SPEAKER: 

CHAIR: 

I move to amend HB2608

Page _______ Section _________ Lines _______

Of the printed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____________________________

AMendment submitted by: Justin Humphrey

__________________________________

Reading Clerk
STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2608     By: Humphrey

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories; amending 57 O.S. 2021, Section 583, which relates to the Sex Offenders Registration Act; modifying scope of certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 583, is amended to read as follows:

Section 583. A. Any person who becomes subject to the provisions of the Sex Offenders Registration Act on or after November 1, 1989, shall register, in person, as follows:

1. With the Department of Corrections within three (3) business days of being convicted or receiving a suspended sentence or any probationary term, including a deferred sentence imposed in violation of subsection G of Section 991c of Title 22 of the Oklahoma Statutes, if the person is not incarcerated, or not less than three (3) business days prior to the release of the person from
a correctional institution, except as provided in subsection B of this section;

2. With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for seven (7) consecutive days or fourteen (14) days in a sixty-day period, or longer, calculated beginning with the first day. The registration is required within three (3) days after entering the jurisdiction of the law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

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

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

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

c. the police or security department of any institution of higher learning within this state if the person:
(1) enrolls as a full-time or part-time student,
(2) is a full-time or part-time employee at an
    institution of higher learning, or
(3) resides or intends to reside or stay on any
    property owned or controlled by the institution
    of higher learning, and

    d. the police or law enforcement officers of any
    federally recognized Indian nation or tribe in
    Oklahoma if the person resides or intends to reside or
    stay within the jurisdictional boundaries of the
    federally recognized Indian nation or tribe, with the
    understanding that any person registering with a
    federally recognized Indian nation or tribe in
    Oklahoma is additionally required to register with the
    local law enforcement authority identified in this
    subsection.

B. Any person who has been convicted of an offense or received
a deferred judgment for an offense in another jurisdiction, which
offense if committed or attempted in this state, would have been
 punishable as one or more of the offenses listed in Section 582 of
this title and who enters this state on or after November 1, 1989,
shall register, in person, as follows:

    1. With the Department of Corrections when the person enters
    and intends to be in the state for any purpose for five (5)
consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty-day period, or is enrolled as a full-time or part-time student within this state. Such registration is required within two (2) days after entering the state;

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay for five (5) consecutive days or longer, calculated beginning with the first day, has any type of full-time or part-time employment, with or without compensation for more than five (5) cumulative days in any sixty-day period, or is enrolled as a full-time or part-time student within this state. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority; and

3. With the Department of Corrections and the local law enforcement authority no less than three (3) business days prior to abandoning or moving from the address of the previous registration, or within three (3) business days of changing or terminating employment, or changing enrollment status as a student.

Upon registering a person who has been convicted of an offense or received a deferred judgment for an offense in another jurisdiction, which offense, if committed or attempted in this state, would have been punishable as one or more of the offenses
listed in Section 582 of this title, the local law enforcement
authority shall forward the registration information to the sex
offender level assignment committee of the Department of
Corrections.

C. When a person has been convicted or received probation
within the State of Oklahoma, the person shall be required to
register with the Department of Corrections as follows:

1. For a total period of fifteen (15) years, if the level
assignment of the person is one;

2. For a total period of twenty-five (25) years, if the level
assignment of the person is two; and

3. For life, if the level assignment of the person is three or
the person is classified as a habitual or aggravated sex offender.

The registration period shall begin from the date of the completion
of the sentence, and shall not conclude until the offender has been
in compliance for the total amount of time required by this act.

For level one and level two offenders, if the offender ceases to
properly register during the fifteen-year or twenty-five-year
periods, the Department of Corrections shall retain the name of the
offender on the registry until the offender has fully complied with
the requirements of this act for the total period of time required.

The Department of Corrections shall maintain records necessary to
determine whether the offender has registered for the total period
of time required. The information received pursuant to the
registration with the Department of Corrections required by this section shall be maintained by the Department of Corrections for at least ten (10) years from the date that the offender completed the obligations under this act.

D. When a person has been convicted or received probation within the State of Oklahoma, the person shall be required to register with the local law enforcement authority as follows:

1. For a total period of fifteen (15) years, if the level of the person is one;

2. For a total period of twenty-five (25) years, if the level of the person is two; and

3. For life, if the level of the person is three or the person has been classified as a habitual or aggravated sex offender.

The registration period shall begin from the date of completion of the sentence and shall not conclude until the offender has been in compliance for the total amount of time required by this act. The information received pursuant to the registration with the local law enforcement authority required by this section shall be maintained by such authority for at least ten (10) years from the date that the offender completed the obligations under this act.

E. Any person assigned a level of one who has been registered for a period of ten (10) years and who has not been arrested or convicted for any felony or misdemeanor offense since being released from confinement, may petition the district court in the
jurisdiction where the person resides for the purpose of removing the level designation and allowing the person to no longer be subject to the registration requirements of the Sex Offenders Registration Act.

F. When registering an offender as provided in this section the Department of Corrections or the local law enforcement agency having jurisdiction shall:

1. Inform the offender of the duty to register and obtain the information required for registration as described in this section;

2. Inform the offender that if the offender changes address, the offender shall appear in person and give notice of the move and the new address to the Department of Corrections and to the local law enforcement authority in the location in which the offender previously resided no later than three (3) days before the offender establishes residence or is temporarily domiciled at the new address;

3. Inform the offender that if the offender changes address to another state, the offender shall appear in person and give notice of the move and shall register the new address with the Department of Corrections and with a designated law enforcement agency in the new state not later than ten (10) days before the offender establishes residency or is temporarily domiciled in the new state, if the new state has a registration requirement;
4. Inform the offender that if the offender participates in any full-time employment, with or without compensation, and changes or terminates such employment, the offender shall appear in person and give notice of the change or termination of employment to the Department of Corrections and to the local law enforcement authority in the location where the offender was employed within three (3) days of such change or termination of employment;

5. Inform the offender that if the offender participates in any full-time or part-time employment, in another state, with or without compensation for more than fourteen (14) cumulative days in any sixty-day period or an aggregate period exceeding thirty (30) days in a calendar year, then the offender has a duty to register as a sex offender in that state;

6. Inform the offender that if the offender enrolls in any type of school in another state as a full-time or part-time student then the offender has a duty to register as a sex offender in that state;

7. Inform the offender that if the offender enrolls in any school within this state as a full-time or part-time student, then the offender has a duty to register as a sex offender with the Department of Corrections and the local law enforcement authority;

8. Inform the offender that if the offender participates in any full-time or part-time employment at any school, with or without compensation, or participates in any vocational course or occupation at any school in this state, then the offender has a duty to appear
in person and notify the Department of Corrections and the local law
enforcement authority of such employment or participation at least
three (3) days before commencing or upon terminating such employment
or participation;

9. Inform the offender that if the offender graduates,
transfers, drops, terminates or otherwise changes enrollment or
employment at any school in this state, then the offender shall
appear in person and notify the Department of Corrections and the
local law enforcement authority of such change in enrollment or
employment within three (3) days of the change; and

10. Require the offender to read and sign a form stating that
the duty of the person to register under the Sex Offenders
Registration Act has been explained.

G. For the purpose of this section, the "date of the completion
of the sentence" means the day an offender completes all
incarceration, probation and parole pertaining to the sentence.

H. Any person who resides in another state and who has been
convicted of an offense or received a deferred judgment for an
offense in this state, or in another jurisdiction, which offense if
committed or attempted in this state would have been punishable as
one or more of the offenses listed in Section 582 of this title, and
who is the spouse of a person living in this state shall be
registered as follows:
1. With the Department of Corrections when the person enters and intends to be in the state for any purpose for five (5) consecutive days or longer, calculated beginning with the first day or an aggregate period of five (5) days or longer in a calendar year. Such registration is required within two (2) days after entering the state; and

2. With the local law enforcement authority having jurisdiction in the area where the person intends to reside or to stay within this state for two (2) consecutive days or longer, calculated beginning with the first day. The registration is required with local law enforcement within two (2) days after entering the jurisdiction of the law enforcement authority.

   I. The duty to register as a sex offender in this state shall not be prevented if, at the time of registration, it is determined that the person owns or leases a residence that is located within a restricted area provided for in Section 590 of this title.

   SECTION 2. This act shall become effective November 1, 2023.

   59-1-7335   GRS   02/08/23