

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1793

By: Roberts (Sean)

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6 AS INTRODUCED

7 An Act relating to public health and safety; amending
8 63 O.S. 2011, Section 2-701, as last amended by
9 Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
10 2014, Section 2-701), which relates to the
11 methamphetamine offender registry; providing
12 guidelines for registry website; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-701, as
16 last amended by Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
17 2014, Section 2-701), is amended to read as follows:

18 Section 2-701. A. There is hereby created within the Oklahoma
19 State Bureau of Narcotics and Dangerous Drugs Control a registry of
20 persons who, after November 1, 2010, have been convicted, whether
21 upon a verdict or plea of guilty or upon a verdict or plea of nolo
22 contendere, or received a suspended sentence or any deferred or
23 probationary term, or are currently serving a sentence or any form
24 of probation or parole for a crime or attempt to commit a crime
including, but not limited to, unlawful possession, conspiring,
endeavoring, manufacturing, distribution or trafficking of a

1 precursor or methamphetamines under the provisions of Section 2-322,
2 2-332, 2-401, 2-402, 2-408 or 2-415 of this title, or any crime
3 including, but not limited to, crimes involving the possession,
4 distribution, manufacturing or trafficking of methamphetamines or
5 illegal amounts of or uses of pseudoephedrine in any federal court,
6 Indian tribal court, or any court of another state if the person is
7 a resident of the State of Oklahoma or seeks to remain in the State
8 of Oklahoma in excess of ten (10) days.

9 B. It shall be unlawful for any person who knows that he or she
10 is subject to the registry created in subsection A of this section
11 to purchase, possess or have control of any Schedule V compound,
12 mixture, or preparation containing any detectable quantity of
13 pseudoephedrine, its salts or optical isomers, or salts of optical
14 isomers. A prescription for pseudoephedrine shall not provide an
15 exemption for any person to this law. Any person convicted of
16 violating the provisions of this subsection shall be guilty of a
17 felony, punishable by imprisonment in the custody of the Department
18 of Corrections for not less than two (2) years and not more than ten
19 (10) years, or by a fine of not more than Five Thousand Dollars
20 (\$5,000.00), or by both such fine and imprisonment.

21 C. The registry created in subsection A of this section shall
22 be maintained by the Bureau. The registry shall be made available
23 for registrants who sell or dispense pseudoephedrine-related
24 products and to law enforcement agencies for law enforcement

1 purposes through the electronic methamphetamine precursor tracking
2 service. The electronic methamphetamine precursor tracking service
3 shall generate a stop-sale alert on any sale of pseudoephedrine to
4 any individual listed on the methamphetamine offender registry in
5 real time.

6 D. The registry shall consist of the following information:

7 1. Name and address of the person;

8 2. Date of birth of the person;

9 3. The offense or offenses which made the person eligible for
10 inclusion on the registry;

11 4. The date of conviction or the date that a plea of guilty or
12 nolo contendere was accepted by the court for any violation of an
13 offense provided for in subsection A of this section;

14 5. The county where the offense or offenses occurred; and

15 6. Such other identifying data as the Bureau determines is
16 necessary to properly identify the person.

17 E. Beginning November 1, 2010, all district court clerks shall
18 forward a copy of the judgment and sentence or other applicable
19 information relating to the disposition of the criminal case and
20 date of birth of all persons who are subject to the provisions of
21 the Oklahoma Methamphetamine Offender Registry Act for a violation
22 of the offenses described in subsection A of this section to the
23 Bureau. The information shall be sent in an electronic format in a
24 manner prescribed by the Bureau within ten (10) days of the date of

1 final disposition of the case. Any person subject to the registry
2 pursuant to subsection A of this section, having received a deferred
3 sentence or conviction in a federal court, Indian tribal court, or
4 any court of another state, shall be required to register and submit
5 a methamphetamine offender registration form in a format prescribed
6 by the Bureau within ten (10) days of entering the State of Oklahoma
7 or if incarcerated in a federal institution within the boundaries of
8 Oklahoma, within ten (10) days of release from the institution.
9 Knowingly failing to submit the form required by this subsection
10 shall constitute a misdemeanor.

11 F. Upon receipt of the information provided by the district
12 court clerk, the Bureau shall transmit in an electronic format to
13 the electronic methamphetamine precursor tracking service at least
14 every seven (7) days the name of any person placed on the
15 methamphetamine offender registry as provided in this section. The
16 information transmitted to the electronic tracking service shall
17 include the first, middle, and last name of the person, and the
18 address and the date of birth of the person. The electronic
19 methamphetamine precursor tracking service shall be designed to
20 generate a stop-sale alert for any person who is on the
21 methamphetamine offender registry and whose name, address and date
22 of birth have been transmitted by the Bureau to the electronic
23 tracking service.

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1 G. The Bureau shall remove from the methamphetamine offender
2 registry the name and other identifying information of a person who
3 has been convicted of a violation of any of the offenses described
4 in subsection A of this section ten (10) years after the date of the
5 most recent judgment and sentence. Any person having received a
6 deferred sentence that expires prior to the ten-year time limitation
7 may apply to the Bureau to be removed from the registry upon the
8 completion of the deferred sentence by providing to the Bureau a
9 certified copy of the dismissal of the case by certified mail. The
10 Bureau may remove the person from the methamphetamine offender
11 registry upon expiration of the deferred sentence. The Bureau shall
12 also be required to notify the provider of the electronic
13 methamphetamine precursor tracking service when a person is removed
14 from the methamphetamine offender registry. Upon notification from
15 the Bureau, the provider of the electronic tracking service shall
16 remove the name of the person from the electronic methamphetamine
17 precursor tracking service and the person shall thereafter be
18 permitted to purchase pseudoephedrine-related products.

19 H. It shall be a violation for any person to assist another,
20 with knowledge that the person is subject to the registry, in the
21 purchase of any pseudoephedrine products. Any person convicted of
22 violating the provisions of this subsection shall, for a first
23 offense, be guilty of a misdemeanor, punishable by incarceration in
24 the county jail for not more than one (1) year, or by a fine of not

1 more than One Thousand Dollars (\$1,000.00), or by both such fine and
2 imprisonment. Any second or subsequent conviction for a violation
3 of this subsection shall be a felony, punishable by incarceration in
4 the custody of the Department of Corrections for not more than two
5 (2) years, or by a fine of not less than Two Thousand Five Hundred
6 Dollars (\$2,500.00) or by both such fine and imprisonment.

7 I. 1. On or prior to November 1, 2011, the Oklahoma State
8 Bureau of Narcotics and Dangerous Drugs Control shall maintain a
9 methamphetamine offender registry website available for viewing by
10 the public.

11 2. Any person accessing the methamphetamine offender registry
12 website shall have the option to search for offenders using the last
13 name of the offender. No other information shall be required to
14 conduct a search on the registry.

15 3. The information provided in a name search shall include the
16 full name of the offender, any alias names, the offense which
17 requires registration, and the date of conviction or the date that a
18 plea of guilty or nolo contendere was accepted by the court. In
19 addition, information may be provided in the name search concerning
20 the date and place of the offense, the sentence disposition, a
21 photograph of the registered offender, and other pertinent
22 information including the current residence of the offender.

23 4. There shall be no liability to any governmental agency for
24 the release or publication of any information maintained on the

1 methamphetamine offender registry under the provisions of this
2 subsection.

3 J. For the purposes of this section, knowledge that a person
4 was subject to the methamphetamine offender registry may be proven
5 through court testimony or any other public notice or publicly
6 available record including, but not limited to, court records
7 maintained by the Oklahoma Supreme Court Network and the Oklahoma
8 Court Information System.

9 K. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
10 Control shall take necessary actions through the promulgation of
11 rules and cooperation with pharmacies and the courts to ensure that
12 notice of the provisions of this section is provided to those
13 persons subject to the methamphetamine offender registry as listed
14 in subsection A of this section.

15 SECTION 2. This act shall become effective November 1, 2015.

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