

SB 886

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 886
As Amended

SENATE BILL NO. 886 - By: Stanislawski and Gumm of the Senate and Jordan of the House.

[crimes and punishments - school safety zone - emergency]

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

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

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

1 regular school or facility hours or for school-
2 sanctioned or child-care-facility-sanctioned
3 extracurricular activities.

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

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

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

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

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

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO
6 PASS, As Amended and Coauthored.