

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1984

By: Morrissette

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5
6 AS INTRODUCED

7 An Act relating to sex offenders; amending Section 1,
8 Chapter 209, O.S.L. 2003, as last amended by Section
9 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp. 2008,
10 Section 1125), which relates to zone of safety
11 restrictions for convicted sex offenders; specifying
12 which parks are to be included within zone of safety
13 restriction; clarifying scope of certain restricted
14 area; amending Section 1, Chapter 223, O.S.L. 2003,
15 as last amended by Section 2, Chapter 347, O.S.L.
16 2008 (57 O.S. Supp. 2008, Section 590), which relates
17 to residency restrictions for sex offenders;
18 including private parks within residency restriction;
19 and providing an effective date.

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

26 SECTION 1. AMENDATORY Section 1, Chapter 209, O.S.L.
27 2003, as last amended by Section 2, Chapter 318, O.S.L. 2008 (21
28 O.S. Supp. 2008, Section 1125), is amended to read as follows:

29 Section 1125. A. A zone of safety is hereby created around
30 elementary, junior high, and high schools, licensed child care
31 centers as defined by the Department of Human Services, playgrounds,
32 and private parks, and public parks established, operated or
33 supported in whole or in part by city, county, state, federal or

1 tribal government. A person is prohibited from loitering within
2 three hundred (300) feet of any elementary, junior high, or high
3 school, licensed child care facility, playground, or private or
4 public park if the person has been convicted of a crime that
5 requires the person to register pursuant to the Sex Offenders
6 Registration Act or the person has been convicted of an offense in
7 another jurisdiction, which offense if committed or attempted in
8 this state, would have been punishable as one or more of the
9 offenses listed in Section 582 of Title 57 of the Oklahoma Statutes
10 and the victim was a child under the age of thirteen (13) years.

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

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

4 a. the person is the custodial parent or legal guardian
5 of a child who is an enrolled student at the school or
6 child care facility, and

7 b. the person is enrolling, delivering or retrieving such
8 child at the school or child care facility during
9 regular school or facility hours or for school-
10 sanctioned or child-care-facility-sanctioned
11 extracurricular activities.

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

15 D. The provisions of subsection A of this section shall not
16 apply to any person receiving medical treatment at a hospital or
17 other facility certified or licensed by the State of Oklahoma to
18 provide medical services. As used in this subsection, "medical
19 treatment" shall not include any form of psychological, social or
20 rehabilitative counseling services or treatment programs for sex
21 offenders.

22 E. Nothing in this section shall prohibit a person, who is
23 registered as a sex offender pursuant to the Sex Offenders
24 Registration Act, from attending a recognized church or religious

1 denomination for worship; provided, the person has notified the
2 religious leader of his or her status as a registered sex offender
3 and the person has been granted written permission by the religious
4 leader.

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

7 SECTION 2. AMENDATORY Section 1, Chapter 223, O.S.L.
8 2003, as last amended by Section 2, Chapter 347, O.S.L. 2008 (57
9 O.S. Supp. 2008, Section 590), is amended to read as follows:

10 Section 590. A. It is unlawful for any person registered
11 pursuant to the Sex Offenders Registration Act to reside, either
12 temporarily or permanently, within a two-thousand-foot radius of any
13 public or private school site, educational institution, a playground
14 ~~or~~, private park, or public park that is established, operated or
15 supported in whole or in part by city, county, state, federal or
16 tribal government, or licensed child care center as defined by the
17 Department of Human Services. Establishment of a day care center or
18 private or public park in the vicinity of the residence of a
19 registered sex offender will not require the relocation of the sex
20 offender or the sale of the property. On the effective date of this
21 act, the distance indicated in this section shall be measured from
22 the nearest property line of the residence of the person to the
23 nearest property line of the public or private school site,
24 educational institution, playground, private or public park, or

1 licensed child care facility; provided, any nonprofit organization
2 established and housing sex offenders prior to the effective date of
3 this provision shall be allowed to continue its operation.

4 B. Nothing in this provision shall require any person to sell
5 or otherwise dispose of any real estate or home acquired or owned
6 prior to the conviction of the person as a sex offender.

7 C. The provisions of this section shall not apply to any
8 registered sex offender residing in a hospital or other facility
9 certified or licensed by the State of Oklahoma to provide medical
10 services.

11 D. Any person willfully violating the provisions of this
12 section by intentionally moving into any neighborhood or to any real
13 estate or home within the prohibited distance shall, upon
14 conviction, be guilty of a felony punishable by a fine not to exceed
15 Three Thousand Dollars (\$3,000.00), or by imprisonment in the
16 custody of the Department of Corrections for a term of not less than
17 one (1) year nor more than three (3) years, or by both such fine and
18 imprisonment. Any person convicted of a second or subsequent
19 violation of this section shall be punished by a fine not to exceed
20 Three Thousand Dollars (\$3,000.00), or by imprisonment in the
21 custody of the Department of Corrections for a term of not less than
22 three (3) years, or by both such fine and imprisonment.

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SECTION 3. This act shall become effective November 1, 2009.

52-1-5954 GRS 12/31/09