

ENROLLED SENATE
BILL NO. 588

By: Henry of the Senate

and

Wells of the House

An Act relating to schools; amending Section 5, Chapter 411, O.S.L. 1998 (57 O.S. Supp. 1998, Section 589), which relates to registered persons working on school premises; providing process for complying with restrictions; clarifying reference to certain law; amending Section 4, Chapter 411, O.S.L. 1998 (70 O.S. Supp. 1998, Section 6-101.48), which relates to employees of businesses on school premises; requiring businesses with certain contracts to comply with restrictions on employees; deleting certain offenses; requiring businesses with certain contracts to file certain statements; clarifying prohibition for certain work release programs; placing responsibility for compliance on certain business; authorizing certain felony searches through State Board of Education; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 411, O.S.L. 1998 (57 O.S. Supp. 1998, Section 589), is amended to read as follows:

Section 589. A. It is unlawful for any person registered pursuant to the Oklahoma Sex Offenders Registration Act to work with or provide services to children or to work on school premises, or for any person or business who offers or provides services to children or contracts for work to be performed on school premises to knowingly and willfully allow any employee to work with children or to work on school premises who is registered pursuant to the Oklahoma Sex Offenders Registration Act. Upon conviction for any violation of the provisions of this subsection, the violator shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00). In addition, the violator may be liable for civil damages.

B. A person or business who offers or provides services shall ensure compliance with subsection A of this section as provided by Section 6-101.48 of Title 70 of the Oklahoma Statutes.

SECTION 2. AMENDATORY Section 4, Chapter 411, O.S.L. 1998 (70 O.S. Supp. 1998, Section 6-101.48), is amended to read as follows:

Section 6-101.48 A. ~~No person or business having a contract with a school or school district for services to be performed during normal school hours to perform work on a full-time or part-time basis that would otherwise be performed by school district employees shall allow any employee to work on school premises if such employee is convicted in this state, the United States or another state of:~~

~~1. Any sex offense subject to the Sex Offenders Registration Act in this state or subject to another state's or the federal sex offender registration provisions; or~~

~~2. Any any felony offense except as provided in subsection C of this section or when unless ten (10) years has elapsed since the date of the criminal conviction or the employee has received a presidential or gubernatorial pardon for the criminal offense.~~

B. ~~Every person or business having a contract for services with performing services not subject to subsection A of this section on the property of a school or school district where such services are to be performed on the school premises during normal school hours shall be required to sign a statement declaring that no employee working on school premises under the authority of such person or business is currently registered under the provisions of the Oklahoma Sex Offenders Registration Act and that the business is not in violation of the provisions of this section. Compliance with this statute shall be required of the person or private business, and there shall be no obligation placed upon a school district to ascertain the truthfulness of the affidavit.~~

C. ~~The provisions of this section shall not apply to volunteers, persons performing community service hours under court order or persons performing services under a supervised work release program. Provided, however, persons performing community service hours or services under work release shall not be allowed to work on school premises at any time after having been convicted of any offense stated in paragraph 1 of subsection A of this section A person or business having a written contract with a school or school district to perform work on a full-time or part-time basis that would otherwise be performed by school district employees may conduct a felony search of the employees of the person or entity who would be assigned that work through a request to the State Board of Education in the same manner as a felony search is afforded school districts by Section 5-142 of Title 70 of the Oklahoma Statutes.~~

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 13th day of May, 1999.

President of the Senate

Passed the House of Representatives the 18th day of May, 1999.

Speaker of the House of
Representatives