

ENROLLED SENATE
BILL NO. 796

By: Brogdon of the Senate

and

McDaniel (Randy) and Ritze
of the House

An Act relating to corrections; amending Section 1, Chapter 136, O.S.L. 2005 (57 O.S. Supp. 2008, Section 563.4), which relates to transitional living facilities; modifying prohibition for certain facilities within certain distance of schools and neighborhoods; requiring certain notification prior to establishment of certain facility; stating notification requirements; modifying reference; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 1, Chapter 136, O.S.L. 2005 (57 O.S. Supp. 2008, Section 563.4), is amended to read as follows:

Section 563.4 A. No transitional living facility that houses sex offenders or persons convicted of a capital offense shall be located within two thousand five hundred (2,500) feet of any public or private elementary or secondary school, state training school, or residential neighborhood. Prior to the establishment of any transitional living facility, the proposed operator shall be required to notify and obtain written authorization to establish and operate the facility from the governing body of the municipality in which the center is to be located or, if the facility is not to be located within the incorporated limits of a municipality, from the

board of county commissioners of the county in which the facility is to be located. Notification shall consist of the operator mailing a certified letter to every elected city council member, every elected state legislative member, and every county commissioner within the jurisdiction in which the facility shall be located. The written notice shall be mailed not less than thirty (30) days prior to the date of any meeting or public hearing before a city planning commission, city council or board of county commissioners where the proposed transitional living facility may be considered. The written notice shall clearly state that the operator seeks to obtain written authorization from the governing body of the jurisdiction to establish and operate a transitional living facility and whether the facility intends to house any sex offender or person convicted of a capital offense. The provisions of this section shall not apply to any transitional living facility established prior to ~~the effective date of this act~~ May 3, 2005.

B. For purposes of this section, "transitional living facility" means those facilities that do not have a contract with the Department of Corrections or another agency of this state, or any political subdivision of this state, to provide living space for persons who are under the custody of the Department of Corrections and whose primary function is to provide housing assistance and related social services for individuals who are transitioning from previous incarceration in a county jail, state, or federal facility to the community or are otherwise in need of temporary housing assistance.

SECTION 2. 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.

Passed the Senate the 14th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 18th day of May, 2009.

Presiding Officer of the House
of Representatives