offender. If the new address is in another  
7 state the Department of Corrections shall promptly notify the agency  
8 responsible for registration in that state of the new address of the  
9 offender.

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

14          G. Any person subject to the provisions of the Sex Offenders  
15 Registration Act who is unable to provide a mappable address with a  
16 zip code to the Department of Corrections or local law enforcement  
17 authority as required in subsections A, C and D of this section and  
18 registers as a transient shall report in person to the nearest local  
19 law enforcement authority every seven (7) days and provide to the  
20 local law enforcement authority the approximate location of where  
21 the person is staying and where the person plans to stay.

22          H. Any person subject to the provisions of the Sex Offenders  
23 Registration Act who resides with a minor child as the parent,  
24 stepparent or grandparent of the minor child, provided the minor

1 child was not the victim of the offense for which the person is  
2 required to register, must provide to the Department of Human  
3 Services, within three (3) days of intent to reside with a minor  
4 child, the name and date of birth of any and all minor children  
5 residing in the same household.

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

20 ~~I.~~ J. The Department of Corrections shall, upon the request of  
21 any Internet entity, release to such entity any information required  
22 pursuant to paragraph 9 of subsection A of this section or paragraph  
23 5 of subsection D of this section that would enable the Internet  
24 entity to prescreen or remove sex offenders from its services or, in

1 conformity with state and federal law, advise law enforcement or  
2 other governmental entities of potential violations of law or  
3 threats to public safety. Before releasing information to an  
4 Internet entity the Department shall require an Internet entity that  
5 requests information to submit to the Department the name, address  
6 and telephone number of such entity and the specific legal nature  
7 and corporate status of such entity. Except for the purposes  
8 specified in this subsection, an Internet entity shall not publish  
9 or in any way disclose or redisclose any information provided to it  
10 by the Department pursuant to this subsection. The Department shall  
11 update any information released pursuant to this subsection on a  
12 monthly basis to ensure that the information of every individual  
13 that has been removed from the sex offender registry in this state  
14 is no longer released pursuant to this subsection. The Department  
15 may charge the Internet entity a fee for access to information  
16 pursuant to this subsection. The Department shall promulgate any  
17 rules necessary to implement the provisions of this subsection. As  
18 used in this subsection "Internet entity" means any business,  
19 organization or other entity providing or offering a service over  
20 the Internet which permits persons under eighteen (18) years of age  
21 to access, meet, congregate or communicate with other users for the  
22 purpose of social networking. This definition shall not include  
23 general e-mail services.

24

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

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

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

22       When a local law enforcement authority sends a copy of or  
23 otherwise makes the sex offender registry available to any public or  
24 private school offering any combination of prekindergarten through

1 twelfth grade classes or child care facility licensed by the state,  
2 the agency shall provide a notice using the following or similar  
3 language: "A person whose name appears on this registry has been  
4 convicted of a sex offense. Continuing to employ a person whose  
5 name appears on this registry may result in civil liability for the  
6 employer or criminal prosecution pursuant to Section 589 of Title 57  
7 of the Oklahoma Statutes."

8 ~~M.~~ N. Samples of blood or saliva for DNA testing required by  
9 subsection A of this section shall be taken by employees or  
10 contractors of the Department of Corrections. ~~Said~~ The individuals  
11 shall be properly trained to collect blood or saliva samples.  
12 Persons collecting samples for DNA testing pursuant to this section  
13 shall be immune from civil liabilities arising from this activity.  
14 The Department of Corrections shall ensure the collection of samples  
15 is mailed to the Oklahoma State Bureau of Investigation (OSBI)  
16 within ten (10) days of the time the subject appears for testing.  
17 The Department shall use sample kits provided by the OSBI and  
18 procedures promulgated by the OSBI. Persons subject to DNA testing  
19 pursuant to this section shall be required to pay to the Department  
20 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees  
21 collected pursuant to this subsection shall be deposited in the  
22 Department of Corrections revolving account.

23 ~~N.~~ O. 1. Any person who has been convicted of or received a  
24 suspended sentence or any probationary term, including a deferred

1 sentence imposed in violation of subsection G of Section 991c of  
2 Title 22 of the Oklahoma Statutes, for any crime listed in Section  
3 582 of this title and:

- 4 a. who is subsequently convicted of a crime or an attempt  
5 to commit a crime listed in subsection A of Section  
6 582 of this title, or
- 7 b. who enters this state after November 1, 1997, and who  
8 has been convicted of an additional crime or attempted  
9 crime which, if committed or attempted in this state,  
10 would be a crime or an attempt to commit a crime  
11 provided for in subsection A of Section 582 of this  
12 title,

13 shall be subject to all of the registration requirements of the Sex  
14 Offenders Registration Act and shall be designated by the Department  
15 of Corrections as a habitual sex offender. A habitual sex offender  
16 shall be required to register for the lifetime of the habitual sex  
17 offender.

18 2. On or after November 1, 1999, any person who has been  
19 convicted of a crime or an attempt to commit a crime, received a  
20 suspended sentence or any probationary term, including a deferred  
21 sentence imposed in violation of subsection G of Section 991c of  
22 Title 22 of the Oklahoma Statutes, for a crime provided for in  
23 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense  
24 involved sexual abuse or sexual exploitation as these terms are



1 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,  
2 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma  
3 Statutes shall be subject to all the registration requirements of  
4 the Sex Offenders Registration Act and shall be designated by the  
5 Department of Corrections as an aggravated sex offender. An  
6 aggravated sex offender shall be required to register for the  
7 lifetime of the aggravated sex offender.

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

- 13 a. the family of the habitual or aggravated sex offender,
- 14 b. any prior victim of the habitual or aggravated sex  
15 offender,
- 16 c. residential neighbors and churches, community parks,  
17 schools, convenience stores, businesses and other  
18 places that children or other potential victims may  
19 frequent, and
- 20 d. a nursing facility, a specialized facility, a  
21 residential care home, a continuum-of-care facility,  
22 an assisted living center, and an adult day care  
23 facility.

24

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

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

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

4           ~~Θ.~~ P. If the probation and parole officer supervising a person  
5 subject to registration receives information to the effect that the  
6 status of the person has changed in any manner that affects proper  
7 supervision of the person including, but not limited to, a change in  
8 the physical health of the person, address, employment, or  
9 educational status, higher educational status, incarceration, or  
10 terms of release, the supervising officer or administrator shall  
11 notify the appropriate local law enforcement authority or  
12 authorities of that change.

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

16           1. Nothing in the Sex Offenders Registration Act shall be  
17 deemed to impose any liability upon or to give rise to a cause of  
18 action against any public official, public employee, or public  
19 agency for releasing information to the public or for failing to  
20 release information in accordance with the Sex Offenders  
21 Registration Act.

22           2. Nothing in this section shall be construed to prevent law  
23 enforcement officers from notifying members of the public of any  
24

1 persons that pose a danger under circumstances that are not  
2 enumerated in the Sex Offenders Registration Act.

3 SECTION 7. AMENDATORY 57 O.S. 2011, Section 590, as last  
4 amended by Section 2, Chapter 270, O.S.L. 2015 (57 O.S. Supp. 2016,  
5 Section 590), is amended to read as follows:

6 Section 590. A. It is unlawful for any person registered  
7 pursuant to the Sex Offenders Registration Act to reside, either  
8 temporarily or permanently, within a two-thousand-foot radius of any  
9 public or private school site, educational institution, property or  
10 campsite used by an organization whose primary purpose is working  
11 with children, a playground or park that is established, operated or  
12 supported in whole or in part by a homeowners' association or a  
13 city, town, county, state, federal or tribal government, or a  
14 licensed child care center as defined by the Department of Human  
15 Services. Establishment of a day care center or park in the  
16 vicinity of the residence of a registered sex offender will not  
17 require the relocation of the sex offender or the sale of the  
18 property. On ~~the effective date of this act~~ June 7, 2006, the  
19 distance indicated in this section shall be measured from the  
20 nearest property line of the residence of the person to the nearest  
21 property line of the public or private school site, educational  
22 institution, property or campsite used by an organization whose  
23 primary purpose is working with children, playground, park, or  
24 licensed child care facility; provided, any nonprofit organization

1 established and housing sex offenders prior to the effective date of  
2 this provision shall be allowed to continue its operation.

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

6 B. It shall be unlawful for any person who is required to  
7 register pursuant to the Sex Offenders Registration Act for any  
8 offense in which a minor child was the victim to reside with a minor  
9 child or establish any other living accommodation where a minor  
10 child resides. Provided, however, the person may reside with a  
11 minor child if the person is the parent, stepparent or grandparent  
12 of the minor child and the minor child was not the victim of the  
13 offense for which the person is required to register. Any person  
14 subject to the provisions of the Sex Offenders Registration Act who  
15 resides with a minor child as the parent, stepparent or grandparent  
16 of the minor child, provided the minor child was not the victim of  
17 the offense for which the person is required to register, must  
18 provide to the Department of Human Services, within three (3) days  
19 of intent to reside with a minor child, the name and date of birth  
20 of any and all minor children residing in the same household.

21 C. The provisions of this section shall not apply to any  
22 registered sex offender residing in a hospital or other facility  
23 certified or licensed by the State of Oklahoma to provide medical  
24 services.

1 D. Any person willfully violating the provisions of this  
2 section by:

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

5 2. Intentionally moving into a residence with a minor child or  
6 establishing any other living accommodation where a minor child  
7 resides as specified in subsection B of this section,  
8 shall, upon conviction, be guilty of a felony punishable by a fine  
9 not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment  
10 in the custody of the Department of Corrections for a term of not  
11 less than one (1) year nor more than three (3) years, or by both  
12 such fine and imprisonment. Any person convicted of a second or  
13 subsequent violation of this section shall be punished by a fine not  
14 to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in  
15 the custody of the Department of Corrections for a term of not less  
16 than three (3) years, or by both such fine and imprisonment.

17 SECTION 8. This act shall become effective November 1, 2017.  
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