



OKLAHOMA
District Attorneys
Council



SENTENCING & THE SEX OFFENDER REGISTRATION ACT

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DISTRICT ATTORNEYS COUNCIL



57 O.S. 581

The Legislature finds that sex offenders who commit other predatory acts against children and persons who prey on others as a result of mental illness pose a high risk of re-offending after release from custody. The Legislature further finds that the privacy interest of persons adjudicated guilty of these crimes is less important than the state's interest in public safety. The Legislature additionally finds that a system of registration will permit law enforcement officials to identify and alert the public when necessary for protecting public safety.

57 O.S. 582

Before a person, who will be subject to the provisions of the Sex Offenders Registration Act, is due to be released from a correctional institution, the Department of Corrections shall determine the level of risk of the person to the community using the sex offender screening tool developed or selected pursuant to Section 26 of this act, and assign to the person a numeric risk level of one, two, or three.

57 O.S. 582.5

A. The Department of Corrections shall establish a sex offender level assignment committee composed of at least five members, each of whom is a state employee whose service on the committee is in addition to the regular duties of the employee. The committee, to the extent feasible, should include the following:

1. One member having experience in law enforcement;
2. One member having experience as a sex offender treatment provider;
3. One member having experience working with victims of sex offenses; and
4. One member who is a social worker with a graduate degree in social work.

57 O.S. 582.5

C. The offense for which the person is convicted shall serve as the basis for the level assigned to the person. In selecting the level assignment, the sex offender level assignment committee shall use the following general guidelines:

1. Level one (low): a designation that the person poses a low danger to the community and will not likely engage in criminal sexual conduct;
2. Level two (moderate): a designation that the person poses a moderate danger to the community and may continue to engage in criminal sexual conduct; and
3. Level three (high): a designation that the person poses a serious danger to the community and will continue to engage in criminal sexual conduct.

LEVEL ASSIGNMENTS

Level One

- Indecent Exposure
- Possession of Child Pornography
- Child Endangerment Involving the Sexual Abuse of a Child

Level Two

- Solicitation of a Minor
- Causing a Minor to Participate in Obscene Pictures
- Inducing a Child Under 18 for Prostitution

Level Three

- Rape 1st Degree
- Lewd Acts with a Child
- Forcible Sodomy
- Kidnapping Involving Sexual Abuse

57 O.S. 582.5

D. The sex offender level assignment committee, the Department of Corrections, or a court may override and increase the level assignment only if the entity:

1. Believes that the level assignment assessed is not an accurate prediction of the risk the offender poses to the community; and
2. Documents the reason for the override in the case file of the offender.

Provided, in no event shall the sex offender level assignment committee, the Department of Corrections, or a court override and reduce a level assigned to an offender as provided in subsection C of this section.



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PRESENTED BY THE DISTRICT ATTORNEYS COUNCIL AND OKLAHOMA DISTRICT ATTORNEYS ASSOCIATION