

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1793

6 By: Roberts (Sean)

7 COMMITTEE SUBSTITUTE

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

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

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

23 Section 2-701. A. There is hereby created within the Oklahoma  
24 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  
contendere, or received a suspended sentence or any deferred or

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

13 B. It shall be unlawful for any person who knows that he or she  
14 is subject to the registry created in subsection A of this section  
15 to purchase, possess or have control of any Schedule V compound,  
16 mixture, or preparation containing any detectable quantity of  
17 pseudoephedrine, its salts or optical isomers, or salts of optical  
18 isomers. A prescription for pseudoephedrine shall not provide an  
19 exemption for any person to this law. Any person convicted of  
20 violating the provisions of this subsection shall be guilty of a  
21 felony, punishable by imprisonment in the custody of the Department  
22 of Corrections for not less than two (2) years and not more than ten  
23 (10) years, or by a fine of not more than Five Thousand Dollars  
24 (\$5,000.00), or by both such fine and imprisonment.

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

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

11 1. Name and address of the person;

12 2. Date of birth of the person;

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

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

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

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

21 E. 1. Beginning November 1, 2010, all district court clerks  
22 shall forward a copy of the judgment and sentence or other  
23 applicable information relating to the disposition of the criminal  
24 case, address of the current residence and date of birth of all

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

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

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

21 4. It shall be unlawful for an offender to knowingly fail to  
22 register and submit a methamphetamine offender registration form as  
23 required in paragraph 2 of this subsection or knowingly fail to  
24 notify the Bureau of a change of address as required in paragraph 3

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

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

19 G. The Bureau shall remove from the methamphetamine offender  
20 registry the name and other identifying information of a person who  
21 has been convicted of a violation of any of the offenses described  
22 in subsection A of this section ten (10) years after the date of the  
23 most recent judgment and sentence. Any person having received a  
24 deferred sentence that expires prior to the ten-year time limitation

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

13 H. It shall be a violation for any person to assist another,  
14 with knowledge that the person is subject to the registry, in the  
15 purchase of any pseudoephedrine products. Any person convicted of  
16 violating the provisions of this subsection shall, for a first  
17 offense, be guilty of a misdemeanor, punishable by incarceration in  
18 the county jail for not more than one (1) year, or by a fine of not  
19 more than One Thousand Dollars (\$1,000.00), or by both such fine and  
20 imprisonment. Any second or subsequent conviction for a violation  
21 of this subsection shall be a felony, punishable by incarceration in  
22 the custody of the Department of Corrections for not more than two  
23 (2) years, or by a fine of not less than Two Thousand Five Hundred  
24 Dollars (\$2,500.00) or by both such fine and imprisonment.

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

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

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

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

22 J. For the purposes of this section, knowledge that a person  
23 was subject to the methamphetamine offender registry may be proven  
24 through court testimony or any other public notice or publicly

1 available record including, but not limited to, court records  
2 maintained by the Oklahoma Supreme Court Network and the Oklahoma  
3 Court Information System.

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

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

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