

1 ENGROSSED SENATE AMENDMENTS
TO

2 ENGROSSED HOUSE
3 BILL NO. 1793

By: Roberts (Sean) of the House

4 and

5 David of the Senate

6
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; requiring
12 offenders to provide certain notice; providing
13 penalty for certain violations; providing guidelines
14 for accessing the methamphetamine offender registry
15 website; providing exemption from liability under
16 certain circumstances; granting authority to release
17 certain information; and providing an effective date.

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21 AMENDMENT NO. 1. Page 7, line 21 1/2, insert a new paragraph as
22 follows:

23 "5. Nothing in this act shall be construed as to allow the
24 disclosure of people currently participating in or completed any
25 program in a drug court in the state as provided by Section 471.1 et
26 seq. of Title 22 of the Oklahoma Statutes. Provided, any person who
27 fails to complete any required drug program shall not be exempt from
28 disclosure."

29 AMENDMENT NO. 2. Strike the title to read:

30 "[public health and safety - methamphetamine
31 offender registry - effective date]"

32 and when the title is restored,
33 amend the title to conform

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16 certain circumstances; granting authority to release
17 certain information; and providing an effective date.

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

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

22 Section 2-701. A. There is hereby created within the Oklahoma
23 State Bureau of Narcotics and Dangerous Drugs Control a registry of
24 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
probationary term, or are currently serving a sentence or any form

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

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

24

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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1 Passed the House of Representatives the 11th day of March, 2015.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2015.

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9 Presiding Officer of the Senate