

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 3261

By: McAffrey

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5
6 AS INTRODUCED

7 An Act relating to the Sex Offenders Registration
8 Act; amending Section 1, Chapter 223, O.S.L. 2003, as
9 last amended by Section 29, Chapter 261, O.S.L. 2007
10 and Section 12, Chapter 284, O.S.L. 2006, as amended
11 by Section 30, Chapter 261, O.S.L. 2007 (57 O.S.
12 Supp. 2007, Sections 590 and 590.1), which relate to
13 residency restrictions for sex offenders; deleting
14 certain exception; modifying certain residency
15 restrictions; providing an effective date; and
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY Section 1, Chapter 223, O.S.L.
19 2003, as last amended by Section 29, Chapter 261, O.S.L. 2007 (57
20 O.S. Supp. 2007, Section 590), is amended to read as follows:

21 Section 590. A. It is unlawful for any person registered
22 pursuant to the Sex Offenders Registration Act to reside, either
23 temporarily or permanently, within a two-thousand-foot radius of any
24 public or private school site, educational institution, a playground
or park that is zoned by city, county, state, federal or tribal
government, or licensed child care center as defined by the

1 Department of Human Services. Establishment of a day care center or
2 park in the vicinity of the residence of a registered sex offender
3 will not require the relocation of the sex offender or the sale of
4 the property. On the effective date of this act, the distance
5 indicated in this section shall be measured from the nearest
6 property line of the residence of the person to the nearest property
7 line of the public or private school site, educational institution,
8 playground, park, or licensed child care facility; ~~provided, any~~
9 ~~nonprofit organization established and housing sex offenders prior~~
10 ~~to the effective date of this provision shall be allowed to continue~~
11 ~~its operation.~~

12 B. Nothing in this provision shall require any person to sell
13 or otherwise dispose of any real estate or home acquired or owned
14 prior to the conviction of the person as a sex offender.

15 C. The provisions of this section shall not apply to any
16 registered sex offender residing in a hospital or other facility
17 certified or licensed by the State of Oklahoma to provide medical
18 services.

19 D. Any person willfully violating the provisions of this
20 section by intentionally moving into any neighborhood or to any real
21 estate or home within the prohibited distance shall, upon
22 conviction, be guilty of a felony punishable by a fine not to exceed
23 Three Thousand Dollars (\$3,000.00), or by imprisonment in the
24 custody of the Department of Corrections for a term of not less than

1 one (1) year nor more than three (3) years, or by both such fine and
2 imprisonment. Any person convicted of a second or subsequent
3 violation of this section shall be punished by a fine not to exceed
4 Three Thousand Dollars (\$3,000.00), or by imprisonment in the
5 custody of the Department of Corrections for a term of not less than
6 three (3) years, or by both such fine and imprisonment.

7 SECTION 2. AMENDATORY Section 12, Chapter 284, O.S.L.
8 2006, as amended by Section 30, Chapter 261, O.S.L. 2007 (57 O.S.
9 Supp. 2007, Section 590.1), is amended to read as follows:

10 Section 590.1 A. 1. It is unlawful for two or more persons
11 required to register as sex offenders to reside together in any
12 individual dwelling during the term of registration as a sex
13 offender. Every person violating this provision shall be guilty,
14 upon conviction, of a misdemeanor punishable by imprisonment in the
15 county jail for a term not more than one (1) year and a fine in an
16 amount not to exceed One Thousand Dollars (\$1,000.00). Every person
17 convicted of a second or subsequent violation of this section shall
18 be guilty of a felony punishable by imprisonment in the custody of
19 the Department of Corrections for a term not more than five (5)
20 years and a fine in an amount not to exceed Two Thousand Dollars
21 (\$2,000.00).

22 2. ~~The provisions of paragraph 1 of this subsection shall not~~
23 ~~be construed to prohibit a registered sex offender from residing in~~
24 ~~any properly zoned and established boarding house, apartment~~

1 ~~building or other multi-unit structure; provided the individual~~
2 ~~dwellings are separate for each registered person.~~ Nothing in this
3 subsection shall prohibit the sharing of living quarters, jail or
4 prison space, or any multi-person or dormitory-style housing of sex
5 offenders in the custody of any jail or correctional facility or any
6 properly zoned facility under contract with a jail or correctional
7 agency for the purpose of housing prisoners, ~~or any properly~~
8 ~~established treatment or nonprofit facility located in a commercial~~
9 ~~zoned area and housing persons for purposes of sex offender services~~
10 ~~and treatment.~~ Nothing in this subsection shall prohibit married
11 persons, both of whom are required to register as sex offenders, or
12 two or more blood relatives who are required to register as sex
13 offenders, from residing in any individual dwelling during the term
14 of registration as a sex offender.

15 3. For purposes of this subsection, "individual dwelling"
16 means:

17 a. a private residential property, whether owned, leased
18 or rented, including all real property zoned as
19 single-family residential property or zoned as multi-
20 family residential property due to any adjacent,
21 detached or separate living quarters of any kind on
22 such property,

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- 1 b. any room available within any boarding house or group
2 home as such term is defined by subsection D of this
3 section,
4 c. any single apartment for rent or lease within an
5 apartment building, or
6 d. any separate residential unit made available for sale,
7 rent or lease within a multi-unit structure, including
8 a condominium, duplex, triplex, quadriplex or any unit
9 that is constructed together with other separate units
10 into one structure.

11 B. The Department of Corrections is prohibited from contracting
12 for the housing of any person required to register as a sex offender
13 in any individual dwelling, as defined by paragraph 3 of subsection
14 A of this section, where another person required to register as a
15 sex offender also resides.

16 C. No halfway house, nonprofit organization, or private entity
17 shall contract with the Department of Corrections or any jail to
18 house any person required to register as a sex offender or offer
19 housing independently to any person required to register as a sex
20 offender if such housing facility is located within a single-family
21 zoned residential neighborhood or is not properly zoned as a multi-
22 unit housing structure, jail or correctional facility.

23 D. No person or entity shall knowingly establish or operate a
24 boarding house or group home, or otherwise knowingly rent or lease

1 rooms, for the residency of persons required to register pursuant to
2 the Sex Offenders Registration Act in any single-family zoned
3 residential area or its equivalent, ~~or without being properly zoned~~
4 ~~or licensed as a multi family, multi unit, or correctional housing~~
5 ~~structure.~~ For purposes of this subsection, "boarding house or
6 group home" means a dwelling that is used for the residency of two
7 or more unrelated persons.

8 SECTION 3. This act shall become effective July 1, 2008.

9 SECTION 4. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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