

OKLAHOMA SEX OFFENDER REGISTRATION REQUIREMENTS AND RESTRICTIONS

The following is a summary of the Oklahoma Sex Offender Registration Act (OSORA) and other key laws affecting the majority of registrants. It includes the key points of registration laws in Oklahoma, but is not exhaustive list of all laws and restrictions affecting registrants in the state, as restrictions are included in many different portions of the Oklahoma legal code.

The full text of these laws and additional laws can be found by searching the Oklahoma State Courts Network at <http://www.oscn.net/applications/oscn/Search.asp?ftdb=STOKST&quick=true>. Searching for relevant terms such as rape or sexting will return the various applicable laws. When several items are returned for the same law, the current version will not have a superseded date given in the results.

While RSOL disagrees with many of the laws with respect to the OSORA, we strongly encourage all registrants to be in compliance with the OSORA and all other laws of this country. The greatest quality of the United States is that we can work together and change that with which we disagree. We hope that you can join us in this work.

APPLICATION OF ACT

Per Oklahoma Statutes (O.S.) Title 57, Section 582:

The Oklahoma Sex Offender Registration Act (OSORA) applies to any person residing, working or attending school within the State of Oklahoma who, after November 1, 1989, has been convicted of, or is currently serving a sentence for, or who has received a deferred judgment for any of the following offenses:

- Child Abuse (If the offense involves sexual abuse) *O.S. Title 21, Section 843.5*
- Assault With Intent To Commit Felony (If the offense involves sexual assault) *O.S. Title 21, Section 681*
- Kidnapping (If the offense involves sexual abuse) *O.S. Title 21, Section 741*
- Abuse By Caretaker (If the offense involves sexual abuse) *O.S. Title 21, Section 843.1*
- Child Endangerment (If the offense involves sexual abuse) *O.S. Title 21, Section 852.1*
- Trafficking In Children (If the offense involves sexual abuse) *O.S. Title 21, Section 865*
- Incest *O.S. Title 21, Section 885*
- Sodomy *O.S. Title 21, Section 886*
- Forcible Sodomy *O.S. Title 21, Section 888*
- Enticing Away Children (If the offense involves sexual abuse) *O.S. Title 21, Section 891*
- Indecent Exposure *O.S. Title 21, Section 1021*
- Procure Participation of Child Pornography *O.S. Title 21, Section 1021.2*
- Permits Child Pornography *O.S. Title 21, Section 1021.3*
- Possession of Child Pornography *O.S. Title 21, Section 1024.2*
- Aggravated Possession of Child Pornography *O.S. Title 21, Section 1040.12a*
- Distribution of Child Pornography *O.S. Title 21, Section 1040.13*
- Soliciting Minor with Technology *O.S. Title 21, Section 1040.13a*
- Transporting Child for Purposes of Prostitution *O.S. Title 21, Section 1087*
- Cause Child Prostitution *O.S. Title 21, Section 1088*
- Rape by Instrumentation *O.S. Title 21, Section 1111.1*
- Rape *O.S. Title 21, Section 1114*
- Lewd or Indecent Proposals or Acts to a Child *O.S. Title 21, Section 1123*

NUMERIC RISK LEVEL

Per O.S. Title 57, Section 582.1 & 582.5:

The Oklahoma Department of Correction's (ODOC) sex offender level assignment committee shall determine, based on federal law, the numeric risk level a person subject to registration pursuant to the provisions of the OSORA shall be placed on. The offense for which the person is convicted shall serve as the basis for the level assigned to the person using the following guidelines:

- Level one (low): a designation that the person poses a low danger to the community and will not likely engage in criminal sexual conduct.
- Level two (moderate): a designation that the person poses a moderate danger to the community and may continue to engage in criminal sexual conduct.
- Level three (high): a designation that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.

The committee uses the *Sex Offender Registration Level Assignment Tool* (SORLAT) to assign a level to a registrant. Below are the SORLAT guidelines:

LEVEL 1

Registrants convicted of the following crimes will be designated as a level one sex offender:

STATUTE	CRIME
21 O.S. 681	Assault with Intent to Commit a Felony (If the offense involved sexual assault)
21 O.S. 843.1	Caretaker Abuse or Neglect (When sexual abuse or sexual exploitation is involved)
21 O.S. 886	Crime Against Nature/Sodomy
21 O.S. 1021	Indecent Exposure/Indecent Exhibitions
21 O.S. 1040.51	Unlawful Sale, Purchase, or Trafficking of Obscene Movies, Photographs, Pictures, Drawings, Video Games, etc.

LEVEL 2

Registrants convicted of the following crimes will be designated as a level two sex offender:

STATUTE	CRIME
21 O.S. 1021	Obscene or Indecent Writings, Pictures, etc. Solicitation of Minors in any crime under this section
21 O.S. 1021.2	To Procure or Cause Minors to Participate in Obscene or Indecent Writings, Pictures, etc.
21 O.S. 1021.3	Gaurdian/Parents/Custodians Consent to Participation of Minor in Obscene Writings, pictures, etc.
21 O.S. 1040.13a	Facilitating, Encouraging, Offering or Soliciting Sexual Conduct with a Minor (Misdemeanor)
21 O.S. 1087	Procuring a Child Under 18 Years of Age for Prostitution, Lewdness or Other Indecent Acts
21 O.S. 1088	Inducing, Keeping, Detaining or Restraining for Prostitution a Child Under 18 Years of Age

LEVEL 3

Registrants convicted of the following crimes will be designated as a level three sex offender:

STATUTE	CRIME
10 O.S. 7115	Abuse or Neglect of Child/Child Beating (When sexual abuse or sexual exploitation is involved)
21 O.S. 885	Incest
21 O.S. 888	Forcible Sodomy
21 O.S. 1114	Rape in the First Degree/Rape by Instrumentation
21 O.S. 1116	Rape in the Second Degree
21 O.S. 1123	Lewd or Indecent Proposals or Acts to a Child Under 16 Sexual Battery to a Person Over 16
21 O.S. 741	Kidnapping (If the offense involved sexual abuse or sexual exploitation)
21 O.S. 865	Trafficking in Children (If the offense involved sexual abuse or sexual exploitation)
21 O.S. 891	Child Stealing (If the offense involved sexual abuse or sexual exploitation)
Second and Subsequent Sex Offense Conviction	

AGGRAVATED AND HABITUAL SEX OFFENDER DESIGNATION

Per O.S. Title 57, Section 584

Any person who has been convicted of any of the previously listed offenses and is subsequently convicted of any of the previously listed offenses, or who enters this state after November 1, 1997 and has been convicted of an additional offense which, if committed in this state would be any of the previously listed offenses, shall be designated by the ODOC as a habitual sex offender.

Any person convicted of the following offenses on or after November 1, 1999 shall be designated by the ODOC as an aggravated sex offender:

- Child Abuse (If the offense involves sexual abuse) *O.S. Title 21, Section 843.5*
- Incest *O.S. Title 21, Section 885*
- Forcible Sodomy *O.S. Title 21, Section 888*
- Rape by Instrumentation *O.S. Title 21, Section 1111.1*
- Rape *O.S. Title 21, Section 1114*
- Lewd or Indecent Proposals or Acts to a Child *O.S. Title 21, Section 1123*

Upon registration of any person designated as a habitual or aggravated sex offender, the local law enforcement authority shall notify, by any method of communication it deems appropriate, anyone that the local law enforcement authority determines appropriate, including, but not limited to:

- The family of the habitual or aggravated sex offender;
- Any prior victim of the habitual or aggravated sex offender;
- Any residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent; and

- Any nursing facilities, specialized facilities, residential care homes, continuum-of-care facilities, assisted living facilities, and adult day care facilities.

The notification may include, but is not limited to, the following information:

- The name and physical address of the habitual or aggravated sex offender;
- A physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye color;
- A description of the vehicle that the habitual or aggravated sex offender is known to drive;
- Any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender;
- A description of the primary and secondary targets of the habitual or aggravated sex offender;
- A description of the method of offense of the habitual or aggravated sex offender;
- A current photograph of the habitual or aggravated sex offender;
- The name and telephone number of the probation or parole officer of the habitual or aggravated sex offender; and
- The level assignment of the habitual or aggravated sex offender.

The local law enforcement authority shall make the notification regarding a habitual or aggravated sex offender available to any person upon request.

LENGTH OF REGISTRATION

Per O.S. Title 57, Section 583 & 584

- Level one registrants are required to register for 15 years.
- Level two registrants are required to register for 25 years.
- Level three registrants are required to register for life.
- Anyone designated as a habitual or aggravated sex offender shall be required to register for life.

The registration period shall begin from the date of completion of all incarceration, probation or parole pertaining to the sentence.

REGISTRATION PROCEDURES

Per O.S. Title 57, Section 583

Any person who becomes subject to the provisions of the OSORA on or after November 1, 1989, shall register, in person, as follows:

- With the ODOC within three business days of being convicted of any of the aforementioned offenses if the person is not incarcerated, or not less than three business days prior to the release of the person from a correctional institute;
- With the local law enforcement authority having jurisdiction in the area where the person resides or intends to reside for seven consecutive days or longer. The registration is required within three days after entering the jurisdiction of the local law enforcement authority; and
- With the ODOC and the local law enforcement authority no less than three business days prior to abandoning or moving from the address of the previous registration;

- With the ODOC and the local law enforcement authority within three business days of changing or terminating employment; or
- With the ODOC and the local law enforcement authority within three business days of changing enrollment status as a student.

Per O.S. Title 57, Section 584

Registration with the ODOC shall include the following information:

- The full name of the registrant;
- All aliases used or which the registrant has been known;
- A complete physical description of the registrant;
- A photograph of the registrant;
- Fingerprints of the registrant;
- The registrant shall submit to a blood or saliva test for purposes of a deoxyribonucleic acid (DNA) profile and shall be required to pay the ODOC a fee of \$15.00 for the test;
- The offenses for which the registrant has been convicted;
- Where the offense was committed;
- Where the registrant was convicted;
- The name and location of each hospital or penal institution to which the registrant was committed for each offense;
- Where the registrant previously resided and where the registrant currently resides including a mappable address and a zip code;
- How long the registrant has lived there;
- How long the registrant expects to live there;
- How long the registrant expects to live in the county and in the state;
- The name and address of any school where the registrant expects to become enrolled or is enrolled or employed for any length of time;
- A description of all occupants residing with the registrant, including, but not limited to, name, date of birth, gender, relation to the registrant, and how long the occupant has resided there;
- The numeric risk level of the registrant; and
- Any electronic mail address information, instant message, chat or other Internet communication name or identity information that the registrant uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication.

Registration with the local law enforcement authority shall include the following information

- The name of the registrant;
- All aliases used or which the registrant has been known;
- Date of birth;
- Sex;
- Race;
- Height;
- Weight;
- Eye color;
- Social security number;
- Driver license number;
- A photocopy of the driver license;
- A mappable home address with a zip code;

- A description of the offense for which the registrant was convicted;
- The date of conviction;
- The sentence imposed;
- The numeric risk level of the registrant; and
- Any electronic mail address information, instant message, chat or other Internet communication name or identity information that the registrant uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication; and
- The local law enforcement authority may photograph registrants at time of registration.

Any registrant who changes address, employment or student enrollment status shall appear in person and give notification to the ODOC and the local law enforcement authority of the change no later than three business days prior to the move from the current address and within three business days of the change in employment or student enrollment status.

If the new address, employment or student enrollment status is under the jurisdiction of a different local law enforcement authority the registrant shall notify the new local law enforcement authority of any previous registration.

REGISTRATION PROCEDURES FOR EDUCATIONAL INSTITUTES

Per O.S. Title 57, Section 583

Any person who becomes subject to the provisions of the OSORA on or after November 1, 1989 shall register, in person, with the ODOC, the local law enforcement agency and the police or security department of any institution of higher learning within this state if the person:

- Enrolls as a full-time or part-time student;
- Is a full-time or part-time employee at an institution of higher learning , or
- Resides or intends to reside or stay on any property owned or controlled by an institution of higher learning.

Registration shall be within three business days of enrolling, changing or terminating of enrollment.

TRANSIENT REGISTRATION

Per O.S. Title 57, Section 584

Any person subject to the provisions of the OSORA who is unable to provide a mappable address with a zip code and registers as a transient shall report in person to the nearest local law enforcement authority every seven days and provide to the local law enforcement authority the approximate location of where the registrant is staying and where the registrant plans to stay.

ADDRESS VERIFICATION

Per O.S. Title 57, Section 584

The ODOC shall conduct address verification of each registrant by mailing a nonforwardable verification form to the last reported address of the registrant. The registrant shall return the form in person to the local law enforcement authority within ten days after the receipt of the form. The local law enforcement authority shall forward the form to the ODOC within three days after receipt of the form.

The ODOC shall conduct address verification of each registrant as follows:

- On an annual basis if the numeric risk level of the registrant is one;
- On a semi-annual basis if the numeric risk level of the registrant is two;
- Every 90 days if the numeric risk level of the registrant is three or if the registrant is designated as a habitual or aggravated sex offender;
- The local law enforcement authority designated as the primary registration authority of the registrant may, at any time, conduct an address verification of any registrant.

DISSEMINATION AND AVAILABILITY OF REGISTRATION INFORMATION

Per O.S. Title 57, Section 584

The ODOC shall maintain a file of all sex offender registrations. A copy of the information contained in the registration shall be available to:

- The public for inspection or copying and may be made available through Internet access;
- State, county, and municipal law enforcement agencies;
- The State Superintendent of Public Instruction;
- The State Commissioner of Health;
- The National Sex Offender Registry maintained by the Federal Bureau of Investigation; and
- The ODOC shall provide all municipal police departments, all county sheriff departments and all campus police departments a list of those registrants living in their county.

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

The State Commissioner of Health is authorized to distribute information from the sex offender registry to any nursing home or long term care facility.

Each local law enforcement authority shall make its sex offender registry available upon request, without restriction, at a cost that is no more than what is charged for other records.

The ODOC shall, upon the request of any Internet entity (which permits persons under the age of 18 to access, meet, congregate or communicate with others for the purpose of social networking), to release to such entity any electronic mail address information, instant message, chat or other Internet communication name or identity information that the registered sex offenders listed on the Oklahoma registry uses or intends to use while accessing the Internet or used for other purposes of social networking or other similar Internet communication. This shall not include general e-mail services.

Conviction data and fingerprints shall be transmitted at the time of registration to the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation if the state has not previously sent the information at the time of conviction.

RESIDENCY RESTRICTIONS

Per O.S. Title 57, Section 590

It is unlawful for registrants to reside, either temporarily or permanently, within 2,000 feet (measured from the nearest property line to the nearest property line) of any of the following places:

- Any public or private school site or educational institution;
- Any property or campsite used by an organization whose primary purpose is working with children;
- Any playground or park that is established, operated or supported in whole or in part by city, county, state, federal or tribal government; or
- Any licensed child care facility as defined by the Oklahoma Department of Human Services.

Per O.S. Title 57, Section 590.1

It is unlawful for two or more registrants (that are not married or blood relatives) to reside together in any individual dwelling during the term of registration as a sex offender.

LOITERING RESTRICTIONS

Per O.S. Title 21, Section 1125

It is unlawful for any registrant with a child victim under the age of thirteen years to loiter within 500 feet of the following places:

- Any elementary, junior high, or high school;
- Permitted or licensed child care center as defined by the Department of Human Services;
- Playground or park.

This proscription of conduct shall not modify or remove any restrictions currently applicable to the registrant by court order, conditions of probation or as provided by any other provision of law.

A registrant shall be exempt from this proscription regarding a school or a licensed or permitted child care facility only under the following circumstances and limited to a reasonable amount of time to complete such tasks:

- The registrant is the custodial parent or legal guardian of a child who is an enrolled student at the school or child care facility and the registrant is enrolling, delivering or retrieving such child at the school or licensed child care center during regular school or facility hours or for school sanctioned or day care sanctioned extracurricular activities.

Prior to entering this restricted zone for the above circumstances the registrant shall inform school or child care center administrators of his or her status as a registered sex offender. The registrant shall update monthly, or as

often as required by the school or center, information about the specific times the registrant will be within the restricted area.

This exception shall not be construed to modify or remove any restrictions applicable to the registrant by court order, conditions of probation or as provided by any other provision of law.

This law shall not apply to any registrant receiving medical treatment at a hospital or other facility certified or licensed by the State of Oklahoma to provide medical services. However, "medical treatment" shall not include any form of psychological, social or rehabilitative counseling services or sex offender treatment programs.

RELIGIOUS SERVICES

Per O.S. Title 21, Section 1125

Prior to attending a recognized church or religious denomination for worship, a registrant shall be required to do the following:

- Notify the religious leader of his or her status as a registered sex offender; and
- Be granted written permission by the religious leader to attend services.

EMPLOYMENT RESTRICTIONS

Per O.S. Title 57, Section 589

It is unlawful for registrants to work with or provide services to children or to work on school property.

It is unlawful for any law enforcement agency to employ any person as a peace officer or criminal investigator who has been convicted of any of the listed offenses or who is listed on the OSORA registry.

Any person who has been convicted of any of the listed offenses or who is listed on the OSORA registry shall be prohibited from being certified by the Council on Law Enforcement Education and Training as a peace officer, private investigator or security gaurd.

Per O.S. Title 21, Section 2100.1

It is unlawful for a registrant to engage in ice cream truck vending, whether or not licensed in this state as a mobile food unit.

Per O.S. Title 63, Section 1-1948

The State Long-Term Care Ombudsman is prohibited from employing or designating any state, area or local long-term care ombudsman whether paid or unpaid, who is a registered sex offender.

DRIVER LICENSE AND IDENTIFICATION CARDS

Per O.S. Title 47, Section 6-115

The driver license for all registrants shall be valid for a period of one year from the month of issuance and may be renewed yearly. The cost for such license shall be the same as for other driver licenses and renewals.

Per O.S. Title 47, Section 6-111

All registrants designated as a habitual or aggravated sex offender shall be issued a license or card bearing the words "Sex Offender."

OUT OF STATE CONVICTIONS

APPLICATION OF OSORA TO OUT OF STATE CONVICTIONS

Per O.S. Title 57, Section 582 & 583

The OSORA applies to any person who enters this state on or after November 1, 1989 and who has been convicted at any time in any court of another state, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, a federal court, an Indian tribal court, a military court, or a court of a foreign country for an offense, which if committed or attempted in this state, would have been punishable as one or more of the offenses previously listed.

REGISTRATION PROCEDURES FOR OUT OF STATE CONVICTIONS

Per O.S. Title 57, Section 583

Such person shall register, in person, as follows:

- With the ODOC and the local law enforcement authority when the person enters and intends to be in the state for any purpose for five 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 cumulative days in any 60 day period, or is enrolled as a full-time or part-time student within this state. Such registration is required within two days after entering the state.
- Any person subject to the provisions of the OSORA who has an out of state conviction that requires registration shall provide the local law enforcement authority with a certified copy of the registrant's judgment and sentencing report within 60 days of the person's initial registration with this state. If a registrant moves to a different location in this state outside of the jurisdiction of the local law enforcement authority that has a certified copy of the judgment and sentencing report, the registrant shall provide the new local law enforcement authority with a certified copy of the judgment and sentencing report within 60 days of establishing residency in the new location.

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 previously listed offenses, and who is the spouse of a person living in this state shall be registered as follows:

- With the ODOC when the person enters and intends to be in the state for any purpose for five consecutive days or longer, calculated beginning with the first day, or an aggregate period of five days or longer in a calendar year. Such registration is required within two days after entering the state.

- 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 consecutive days or longer, calculated beginning the first day. Such registration is required with local law enforcement within two days after entering the jurisdiction of the law enforcement authority.

Once a person with an out of state conviction becomes registered in the state of Oklahoma, all aspects of the OSORA apply to such person.

PROVISIONS FOR REMOVAL AND/OR EXCLUSION FROM THE OKLAHOMA REGISTRY

There are certain situations that allow for a registrant to be removed and/or excluded from the Oklahoma Sex Offender Registry. They are

Per O.S. Title 57, Section 582

Anyone whose sex offenses convictions were all prior to November 1, 1989 are not required to register as a sex offender.

Anyone registered as a sex offender pursuant to Title 21, Section 741 of the Oklahoma Statutes (Kidnapping) if the offense did not involve sexual abuse or sexual exploitation.

The Oklahoma Sex Offender Registry Act (OSORA) shall not apply to any person while that person is incarcerated in a maximum or medium institution of the Oklahoma Department of Corrections.

The OSORA shall not apply to any person who has received a criminal history records expungement for a conviction in another state for an offense, if committed in this state would be any of the offenses previously listed.

Per O.S. Title 57, Section 583

Any registrant assigned as a risk level one who has been registered for a period of ten 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 OSORA.

Per O.S. Title 57, Section 590.2

Any registrant that is required to register based solely on a conviction of Rape in the Second Degree or Rape By Instrumentation (*O.S. Title 21, Section 1114 and 1111.1*) and the registrant was not more than four years older than the victim and the victim was 14 years of age or older but not more than 17 years of age at the time of the violation.

If a registrant meets this criteria they may petition the court of conviction for removal from OSORA registration.