

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 2064

By: Gumm

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Section 1125, as last amended by  
9 Section 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp.  
10 2009, Section 1125), which relates to zones of  
11 safety; modifying distance from certain facilities  
12 within which certain persons prohibited from  
13 loitering; modifying persons subject to such  
14 prohibition; modifying exemption; providing  
15 procedures for entry into zone of safety by certain  
16 persons; and declaring an emergency.

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

18 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1125, as  
19 last amended by Section 2, Chapter 318, O.S.L. 2008 (21 O.S. Supp.  
20 2009, Section 1125), is amended to read as follows:

21 Section 1125. A. A zone of safety is hereby created around  
22 elementary, junior high, and high schools, licensed child care  
23 centers as defined by the Department of Human Services, playgrounds,  
24 and parks. A person is prohibited from loitering within ~~three~~  
~~hundred (300)~~ five hundred (500) 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

1 person to register pursuant to the Sex Offenders Registration Act or  
2 the person has been convicted of an offense in another jurisdiction,  
3 which offense if committed or attempted in this state, would have  
4 been punishable as one or more of the offenses listed in Section 582  
5 of Title 57 of the Oklahoma Statutes and the victim was a child  
6 under the age of ~~thirteen (13)~~ eighteen (18) years.

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

20 C. 1. A person shall be exempt from the prohibition of this  
21 section regarding a school or a licensed child care facility only  
22 under the following circumstances and limited to a reasonable amount  
23 of time to complete such tasks:  
24

1 a. the person is the custodial parent or legal guardian  
2 of a child who is an enrolled student at the school or  
3 child care facility, and

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

9 Prior to entering the zone of safety for the purposes listed in  
10 this paragraph, the person shall inform school or facility  
11 administrators of his or her status as a registered sex offender.

12 The person shall update monthly, or as often as required by the  
13 school or facility, information about the specific times the person  
14 will be within the zone of safety as established by this section.

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

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

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

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

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

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