

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3049

By: Sanders of the House

and

Marlatt of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to sex offenders; amending 57 O.S.
12 2011, Section 590, which relates to residency
13 restrictions for registered sex offenders;
14 prohibiting certain sex offenders from residing with
15 minor children; and providing an effective date.

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

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

19 Section 590. A. It is unlawful for any person registered
20 pursuant to the Sex Offenders Registration Act to reside, either
21 temporarily or permanently, within a two-thousand-foot radius of any
22 public or private school site, educational institution, property or
23 campsite used by an organization whose primary purpose is working

1 with children, a playground or park that is established, operated or
2 supported in whole or in part by city, county, state, federal or
3 tribal government, or licensed child care center as defined by the
4 Department of Human Services. Establishment of a day care center or
5 park in the vicinity of the residence of a registered sex offender
6 will not require the relocation of the sex offender or the sale of
7 the property. On the effective date of this act, the distance
8 indicated in this section shall be measured from the nearest
9 property line of the residence of the person to the nearest property
10 line of the public or private school site, educational institution,
11 property or campsite used by an organization whose primary purpose
12 is working with children, playground, park, or licensed child care
13 facility; provided, any nonprofit organization established and
14 housing sex offenders prior to the effective date of this provision
15 shall be allowed to continue its operation.

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

19 B. It shall be unlawful for any person who is required to
20 register pursuant to the Sex Offenders Registration Act for any
21 offense in which a minor child was the victim to reside with a minor
22 child or establish any other living accommodation where a minor
23 child resides. Provided, however, the person may reside with a

1 minor child if the person is the parent, stepparent or grandparent
2 of the minor child and the minor child was not the victim of the
3 offense for which the person is required to register.

4 C. The provisions of this section shall not apply to any
5 registered sex offender residing in a hospital or other facility
6 certified or licensed by the State of Oklahoma to provide medical
7 services.

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

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

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

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

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/28/2012 - DO
4 PASS, As Amended and Coauthored.
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