

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 55th Legislature (2015)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1793

By: Roberts (Sean)

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to public health and safety; amending
10 63 O.S. 2011, Section 2-701, as last amended by
11 Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
12 2014, Section 2-701), which relates to the
13 methamphetamine offender registry; requiring
14 offenders to provide certain notice; providing
15 penalty for certain violations; providing guidelines
16 for accessing the methamphetamine offender registry
17 website; providing exemption from liability under
18 certain circumstances; granting authority to release
19 certain information; and providing an effective date.

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

21 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-701, as
22 last amended by Section 7, Chapter 181, O.S.L. 2013 (63 O.S. Supp.
23 2014, Section 2-701), is amended to read as follows:

24 Section 2-701. A. There is hereby created within the Oklahoma
 State Bureau of Narcotics and Dangerous Drugs Control a registry of
 persons who, after November 1, 2010, have been convicted, whether
 upon a verdict or plea of guilty or upon a verdict or plea of nolo

1 | contendere, or received a suspended sentence or any deferred or
2 | probationary term, or are currently serving a sentence or any form
3 | of probation or parole for a crime or attempt to commit a crime
4 | including, but not limited to, unlawful possession, conspiring,
5 | endeavoring, manufacturing, distribution or trafficking of a
6 | precursor or methamphetamines under the provisions of Section 2-322,
7 | 2-332, 2-401, 2-402, 2-408 or 2-415 of this title, or any crime
8 | including, but not limited to, crimes involving the possession,
9 | distribution, manufacturing or trafficking of methamphetamines or
10 | illegal amounts of or uses of pseudoephedrine in any federal court,
11 | Indian tribal court, or any court of another state if the person is
12 | a resident of the State of Oklahoma or seeks to remain in the State
13 | of Oklahoma in excess of ten (10) days.

14 | B. It shall be unlawful for any person who knows that he or she
15 | is subject to the registry created in subsection A of this section
16 | to purchase, possess or have control of any Schedule V compound,
17 | mixture, or preparation containing any detectable quantity of
18 | pseudoephedrine, its salts or optical isomers, or salts of optical
19 | isomers. A prescription for pseudoephedrine shall not provide an
20 | exemption for any person to this law. Any person convicted of
21 | violating the provisions of this subsection shall be guilty of a
22 | felony, punishable by imprisonment in the custody of the Department
23 | of Corrections for not less than two (2) years and not more than ten
24 |

1 (10) years, or by a fine of not more than Five Thousand Dollars
2 (\$5,000.00), or by both such fine and imprisonment.

3 C. The registry created in subsection A of this section shall
4 be maintained by the Bureau. The registry shall be made available
5 for registrants who sell or dispense pseudoephedrine-related
6 products and to law enforcement agencies for law enforcement
7 purposes through the electronic methamphetamine precursor tracking
8 service. The electronic methamphetamine precursor tracking service
9 shall generate a stop-sale alert on any sale of pseudoephedrine to
10 any individual listed on the methamphetamine offender registry in
11 real time.

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

13 1. Name and address of the person;

14 2. Date of birth of the person;

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

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

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

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

23 E. 1. Beginning November 1, 2010, all district court clerks
24 shall forward a copy of the judgment and sentence or other

1 applicable information relating to the disposition of the criminal
2 case, address of the current residence and date of birth of all
3 persons who are subject to the provisions of the Oklahoma
4 Methamphetamine Offender Registry Act for a violation of the
5 offenses described in subsection A of this section to the Bureau.
6 The information shall be sent in an electronic format in a manner
7 prescribed by the Bureau within ten (10) days of the date of final
8 disposition of the case.

9 2. Any person subject to the registry pursuant to subsection A
10 of this section, having received a deferred sentence or conviction
11 in a federal court, Indian tribal court, or any court of another
12 state, shall be required to register and submit a methamphetamine
13 offender registration form in a format prescribed by the Bureau
14 within ten (10) days of entering the State of Oklahoma or if
15 incarcerated in a federal institution within the boundaries of
16 Oklahoma, within ten (10) days of release from the institution.
17 ~~Knowingly failing to submit the form required by this subsection~~
18 ~~shall constitute a misdemeanor.~~

19 3. If the offender changes address, the offender shall give
20 notice of the move and the new address to the Bureau no more than
21 ten (10) days after the offender establishes residency or is
22 temporarily domiciled at the new address.

23 4. It shall be unlawful for an offender to knowingly fail to
24 register and submit a methamphetamine offender registration form as

1 required in paragraph 2 of this subsection or knowingly fail to
2 notify the Bureau of a change of address as required in paragraph 3
3 of this subsection. Any person convicted of violating the
4 provisions of paragraph 2 or 3 of this subsection shall be guilty of
5 a misdemeanor punishable by imprisonment in the county jail for not
6 more than one (1) year, or by a fine of Five Hundred Dollars
7 (\$500.00), or by both such fine and imprisonment.

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

21 G. The Bureau shall remove from the methamphetamine offender
22 registry the name and other identifying information of a person who
23 has been convicted of a violation of any of the offenses described
24 in subsection A of this section ten (10) years after the date of the

1 most recent judgment and sentence. Any person having received a
2 deferred sentence that expires prior to the ten-year time limitation
3 may apply to the Bureau to be removed from the registry upon the
4 completion of the deferred sentence by providing to the Bureau a
5 certified copy of the dismissal of the case by certified mail. The
6 Bureau may remove the person from the methamphetamine offender
7 registry upon expiration of the deferred sentence. The Bureau shall
8 also be required to notify the provider of the electronic
9 methamphetamine precursor tracking service when a person is removed
10 from the methamphetamine offender registry. Upon notification from
11 the Bureau, the provider of the electronic tracking service shall
12 remove the name of the person from the electronic methamphetamine
13 precursor tracking service and the person shall thereafter be
14 permitted to purchase pseudoephedrine-related products.

15 H. It shall be a violation for any person to assist another,
16 with knowledge that the person is subject to the registry, in the
17 purchase of any pseudoephedrine products. Any person convicted of
18 violating the provisions of this subsection shall, for a first
19 offense, be guilty of a misdemeanor, punishable by incarceration in
20 the county jail for not more than one (1) year, or by a fine of not
21 more than One Thousand Dollars (\$1,000.00), or by both such fine and
22 imprisonment. Any second or subsequent conviction for a violation
23 of this subsection shall be a felony, punishable by incarceration in
24 the custody of the Department of Corrections for not more than two

1 (2) years, or by a fine of not less than Two Thousand Five Hundred
2 Dollars (\$2,500.00) or by both such fine and imprisonment.

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

7 2. Any person accessing the methamphetamine offender registry
8 website shall have the option to search for offenders using the last
9 name of the offender or the address of the offender. No other
10 information shall be required to conduct a search on the registry.

11 3. Information provided by the website from a name or address
12 search shall include the full name of the offender, any alias names,
13 a mappable address of the current residence of the offender, the
14 offense which requires registration, and the date of conviction or
15 the date that a plea of guilty or nolo contendere was accepted by
16 the court. In addition, information may be provided in the name or
17 address search concerning the date and place of the offense, the
18 sentence disposition, a photograph of the registered offender, and
19 other pertinent information about the offender, if available.

20 4. There shall be no liability to any governmental agency for
21 the release or publication of any information maintained on the
22 methamphetamine offender registry under the provisions of this
23 subsection.
24

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

7 K. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
8 Control shall take necessary actions through the promulgation of
9 rules and cooperation with pharmacies and the courts to ensure that
10 notice of the provisions of this section is provided to those
11 persons subject to the methamphetamine offender registry as listed
12 in subsection A of this section. The Bureau shall have the
13 authority to submit any criminal records or other applicable
14 information relating to persons subject to the Oklahoma
15 Methamphetamine Offender Registry Act to an outside vendor
16 designated by the Bureau that is responsible for compiling and
17 administering data for the methamphetamine offender registry
18 website.

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

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21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/24/2015 -
22 DO PASS, As Amended.