

1 ENGROSSED SENATE  
2 BILL NO. 886

By: Stanislawski and Gumm of  
the Senate

3 and

4 Jordan of the House

5  
6  
7 [ crimes and punishments - school safety zone -  
8 emergency ]  
9

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

11 SECTION 1. AMENDATORY Section 1, Chapter 209, O.S.L.  
12 2003, as last amended by Section 2, Chapter 318, O.S.L. 2008 (21  
13 O.S. Supp. 2008, Section 1125), is amended to read as follows:

14 Section 1125. A. A zone of safety is hereby created around  
15 elementary, junior high, and high schools, licensed child care  
16 centers as defined by the Department of Human Services, playgrounds,  
17 and parks. A person is prohibited from loitering within three  
18 hundred (300) feet of any elementary, junior high, or high school,  
19 licensed child care facility, playground, or park if the person has  
20 been convicted of a crime that requires the person to register  
21 pursuant to the Sex Offenders Registration Act or the person has  
22 been convicted of an offense in another jurisdiction, which offense  
23 if committed or attempted in this state, would have been punishable  
24 as one or more of the offenses listed in Section 582 of Title 57 of

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

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

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

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

1 sanctioned or child-care-facility-sanctioned  
2 extracurricular activities.

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

6 D. The provisions of subsection A of this section shall not  
7 apply to any person receiving medical treatment at a hospital or  
8 other facility certified or licensed by the State of Oklahoma to  
9 provide medical services. As used in this subsection, "medical  
10 treatment" shall not include any form of psychological, social or  
11 rehabilitative counseling services or treatment programs for sex  
12 offenders.

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

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

22 SECTION 2. It being immediately necessary for the preservation  
23 of the public peace, health and safety, an emergency is hereby  
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1 declared to exist, by reason whereof this act shall take effect and  
2 be in full force from and after its passage and approval.

3 Passed the Senate the 4th day of March, 2009.

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Presiding Officer of the Senate

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7 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

8 2009.

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Presiding Officer of the House  
of Representatives

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