

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1742

By: Barrington

AS INTRODUCED

An Act relating to sex offenders; amending Section 1, Chapter 209, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1125), which relates to zone of safety; modifying language; providing certain exception to certain prohibition; construing how certain prohibited distance is measured; amending 57 O.S. 2001, Section 590, as amended by Section 1, Chapter 223, O.S.L. 2003 (57 O.S. Supp. 2005, Section 590), which relates to residency restriction for sex offenders; construing how certain prohibited distance is measured; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 209, O.S.L. 2003 (21 O.S. Supp. 2005, Section 1125), is amended to read as follows:

Section 1125. A. A zone of safety is hereby created around elementary and junior high schools, licensed child care facilities, and playgrounds. A person is prohibited from being within three hundred (300) feet of any elementary or junior high school, licensed child care facility, or 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 in an amount not exceeding Two Thousand Five Hundred Dollars (\$2,500.00). A person convicted of a second or subsequent offense of this section 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 or a licensed child care facility 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 or child care facility, and
- b. the person is enrolling, delivering or retrieving such child at the school or child care facility during regular school or facility hours or for school-sanctioned or child care facility-sanctioned extracurricular activities, or
- c. the person is entering, or attempting to enter, the school solely for the purpose of exercising his or her constitutional right to vote and the polling place is located inside such school or licensed child care facility.

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.

E. For purposes of this section, the distance indicated in this section shall be measured from the nearest property line of such school or licensed child care facility to the point where the person subject to the provisions of this section is located.

SECTION 2. AMENDATORY 57 O.S. 2001, Section 590, as amended by Section 1, Chapter 223, O.S.L. 2003 (57 O.S. Supp. 2005, Section 590), is amended to read as follows:

Section 590. A. It is unlawful for any person registered pursuant to the Oklahoma Sex Offenders Registration Act to reside within a two thousand-foot radius of any public or private school site or educational institution.

B. Nothing in this provision shall require any person to sell or otherwise dispose of any real estate or home acquired or owned prior to the conviction of the person as a sex offender. Any person willfully violating the provisions of this section by intentionally moving into any neighborhood or to any real estate or home within the prohibited distance shall, upon conviction, be guilty of a misdemeanor punishable by a fine not to exceed Three Thousand Dollars (\$3,000.00) on a first offense, and any second or subsequent offense shall be punishable by incarceration for one (1) year in the county jail in addition to such fine.

C. For purposes of this section, the distance indicated in subsection A of this section shall be measured from the nearest property line of such school or educational institution to the nearest property line where the person subject to the provisions of this section resides.

SECTION 3. This act shall become effective July 1, 2006.

SECTION 4. 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.

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