

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1298

By: Jordan

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; amending Section 1, Chapter 209,  
9 O.S.L. 2003, as last amended by Section 2, Chapter 318, O.S.L. 2008 (21 O.S.  
10 Supp. 2008, Section 1125), which relates to zone of safety restrictions for  
11 convicted sex offenders; modifying certain age limitation; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 209, O.S.L. 2003, as last amended by  
15 Section 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp. 2008, Section 1125), is amended to read as  
16 follows:

17 Section 1125. A. A zone of safety is hereby created around elementary, junior high, and high  
18 schools, licensed child care centers as defined by the Department of Human Services, playgrounds, and  
19 parks. A person is prohibited from loitering within three hundred (300) feet of any elementary, junior  
20 high, or high school, licensed child care facility, playground, or park if the person has been convicted  
21 of a crime that requires the person to register pursuant to the Sex Offenders Registration Act or the  
22 person has been convicted of an offense in another jurisdiction, which offense if committed or  
23 attempted in this state, would have been punishable as one or more of the offenses listed in Section 582  
24

1 of Title 57 of the Oklahoma Statutes and the victim was a child under the age of ~~thirteen (13)~~ eighteen  
2 (18) years.

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

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

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

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

21 D. The provisions of subsection A of this section shall not apply to any person receiving medical  
22 treatment at a hospital or other facility certified or licensed by the State of Oklahoma to provide  
23  
24

1 medical services. As used in this subsection, “medical treatment” shall not include any form of  
2 psychological, social or rehabilitative counseling services or treatment programs for sex offenders.

3 E. Nothing in this section shall prohibit a person, who is registered as a sex offender pursuant to  
4 the Sex Offenders Registration Act, from attending a recognized church or religious denomination for  
5 worship; provided, the person has notified the religious leader of his or her status as a registered sex  
6 offender and the person has been granted written permission by the religious leader.

7 F. For purpose of prosecution of any violation of this section, the provisions of Section 51.1 of  
8 this title shall not apply.

9 SECTION 2. This act shall become effective November 1, 2009.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

52-1-7080                      GRS                      02/24/09