

SUPREME COURT OF OKLAHOMA

Luster v. State ex rel. Department of Corrections

2013 OK 97, 315 P.3d 386 · Decided November 19, 2013

SUMMARY

The Oklahoma Court of Civil Appeals addresses whether amendments to Oklahoma's Sex Offender Registration Act, including a three-tier registration system and modified verification requirements, may be applied retroactively to offenders convicted or subject to registration before the amendments took effect. Relying on *Starkey* and *Cerniglia*, the court holds that the applicable registration provisions are those in effect when an offender was convicted in Oklahoma or entered Oklahoma and became subject to registration. The court affirms in part, reverses the blanket one-year verification requirement, and remands for individualized determinations.

CASE DETAILS

COURT	Supreme Court of Oklahoma
WRITING FOR THE COURT	Combs, J.; Colbert, C.J.; Reif, V.C.J.; Kauger, J.; Watt, J.; Edmondson, J.; Gurich, J.; Winchester, J.; Taylor, J.
JURISDICTION	Oklahoma
DECIDED	November 19, 2013
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The Department of Corrections appealed a trial court order granting a permanent injunction against retroactive application of amendments to Oklahoma's Sex Offender Registration Act and imposing a blanket one-year registration-verification frequency on consolidated plaintiffs.
STANDARD OF REVIEW	Questions concerning a statute's constitutional validity, construction, and application are reviewed de novo, with plenary, independent, and non-deferential review of the trial court's legal rulings.
PRECEDENTIAL VALUE	Published opinion of the Supreme Court of Oklahoma; precedential.
PARTIES	State of Oklahoma ex rel. Department of Corrections v. Christopher Luster, Consolidated plaintiffs

TOPICS

statutory interpretation

administrative law

appellate procedure

standard of review

ex post facto

PRACTICE AREAS

Administrative law

Statutory interpretation

Constitutional law

Appellate procedure

QUESTIONS PRESENTED

1. Whether amendments to SORA enacted after a sex offender's conviction or entry into Oklahoma may be applied retroactively.
2. Whether the trial court properly imposed a blanket one-year address-verification frequency on consolidated plaintiffs who remained subject to registration.
3. Whether the applicable SORA registration requirements are those in effect when an Oklahoma conviction occurs or when an out-of-state offender enters Oklahoma and becomes subject to registration.

HOLDINGS

1. SORA legislative enactments and amendments cannot be applied retroactively to the consolidated plaintiffs; the applicable version is the version in effect when an offender convicted in Oklahoma was convicted or when an offender convicted elsewhere entered Oklahoma and became subject to SORA.
2. The frequency of SORA verification is governed by the version of SORA in effect when the offender was convicted in Oklahoma or entered Oklahoma and became subject to registration; the trial court erred by imposing a blanket one-year verification frequency.

KEY QUOTATIONS

“The correct registration requirements to apply are those in effect when the sex offender was either convicted in Oklahoma or when a sex offender convicted in another jurisdiction enters Oklahoma and becomes subject to those registration requirements.” (¶ 16)

“We therefore affirm the trial court's Order which held legislative enactments or amendments to SORA cannot be applied retroactively to the plaintiffs.” (¶ 17)

FACTUAL BACKGROUND

Christopher Luster pleaded guilty in Texas to second-degree sexual assault in 1992 and received a ten-year deferred adjudication. After moving to Oklahoma, he began registering as a sex offender in 2008 under SORA. The Department later classified him as a level-three sex offender under the 2007 amendments and informed him that lifetime registration was required. Luster's case was consolidated with numerous other sex-offender-registration cases involving convictions or entry into Oklahoma before the later SORA amendments.

PROCEDURAL HISTORY

Luster filed an action seeking injunctive and declaratory relief concerning the registration period, risk-level designation, and verification requirements imposed under SORA. The trial court consolidated numerous similar cases and entered a permanent injunction, ruling that post-conviction amendments could not be applied retroactively and imposing a one-year verification requirement for plaintiffs who continued to register. The Department appealed.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The trial court must review the individual consolidated plaintiffs' cases and determine the applicable versions of SORA and the correct registration provisions for each plaintiff, consistent with Starkey, Cerniglia, and this opinion. The trial court's order was affirmed insofar as it rejected retroactive application of SORA amendments and reversed insofar as it imposed a blanket one-year verification frequency.

CASES CITED

- Gilbert v. Security Finance Corp. of Oklahoma, Inc., 2006 OK 58, 152 P.3d 165
- Kluver v. Weatherford Hospital Authority, 1993 OK 85, 859 P.2d 1081
- Starkey v. Oklahoma Department of Corrections, 2013 OK 43, 305 P.3d 1004
- Cerniglia v. Oklahoma Department of Corrections, 2013 OK 81