

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1100

By: Nichols

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 Section 1, Chapter 209, O.S.L. 2003, as last amended  
9 by Section 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp.  
2008, Section 1125), which relates to zone of safety;  
10 updating reference; and declaring an emergency.

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

13 SECTION 1. AMENDATORY Section 1, Chapter 209, O.S.L.  
14 2003, as last amended by Section 2, Chapter 318, O.S.L. 2008 (21  
15 O.S. Supp. 2008, Section 1125), is amended to read as follows:

16 Section 1125. A. A zone of safety is hereby created around  
17 elementary, junior high, and high schools, licensed child care  
18 centers as defined by the Department of Human Services, playgrounds,  
19 and parks. A person is prohibited from loitering within three  
20 hundred (300) feet of any elementary, junior high, or high school,  
21 licensed child care facility, playground, or park if the person has  
22 been convicted of a crime that requires the person to register  
23 pursuant to the Sex Offenders Registration Act, Section 581 et seq.  
24 of Title 57 of the Oklahoma Statutes, or the person has been

1 convicted of an offense in another jurisdiction, which offense if  
2 committed or attempted in this state, would have been punishable as  
3 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  
5 thirteen (13) years.

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

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

22 a. the person is the custodial parent or legal guardian  
23 of a child who is an enrolled student at the school or  
24 child care facility, and

1           b.    the person is enrolling, delivering or retrieving such  
2                    child at the school or child care facility during  
3                    regular school or facility hours or for school-  
4                    sanctioned or child-care-facility-sanctioned  
5                    extracurricular activities.

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

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

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

23           F.    For purpose of prosecution of any violation of this section,  
24 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.

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