

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1082

By: Murphey

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5  
6 AS INTRODUCED

7 An Act relating to sex offenders; amending Section 1,  
8 Chapter 223, O.S.L. 2003, as last amended by Section  
9 2, Chapter 347, O.S.L. 2008 (57 O.S. Supp. 2008,  
10 Section 590), which relates to the Sex Offenders  
11 Registration Act; prohibiting level three sex  
12 offenders from residing near family child care homes;  
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 223, O.S.L.  
16 2003, as last amended by Section 2, Chapter 347, O.S.L. 2008 (57  
17 O.S. Supp. 2008, Section 590), is amended to read as follows:

18 Section 590. A. It is unlawful for any person registered  
19 pursuant to the Sex Offenders Registration Act to reside, either  
20 temporarily or permanently, within a two-thousand-foot radius of any  
21 public or private school site, educational institution, a playground  
22 or park that is established, operated or supported in whole or in  
23 part by city, county, state, federal or tribal government, or  
24 licensed child care center as defined by the Department of Human  
Services. Establishment of a day care center or park in the

1 vicinity of the residence of a registered sex offender will not  
2 require the relocation of the sex offender or the sale of the  
3 property. On the effective date of this act, the distance indicated  
4 in this section shall be measured from the nearest property line of  
5 the residence of the person to the nearest property line of the  
6 public or private school site, educational institution, playground,  
7 park, or licensed child care facility; provided, any nonprofit  
8 organization established and housing sex offenders prior to the  
9 effective date of this provision shall be allowed to continue its  
10 operation.

11 B. In addition to the restrictions set forth in subsection A of  
12 this section, it shall be unlawful for any person registered  
13 pursuant to the Sex Offenders Registration Act and assigned a  
14 numeric risk level of three to reside, either temporarily or  
15 permanently, within a two-thousand-foot radius of any licensed  
16 family child care home as defined by the Department of Human  
17 Services.

18 C. Nothing in this provision shall require any person to sell  
19 or otherwise dispose of any real estate or home acquired or owned  
20 prior to the conviction of the person as a sex offender.

21 ~~C.~~ D. The provisions of this section shall not apply to any  
22 registered sex offender residing in a hospital or other facility  
23 certified or licensed by the State of Oklahoma to provide medical  
24 services.

1        ~~D.~~ E. Any person willfully violating the provisions of this  
2 section by intentionally moving into any neighborhood or to any real  
3 estate or home within the prohibited distance shall, upon  
4 conviction, be guilty of a felony punishable by a fine not to exceed  
5 Three Thousand Dollars (\$3,000.00), or by imprisonment in the  
6 custody of the Department of Corrections for a term of not less than  
7 one (1) year nor more than three (3) years, or by both such fine and  
8 imprisonment. Any person convicted of a second or subsequent  
9 violation of this section shall be punished by a fine not to exceed  
10 Three Thousand Dollars (\$3,000.00), or by imprisonment in the  
11 custody of the Department of Corrections for a term of not less than  
12 three (3) years, or by both such fine and imprisonment.

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

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15        52-1-5286            GRS            01/05/09

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