

1 ENGROSSED SENATE
2 BILL NO. 1027

By: Sykes and Brecheen of the
Senate

3 and

4 Lockhart of the House

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6
7 An Act relating to sex offenders in state parks;
8 amending 21 O.S. 2011, Section 1125, which relates to
9 zone of safety; adding definition; amending 74 O.S.
10 2011, Section 2217, which relates to public access
and use of state parks; prohibiting sex offenders
from entering state parks; extending certain zone of
safety; and providing an effective date.

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

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

16 Section 1125. A. A zone of safety is hereby created around
17 elementary, junior high and high schools, permitted or licensed
18 child care centers as defined by the Department of Human Services,
19 playgrounds, and parks. A person is prohibited from loitering
20 within five hundred (500) feet of any elementary, junior high or
21 high school, permitted or licensed child care center, playground, or
22 park if the person has been convicted of a crime that requires the
23 person to register pursuant to the Sex Offenders Registration Act or
24 the person has been convicted of an offense in another jurisdiction,

1 which offense if committed or attempted in this state, would have
2 been punishable as one or more of the offenses listed in Section 582
3 of Title 57 of the Oklahoma Statutes and the victim was a child
4 under the age of thirteen (13) years. For purposes of this section,
5 "park" includes state parks.

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

19 C. 1. A person shall be exempt from the prohibition of this
20 section regarding a school or a licensed or permitted child care
21 facility only under the following circumstances and limited to a
22 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. AMENDATORY 74 O.S. 2011, Section 2217, is
11 amended to read as follows:

12 Section 2217. The public shall have the right to access and use
13 the facilities, services, and programs provided within state parks.

- 14 1. Notwithstanding any other provision of law, no person may:
- 15 a. discharge fireworks in any area of a state park unless
16 specified otherwise by the Division of State Parks
17 Director,
 - 18 b. possess any glass container in a designated and posted
19 swim or beach area within a state park,
 - 20 c. build a fire within a state park in areas posted as
21 prohibited by the Department,
 - 22 d. solicit or demand gifts, money, goods or services
23 within a state park,
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- 1 e. enter a state park with a dog, unless the dog is on a
2 leash, or permit any dog to enter a state park or
3 recreation area under the jurisdiction of the
4 Commission. It is further provided that any
5 authorized member of the Department or any authorized
6 employee of the Oklahoma Department of Wildlife
7 Conservation may kill any vicious dog found running
8 loose in any state park which poses imminent threat to
9 humans or other animals, or which may be chasing or
10 running any game in the state park. Any such
11 authorized employees of the Departments shall not be
12 held liable for the killing of ~~said~~ the dog,
13 f. injure, destroy, mutilate or deface any building,
14 structure, sign, rock, tree, shrub, vine, or property,
15 or dispose of any matter which will likely contaminate
16 any swimming pool or other waters on the state park,
17 or take, kill, injure, pursue, hunt, or molest, any
18 wild game animal, or mar or rifle the nest of any bird
19 or the den or nest or abode of any wild animal within
20 any of the state parks, recreational grounds or state
21 monuments now created or which may be hereafter
22 acquired or designated,
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1 g. use or operate motor vehicles, including motorcycles,
2 motorbikes or motor scooters, in areas not
3 specifically posted by the Department, ~~or~~

4 h. sell, hawk, or peddle within a state park any goods,
5 wares, merchandise, liquids, edibles, or any item of
6 value, without having a contract or lease agreement
7 approved by the Commission, or

8 i. enter a state park or loiter within five hundred (500)
9 feet of a state park pursuant to Section 1125 of Title
10 21 of the Oklahoma Statutes if the person has been
11 convicted of a crime that requires the person to
12 register pursuant to the Sex Offenders Registration
13 Act or the person has been convicted of an offense in
14 another jurisdiction, which offense if committed or
15 attempted in this state, would have been punishable as
16 one or more of the offenses listed in Section 582 of
17 Title 57 of the Oklahoma Statutes and the victim was a
18 child under the age of thirteen (13) years.

19 2. Any such violation of the provisions of this section shall
20 be punishable as a misdemeanor, and subject to a fine of not less
21 than Fifty Dollars (\$50.00) and no more than Five Hundred Dollars
22 (\$500.00), or imprisonment in the county jail for not more than
23 thirty (30) days, or by both such fine and imprisonment.

1 3. Fifty percent (50%) of all monies collected pursuant to this
2 section shall be deposited in the Oklahoma Tourism and Recreation
3 Department Revolving Fund and fifty percent (50%) shall be remitted
4 to the county in which the violation is made.

5 SECTION 3. This act shall become effective November 1, 2013.

6 Passed the Senate the 28th day of February, 2013.

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Presiding Officer of the Senate

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10 Passed the House of Representatives the ____ day of _____,
11 2013.

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Presiding Officer of the House
of Representatives

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