

1 ENGROSSED SENATE
2 BILL NO. 711

By: Weaver and David of the
Senate

3 and

4 Humphrey of the House
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7 An Act relating to criminal street gangs; amending 21
8 O.S. 2011, Section 856, which relates to causing or
9 encouraging a minor to commit a felony or be involved
10 with a criminal street gang; modifying related
11 offenses; amending 57 O.S. 2011, Section 582, as last
12 amended by Section 3, Chapter 184, O.S.L. 2016 (57
13 O.S. Supp. 2018, Section 582), which relates to
14 applicability of the Sex Offenders Registration Act;
15 modifying inclusions; and providing an effective
16 date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 856, is
19 amended to read as follows:

20 Section 856. A. 1. Except as otherwise specifically provided
21 by law, every person who shall knowingly or willfully cause, aid,
22 abet or encourage a minor to be, to remain, or to become a
23 delinquent child or a runaway child, upon conviction, shall, for the
24 first offense, be guilty of a misdemeanor punishable by imprisonment
in a county jail not to exceed one (1) year, or by a fine not to
exceed One Thousand Dollars (\$1,000.00), or by both such fine and
imprisonment.

1 2. For purposes of prosecution under this subsection, a
2 "runaway child" means an unemancipated minor who is voluntarily
3 absent from the home without a compelling reason, without the
4 consent of a custodial parent or other custodial adult and without
5 the parent or other custodial adult's knowledge as to the child's
6 whereabouts. "Compelling reason" means imminent danger from incest,
7 a life-threatening situation, or equally traumatizing circumstance.
8 A person aiding a runaway child pursuant to paragraph (4) of
9 subsection (a) of Section 5 of Title 76 of the Oklahoma Statutes or
10 aiding a child based upon a reasonable belief that the child is in
11 physical, mental or emotional danger and with notice to the
12 Department of Human Services or a local law enforcement agency of
13 the location of the child within twelve (12) hours of aiding the
14 child shall not be subject to prosecution under this section.

15 B. Every person convicted of a second or any subsequent
16 violation of this section shall be guilty of a felony punishable by
17 imprisonment in the custody of the Department of Corrections not to
18 exceed three (3) years, or by a fine not exceeding Five Thousand
19 Dollars (\$5,000.00), or by both such fine and imprisonment.

20 C. Every person eighteen (18) years of age or older who shall
21 knowingly or willfully cause, aid, abet, or encourage a minor to
22 commit or participate in committing an act that would be a felony if
23 committed by an adult shall, upon conviction, be guilty of a felony
24 punishable by the maximum penalty allowed for conviction of the

1 offense or offenses which the person caused, aided, abetted, or
2 encouraged the minor to commit or participate in committing.

3 D. Every person who shall knowingly or willfully cause, aid,
4 abet, encourage, solicit, or recruit a minor to participate, join,
5 or associate with any criminal street gang, as defined by subsection
6 F of this section, or any gang member for the purpose of committing
7 any criminal act shall, upon conviction, be guilty of a felony
8 punishable by imprisonment in the custody of the Department of
9 Corrections for a term of not more than five (5) years, or a fine
10 not to exceed Five Thousand Dollars (\$5,000.00), or both such fine
11 and imprisonment.

12 E. Every person convicted of a second or subsequent violation
13 of subsection D of this section shall be guilty of a felony
14 punishable by imprisonment in the custody of the Department of
15 Corrections for a term not less than five (5) years nor more than
16 ten (10) years, or by a fine not exceeding Five Thousand Dollars
17 (\$5,000.00), or by both such fine and imprisonment.

18 F. "Criminal street gang" means any ongoing organization,
19 association, or group of five or more persons that specifically
20 either promotes, sponsors, or assists in, or participates in, and
21 requires as a condition of membership or continued membership, the
22 commission of one or more of the following criminal acts:

23 1. Assault, battery, or assault and battery with a deadly
24 weapon, as defined in Section 645 of this title;

- 1 2. Aggravated assault and battery as defined by Section 646 of
2 this title;
- 3 3. Robbery by force or fear, as defined in Sections 791 through
4 797 of this title;
- 5 4. Robbery or attempted robbery with a dangerous weapon or
6 imitation firearm, as defined by Section 801 of this title;
- 7 5. Unlawful homicide or manslaughter, as defined in Sections
8 691 through 722 of this title;
- 9 6. The sale, possession for sale, transportation, manufacture,
10 offer for sale, or offer to manufacture controlled dangerous
11 substances, as defined in Section 2-101 et seq. of Title 63 of the
12 Oklahoma Statutes;
- 13 7. Trafficking in illegal drugs, as provided for in the
14 Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the
15 Oklahoma Statutes;
- 16 8. Arson, as defined in Sections 1401 through 1403 of this
17 title;
- 18 9. The influence or intimidation of witnesses and jurors, as
19 defined in Sections 388, 455 and 545 of this title;
- 20 10. Theft of any vehicle, as described in Section 1720 of this
21 title;
- 22 11. Rape, as defined in Section 1111 of this title;
- 23 12. Extortion, as defined in Section 1481 of this title;

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1 13. Transporting a loaded firearm in a motor vehicle, in
2 violation of Section 1289.13 of this title;

3 14. Possession of a concealed weapon, as defined by Section
4 1289.8 of this title; ~~or~~

5 15. Shooting or discharging a firearm, as defined by Section
6 652 of this title;

7 16. Soliciting, inducing or enticing another to commit an act
8 of prostitution, as defined by Section 1030 of this title;

9 17. Human trafficking, as defined by Section 748 of this title;

10 or

11 18. Possession of a firearm after former conviction of a
12 felony, as defined by Section 1283 of this title.

13 SECTION 2. AMENDATORY 57 O.S. 2011, Section 582, as last
14 amended by Section 3, Chapter 184, O.S.L. 2016 (57 O.S. Supp. 2018,
15 Section 582), is amended to read as follows:

16 Section 582. A. The provisions of the Sex Offenders
17 Registration Act shall apply to any person residing, working or
18 attending school within the State of Oklahoma who, after November 1,
19 1989, has been convicted, whether upon a verdict or plea of guilty
20 or upon a plea of nolo contendere, or received a suspended sentence
21 or any probationary term, or is currently serving a sentence or any
22 form of probation or parole for a crime or an attempt to commit a
23 crime provided for in Section 843.5 of Title 21 of the Oklahoma
24 Statutes if the offense involved sexual abuse or sexual exploitation

1 as those terms are defined in Section 1-1-105 of Title 10A of the
2 Oklahoma Statutes, Section 681, if the offense involved sexual
3 assault, 741, if the offense involved sexual abuse or sexual
4 exploitation, Section 748, if the offense involved human trafficking
5 for commercial sex, Section 843.1, if the offense involved sexual
6 abuse or sexual exploitation, Section 852.1, if the offense involved
7 sexual abuse of a child, 856, if the offense involved child
8 prostitution or human trafficking for commercial sex, 865 et seq.,
9 885, 886, 888, 891, if the offense involved sexual abuse or sexual
10 exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if the offense
11 involved child prostitution, 1040.8, if the offense involved child
12 pornography, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114
13 or 1123 of Title 21 of the Oklahoma Statutes.

14 B. The provisions of the Sex Offenders Registration Act shall
15 apply to any person who after November 1, 1989, resides, works or
16 attends school within the State of Oklahoma and who has been
17 convicted or received a suspended sentence at any time in any court
18 of another state, the District of Columbia, Puerto Rico, Guam,
19 American Samoa, the Northern Mariana Islands and the United States
20 Virgin Islands, a federal court, an Indian tribal court, a military
21 court, or a court of a foreign country for a crime, attempted crime
22 or a conspiracy to commit a crime which, if committed or attempted
23 in this state, would be a crime, an attempt to commit a crime or a
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1 conspiracy to commit a crime provided for in any of said laws listed
2 in subsection A of this section.

3 C. The provisions of the Sex Offenders Registration Act shall
4 apply to any person who resides, works or attends school within the
5 State of Oklahoma and who has received a deferred judgment at any
6 time in any court of another state, the District of Columbia, Puerto
7 Rico, Guam, American Samoa, the Northern Mariana Islands and the
8 United States Virgin Islands, a federal court, an Indian tribal
9 court, a military court, or a court of a foreign country for a
10 crime, attempted crime or a conspiracy to commit a crime which, if
11 committed or attempted or conspired to be committed in this state,
12 would be a crime, an attempt to commit a crime or a conspiracy to
13 commit a crime provided for in Section 843.5 of Title 21 of the
14 Oklahoma Statutes if the offense involved sexual abuse or sexual
15 exploitation as those terms are defined in Section 1-1-105 of Title
16 10A of the Oklahoma Statutes, Section 681, if the offense involved
17 sexual assault, 741, if the offense involved sexual abuse or sexual
18 exploitation, Section 748, if the offense involved human trafficking
19 for commercial sex, Section 843.1, if the offense involved sexual
20 abuse or sexual exploitation, Section 852.1, if the offense involved
21 sexual abuse of a child, 856, if the offense involved child
22 prostitution or human trafficking for commercial sex, 865 et seq.,
23 885, 886, 888, 891, if the offense involved sexual abuse or sexual
24 exploitation, 1021, 1021.2, 1021.3, 1024.2, 1029, if the offense

1 involved child prostitution, 1040.8, if the offense involved child
2 pornography, 1040.12a, 1040.13, 1040.13a, 1087, 1088, 1111.1, 1114
3 or 1123 of Title 21 of the Oklahoma Statutes. The provisions of the
4 Sex Offenders Registration Act shall not apply to any such person
5 while the person is incarcerated in a maximum or medium correctional
6 institution of the Department of Corrections.

7 D. On the effective date of this act, any person registered as
8 a sex offender pursuant to Section 741 of Title 21 of the Oklahoma
9 Statutes shall be summarily removed from the Sex Offender Registry
10 by the Department of Corrections and all law enforcement agencies of
11 any political subdivision of this state, unless the offense involved
12 sexual abuse or sexual exploitation.

13 E. The provisions of the Sex Offenders Registration Act shall
14 not apply to any such person who has received a criminal history
15 records expungement for a conviction in another state for a crime or
16 attempted crime which, if committed or attempted in this state,
17 would be a crime or an attempt to commit a crime provided for in any
18 said laws listed in subsection A of this section.

19 SECTION 3. This act shall become effective November 1, 2019.
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