

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1365

By: David

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Section 1125, which relates to certain
9 zones of safety and sex offenders; making certain
property a zone of safety; and providing an effective
date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1125, is
14 amended to read as follows:

15 Section 1125. A. A zone of safety is hereby created around
16 elementary, junior high and high schools, permitted or licensed
17 child care centers as defined by the Department of Human Services,
18 playgrounds, and ~~parks~~ any property designated by a city, town,
19 county or state governmental authority as a park. A person is
20 prohibited from loitering within five hundred (500) feet of any
21 elementary, junior high or high school, permitted or licensed child
22 care center, playground, or any property designated by a city, town,
23 county or state governmental authority as a park if the person has
24 been convicted of a crime that requires the person to register

1 pursuant to the Sex Offenders Registration Act or the person has
2 been convicted of an offense in another jurisdiction, which offense
3 if committed or attempted in this state, would have been punishable
4 as one or more of the offenses listed in Section 582 of Title 57 of
5 the Oklahoma Statutes and the victim was a child under the age of
6 thirteen (13) years.

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

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

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- 1 a. the person is the custodial parent or legal guardian
2 of a child who is an enrolled student at the school or
3 child care facility, and
- 4 b. the person is enrolling, delivering or retrieving such
5 child at the school or licensed or permitted child
6 care center during regular school or facility hours or
7 for school-sanctioned or licensed-or-permitted-child-
8 care-center-sanctioned extracurricular activities.

9 Prior to entering the zone of safety for the purposes listed in
10 this paragraph, the person shall inform school or child care center
11 administrators of his or her status as a registered sex offender.
12 The person shall update monthly, or as often as required by the
13 school or center, information about the specific times the person
14 will be within the zone of safety as established by this section.

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

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

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

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

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

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