

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 852

By: Jolley, Ivester and Sykes
of the Senate

6 and

Schwartz and Bennett of the
House

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10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to sex offenders; amending Section
12 12, Chapter 284, O.S.L. 2006, as last amended by
13 Section 7, Chapter 404, O.S.L. 2009 (57 O.S. Supp.
14 2010, Section 590.1), which relates to individual
dwelling residency restrictions; defining term;
prohibiting certain conduct; providing penalty; and
providing an effective date.

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

18 SECTION 1. AMENDATORY Section 12, Chapter 284, O.S.L.
19 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57
20 O.S. Supp. 2010, Section 590.1) is amended to read as follows:

21 Section 590.1. A. 1. It is unlawful for two or more persons
22 required to register as sex offenders to reside together in any
23 individual dwelling during the term of registration as a sex
24 offender. Every person violating this provision shall be guilty,

1 upon conviction, of a misdemeanor punishable by imprisonment in the
2 county jail for a term not more than one (1) year and a fine in an
3 amount not to exceed One Thousand Dollars (\$1,000.00). Every person
4 convicted of a second or subsequent violation of this section shall
5 be guilty of a felony punishable by imprisonment in the custody of
6 the Department of Corrections for a term not more than five (5)
7 years and a fine in an amount not to exceed Two Thousand Dollars
8 (\$2,000.00).

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

1 residing in any individual dwelling during the term of registration
2 as a sex offender.

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

5 a. a private residential property, whether owned, leased
6 or rented, including all real property zoned as
7 single-family residential property or zoned as multi-
8 family residential property due to any adjacent,
9 detached or separate living quarters of any kind on
10 such property,

11 b. any room available within any boarding house or group
12 home as such term is defined by subsection D of this
13 section,

14 c. any single apartment for rent or lease within an
15 apartment building, or

16 d. any separate residential unit made available for sale,
17 rent or lease within a multi-unit structure, including
18 a condominium, duplex, triplex, quadriplex or any unit
19 that is constructed together with other separate units
20 into one structure.

21 4. For purposes of this section, "multi-unit structure" means a
22 structure with multiple residential units that provide independent
23 living facilities for living, sleeping, cooking, eating, and
24 sanitation within each individual unit. Manufactured homes, mobile

1 homes, trailers, and recreational vehicles that do not meet the
2 descriptions of this paragraph are not multi-unit structures.

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

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

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

23 E. No person or entity shall knowingly establish, lease,
24 operate, or own any structure or portion of a structure where

1 persons required to register pursuant to the Sex Offenders
2 Registration Act are allowed to reside together in violation of this
3 section or knowingly allow any other violation of this section.

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

19 SECTION 2. This act shall become effective July 1, 2012.

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