

On November 1, 1989, the state legislature enacted the Oklahoma Sex Offender Registration Act, some five years before states were required by the federal government to pass such legislation according to the Jacob Wetterling Act. Since the [Oklahoma Sex Offender Registry](#) was established, the Act has undergone numerous revisions, and keeping up with sex offender requirements and restrictions can be difficult. While the Oklahoma Supreme Court has ruled the retroactive application of the Act to be unconstitutional, the restrictions in place have been repeatedly upheld.

So what are those restrictions? What does it mean to be a sex offender in Oklahoma?

According to the Act, "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 due to the nature of their [sex crimes](#). 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."

In other words, a sex offender's right to privacy is considered less important than the public's safety in knowing the whereabouts of sex offenders. Unfortunately for most people required to register as sex offenders, they are neither "high-risk of re-offending" nor "predatory," yet they are subject to the same penalties, restrictions, and loss of privacy as violent sexual predators.

Upon conviction of a sex crime, the defendant is assigned a Numeric Risk Level. This level assessment is intended to convey a sex offender's likelihood of re-offending, yet the level to which a person is assigned is based strictly on the offense committed, and often has little to no correlation with the actual threat to society. For example, Level 3 is the most serious classification of sex offenses. This tier includes habitual offenders, child rapists, and violent rapists. It also includes people who have committed statutory rape-seemingly consensual sex with a person who is unable to provide legal consent due to age, custodial status, or mental impairment. The serial rapist, sexual predator, and child molester have little in common with a 19-year-old teen who has sex with his 15-year-old girlfriend, yet all are classified in the same risk level as Level 3 Sex Offenders.

Under state law, convicted sex offenders are required to register with local law enforcement with a frequency and duration determined by their risk level assessment:

- Level 1 offenders must register yearly for 15 years.
- Level 2 offenders must register every 6 months for 25 years.
- Level 3 offenders must register every 90 days for life.

Sex offenders are required to provide address verification, and they may not reside within 2,000 feet of a school, public park or playground, day care facility, or any property whose primary purpose is working with children-even if the sex offense for which the person was convicted did not involve a child. According to a 2006 report, the sex offender residency restrictions made approximately 84 percent of Oklahoma City off-limits for sex offender housing, and approximately

92 percent of Tulsa is off-limits. These residency restrictions often cause sex offenders to fail to register or to register as homeless. Failure to register as a sex offender or providing false registration information is a felony punishable by a maximum of five years in prison.

The residency restriction is only one of the many limitations Oklahoma sex offenders face. They may be subject to GPS monitoring, and they **are prohibited from** working in schools **or working with children**. Because they are not allowed on school property or public parks, they may not attend the school events or sporting events of their own children. Again, this is true even if the crime for which they were convicted did not involve children at all.

Unfortunately for thousands of registered sex offenders in Oklahoma, the state legislature fails to distinguish between child predators and people who land on the registry for a seemingly minor act. While preserving the public safety is important, flooding the Oklahoma Sex Offender Registry with people who are not a threat simply dilutes the intended purpose of the Act and makes it more difficult to spot the true predators among a sea of "sex offenders" who are at pose no risk of re-offending.

Because of the legislature's intent the Department Judge Advocate has ruled that because one of the pillars of The American Legion is children and youth, it is impossible to segregate the programs that deal with children and youth from other programs within the American Legion, therefore any person appearing of the Oklahoma Sex Offenders Registry is not eligibly for membership in The American Legion Department of Oklahoma regardless of veteran status.

If a Post within The American Legion Department of Oklahoma identifies a member that is required to register with the Oklahoma Sex Offenders Registry, that Post will take immediate steps to expel said person from the ranks of The American Legion Department of Oklahoma.