

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1449

By: Garvin

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5  
6 AS INTRODUCED

7 An Act relating to juvenile sex offenders; amending  
8 10A O.S. 2021, Sections 2-8-104 and 2-8-108, which  
9 relate to juvenile and adult sex offender registries;  
10 requiring inclusion of certain juveniles on juvenile  
11 sex offender registry; modifying requirements of  
12 certain evaluation; authorizing court to remove  
13 registration of juvenile after certain evaluation;  
14 authorizing victim or representative to petition for  
15 transfer of person from juvenile to adult sex  
16 offender registry; increasing allowable time period  
17 for filing of certain petition; modifying  
18 requirements for removal from certain registry;  
19 updating statutory language and reference; and  
20 providing an effective date.

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

22 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-8-104, is  
23 amended to read as follows:

24 Section 2-8-104. A. When a person meets the definition of a  
juvenile sex offender pursuant to Section 2-8-102 of this title, the  
district attorney ~~may make an application to~~ shall include the  
juvenile in the juvenile sex offender registry. Upon the  
~~application of~~ inclusion of the juvenile on the juvenile sex  
offender registry by the district attorney, the court shall appoint

1 two persons who are qualified sex offender treatment professionals  
2 to evaluate the juvenile and report to the court on the treatment  
3 prognosis and likelihood that the juvenile offender represents an  
4 ongoing serious or aggressive threat to the public ~~or children under~~  
5 ~~sixteen (16) years of age~~. One appointee shall be currently  
6 licensed as a physician or psychologist in ~~Oklahoma~~ this state with  
7 a minimum of two hundred (200) hours of clinical experience in  
8 juvenile sex offender treatment. Other criteria for qualifying as a  
9 sex offender treatment professional shall include, but not be  
10 limited to, current licensure as a medical or mental health  
11 professional with a minimum of two hundred (200) hours of clinical  
12 experience in juvenile sex offender treatment, or current licensure  
13 as a medical or mental health professional with a minimum of two (2)  
14 years' combined clinical experience in child abuse treatment, child  
15 or adolescent anger management treatment, juvenile delinquency or  
16 criminal behavior treatment, sexual abuse treatment, child or  
17 adolescent psychology, or therapeutic social work. A list of sex  
18 offender treatment professionals meeting the established criteria  
19 shall be provided to each district court by the Office of Juvenile  
20 Affairs. Where professionals are appointed to conduct an evaluation  
21 in such cases, the court may set reasonable compensation and order  
22 the payment out of the court fund. In the event two qualified sex  
23 offender treatment professionals are not available to the court to  
24 evaluate the juvenile sex offender, the Office of Juvenile Affairs

1 may, at the court's request, select additional qualified sex  
2 offender treatment professionals employed by the agency to assist  
3 with the evaluation report.

4 B. The court shall, after consideration of the evaluation  
5 report required by subsection A of this section, make a finding of  
6 whether the juvenile offender represents an ongoing serious or  
7 aggressive threat to the public ~~or children under sixteen (16) years~~  
8 ~~of age~~. If the court finds the juvenile ~~represents~~ does not  
9 represent such threat, the court shall order the juvenile to  
10 ~~register~~ be removed from registration on the juvenile sex offender  
11 registry as provided in ~~this act~~ the Juvenile Sex Offender  
12 Registration Act.

13 C. The court, in its discretion, may order information on any  
14 juvenile sex offender released from the juvenile sex offender  
15 registry to any person or to the public at large when the evaluation  
16 report considered by the court indicates a likelihood of an ongoing  
17 serious or aggressive threat to the public ~~or children under sixteen~~  
18 ~~(16) years of age~~. If the court orders release of this information  
19 to the public at large, it shall promptly be made available for  
20 public inspection or copying pursuant to rules promulgated by the  
21 Office of Juvenile Affairs. If the court orders the release of this  
22 information through community notification, the notification shall  
23 be carried out by the local law enforcement authority applicable to  
24 the person's residence.

1 D. The court may review the treatment prognosis of any  
2 registered juvenile sex offender at any time and may, in its  
3 discretion, order release of additional information from the  
4 juvenile sex offender registry, as deemed appropriate for the  
5 protection of the public.

6 SECTION 2. AMENDATORY 10A O.S. 2021, Section 2-8-108, is  
7 amended to read as follows:

8 Section 2-8-108. When a registered juvenile sex offender  
9 reaches twenty-one (21) years of age or is otherwise released from  
10 the custody of the Office of Juvenile Affairs, the district  
11 attorney, the victim or representative of the victim may petition  
12 the court to transfer the person's registration to the adult sex  
13 offender registry maintained by the Department of Corrections,  
14 subject to the provisions of Section 581 et seq. of Title 57 of the  
15 Oklahoma Statutes. After notice, if the court determines at a  
16 hearing that the person who is registered on the juvenile sex  
17 offender registry is likely to or does pose an ongoing serious or  
18 aggressive threat to the public ~~or children under sixteen (16) years~~  
19 ~~of age~~, the court shall order that the delinquent act be deemed an  
20 adult criminal conviction for the purpose of registration,  
21 notification, and public information access pursuant to Section 581  
22 et seq. of Title 57 of the Oklahoma Statutes. If no petition is  
23 filed within ~~ninety (90)~~ one hundred eighty (180) days following the  
24 twenty-first birthday of the person or the date of release from

1 custody, or if the court determines the person is not likely to or  
2 does not pose an ongoing serious or aggressive threat to the public  
3 ~~or children under sixteen (16) years of age,~~ the juvenile's name and  
4 information shall be deleted from the juvenile sex offender  
5 registry, and the person may not be included in the adult sex  
6 offender registry.

7 SECTION 3. This act shall become effective November 1, 2022.

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