

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 852

By: Jolley, Ivester and Sykes  
of the Senate

3  
4 and

Schwartz of the House  
5  
6  
7

8 [ Sex Offenders - individual dwelling residency  
restrictions - effective date -  
9 emergency ]

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11

12 AUTHOR: Add the following House Coauthor: Bennett

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

14

15 "An Act relating to sex offenders; amending Section  
16 12, Chapter 284, O.S.L. 2006, as last amended by  
Section 7, Chapter 404, O.S.L. 2009 (57 O.S. Supp.  
17 2010, Section 590.1), which relates to individual  
dwelling residency restrictions; defining term;  
18 prohibiting certain conduct; providing penalty;  
providing an effective date; and declaring an  
19 emergency.

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

22 SECTION 1. AMENDATORY Section 12, Chapter 284, O.S.L.

23 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57

24 O.S. Supp. 2010, Section 590.1) is amended to read as follows:

1 Section 590.1. A. 1. It is unlawful for two or more persons  
2 required to register as sex offenders to reside together in any  
3 individual dwelling during the term of registration as a sex  
4 offender. Every person violating this provision shall be guilty,  
5 upon conviction, of a misdemeanor punishable by imprisonment in the  
6 county jail for a term not more than one (1) year and a fine in an  
7 amount not to exceed One Thousand Dollars (\$1,000.00). Every person  
8 convicted of a second or subsequent violation of this section shall  
9 be guilty of a felony punishable by imprisonment in the custody of  
10 the Department of Corrections for a term not more than five (5)  
11 years and a fine in an amount not to exceed Two Thousand Dollars  
12 (\$2,000.00).

13 2. The provisions of paragraph 1 of this subsection shall not  
14 be construed to prohibit a registered sex offender from residing in  
15 any properly zoned and established boarding house, apartment  
16 building or other multi-unit structure; provided the individual  
17 dwellings are separate for each registered person. Nothing in this  
18 subsection shall prohibit the sharing of living quarters, jail or  
19 prison space, or any multi-person or dormitory-style housing of sex  
20 offenders in the custody of any jail or correctional facility or any  
21 properly zoned facility under contract with a jail or correctional  
22 agency for the purpose of housing prisoners, or any properly  
23 established treatment or nonprofit facility located in a properly  
24 zoned area determined by the local governing authority and housing

1 persons for purposes of sex offender services and treatment.  
2 Nothing in this subsection shall prohibit married persons, both of  
3 whom are required to register as sex offenders, or two or more blood  
4 relatives who are required to register as sex offenders, from  
5 residing in any individual dwelling during the term of registration  
6 as a sex offender.

7 3. For purposes of this subsection, "individual dwelling"  
8 means:

- 9 a. a private residential property, whether owned, leased  
10 or rented, including all real property zoned as  
11 single-family residential property or zoned as multi-  
12 family residential property due to any adjacent,  
13 detached or separate living quarters of any kind on  
14 such property,
- 15 b. any room available within any boarding house or group  
16 home as such term is defined by subsection D of this  
17 section,
- 18 c. any single apartment for rent or lease within an  
19 apartment building, or
- 20 d. any separate residential unit made available for sale,  
21 rent or lease within a multi-unit structure, including  
22 a condominium, duplex, triplex, quadriplex or any unit  
23 that is constructed together with other separate units  
24 into one structure.

1       4. For purposes of this section, "multi-unit structure" means a  
2 structure with multiple residential units that provide independent  
3 living facilities for living, sleeping, cooking, eating, and  
4 sanitation within each individual unit. Manufactured homes, mobile  
5 homes, trailers, and recreational vehicles that do not meet the  
6 descriptions of this paragraph are not multi-unit structures.

7       B. The Department of Corrections is prohibited from contracting  
8 for the housing of any person required to register as a sex offender  
9 in any individual dwelling, as defined by paragraph 3 of subsection  
10 A of this section, where another person required to register as a  
11 sex offender also resides.

12       C. No halfway house, nonprofit organization, or private entity  
13 shall contract with the Department of Corrections or any jail to  
14 house any person required to register as a sex offender or offer  
15 housing independently to any person required to register as a sex  
16 offender if such housing facility is located within a single-family  
17 zoned residential neighborhood or is not properly zoned as a multi-  
18 unit housing structure, jail or correctional facility.

19       D. No person or entity shall knowingly establish or operate a  
20 boarding house or group home, or otherwise knowingly rent or lease  
21 rooms, for the residency of persons required to register pursuant to  
22 the Sex Offenders Registration Act unless treatment services are  
23 provided. Said facility must also be in a properly zoned area  
24 determined by the local governing authority. For purposes of this

1 subsection, "boarding house or group home" means a dwelling that is  
2 used for the residency of two or more unrelated persons.

3 E. No person or entity shall knowingly establish, lease,  
4 operate, or own any structure or portion of a structure where  
5 persons required to register pursuant to the Sex Offenders  
6 Registration Act are allowed to reside together in violation of this  
7 section or knowingly allow any other violation of this section.

8 F. Every person convicted of a first violation of subsection E  
9 of this section shall be guilty of a misdemeanor and shall be  
10 punished by a fine of not more than Five Hundred Dollars (\$500.00),  
11 or by imprisonment in the county jail for not more than one (1)  
12 year, or by both such fine and imprisonment. Any person convicted  
13 of a second violation shall be guilty of a misdemeanor and shall be  
14 punished by a fine of not more than Two Thousand Five Hundred  
15 Dollars (\$2,500.00), or by imprisonment in the county jail for not  
16 more than one (1) year, or by both such fine and imprisonment. Any  
17 person convicted of a third or subsequent violation shall be guilty  
18 of a felony and shall be punished by a fine of not less than Two  
19 Thousand Five Hundred Dollars (\$2,500.00) and not more than Five  
20 Thousand Dollars (\$5,000.00), or by imprisonment in the custody of  
21 the Department of Corrections for not more than five (5) years, or  
22 by both such fine and imprisonment.

23 SECTION 2. This act shall become effective July 1, 2011.  
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1 ENGROSSED SENATE  
2 BILL NO. 852

By: Jolley, Ivester and Sykes  
of the Senate

3 and

4 Schwartz of the House

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7 [ Sex Offenders - individual dwelling residency  
8 restrictions - effective date - emergency ]  
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10

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

12 SECTION 4. AMENDATORY Section 12, Chapter 284, O.S.L.  
13 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57  
14 O.S. Supp. 2010, Section 590.1) is amended to read as follows:

15 Section 590.1. A. 1. It is unlawful for two or more persons  
16 required to register as sex offenders to reside together in any  
17 individual dwelling during the term of registration as a sex  
18 offender. Every person violating this provision shall be guilty,  
19 upon conviction, of a misdemeanor punishable by imprisonment in the  
20 county jail for a term not more than one (1) year and a fine in an  
21 amount not to exceed One Thousand Dollars (\$1,000.00). Every person  
22 convicted of a second or subsequent violation of this section shall  
23 be guilty of a felony punishable by imprisonment in the custody of  
24 the Department of Corrections for a term not more than five (5)

1 years and a fine in an amount not to exceed Two Thousand Dollars  
2 (\$2,000.00).

3 2. The provisions of paragraph 1 of this subsection shall not  
4 be construed to prohibit a registered sex offender from residing in  
5 any properly zoned and established boarding house, apartment  
6 building or other multi-unit structure; provided the individual  
7 dwellings are separate for each registered person. Nothing in this  
8 subsection shall prohibit the sharing of living quarters, jail or  
9 prison space, or any multi-person or dormitory-style housing of sex  
10 offenders in the custody of any jail or correctional facility or any  
11 properly zoned facility under contract with a jail or correctional  
12 agency for the purpose of housing prisoners, or any properly  
13 established treatment or nonprofit facility located in a properly  
14 zoned area determined by the local governing authority and housing  
15 persons for purposes of sex offender services and treatment.  
16 Nothing in this subsection shall prohibit married persons, both of  
17 whom are required to register as sex offenders, or two or more blood  
18 relatives who are required to register as sex offenders, from  
19 residing in any individual dwelling during the term of registration  
20 as a sex offender.

21 3. For purposes of this subsection, "individual dwelling"  
22 means:

23 a. a private residential property, whether owned, leased  
24 or rented, including all real property zoned as

1 single-family residential property or zoned as multi-  
2 family residential property due to any adjacent,  
3 detached or separate living quarters of any kind on  
4 such property,

5 b. any room available within any boarding house or group  
6 home as such term is defined by subsection D of this  
7 section,

8 c. any single apartment for rent or lease within an  
9 apartment building, or

10 d. any separate residential unit made available for sale,  
11 rent or lease within a multi-unit structure, including  
12 a condominium, duplex, triplex, quadriplex or any unit  
13 that is constructed together with other separate units  
14 into one structure.

15 4. For purposes of this section, "multi-unit structure" means a  
16 structure with multiple residential units that provide independent  
17 living facilities for living, sleeping, cooking, eating, and  
18 sanitation within each individual unit. Manufactured homes, mobile  
19 homes, trailers, and recreational vehicles that do not meet the  
20 descriptions of this paragraph are not multi-unit structures.

21 B. The Department of Corrections is prohibited from contracting  
22 for the housing of any person required to register as a sex offender  
23 in any individual dwelling, as defined by paragraph 3 of subsection  
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1 A of this section, where another person required to register as a  
2 sex offender also resides.

3 C. No halfway house, nonprofit organization, or private entity  
4 shall contract with the Department of Corrections or any jail to  
5 house any person required to register as a sex offender or offer  
6 housing independently to any person required to register as a sex  
7 offender if such housing facility is located within a single-family  
8 zoned residential neighborhood or is not properly zoned as a multi-  
9 unit housing structure, jail or correctional facility.

10 D. No person or entity shall knowingly establish or operate a  
11 boarding house or group home, or otherwise knowingly rent or lease  
12 rooms, for the residency of persons required to register pursuant to  
13 the Sex Offenders Registration Act unless treatment services are  
14 provided. Said facility must also be in a properly zoned area  
15 determined by the local governing authority. For purposes of this  
16 subsection, "boarding house or group home" means a dwelling that is  
17 used for the residency of two or more unrelated persons.

18 E. No person or entity shall knowingly establish, lease,  
19 operate, or own any structure or portion of a structure where  
20 persons required to register pursuant to the Sex Offenders  
21 Registration Act are allowed to reside together in violation of this  
22 section or knowingly allow any other violation of this section.

23 F. Every person convicted of a first violation of subsection E  
24 of this section shall be guilty of a misdemeanor and shall be

1 punished by a fine of not more than Five Hundred Dollars (\$500.00),  
2 or by imprisonment in the county jail for not more than one (1)  
3 year, or by both such fine and imprisonment. Any person convicted  
4 of a second violation shall be guilty of a misdemeanor and shall be  
5 punished by a fine of not more than Two Thousand Five Hundred  
6 Dollars (\$2,500.00), or by imprisonment in the county jail for not  
7 more than one (1) year, or by both such fine and imprisonment. Any  
8 person convicted of a third or subsequent violation shall be guilty  
9 of a felony and shall be punished by a fine of not less than Two  
10 Thousand Five Hundred Dollars (\$2,500.00) and not more than Five  
11 Thousand Dollars (\$5,000.00), or by imprisonment in the custody of  
12 the Department of Corrections for not more than five (5) years, or  
13 by both such fine and imprisonment.

14 SECTION 5. This act shall become effective July 1, 2011.

15 SECTION 6. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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