

1 STATE OF OKLAHOMA

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

3 SENATE BILL 852

By: Jolley

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5
6 AS INTRODUCED

7 An Act relating to Sex Offenders; amending Section
8 12, Chapter 284, O.S.L. 2006, as last amended by
9 Section 7, Chapter 404, O.S.L. 2009 (57 O.S. Supp.
10 2010, Section 590.1), which relates to individual
11 dwelling residency restrictions; defining term;
12 prohibiting certain conduct; providing penalty;
13 providing an effective date; and declaring an
14 emergency.

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

16 SECTION 1. AMENDATORY Section 12, Chapter 284, O.S.L.
17 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57
18 O.S. Supp. 2010, Section 590.1) is amended to read as follows:

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

1 be guilty of a felony punishable by imprisonment in the custody of
2 the Department of Corrections for a term not more than five (5)
3 years and a fine in an amount not to exceed Two Thousand Dollars
4 (\$2,000.00).

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

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

- 1 a. a private residential property, whether owned, leased
2 or rented, including all real property zoned as
3 single-family residential property or zoned as multi-
4 family residential property due to any adjacent,
5 detached or separate living quarters of any kind on
6 such property,
- 7 b. any room available within any boarding house or group
8 home as such term is defined by subsection D of this
9 section,
- 10 c. any single apartment for rent or lease within an
11 apartment building, or
- 12 d. any separate residential unit made available for sale,
13 rent or lease within a multi-unit structure, including
14 a condominium, duplex, triplex, quadriplex or any unit
15 that is constructed together with other separate units
16 into one structure.

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

23 B. The Department of Corrections is prohibited from contracting
24 for the housing of any person required to register as a sex offender

1 in any individual dwelling, as defined by paragraph 3 of subsection
2 A of this section, where another person required to register as a
3 sex offender also resides.

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

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

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

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

11 SECTION 2. This act shall become effective July 1, 2011.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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