

SB 490

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE STATE SENATE
Thursday, February 15, 2007

Senate Bill No. 490
As Amended

SENATE BILL NO. 490 - By: LASTER of the Senate and BLACKWELL of the House.

[crimes and punishments - registered sex offenders - zones of safety - effective date]

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

SECTION 1. AMENDATORY Section 1, Chapter 209, O.S.L. 2003, as amended by Section 3, Chapter 284, O.S.L. 2006 (21 O.S. Supp. 2006, Section 1125), is amended to read as follows:

Section 1125. A. A zone of safety is hereby created around elementary, junior high, and high schools, licensed child care facilities, playgrounds, and parks. A person is prohibited from being within three hundred (300) feet of any elementary, junior high, or high school, licensed child care facility, playground, or park if the person has been convicted of a crime that requires the person to register pursuant to the Sex Offenders Registration Act or the person has been convicted of an offense in another jurisdiction, which offense if committed or attempted in this state, would have been punishable as one or more of the offenses listed in Section 582 of Title 57 of the Oklahoma Statutes and the victim was a child under the age of thirteen (13) years.

1 B. A person convicted of a violation of subsection A of this
2 section shall be guilty of a felony punishable by a fine not
3 exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by
4 imprisonment in the county jail for a term of not more than one (1)
5 year, or by both such fine and imprisonment. Any person convicted
6 of a second or subsequent violation of subsection A of this section
7 shall be punished by a fine not exceeding Two Thousand Five Hundred
8 Dollars (\$2,500.00), or by imprisonment in the custody of the
9 Department of Corrections for a term of not less than three (3)
10 years, or by both such fine and imprisonment. This proscription of
11 conduct shall not modify or remove any restrictions currently
12 applicable to the person by court order, conditions of probation or
13 as provided by other provision of law.

14 C. 1. A person shall be exempt from the prohibition of this
15 section regarding a school or a licensed child care facility only
16 under the following circumstances:

- 17 a. the person is the custodial parent or legal guardian
18 of a child who is an enrolled student at the school or
19 child care facility, and
20 b. the person is enrolling, delivering or retrieving such
21 child at the school or child care facility during
22 regular school or facility hours or for school-
23 sanctioned or child-care-facility-sanctioned

1 extracurricular ~~activities~~ events and the person is
2 only in areas within or surrounding the school or
3 facility necessary for the performance of those
4 actions, or

5 c. the person is the custodial parent or legal guardian
6 of a child that is participating in a school-
7 sanctioned or child-care-facility-sanctioned ~~activity~~
8 ~~and event,~~ is accompanied by a person who is twenty-
9 one (21) years of age or older that has no previous
10 felony conviction for a crime that would require the
11 person to register pursuant to the Sex Offenders
12 Registration Act, and has provided written notice to
13 the director, principal, or highest ranking
14 administrator of the school or facility of their
15 intention to participate in such an event at least
16 three (3) days prior to the scheduled date for that
17 event, which notice shall express the person's
18 willingness to be accompanied by a designee of the
19 school or facility at that event. It shall be at the
20 discretion of the director, principal, or highest
21 ranking administrator whether to assign a designee to
22 accompany the person at that event while that person
23 is within the defined property limits of the school or

1 facility. The director, principal, or highest ranking
2 administrator shall have the authority to deny the
3 person's attendance at any event when notice was
4 provided less than three (3) days prior to the
5 scheduled date of the event. Should the person attend
6 such an event without providing written notice or
7 after such notice was denied pursuant to this
8 subparagraph, that person shall be guilty of a
9 violation of subsection A of this section and shall be
10 punished pursuant to the provisions of subsection B of
11 this section.

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

15 D. For purpose of prosecution of any violation of this section,
16 the provisions of Section 51.1 of this title shall not apply.

17 SECTION 2. This act shall become effective November 1, 2007.

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-6-07 - DO PASS,
19 As Amended and Coauthored.