

1 STATE OF OKLAHOMA

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

3 SENATE BILL 918

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Sex Offenders
8 Registration Act; amending 57 O.S. 2001, Section
9 590.1, as last amended by Section 7, Chapter 404,
10 O.S.L. 2009 (57 O.S. Supp. 2010, Section 590.1) which
11 relates to residency restrictions; defining term; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY Section 12, Chapter 284, O.S.L.
15 2006, as last amended by Section 7, Chapter 404, O.S.L. 2009 (57
16 O.S. Supp. 2010, Section 590.1), is amended to read as follows:

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

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

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

22 3. For purposes of this subsection, "individual dwelling"
23 means:
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- 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 subsection "multi-unit structure"

18 means:

- 19 a. a structure with multiple residential units that
20 provide independent living facilities for living,
21 sleeping, cooking, eating, and sanitation within each
22 individual unit, and
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1 b. manufactured homes, mobile homes, trailers, and
2 recreational vehicles that do not meet the provisions
3 of subparagraph a are not multi-unit structures.

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

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

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

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

6 1. Every person violating this provision shall be guilty, upon
7 conviction, of a felony punishable by imprisonment in the county
8 jail for a term not more than one (1) year or a fine in an amount
9 not to exceed Two Thousand Dollars (\$2,000.00) or by both such fine
10 and imprisonment; and

11 2. Every person convicted of a second or subsequent violation
12 of this section shall be guilty of a felony punishable by
13 imprisonment in the custody of the Department of Corrections for a
14 term not more than five (5) years or a fine in an amount not to
15 exceed Five Thousand Dollars (\$5,000.00) or by both such fine and
16 imprisonment.

17 SECTION 2. This act shall become effective November 1, 2011.

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