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<b>Sex Offender Registration</b>	<b>ACA Standard: 2-CO-1F-07, 4-4102, 4-APPFS-3D-33</b>		
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## **Sex and Violent Crime Offender Registration**

The Oklahoma Department of Corrections (ODOC) will be responsible for registering and monitoring offenders convicted of certain sex and/or violent crimes. (2-CO-1F-07, 4-4102, 4-APPFS-3D-33)

### **I. Registration of Sex Offenders**

#### **A. Applicable Sex Offenses**

The provisions of the Sex Offenders Registration Act apply to any person residing, working, or attending school within the State of Oklahoma who has been convicted or received any probationary term for the commission

or attempt or conspiracy to commit certain sex crimes in the state after November 1, 1989, or who entered the state after November 1, 1989, having been convicted or received a suspended or deferred sentence for a crime or attempted crime or conspiracy to commit a crime which if committed or attempted or conspired in this state would be a crime as provided in the list below. A probationary term rendered by an Oklahoma court includes deferred sentences. Sentences rendered outside the Oklahoma judicial system include those from any court of another state, a federal court, an Indian tribal court, a military court, the District of Columbia, Puerto Rico, Guam, American Samoa, the Northern Mariana Islands and the United States Virgin Islands, or a court of a foreign country.

A deferred sentence for a registerable offense rendered in any court prior to November 1, 1999, does not require registration. (*Hendricks v. Jones ex rel. Oklahoma Dept. of Corrections*, 2013 OK 71, P.3d, 2013 WL 5201235 (Okla. 2013))

Registration as a sex offender is mandatory for any person who has been convicted of a crime requiring them to register pursuant to the terms of the Sex Offenders Registration Act. 22 O.S. § 991a provides that neither the sentencing court nor the district attorney may exempt the person from the registration requirements of the Act.

Effective November 1, 2009, the provisions of the Sex Offenders Registration Act will not apply to any person who has received a criminal history records expungement for a conviction in another state for a crime or attempted crime which, if committed or attempted in this state, would be a registerable crime.

The applicable sex offenses are as listed in the following Oklahoma State Statutes:

1. 21 O.S. § 843.5, Abuse or Neglect of Child/Child Beating (if the offense involved sexual abuse or sexual exploitation) (previously codified as 10 O.S. § 7115);
2. 21 O.S. § 681, Assault With Intent to Commit a Felony (if the offense involved sexual assault);
3. 21 O.S. § 741, Kidnapping (if the offense involved sexual abuse or sexual exploitation);
4. 21 O.S. § 843.1, Caretaker Abuse or Neglect (if the offense involved sexual abuse or sexual exploitation);
5. 21 O.S. § 852.1, Child Endangerment (if the offense involved sexual abuse of a child);

6. 21 O.S. § 865, et. Seq., Trafficking in Children;
7. 21 O.S. § 885, Incest;
8. 21 O.S. § 886, Crime Against Nature/Sodomy;
9. 21 O.S. § 888, Forcible Sodomy;
10. 21 O.S. § 891, Child Stealing (if the offense involved sexual abuse or sexual exploitation);
11. 21 O.S. § 1021, Indecent Exposure/Indecent Exhibitions/Obscene or Indecent Writings, Pictures, etc./Solicitation of Minors to Participate in any crime under this section;
12. 21 O.S. § 1021.2, To Procure or Cause Minors to Participate in Obscene or Indecent Writings, Pictures, etc.;
13. 21 O.S. § 1021.3, Guardians/Parents/Custodians Consent to Participation of Minor in Obscene Writings, Pictures;
14. 21 O.S. § 1024.2, Purchase, Procurement, or Possession of Child Pornography;
15. 21 O.S. § 1040.12a, Aggravated Possession of Child Pornography;
16. 21 O.S. § 1040.13, Importing or Distributing Obscene Material or Child Pornography;
17. 21 O.S. § 1040.13a, Soliciting Sexual Conduct or Communication with a Minor by Use of Technology;
18. 21 O.S. § 1087, Procuring a Child Under 18 Years of Age for Prostitution, Lewdness, or Other Indecent Acts;
19. 21 O.S. § 1088, Inducing, Keeping, Detaining, or Restraining for Prostitution a Child Under 18 Years of Age;
20. 21 O.S. § 1111.1, 1114, 1115, 1116, Rape in the First Degree/Rape in the Second Degree/Rape by Instrumentation;
21. 21 O.S. § 1123, Lewd or Indecent Proposals or Acts to a Child Under 16/Sexual Battery to a Person Over 16; and
22. 21 O.S. 748, Human Trafficking (if the offense involved human trafficking for commercial sex).

To determine if sexual abuse, assault and/or exploitation is involved in the crimes designated, official documentation including, but not limited to the following, will be reviewed:

- a. District Attorney's Information Sheet alleging sexual abuse, assault, and/or exploitation;
- b. District Attorney's Narrative alleging sexual abuse, assault, and/or exploitation on the crime the offender was convicted of, not uncharged crimes or dismissed charges; and
- c. Sentencing documents for information regarding sexual abuse, assault, and/or exploitation. Sentencing documents include Judgment and Sentence, Summary of Facts, orders, minutes, etc. A court document stating a finding that no sexual abuse, assault, and/or exploitation was involved may be used to determine that no registration is required.

**B. Designation Criteria for Sex Offender Level Assignment**

Effective November 1, 2007, 57 O.S. § 582.5 provides that ODOC establish a sex offender level assignment committee composed of at least five members who are state employees with:

1. One member having experience in law enforcement;
2. One member having experience as a sex offender treatment provider;
3. One member having experience working with victims of sex offenses; and
4. One member who is a social worker with a graduate degree in Social Work.

The committee has assigned each Oklahoma sex offense in which registration is required, to a level according to the criteria in the federal Adam Walsh Child Protection and Safety Act of 2006. The "Sex Offender Registration Level Assignment" form ([DOC 020307E](#), attached) lists all registerable crimes and their corresponding level assignment for assigning registered sex offenders who have convictions dated November 1, 2007 and later to level one (low), level two (moderate), or level three (high). A level assignment may be overridden and increased by the committee, the Department of Corrections, or the courts with a documented reason for belief that the assigned level is not an accurate prediction of risk. Effective November 1, 2009, a level assignment will not be overridden and decreased for any reason by the committee, the Department of Corrections, or the courts. Levels overridden prior to November 1, 2009 will remain overridden unless increased as provided for in this section.

The Sex and Violent Offender Registration Unit will assign and/or verify the level of all registered sex offenders who have been convicted or received any probationary term for the commission or attempt to commit a registerable sex crime in the state after November 1, 2007, or have entered the state after November 1, 2007 with such a conviction or probationary term.

C. Duration of Registration

1. Sex offenders designated as habitual, aggravated, or assigned to level three, are required to register for life.
2. Sex offenders assigned to level two are required to register for a total period of 25 years from the date of the completion of their sentence if sentenced in Oklahoma, or for a total period of 25 years from the date of entering the state.
3. Sex offenders assigned to level one are required to register for a total period of 15 years from the date of the completion of their sentence if sentenced in Oklahoma, or for a total period of 15 years from the date of entering the state.
4. On June 25, 2013, the Oklahoma Supreme Court ruled in *Starkey v. Department of Corrections*, 305 P.3d 1004 (Okla. 2013), that the retroactive extension of periods of registration based on the April 26, 2004 amendment to 57 O.S. Section 583 and the retroactive application of sex offender level assignments based on the November 1, 2007 amendment to 57 O.S. Sections 582.1 – 582.5 violate the ex post facto clause of the Oklahoma Constitution. The court held that sex offender level assignments are only to be applied prospectively.
  - a. The following criteria is used to determine the registration period for offenders with Oklahoma convictions prior to November 1, 2007.
    - (1) If convicted from November 1, 1989 –April 25, 2004, or deferred from November 1, 1999-April 25, 2004 registration period is 10 years from the original registration date, unless designated as aggravated or habitual.
    - (2) If convicted or deferred from April 26, 2004 – October 31, 2007, registration period is 10 years from completion of sentence, unless designated as aggravated or habitual.
  - b. The following criteria is used to determine the registration

period for offenders with out-of-state convictions.

- (1) If entered Oklahoma from November 1, 1989 through April 25, 2004, registration period is 10 years from the date of entry into Oklahoma, unless designated as aggravated or habitual, which -- will be determined by the original registration date in Oklahoma, unless continuous residency can be verified from another date.
  - (2) If entered Oklahoma from April 26, 2004 – October 31, 2005, registration period is ten years from completion of sentence, unless designated as aggravated or habitual; from November 1, 2005 –April 28, 2008, registration period is ten years from the date the offender was initially required to be registered in Oklahoma, unless designated as aggravated or habitual. This date will be determined by the original registration date in Oklahoma, unless continuous residency can be verified from another date.
  - (3) If an offender fails to remain in the state for the duration of the registration requirements, the registration period will be recalculated when the offender reenters the state.
5. The date of completion of sentence is defined as the day an offender completes all terms of incarceration and all periods of probation and/or parole supervision pertaining to their sentence.
  6. Effective November 1, 2013, 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 law. For level one and level two offenders, if the offender ceases to properly register during the 15 or 25 year periods, the name of the offender will remain on the registry until the offender has fully complied with the requirements of the Sex Offender Registration 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.
  7. From November 1, 1989 through October 31, 1997, any incarceration time in the Oklahoma Department of Corrections after registration will not be applied to completion of the registration period. Beginning November 1, 1997, any incarceration time served in Oklahoma Department of Corrections in a maximum or medium institution after registration will not be applied to completion of the registration period.

D. Registration Procedures

1. All offenders who are subject to the provisions of the Sex Offenders Registration Act and who reside in the state, who enter the state and intend to be in the state for any purpose for seven (7) consecutive days or fourteen (14) days in a sixty-day period or longer, calculated beginning with the first day, who have any type of full-time or part-time employment with or without compensation for more than five (5) cumulative days in any sixty (60) day period, or enrolled as a full-time or part-time student within the state, will be registered as follows:
  - a. The "Sex Offender Registration Form" ([DOC 020307A](#), attached) and "Oklahoma Sex Offender Registration Act-Notice of Duty to Register" ([DOC 020307B](#), attached) forms will be completed.

The following information is collected in compliance with the Act and the federal Sex Offender Registration and Notification Act:

- (1) Criminal History- a link is provided on the public website to the ODOC "Offender Lookup" (criminal history);
- (2) Date of Birth;
- (3) Driver License or Identification Card;
- (4) Employment Information, including as a volunteer or unpaid intern;
- (5) Internet Identifiers (email address, instant message name(s), or other similar Internet identifier used to communicate over the Internet);
- (6) Name, including nicknames, aliases, pseudonyms;
- (7) Passport and Immigration Documents;
- (8) Phone Numbers, including land line and cell;
- (9) Photograph- updated photographs are provided by probation and parole officers and local law enforcement annually;
- (10) Physical Description;

- (11) Professional Licensing Information;
  - (12) Registration Offense;
  - (13) Resident Address, including all occupants. 57 O.S. 584 provides that the address given to ODOC and the local law enforcement authority shall be a physical address, not a post office box. If the physical address given cannot receive mail, a mailing address must also be provided, which may include a post office box. If no permanent address, the location or description that identifies where the sex offender habitually lives. Any offender who registers as a transient will report in person to the nearest local law enforcement authority every seven (7) calendar days and provide to the local law enforcement authority the approximate location of where the person is staying and where the person plans to stay;
  - (14) School Information;
  - (15) Social Security Number;
  - (16) Temporary Lodging Information; and
  - (17) Vehicle Information, including work vehicle, land vehicles, aircraft, or watercraft.
- b. The offender will be photographed and fingerprinted .
  - c. Offenders who have not submitted a blood or saliva sample for DNA testing will be required to do so prior to release. All other offenders being registered by probation and parole will be required to submit to a DNA blood or saliva test within thirty (30) days of registration. DNA blood or saliva testing will be performed in accordance with [OP-140401](#) entitled "DNA Testing."
  - d. The completed forms, photographs, fingerprints and sentencing documents for the registerable crime will be forwarded to the Sex and Violent Offender Registration Unit at least fourteen (14) calendar days prior to the offender's projected release date. The facility/district head is responsible for ensuring the registration paperwork is complete and accurate. The original forms are placed in Section 2 of the field file.
- (1) The Sex and Violent Offender Registration Unit will

enter registration information into the agency sex offender registry computer program and continuously maintain the database with updated information. Entry into the electronic database results in a daily report produced for the purpose of entering the required registration information into the National Sex Offender Registry maintained by the FBI.

- (2) Fingerprints will be submitted to the Oklahoma State Bureau of Investigation (OSBI) for inclusion in the state's electronic fingerprint database.
- e. The requirements to register in accordance with the Act and to report any change of address, employment, or student enrollment will be explained to the offender using the "Notice of Duty to Register."
- (1) In addition to registering with ODOC, all sex offenders must also register with local law enforcement authorities within three (3) calendar days of release from incarceration or upon receiving a suspended or deferred sentence. All sex offenders who live, work, or go to school on tribal land must also register to be placed on the tribal sex offender registry.
  - (2) All sex offenders are to notify ODOC and the local law enforcement authority no less than three business (3) 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.
- f. If the new address, employment, or student enrollment is under the jurisdiction of a different local law enforcement authority, the offender shall notify the new local law enforcement authority of any previous registration. The new local law enforcement authority shall notify the most recent registering agency by teletype or electronic transmission of the change in address, employment, or student enrollment.
- g. A change of address to another state must be reported to ODOC prior to the move, and the offender must register with the new state no later than ten (10) calendar days prior to establishing residence, whether temporary or permanent.
2. In accordance with 57 O.S. § 582.2, registration information from incarcerated offenders must be provided to the appropriate local

law enforcement agency no less than seven (7) calendar days prior to the release of a sex offender from a correctional institution. Sex offender registration information for offenders in the custody of ODOC must be submitted to the Sex and Violent Offender Registration Unit no later than fourteen (14) calendar days prior to their release. The Sex and Violent Offender Registration Unit will make the required notification to the local law enforcement agency having authority over the area in which the offender will reside.

All other offenders subject to the provisions of the Sex Offenders Registration Act will report in person to the probation and parole office nearest their residence within three (3) calendar days of receipt of a suspended or deferred sentence, and within three (3) calendar days of entering the state. When the offender contacts a probation and parole office, they will be registered in accordance with this procedure. If the offender is currently registered and is reporting a change in status, the probation/parole officer may enter the information directly into the offender's profile of the Sex and Violent Offender Registry website.

3. Any person who is subject to the Sex Offenders Registration Act, who does not reside in Oklahoma but who is the spouse of a person living in this state, shall be required to register as follows:
  - a. With ODOC when the person enters and intends to be in Oklahoma 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) calendar days after entering Oklahoma; and
  - b. With the local law enforcement authority having jurisdiction in the area, where the person intends to reside or to stay within Oklahoma for two (2) consecutive days or longer, calculated beginning with the first day. The registration is required with local law enforcement within two (2) calendar days after entering the jurisdiction of the law enforcement authority.

## II. Registration of Violent Offenders

### A. Applicable Violent Offenses

The provisions of the Mary Rippy Violent Crime Offenders Registration Act apply to any person residing, working, or attending school within the State of Oklahoma who has been convicted of, or received a deferred judgment or suspended sentence for the commission or attempt to commit certain violent crimes in the state on or after November 1, 2004, or who entered the state after November 1, 2004, having previously been convicted of, or

received a suspended or deferred sentence, or any probation and/or parole on or after November 1, 2004, for a crime or attempted crime which if committed or attempted in this state would be a crime as provided in the following section. A probationary term includes deferred sentences. Sentences rendered outside the Oklahoma judicial system include those from any court of another state, a federal court, an Indian tribal court or a military court. Except for habitual violent offenders, who are registered for life, the person shall be required to register for a period of ten years from the date of the completion of the sentence. The date of completion of sentence is defined as the day an offender completes all periods of incarceration and probation and/or parole supervision pertaining to their sentence. The applicable violent offenses are listed in the following Oklahoma State Statutes:

1. 21 O.S. § 701.7, Murder in the First Degree;
2. 21 O.S. § 701.8, Murder in the Second Degree;
3. 21 O.S. § 711, Manslaughter in the First Degree;
4. 21 O.S. 652, Shooting with Intent to Kill; Assault and Battery with a Deadly Weapon; Use of a Vehicle to Facilitate Use of a Firearm, Crossbow or other Weapon;
5. 21 O.S. § 653, Assault with Intent to Kill; and
6. 21 O.S. § 1767.1, Bombing and Explosives Violations.
7. Effective July 1, 2008, the requirement to register for crimes of abuse must be determined by the judge at the time of sentencing or upon granting the offender a deferred judgment. The judge must determine if the crime resulted in physical pain, injury, sexual abuse, sexual exploitation, unreasonable restraint or confinement, mental anguish to the victim, deprivation of nutrition, clothing, shelter, health care, or other care or services which caused serious physical or mental injury to the victim. The judge must also determine whether the facts or nature of the offense warrant registration for public disclosure and protection of victims. The judge will not order registration as a violent offender if the person is already required to register as a sex offender for the same offense.

The following crimes of abuse will be registered only upon a specific order of the sentencing judge:

- a. 10 O.S. § 7115, Abuse or Neglect of Child/Child Beating;
- b. 21 O.S. § 843.1, Caretaker Abuse or Neglect;

- c. 21 O.S. § 843.2, Verbal Abuse by a Caretaker (misdemeanor);
- d. 21 O.S. §852, Omission to Provide for a Child; and
- e. 21 O.S. § 852.1, Child Endangerment.

B. Registration Procedures

1. All offenders subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act who reside in the state; who enter the state and intend to be in the state for any purpose for thirty (30) days or longer; who have any type of full-time or part-time employment with or without compensation for more than fourteen (14) calendar days, or an aggregate period exceeding thirty (30) days in a calendar year; or is enrolled as a full-time or part-time student within the state will be registered as follows:
  - a. The “Violent Offender Registration Form” ([DOC 020307C](#), attached) and “Mary Rippy Violent Crime Offenders Registration Act-Notice of Duty to Register” ([DOC 020307D](#), attached) forms will be completed. If the offender lives in a community where there are no street addresses, in a rural area where route numbers are used, or receives mail at a post office box, specific directions to the offender’s place of residence will be required.
  - b. The offender will be photographed and fingerprinted.
  - c. Offenders who have not submitted a blood or saliva sample for DNA testing will be required to do so prior to release. All other offenders being registered by probation and parole will be required to submit to a DNA blood or saliva test within thirty (30) calendar days of registration. DNA blood or saliva testing will be performed in accordance with [OP-140401](#) entitled “DNA Testing.”
  - d. The completed forms, photographs, and fingerprint cards will be forwarded to the Sex and Violent Offender Registration Unit. The facility/district head is responsible for ensuring the registration paperwork is complete and accurate. The original forms are to be placed in Section 2 of the field file.
  - e. The requirements to register in accordance with the Act and to report any change of address will be explained to the offender using the “Notice of Duty to Register.” In addition to registering with ODOC, violent crime offenders must also register with local law enforcement authorities within three (3) calendar days of release from incarceration or upon

receiving a suspended or deferred sentence. Offenders entering the state are required to register with ODOC and local law enforcement within three (3) calendar days after entering Oklahoma. Violent crime offenders are to notify ODOC 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.

- f. If the new address is under the jurisdiction of a different local law enforcement authority, the offender is required to notify the new local law enforcement authority of any previous registration. The new local law enforcement authority shall notify the most recent registering agency by teletype or letter of the change in address of the offender.
  - g. If the change of address is to another state, the offender must register with the new state no less than ten (10) calendar days prior to establishing residence whether temporary or permanent, if the new state has a violent crime registration requirement.
  - h. If an offender graduates, transfers, drops, terminates, or otherwise changes enrollment or employment at any school in the state, the offender shall notify ODOC and the local law enforcement authority within three (3) business days of the change in enrollment or employment.
2. Inmates in the custody of ODOC will be registered prior to their release. All other offenders subject to the provisions of the Mary Rippy Violent Crime Offenders Registration Act will report in person to the probation and parole office nearest their residence within three (3) business days of receipt of a suspended or deferred sentence, and within three (3) business days of entering the state. When the offender contacts a probation and parole office, they will be registered in accordance with this procedure. If the offender is currently registered and is reporting a change in status, the probation/parole officer may enter the information directly into the offender's profile of the Sex and Violent Offender Registry website.

### III. Habitual and Aggravated Sex Offenders/Habitual Violent Crime Offenders

#### A. Designation Criteria for Habitual Sex Offenders

Oklahoma Statute 57 O.S. § 584 provides that certain sex offenders be designated by ODOC as habitual sex offenders. A sex offender is considered habitual:

- 1. Upon their second conviction or suspended sentence or probationary term for any of the crimes subject to sex offender

registration; or

2. Who have been convicted of an additional crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime subject to sex offender registration and enters this state after November 1, 1997.

The designation as a habitual sex offender is in addition to the registration requirements of the Sex Offenders Registration Act. The habitual designation will be for the lifetime of the offender. The registration file of an offender designated as habitual will be flagged to indicate such designation. After an offender is designated as habitual, the local law enforcement agency having jurisdiction over the offender's residence will be notified by the Sex and Violent Crime Registration Unit.

**B. Designation Criteria for Aggravated Sex Offenders**

Oklahoma Statute 57 O.S. § 584 provides that certain sex offenders are designated by ODOC as aggravated sex offenders. An aggravated sex offender is any offender who on or after November 1, 1999, is convicted or receives a suspended sentence or any probationary term for the crimes of Abuse or Neglect of Child/Child Beating (when sexual abuse or exploitation is involved), Incest, Forcible Sodomy, Rape in the First Degree, Rape in the Second Degree, Rape by Instrumentation, Lewd or Indecent Proposals or Acts to a Child Under 16, Sexual Battery of a Person Over 16, or any attempt to commit these crimes.

The designation as an aggravated sex offender is in addition to the registration requirements of the Sex Offenders Registration Act. The aggravated designation will be for the lifetime of the offender. The registration file of an offender designated as aggravated will be flagged to indicate such designation. After an offender is designated as aggravated, the local law enforcement agency having jurisdiction over the offender's residence will be notified by the Sex and Violent Offender Registration Unit.

**C. Designation Criteria for Habitual Violent Crime Offenders**

Oklahoma Statute 57 O.S. § 595 provides that certain violent crime offenders be designated by ODOC as habitual violent crime offenders. A violent crime offender is considered habitual:

1. Upon their second conviction or suspended sentence or probationary term for any of the crimes subject to violent crime offender registration; or
2. Who has been convicted of an additional crime or attempted crime which, if committed or attempted in this state, would be a crime or an attempt to commit a crime subject to violent crime offender

registration and enters this state after November 1, 2004.

The designation as a habitual violent crime offender is in addition to the registration requirements of the Violent Crime Offenders Registration Act. The habitual designation will be for the lifetime of the offender. The registration file of an offender designated as habitual will be flagged to indicate such designation. After an offender is designated as habitual, the local law enforcement agency having jurisdiction over the offender's residence will be notified by the Sex and Violent Offender Registration Unit.

D. Community Notification by Local Law Enforcement

1. Upon registration of any person designated as a habitual or aggravated sex offender, or habitual violent crime offender, the local law enforcement agency, not ODOC personnel, may notify anyone the local agency determines appropriate, and will include, but not be limited to:
  - a. The family of the habitual or aggravated sex offender, or habitual violent crime offender;
  - b. Any prior victim of the habitual or aggravated sex offender, or habitual violent crime offender;
  - c. Residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent; and
  - d. Nursing facilities, specialized facilities, residential care homes, continuum-of-care facilities, assisted living centers, and adult day care facilities.
2. The community notification by local law enforcement may include, but is not limited to:
  - a. The name and physical address of the habitual or aggravated sex offender, or habitual violent crime offender;
  - b. A physical description of the habitual or aggravated sex offender, or habitual violent crime offender, including, but not limited to, age, height, weight, and eye and hair color;
  - c. A description of the vehicle that the habitual or aggravated sex offender, or habitual violent crime offender, is known to drive;
  - d. Any conditions or restrictions of the probation, parole, or conditional release of the habitual or aggravated sex

offender, or habitual violent crime offender;

- e. A description of the primary and secondary targets of the habitual or aggravated sex offender, or habitual violent crime offender;
- f. A description of the method of offense of the habitual or aggravated sex offender, or habitual violent crime offender;
- g. A current photograph of the habitual or aggravated sex offender; or habitual violent crime offender;
- h. The name and telephone number of the probation and parole officer of the habitual or aggravated sex offender, or habitual violent crime offender (if under supervision); and
- i. The level of the sex offender.

#### IV. Monitoring of Registered Sex and Violent Crime Offenders

##### A. Registration Files

Registration files for offenders convicted in Oklahoma who are not classified as aggravated, habitual, or level three sex offenders, will be maintained for a period of at least ten years from the date that the offender completed the requirements under the Sex Offender Registration Act.

##### B. Keeping the Registration Current

###### 1. Address Verification

The Sex and Violent Offender Registration Unit will conduct an address verification of all sex and violent crime offenders by mailing a non-forwardable verification form to the last known address. Sex offenders with no level, level one sex offenders, and registered violent crime offenders will have their address verified annually. Level two sex offenders will have their address verified semiannually. Those offenders designated as habitual, aggravated, or level three sex offenders, or habitual violent crime offenders, will have their address verified every ninety (90) days. The offender will return the signed form in person to their local law enforcement agency within ten (10) calendar days. The local law enforcement agency must require the offender to produce proof of their identity and current address and then forward the signed verification to ODOC within three (3) calendar days. If the offender fails to properly verify their address, the local law enforcement agency and district attorney's office will be notified of the failure within forty-five (45) calendar days.

2. Immediate Updates

The sex offender registry will be updated within three (3) calendar days upon changes to the following information: vehicle information, temporary lodging information, email addresses, instant message addresses, or other designations used via internet communications.

C. Release of Information/Public Information

Sex and Violent Offender Registration files are available for public inspection and copying. The inspection may be conducted anytime during normal business hours. The department will respond to inquiries about specific offenders and will release information from the offender's registration file, to include copies. Copies of the entire registry may be obtained by non-governmental entities at a cost of 25 cents per page in accordance with [OP-060212](#) entitled "Maintenance and Access of Offender Records."

The Sex and Violent Offender Registries are available on the agency website.

Oklahoma Statute 57 O.S. 584 provides that ODOC will, upon the request of any Internet entity, release Internet identification information that would enable the entity to prescreen or remove sex offenders from its service or, in conformity with state and federal law, advise law enforcement or other governmental entities of potential violation of law or threats to public safety. ODOC may charge the entity a fee for access to this information. An Internet entity is any business, organization or other entity providing or offering a service over the Internet which permits persons under eighteen (18) years of age to access, meet, congregate or communicate with other users for the purpose of social networking.

D. Notification to Local Law Enforcement/Other Government Entities

ODOC will provide all municipal police departments, all county sheriff's departments, all campus police departments, and police or security departments of institutions of higher learning with a list of registered sex and violent crime offenders living in their respective jurisdictions. Probation and parole officers have access to the sex and violent crime registries through the agency computer system. Local law enforcement will be notified any time the department becomes aware of a change in the status of a registered sex and/or violent crime offender, when an offender is newly registered, and when an offender is designated as a habitual or aggravated sex offender, or habitual violent crime offender. Change of status information includes a change of address, employment, or student enrollment status.

ODOC will provide all persons, businesses, government agencies, and

organizations with registered sex and violent crime offender information for the purpose of conducting employee and/or volunteer background checks, for verifying a person's suitability to work with or provide services to children, and for the monitoring of sex and violent offenders residing in long-term care facilities.

All such entities described in this section have access to all registration information on the ODOC website and may also be provided with additional log in access if requested.

E. Notification to Other Jurisdictions

Upon notification that a registered sex offender is moving to another state, the receiving state's designated sex offender registration agency will be contacted and provided with a copy of the offender's Oklahoma registration file. Address verifications will not be conducted while the offender lives out of state, as the receiving state's registration agency will assume responsibility for the offender's registration.

Upon notification that a registered violent crime offender is moving to another state, if the state has a registration requirement, the designated violent crime offender registration agency will be contacted and provided with a copy of the offender's Oklahoma registration file.

Upon notification that an offender is moving outside the United States, the US Marshals Service will be notified and provided with information about the registered sex offender including the intended residence, school, or employment outside of the United States.

F. International Travel

Title I of the Adam Walsh Child Protection and Safety Act of 2006, the Sex Offender Registration and Notification Act (SORNA), as augmented by the National Guidelines for Sex Offender Registration and Notification (June 2008) and the Supplemental Guidelines for Sex Offender Registration and Notification (January 2011), requires that a registrant inform his or her residence jurisdiction of any intended travel outside of the United States at least twenty-one (21) calendar days prior to that travel. In order to be in compliance, offenders must notify the Sex and Violent Offender Registration Unit. Pursuant to the SORNA Guidelines, information about such intended travel will be transmitted to the U.S. Marshals Service by the "Notification of International Travel Form."

The U.S. Marshals Service should be provided the following information regarding:

1. Destination

- a. Dates/places of departure, arrival and return (if applicable), including the name of the city/town that is the point of departure from each country;
- b. Means of travel (air, train, ship); and
- c. Itinerary details (when available) including the name of the airport/train station/port, the flight/train/ship number, the time of departure, the time of arrival, and information about any intermediate stops.

2. Purpose of Travel

- a. Business;
- b. Deportation;
- c. Military;
- d. Relocation; or
- e. Other (specify).

G. Out of State Sentencing Documents

Effective November 1, 2011, any person subject to the provisions of the Sex Offenders Registration Act or the Mary Ripley Violent Crime Offenders Registration Act, who has an out-of-state conviction that requires registration, shall provide the local law enforcement authority where the offender intends to reside with a certified copy of the offender's judgment and sentencing documentation within sixty (60) calendar days of the offender's initial registration with this state. If an offender moves to a different location in this state outside of the jurisdiction of the law enforcement authority that has a certified copy of the judgment and sentencing report, the offender shall provide the local law enforcement authority of the new location where the offender intends to reside with a certified copy of the judgment and sentencing report within sixty (60) calendar days of establishing residency in the new location.

H. Global Position Satellite (GPS) Monitoring

Oklahoma Statute 22 O.S. § 991a provides that sex offenders designated as habitual or aggravated shall be assigned to a global position satellite (GPS) monitoring device for the duration of the required registration period if the court orders the offender to be placed on a GPS monitor. The cost of the monitoring device shall be reimbursed by the offender.

Oklahoma Statute 57 O.S. § 510.10 provides that any offender paroled on or after May 17, 2005, who is subject to the Oklahoma Sex Offender

Registration Act will be assigned to a global position satellite monitoring device for the duration of the registration period.

Any person required to register pursuant to the Sex Offenders Registration Act who fails to comply with the established guidelines for GPS monitoring shall, upon conviction, be guilty of a felony punishable by a fine not to exceed \$1000, or by imprisonment in the custody of the county jail for not more than one year, or by both such fine and imprisonment.

I. Grievance Process

An offender under ODOC parole or probation supervision may address issues regarding registration requirements in accordance with [OP-090124](#) entitled "Inmate/Offender Grievance Process." Persons not under ODOC supervision may file a registration grievance by completing and submitting the "Sex or Violent Offender Registration Grievance Form" ([DOC020307F](#), attached) to the Sex and Violent Offender Registration Unit at 3400 N. Martin Luther King, Oklahoma City, OK 73111. The time requirements set forth in [OP-090124](#) shall be followed.

V. Violation of Sex Offenders Registration Act/Mary Rippy Violent Crime Offenders Registration Act

Violation of any provision of these Acts is a felony punishable by incarceration of up to five years and/or a \$5000 fine. Violations will be reported to the local law enforcement agency and the local district attorney's office for their consideration of filing charges. Information about possible violations received from the public, another jurisdiction, or any state or federal authorities, will be forwarded to the appropriate law enforcement agency with the jurisdiction to investigate.

It is unlawful for a registered sex offender to work with or provide services to children or to work on school premises, or for any person or business who offers or provides services to children or contracts for work to be performed on school premises. Violations may be punished as a misdemeanor with a fine not to exceed \$1000.

Effective November 1, 2012, 57 O.S. 590 provides that it shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act for any offense in which a minor child was the victim to intentionally reside with a minor child or establish any other living accommodation where a minor child resides. Provided, however, the person may reside with a minor child if the person is the parent, stepparent or grandparent of the minor child and the minor child was not the victim of the offense for which the person is required to register. Violations may be punishable by imprisonment of up to three years and/or a fine not to exceed \$3000.

VI. Procedure for Requesting Registration Removal

A. Effective November 1, 2009, 57 O.S. 590.2, provides that persons may be

considered for removal of the requirement to register as a sex offender if the person has only one conviction for any rape crime in violation of 21 O.S. 1111.1 or 1114, is not required to register as result of any other registerable sex offense, and was not more than four years older than the victim of the crime who was fourteen years of age or older but not more than 17 years of age at the time the person committed the violation.

A person meeting the criteria may petition the court of the county of conviction for removal of the requirement to register. In addition, a person who has yet to be sentenced for a conviction of a violation of 21 O.S. §1111.1 or 1114, and who meets the aforementioned criteria, may ask the sentencing court for removal of the requirement to register as a sex offender. If the court grants the petition and orders the removal of the registration requirement, upon receipt of a certified copy of the order, ODOC will remove all information pertaining to the offender from the sex offender registry. Such removal does not alter or expunge any criminal history or other record of the person that is otherwise available as a public record.

If the court denies the petition or motion, the person cannot file any further petitions or motions for removal of the registration requirement.

- B. Effective April, 29, 2008, any person assigned a 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 Sex Offenders Registration Act.

## VII. References

Policy Statement No. P-020100 entitled "Management of Department of Corrections Information"

OP-060212 entitled "Maintenance and Access of Offender Records"

OP-090124 entitled "Inmate/Offender Grievance Process"

OP-140401 entitled "DNA Testing"

21 O.S. § 652, 653, 681, 701.7, 701.8, 711, 741, 843, 843.1, 843.2, 843.5, 852, 852.1, 865, 885, 886, 888, 891, 1021, 1021.2, 1021.3, 1040.13a, 1040.51, 1087, 1088, 1111.1, 1114, 1123, 1125, and 1767.1

22 O.S. § 991a.

51 O.S. § 24A.8

57 O.S. § 510.10

57 O.S. § 581 – 599.1

Starkey v. Oklahoma Depart. of Corrections, 305 P.3d 1004 (Okla. 2013).

Hendricks v. Jones ex rel. Oklahoma Dept. of Corrections, 2013 OK 71, \_\_\_ P.3d \_\_\_, 2013 WL 5201235 (Okla. 2013).

VIII. Action

The affected division manager is responsible for compliance with this procedure.

The associate director of Field Operations is responsible for the annual review and revisions.

Any exceptions to this procedure will require prior written approval from the director.

This procedure is effective as indicated.

Replaced: Operations Memorandum No. OP-020307 entitled “Sex and Violent Crime Offender Registration” dated November 20, 2014

Distribution: Policy and Operations Manual  
Agency Website

<u>Referenced Forms</u>	<u>Title</u>	<u>Location</u>
<a href="#">DOC 020307A</a>	“Sex Offender Registration Form”	Attached
<a href="#">DOC 020307A</a>	“Sex Offender Registration Form” (Spanish Version)	Attached
<a href="#">DOC 020307B</a>	“Oklahoma Sex Offender Registration Act-Notice of Duty to Register”	Attached
<a href="#">DOC 020307B</a>	“Oklahoma Sex Offender Registration Act-Notice of Duty to Register” (Spanish Version)	
<a href="#">DOC 020307C</a>	“Violent Offender Registration Form”	Attached
<a href="#">DOC 020307C</a>	“Violent Offender Registration Form” (Spanish Version)	Attached
<a href="#">DOC 020307D</a>	“Mary Rippy Violent Crime Offenders Registration Act- Notice of Duty to Register”	Attached
<a href="#">DOC 020307D</a>	“Mary Rippy Violent Crime Offenders Registration Act- Notice of Duty to Register” (Spanish Version)	Attached
<a href="#">DOC 020307E</a>	“Sex Offender Registration Level Assignment Form”	Attached
<a href="#">DOC 020307F</a>	“Sex or Violent Offender Registration Grievance Form”	Attached

