



Sex Offender Registration

OKLAHOMA DEPARTMENT OF CORRECTIONS
2019
<http://doc.ok.gov>

Title 57 O.S. Section 581 et seq.

- Shall be known as the “Sex Offenders Registration Act” (SORA) effective 11-1-1989
- Legislature found sex offenders who commit predatory acts against children and persons who prey on others as a result of mental illness pose a high risk of re-offending after release from custody.
- Legislature found the privacy interest of persons adjudicated guilty of these crimes is less important than the state’s interest in public safety.
- Legislature found a system of registration will permit law enforcement officials to identify and alert the public when necessary for protecting public safety. DOC was designated to provide a public accessible registry.
<https://sors.doc.state.ok.us/svor/f?p=119:1:>
- Oklahoma is a **DUAL**- registration state which requires the offender to register with local law enforcement and the nearest DOC Probation and Parole Office

Additional Reference

- 22 O.S. 991c(l) provides “the deferred judgment procedure shall not apply to defendants found guilty or who plead guilty to a sex offense requiring registration.”
- 22 O.S. 991a(k) provides “when sentencing a person who has been convicted of a crime that would subject that person to the provisions of the Sex Offenders Registration Act, neither the court nor the district attorney shall be allowed to waive or exempt such person from the registration requirements of the Sex Offenders Registration Act.”
- 57 O.S. 582.5 provides DOC shall establish a registry and a level assignment committee which “shall determine, based on applicable law, the level a person subject to registration pursuant to the provisions of the Sex Offender Registration Act shall be placed upon.”
- 57 O.S. 582.5(D) provides “in no event shall the sex offender level assignment committee, the Department of Corrections, or a court override and reduce a level assigned to an offender.”

Statistics

- Average number of registered sex offenders for FY18 was **6,775**
- The current number of registered sex offenders is **7040** (October 2019)
 - **5026 Aggravated Offenders**
- The Sex and Violent Offender Registration Unit mails out approximately **1,800-2,000** letters every month
- The unit mailed approximately **21,055** verification letters and approximately **3600** delinquent letters in 2018

Registration Process

ODOC Policy OP-020307 "Sex and Violent Crime Offender Registration"

Registration Packet should include:

- Sentencing Documents
- Sex Offender Registration and Notice of Duty to Register (DOC 020307B)
- DNA Testing (prior to facility release) or at P & P Office (OP-140401)
- Photographs (4) Front, L-Side, R-Side, and Front (without glasses if applicable)
- Fingerprints (2) Cards

Packets should be forwarded to our office within 10 days



Sentencing Documents

Sentencing Documents:

- Judgement & Sentence
- DA Narrative
- Information Sheet
- Court Order & Amendments



Registration Packet Contents

Remember:

Packets shall include:

1. Sex Offender Registration and Notice of Duty to Register form (SOR-NOD)
2. Sentencing Documents
3. Finger Prints (mail originals)
4. CODIS DNA receipt
5. Photographs (4)



Enter the information into database and/or
Scan & email the packet to osor@doc.ok.gov

Registration Determination

SVOR office will review packet contents and determine offender's registration requirements based on various factors such as:

State of Conviction
Date of Conviction
Date of Registration
Date of Entry (into Oklahoma)
Incarceration Time
Prior Sex Convictions
Tier/Level Risk Assessment
Completion of Sentence

We process all U.S. States, Military, Federal, and abroad registration determinations. If a **new** offender reports to LE/PO, please have the offender complete the paperwork regardless if you think they need to register.

Verification Process



Sex Offender Registration

Reminder:

Oklahoma is a Dual Registration state- the offender is required to register with the local law enforcement and ODOC Probation and Parole.

SVOR determines registrations.

Send registration packets to Sex and Violent Offender Registration (SVOR) as quickly as possible
Email is preferred at osor@doc.ok.gov



Oklahoma Registry

Oklahoma Sex & Violent Offender Registry

Sex Offender Registry

Welcome to the official State of Oklahoma Sex Offender Registry web site. Once you have read and acknowledged the information and disclaimer below, you may search the site by a specific offender's name; obtain a listing of offenders by various criteria such as county, city, crime, appearance, etc.; or obtain a listing of offenders within a specified Oklahoma zip code or within a defined radius of an address. You may also register for the Community Notification system so that you can be notified by email when a registered sex offender moves into the specified radius of the address submitted. The Oklahoma Sex Offender Registry, maintained by the Oklahoma Department of Corrections, provides public information on sex offenders required to register pursuant to the Sex Offenders Registration Act, 57 O.S. 581-590.2. The Act applies to any person residing, working, or attending school within the state who has been convicted or received any probationary term for a sex crime in the state after November 1, 1989, or has moved into the state after November 1, 1989, having previously been convicted or received any probationary term for a sex crime. State law designates certain sex offenders as habitual (two or more sex crime convictions) or aggravated (convicted of the most serious kinds of sex offenses) and based on federal law all sex offenders are assigned to one of three levels. The Act describes Level 1 offenders as those who pose a low danger to the community and not likely engage in criminal sexual conduct; Level 2 offenders pose a moderate danger to the community and may continue to engage in criminal sexual conduct; and Level 3 offenders pose a serious danger to the community and will continue to engage in criminal sexual conduct. All offenders are flagged according to these designations on this site. Habitual, aggravated and Level 3 offenders are required to register for their lifetime. Level 2 offenders are required to register for twenty-five years following expiration of their sentence. Level 1 offenders are required to register for three years following expiration of their sentence. The registration time period for Level 1 and 2 offenders whose conviction is from another jurisdiction, begins from initial registration date in Oklahoma. The Oklahoma Sex Offender Registry provides information to the public and law enforcement in the interest of public safety. The Oklahoma Department of Corrections has not considered or assessed the specific risk of re-offense with regard to any individual prior to his or her inclusion on this web site and has made no determination that any individual included on the web site is currently dangerous. Individuals on the registry are included solely by virtue of their conviction record and state law. The primary purpose of providing this information is to make the information easily available and accessible. In Oklahoma sex offenders are required to register with the Department of Corrections and with their local law enforcement agency. Failure to register and comply with the Act is a felony offense punishable by up to five years in prison. In addition to checking this site, you should contact your local police department or sheriff's office for information they may have about known offenders in your community. The Oklahoma Department of Corrections updates the registry daily to provide the most complete and accurate information. Through regular correspondence and cooperation with local police departments and sheriff's offices, address and other information is updated to ensure its validity and timeliness. However, information changes quickly and much of the information contained in a registration record has been provided by the registrant. Neither the Oklahoma Department of Corrections nor your local police department or sheriff's office can guarantee the accuracy of this information at all times. Habitual, Aggravated and Level 3 sex offenders are required to verify their home address every ninety days, Level 2 offenders semiannually, and Level 1 offenders annually. It is common for offenders to move and fail to notify the Department of Corrections or their local law enforcement agency of their new address. Reliance on any information provided herein is at the user's sole risk. The Oklahoma Department of Corrections shall not be responsible for any use or reliance on information provided, or the lack of any information present that might result in injury or damage of any kind. Sex offender registry information shall not be used to retaliate against the registrants, their families, or their employers in any way, vandalism, verbal or written threats of harm are illegal and will result in arrest and prosecution.

Notice To Public: If you believe any information contained in this registry to be inaccurate, please do the following:

- Use the Search form to locate the offender.
- Select and open the offender information by pressing the "Detail" button.
- Press the "submit a note" button to post a note regarding the offender.

Or

- Click here osor@doc.state.ok.us to send us an email message.
- Provide the information you believe to be incorrect, or a brief note.

I have read the Web Site Cautions and agree to the Terms.

ODOC OP-020307

- **Policy reviewed and revised (as necessary) annually**
- **Effective Date: November 1, 2019**
<http://doc.publishpath.com/Websites/doc/images/Documents/Policy/op020307.pdf>
- **Includes key components to registration guidelines**
 - **Applicable Offenses**
 - **Designation Criteria for Sex Offender Level Assignment**
 - **Duration of Registration**
 - **Habitual/Aggravated Offenders**
 - **Monitoring of Registered Offenders**
 - **Violations of the Registration Acts**
 - **Attachments**

The Adam Walsh Child Protection and Safety Act of 2006

- 11-1-2007 (amended 4/29/08) Level assignments originated based on risk and severity of the offense
 - All offenders, whether convicted in Oklahoma or out of state, are assigned a level based upon their offense
- Level 1-Register *annually* for a total of 15 years
- Level 2-Register *semi-annually* for a total of 25 years
- Level 3-Register *every 90 days* for lifetime
- Length of registration depends on different variables such as Oklahoma conviction date, Out of State conviction date and subsequent entry into Oklahoma, etc.

Habitual Offenders

- Any person who has been convicted of or received a suspended sentence or any probationary term, including a deferred sentence...and who:
 - Is subsequently convicted of a sex crime on or after November 1, 1997 or
 - Has been convicted of an additional sex crime and has entered the state on or after November 1, 1997, shall be designated as a Habitual Sex Offender and required to register for life.

Aggravated Offenders

- On or after November 1, 1999, any person who has been convicted of a sex crime or an attempt to commit the crime, designated by the legislature, who received a suspended sentence, probationary term, or deferred sentence, shall be subject to the registration requirements of SORA and shall be designated as an Aggravated Sex Offender.
- An aggravated sex offender shall be required to register for life.

Sex Offender Level Assignment

SEX OFFENDER REGISTRATION LEVEL ASSIGNMENT				
Crimes	Level 1	Level 2	Level 3	Aggravated
1. 21 O.S. 843.5 - Abuse or Neglect of Child/Child Beating (when sexual abuse or sexual exploitation is involved/sexually coerced as 10 O.S. 7110)			X	X
2. 21 O.S. 885 - Incest			X	X
3. 21 O.S. 886 - Fornication Sodomy			X	X
4. 21 O.S. 1111.1 - Rape by Instrumentation			X	X
5. 21 O.S. 1114 (1)(5)(1)(6) - Rape in the First/Second Degree			X	X
6. 21 O.S. 1103 - Lewd or Indecent Proposals or Acts to a Child Under 18			X	X
7. 21 O.S. 111 - Adultery (if the offense involved sexual abuse or sexual exploitation)			X	
8. 21 O.S. 865 - Trafficking in Children (if the offense involved sexual abuse or sexual exploitation)			X	
9. 21 O.S. 891 - Child Stealing (if the offense involved sexual abuse or sexual exploitation)			X	
10. 21 O.S. 856 - Contributing to Delinquency (if the offense involved child prostitution or human trafficking for commercial sex)			X	
11. 21 O.S. 1114 - Rape in the Second Degree			X	X
12. Second and Subsequent Sex Offense Conviction			X	
13. 21 O.S. 746 - Human Trafficking (if the offense involved human trafficking for commercial sex)		X		
14. 21 O.S. 1021 (A)(3)(4) and (B)(1)(2) - Obscene or Indecent Writings, Pictures, etc. (Solicitation of minors in any crime under this section)		X		
15. 21 O.S. 1021.2 - To Produce or Cause Minors to Participate in Obscene or Indecent Writings, Pictures, etc.		X		
16. 21 O.S. 1021.3 - Guardian-Parent-Custodian Consent to Participation of Minor in Obscene Writings, Pictures		X		
17. 21 O.S. 1028 - Enticing or Soliciting Child Prostitution		X		
18. 21 O.S. 1040.8 - To Procure, Produce, or Publish Child Pornography		X		
19. 21 O.S. 1040.13a - Soliciting Sexual Conduct or Commission with a Minor by Use of Technology		X		
20. 21 O.S. 1087 - Proving a Child under 18 years of age for Prostitution, Lewdness, or Other Indecent Acts		X		
21. 21 O.S. 1088 - Inducing, Keeping, Detaining, or Restraint for Prostitution a Child under 18 years of age		X		
22. 21 O.S. 681 - Assault with Intent to Commit a Felony (if the offense involved sexual assault)	X			
23. 21 O.S. 843.1 - Caretaker Abuse or Neglect (when sexual abuse or sexual exploitation is involved) (see note under Level Assignment)	X			
24. 21 O.S. 853.1 - Child Endangerment (if the offense involved sexual abuse of a child) (see note under Level Assignment)	X			
25. 21 O.S. 886 - Crime Against Humanity/Sodomy		X		
26. 21 O.S. 1021 (A)(1) and (A)(2) - Indecent Exposure/Indecent Exhibitions	X			
27. 21 O.S. 1021.2 - Purchase, Procurement, or Possession of Child Pornography	X			
28. 21 O.S. 1040.9 - Distribution or Exhibition of Child Pornography	X			
29. 21 O.S. 1040.12a - Aggravated Possession of Child Pornography	X			
30. 21 O.S. 1040.13 - Importing or Distributing Obscene Material or Child Pornography	X			

LEVEL ASSIGNMENT:
 Only offenders with applicable convictions or probationary periods on or after November 1, 2007 will be assigned a level.
 Considering all convictions or probationary periods, determine the crime with the highest level assignment. Offenders who are designated as habitual or aggravated are overridden to level three. Offenders with the crimes of Caretaker Abuse or Neglect or Child Endangerment are assigned to level 1 if the crime involved touching, feeling, observation, or indirect exposure for the purpose of sexual gratification; assigned to level 2 if the crime involves oral, anal, or vaginal penetration.
 An offender assigned to level one must register for a total of 15 years with annual address verification.
 An offender assigned to level two must register for a total of 25 years with address verification every 6 months.
 An offender assigned to level three must register for life with address verification every ninety (90) days.

DCC 020307E (R 11/19)

Sex Offender Registration and Notice of Duty to Register (SOR-NOD) Form

Sex Offender Registration and Notice of Duty to Register

Sex Offenders Registration Act Title 57, Sections 581-590.2 and Title 21, Section 1125 of the Oklahoma State Statutes

Registration: New, Update, or Annual (circle one)

Name: Last First Middle DOC#

Offender Home Address City State Zip Code Phone

Offender (Previous) Address City State Zip Code Phone

Dates:

Student ID Number Name of Educational Institution Address of Educational Institution

Current Employer Address City State Zip Code Phone Date of Employment

Previous Employer Address City State Zip Code Phone Dates of Employment

Alias(s):

DOB: / / DL: State: FBI: OSBI:

SSN: / / Race: Gender: DNA Collected: Photos:

Height: Weight: Hair: Eyes: Place of Birth:

Are you a US Citizen? Yes No

Scars/Marks/Tattoos (Describe in detail)

Scars/Marks/Tattoos

IMPORTANT

Residency Restriction

57 O.S. § 590 – Residency Restriction

- Unlawful for an offender to reside, either temporarily or permanently, within a two-thousand foot radius of any public or private school, education institution, property or campsite used by an organization *whose primary purpose is working with children*, a playground or park that is established, operated or supported in whole or in part by a homeowner's association or a city, town, county, state, federal or tribal government, or a licensed child care center or family child care home as defined in the Oklahoma Child Care Facilities Licensing Act or the residence of his or her victim.

Residency Restriction

- The provisions of this section **shall not apply to** any registered sex offender residing in a **hospital or other facility certified or licensed by the State of Oklahoma to provide medical services.**
- Any person willfully violating the provisions of this section by intentionally moving into any neighborhood or to any real estate or home within the prohibited distance shall upon conviction, be guilty of a felony.

Residing with Minors

- Any offender subject to SORA provisions may reside with a minor child only ***if*** they are the parent, stepparent or grandparent of that minor child, provided that minor child was not the victim of the offense for which the offender is required to register.
- Any offender residing with a minor ***must report*** to the **Department of Human Services centralized hotline** the names and date of births of all minor children residing in the household and must report the offenses for which the offender is required to register within three (3) days of intent to reside with a minor child. The hotline number is **1-800-522-3511**. (57 O.S. §584)
- **DHS Referral Number shall be provided to LE and written on the SOR-NOD form.**

Sex Offenders Residing Together

57 O.S. § 590.1 Residency Restriction

- It is **unlawful** for two or more persons required to register as sex offenders to **reside together** in any individual dwelling during the term of registration.
 - There is an **exception** if the offenders are **blood relative or married**.

Zone of Safety 21 O.S. § 1125

- An offender is prohibited from **loitering within five hundred (500) feet** of any elementary, junior high or high school, permitted or licensed child care center as defined by DHS, playground, park, or the residence of a victim of a sex crime, if the offender has been convicted of a crime that requires the offender to register pursuant to the SORA or the offender has been convicted of an offense in another jurisdiction, which the offense if committed or attempted in this state, would have been registerable pursuant to SORA, and **their victim was a child under the age of sixteen (16) years**.
- An offender is prohibited from **entering any park** if the offender has been designated as a **habitual or aggravated** sex offender.
 - A park means any outdoor public area specifically designated as being used for recreational purposes operated or supported in whole or in part by an association of homeowners or a city, town, county, state, federal, or tribal governmental authority.

Exemptions to the Zone of Safety

- The offender is the **custodial parent or legal guardian** of a child who is an **enrolled** student at the school or child care facility, and he/she is **enrolling, delivering or retrieving** such child during regular school or facility hours or for school-sanctioned or child care center sanctioned **extracurricular activities**.
- **Prior to entering** the zone of safety, the offender **shall inform** the school or child care center administrators of his or her status as a registered sex offender. The offender shall update the administrators **monthly, or as often as required**, about the specific times the offender will be within the zone of safety.
- This exception shall not be construed to modify or remove any restrictions applicable to the person by court order, conditions of probation, or as provided by other provision of law.

Exemptions to the Zone of Safety

- The provisions of this section **shall not apply** to any offender **receiving medical treatment** at a hospital or other facility certified or licensed by the State of Oklahoma to provide medical services.
- As used in this subsection, "medical treatment" shall not include any form of psychological, social or rehabilitative counseling services or treatment programs for sex offenders.
- Nothing in this section shall prohibit an offender from attending a **recognized church or religious denomination for worship**; provided, the person **notified the religious leader** of his or her status as a registered sex offender **and** the person has been **granted written permission**.
 - Written permission shall be provided to LE and/or PO.

Driver's License

47 O.S. §§ 6-105.3, 6-111, 6-115

- When an offender applies for a new or renewed ID, the ID shall only be valid for 1 year from the month of issuance, but may be renewed yearly at same time as annual registration verification. Cost of ID is same as standard ID.
- Aggravated or habitual, driver license or ID will bear words "Sex Offender"
 - Failure to comply shall result in cancellation of license or ID, which will last 1 year. Continued use of cancelled license/ID is misdemeanor.

Travel

Interstate Travel

- Offenders must register within 3 days of entering Oklahoma with LEO if remaining for more than 5 days, with DOC if remaining more than 5 consecutive days, or 14 days in a 60 day period; or if full or part-time employment or school enrollment
- Registered offender must inform DOC and LEO 3 business days before abandoning or moving and 10 days before moving to another state, DOC will notify registry in new state

Travel

International Travel – 18 U.S.C. §2250

- Offenders must notify DOC and LEO of international travel no less than 21 days before travel.
 - Must include itinerary of countries to be visited and dates of visit
- Offender must contact consulate or embassy for countries being visited regarding laws that pertain to admissibility of sex offenders.

Legal Update

OKLAHOMA DEPARTMENT OF CORRECTIONS
Sex Offender Conference 2019
<http://doc.ok.gov>

2019 Legislative Changes

- **SB 711 – Amended Section 582, Added 21 O.S. § 856 – Delinquent Minor – Contributing to Delinquency – if offense involved child prostitution or human trafficking for commercial sex**
- **SB 163 – Amended Section 584 – “Any person subject to provisions of the Sex Offenders Registration Act who reside with a minor child must report to the statewide centralized hotline...name and date of birth of any and all minor children residing in the same household and the offenses...within 3 days of intent to reside with a minor child.”**

Starkey v. DOC, 2013 OK 43

- The retroactive extension of SORA’s registration is inconsistent with the ex post facto clause in the Oklahoma Constitution.
- This is not to say that SORA is unconstitutional on its face.
- Our scope is focused on the constitutionality of **retroactively extending SORA registration**. The legislature has continued to move the *finish line* without a hearing and with no change in circumstances. Having found SORA’s effects to be punitive, we find the retroactive extension of its registration period violates the prohibition on ex post facto laws.
- The Department’s retroactive application of the level assignment provisions violates the ex post facto clause.

Graham v. Carrington Place, SD – 113,968, Cleveland County CJ-2016-705

- Section 590, which limits where a sex offender may reside and which, in some instances, requires the relocation of an offender is substantive law and not merely a “remedial or procedural [one] which [does] not create, enlarge, diminish, or destroy vested rights.”
- Section 590 must be applied prospectively and, thus, the version in effect at the time of Mr. Graham’s conviction applies.

Recent Cases

- *Barnhart v. DOC* – Aggravated – still pending – Pretrial Conference is December 5, 2019
- *Red Leaf v. DOC* – Aggravated offender, who was assigned Level 1 on J&S – Petition for Cert pending since 03/14/2019 – Court of Civil Appeals stated “it violated procedural due process to not give Red Leaf notice that if he pleaded no contest to the charge, he would be required to register as an aggravated sex offender for his lifetime.”
- *Carmichael v. DOC and OKC* - Evidence was not provided to show that offenders home was within two thousand feet of an “outdoor public area” that is either a playground or a park “operated or supported in whole or in part by a homeowners’ association” and specifically designated for recreational purposes.

Recent Cases – Violent Registration

- *State v. Honorable Haught* – PR-2018-988
 - Offender convicted of Manslaughter 1 – registerable offense; Judge Haught entered order finding she was not required to register
 - COCA found judge had no authority to determine offense did not require registration
- *Burns v. State*, 2019 OK CR 27
 - No person may be convicted of failing to register as a violent offender unless the State has proven beyond a reasonable doubt that the offender received notice that he was required to register with DOC and LEO

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