

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 554

By: Nichols

AS INTRODUCED

An Act relating to crimes and punishments; creating certain safety zone against certain offenders on certain property; stating distance for safety zone property; providing penalties for violation; excepting certain offenders from safety zone for certain purpose; construing certain provision; providing exception to prosecution as habitual offender; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1125 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. A zone of safety is hereby created around elementary and junior high schools, public parks and playgrounds. A person is prohibited from being within one hundred (100) meters of any elementary or junior high school, public park and playground if the person has been convicted of lewd molestation, rape or sodomy in this state or any similar offense of another state or the United States and the victim was a child under the age of thirteen (13) years.

B. A person convicted of a first offense of this section shall be guilty of a misdemeanor punishable by a fine not exceeding Five Hundred Dollars (\$500.00). A person convicted of a second or subsequent offense of this section involving the same school, park or playground shall be guilty of a felony. This proscription of conduct shall not modify or remove any restrictions currently

applicable to the person by court order, conditions of probation or as provided by other provision of law.

C. 1. A person shall be exempt from the prohibition of this section regarding a school only under the following circumstances:

- a. the person is the custodial parent or legal guardian of a child who is an enrolled student at the school, and
- b. the person is enrolling, delivering or retrieving such child at the school during regular school hours or for school sanctioned extracurricular activities.

2. This exception shall not be construed to modify or remove any restrictions applicable to the person by court order, conditions of probation, or as provided by other provision of law.

D. For purpose of prosecution of any violation of this section, the provisions of Section 51.1 of Title 21 of the Oklahoma Statutes shall not apply.

SECTION 2. 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.

49-1-862

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