

ENROLLED SENATE
BILL NO. 852

By: Jolley, Ivester and Sykes
of the Senate

and

Schwartz and Bennett of the
House

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

SUBJECT: Sex Offenders Registration Act

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

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

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

the Department of Corrections for a term not more than five (5) years and a fine in an amount not to exceed Two Thousand Dollars (\$2,000.00).

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

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

- a. a private residential property, whether owned, leased or rented, including all real property zoned as single-family residential property or zoned as multi-family residential property due to any adjacent, detached or separate living quarters of any kind on such property,
- b. any room available within any boarding house or group home as such term is defined by subsection D of this section,
- c. any single apartment for rent or lease within an apartment building, or
- d. any separate residential unit made available for sale, rent or lease within a multi-unit structure, including

a condominium, duplex, triplex, quadriplex or any unit that is constructed together with other separate units into one structure.

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

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

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

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

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

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

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

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

Passed the Senate the 19th day of May, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of May, 2011.

Presiding Officer of the House
of Representatives