

THE HOUSE OF REPRESENTATIVES
Wednesday, April 7, 2010

ENGROSSED
Senate Bill No. 2064

ENGROSSED SENATE BILL NO. 2064 - By: GUMM AND LEFTWICH of the Senate and TERRILL of the House.

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1125, as last amended by Section 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp. 2009, Section 1125), which relates to zones of safety; modifying distance from certain facilities within which certain persons prohibited from loitering; modifying persons subject to such prohibition; modifying exemption; providing procedures for entry into zone of safety by certain persons; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1125, as last amended by
2 Section 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp. 2009, Section 1125), is amended to
3 read as follows:

4 Section 1125. A. A zone of safety is hereby created around elementary, junior high,
5 and high schools, permitted or licensed child care centers as defined by the Department
6 of Human Services, playgrounds, and parks. A person is prohibited from loitering within
7 ~~three hundred (300)~~ five hundred (500) feet of any elementary, junior high, or high
8 school, permitted or licensed child care facility center, playground, or park if the person
9 has been convicted of a crime that requires the person to register pursuant to the Sex

1 Offenders Registration Act or the person has been convicted of an offense in another
2 jurisdiction, which offense if committed or attempted in this state, would have been
3 punishable as one or more of the offenses listed in Section 582 of Title 57 of the
4 Oklahoma Statutes and the victim was a child under the age of thirteen (13) years.

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

15 C. 1. A person shall be exempt from the prohibition of this section regarding a
16 school or a licensed or permitted child care facility only under the following
17 circumstances and limited to a reasonable amount of time to complete such tasks:

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

1 ~~sanctioned~~ licensed-or-permitted-child-care-center-sanctioned
2 extracurricular activities.

3 Prior to entering the zone of safety for the purposes listed in this paragraph, the
4 person shall inform school or child care center administrators of his or her status as a
5 registered sex offender. The person shall update monthly, or as often as required by the
6 school or center, information about the specific times the person will be within the zone
7 of safety as established by this section.

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

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

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

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

1 SECTION 2. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-06-10 - DO PASS.