

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3050

By: Sanders

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6 AS INTRODUCED

7 An Act relating to sex offenders; amending 12 O.S.
8 2011, Section 1632, which relates to petition for
change of name; modifying petition requirements for
9 change of name; amending Section 21 O.S. 2011,
Section 1125, which relates to the Zone of Safety
10 requirements; increasing certain age limitation;
prohibiting registered sex offenders from obtaining a
11 name change; providing penalties; providing for
codification; and providing an effective date.

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

15 SECTION 1. AMENDATORY 12 O.S. 2011, Section 1632, is
16 amended to read as follows:

17 Section 1632. The petition shall be verified and shall state:

18 ~~(a)~~

19 1. The name and address of the petitioner; ~~(b)~~

20 2. The facts as to domicile and residence; ~~(c)~~

21 3. The date and place of birth; ~~(d)~~

22 4. The birth certificate number, and place where the birth is
23 registered, if registered; ~~(e)~~

24 5. The name desired by petitioner; ~~(f)~~

1 6. A clear and concise statement of the reasons for the desired
2 change; ~~(g)~~

3 7. A positive statement that the change is not sought for any
4 illegal or fraudulent purpose, or to delay or hinder creditors; and

5 8. A positive statement that the petitioner is not a person
6 required to register as a sex offender in this state or any other
7 state or jurisdiction and that the petitioner is not a person who is
8 subject to the provisions of the Sex Offenders Registration Act.

9 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1125, is
10 amended to read as follows:

11 Section 1125. A. A zone of safety is hereby created around
12 elementary, junior high and high schools, permitted or licensed
13 child care centers as defined by the Department of Human Services,
14 playgrounds, and parks. A person is prohibited from loitering
15 within five hundred (500) feet of any elementary, junior high or
16 high school, permitted or licensed child care center, playground, or
17 park if the person has been convicted of a crime that requires the
18 person to register pursuant to the Sex Offenders Registration Act or
19 the person has been convicted of an offense in another jurisdiction,
20 which offense if committed or attempted in this state, would have
21 been punishable as one or more of the offenses listed in Section 582
22 of Title 57 of the Oklahoma Statutes and the victim was a child
23 under the age of ~~thirteen (13)~~ eighteen (18) years.

1 B. A person convicted of a violation of subsection A of this
2 section shall be guilty of a felony punishable by a fine not
3 exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by
4 imprisonment in the county jail for a term of not more than one (1)
5 year, or by both such fine and imprisonment. Any person convicted
6 of a second or subsequent violation of subsection A of this section
7 shall be punished by a fine not exceeding Two Thousand Five Hundred
8 Dollars (\$2,500.00), or by imprisonment in the custody of the
9 Department of Corrections for a term of not less than three (3)
10 years, or by both such fine and imprisonment. This proscription of
11 conduct shall not modify or remove any restrictions currently
12 applicable to the person by court order, conditions of probation or
13 as provided by other provision of law.

14 C. 1. A person shall be exempt from the prohibition of this
15 section regarding a school or a licensed or permitted child care
16 facility only under the following circumstances and limited to a
17 reasonable amount of time to complete such tasks:

- 18 a. the person is the custodial parent or legal guardian
19 of a child who is an enrolled student at the school or
20 child care facility, and
- 21 b. the person is enrolling, delivering or retrieving such
22 child at the school or licensed or permitted child
23 care center during regular school or facility hours or

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1 for school-sanctioned or licensed-or-permitted-child-
2 care-center-sanctioned extracurricular activities.

3 Prior to entering the zone of safety for the purposes listed in
4 this paragraph, the person shall inform school or child care center
5 administrators of his or her status as a registered sex offender.
6 The person shall update monthly, or as often as required by the
7 school or center, information about the specific times the person
8 will be within the zone of safety as established by this section.

9 2. This exception shall not be construed to modify or remove
10 any restrictions applicable to the person by court order, conditions
11 of probation, or as provided by other provision of law.

12 D. The provisions of subsection A of this section shall not
13 apply to any person receiving medical treatment at a hospital or
14 other facility certified or licensed by the State of Oklahoma to
15 provide medical services. As used in this subsection, "medical
16 treatment" shall not include any form of psychological, social or
17 rehabilitative counseling services or treatment programs for sex
18 offenders.

19 E. Nothing in this section shall prohibit a person, who is
20 registered as a sex offender pursuant to the Sex Offenders
21 Registration Act, from attending a recognized church or religious
22 denomination for worship; provided, the person has notified the
23 religious leader of his or her status as a registered sex offender
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1 and the person has been granted written permission by the religious
2 leader.

3 F. For purpose of prosecution of any violation of this section,
4 the provisions of Section 51.1 of this title shall not apply.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 590.3 of Title 57, unless there
7 is created a duplication in numbering, reads as follows:

8 It shall be unlawful for any person registered pursuant to the
9 Sex Offenders Registration Act to obtain a change of name under the
10 provisions of Sections 1631 through 1637 of Title 12 of the Oklahoma
11 Statutes. Any person who violates the provisions of this section
12 shall, upon conviction, be guilty of a misdemeanor punishable by
13 imprisonment in the county jail for a term of not more than one (1)
14 year, or a fine in an amount not to exceed One Thousand Dollars
15 (\$1,000.00), or by both such imprisonment and fine.

16 SECTION 4. This act shall become effective November 1, 2012.

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