ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE
BILL NO. 3049 By: Sanders of the House

and

Marlatt of the Senate

An Act relating to sex offenders; amending 57 O.S. 2011, Section 590, which relates to residency restrictions for registered sex offenders; prohibiting certain sex offenders from residing with minor children; and providing an effective date.

AUTHORS: Remove Marlatt as Senate Author, substitute Griffin as Senate Author and add Marlatt as Senate Coauthor

AMENDMENT NO. 1. Page 1, strike the title to read

"[ sex offenders - registering offenders - effective date ]"

Passed the Senate the 24th day of April, 2012.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2012.

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Presiding Officer of the House of Representatives

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An Act relating to sex offenders; amending 57 O.S. 2011, Section 590, which relates to residency restrictions for registered sex offenders; prohibiting certain sex offenders from residing with minor children; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 590, is amended to read as follows:

Section 590. A. It is unlawful for any person registered pursuant to the Sex Offenders Registration Act to reside, either temporarily or permanently, within a two-thousand-foot radius of any public or private school site, educational institution, property or campsite used by an organization whose primary purpose is working with children, a playground or park that is established, operated or supported in whole or in part by city, county, state, federal or tribal government, or licensed child care center as defined by the Department of Human Services. Establishment of a day care center or park in the vicinity of the residence of a registered sex offender

will not require the relocation of the sex offender or the sale of the property. On the effective date of this act, the distance indicated in this section shall be measured from the nearest property line of the residence of the person to the nearest property line of the public or private school site, educational institution, property or campsite used by an organization whose primary purpose is working with children, playground, park, or licensed child care facility; provided, any nonprofit organization established and housing sex offenders prior to the effective date of this provision shall be allowed to continue its operation.

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

B. It shall be unlawful for any person who is required to register pursuant to the Sex Offenders Registration Act for any offense in which a minor child was the victim to reside with a minor child or establish any other living accommodation where a minor child resides. Provided, however, the person may reside with a minor child if the person is the parent, stepparent or grandparent of the minor child and the minor child was not the victim of the offense for which the person is required to register.

C. The provisions of this section shall not apply to any registered sex offender residing in a hospital or other facility

certified or licensed by the State of Oklahoma to provide medical services.

D. Any person willfully violating the provisions of this section by ~~intentionally~~:

1. Intentionally moving into any neighborhood or to any real estate or home within the prohibited distance; or

2. Intentionally moving into a residence with a minor child or establishing any other living accommodation where a minor child resides as specified in subsection B of this section,

shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Three Thousand Dollars ($3,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than three (3) years, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of this section shall be punished by a fine not to exceed Three Thousand Dollars ($3,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, or by both such fine and imprisonment.

SECTION 2. This act shall become effective November 1, 2012.

Passed the House of Representatives the 13th day of March, 2012.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2012.

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Presiding Officer of the Senate