

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 167

By: Griffin of the Senate

3 and

4 Casey of the House

5  
6  
7 [ residency restrictions - convicted sex offenders -  
effective date ]  
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10  
11 AUTHOR: Add the following House Coauthor: Cockroft

12 AUTHOR: Add the following Senate Coauthor: Pittman

13 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert  
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16 "An Act relating to sex offenders; amending 21 O.S.  
17 2011, Section 1125, as amended by Section 1, Chapter  
250, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1125),  
18 which relates to zones of safety; modifying zone of  
safety restrictions; amending 57 O.S. 2011, Section  
19 590, as amended by Section 1, Chapter 281, O.S.L.  
2012 (57 O.S. Supp. 2014, Section 590), which  
20 relates to residency restrictions; modifying scope  
of residency restrictions; and providing an  
21 effective date.  
22

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:  
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1 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1125, as  
2 amended by Section 1, Chapter 250, O.S.L. 2014 (21 O.S. Supp. 2014,  
3 Section 1125), is amended to read as follows:

4 Section 1125. A. A zone of safety is hereby created around  
5 elementary, junior high and high schools, permitted or licensed  
6 child care centers as defined by the Department of Human Services,  
7 playgrounds, or parks.

8 1. A person is prohibited from loitering within five hundred  
9 (500) feet of any elementary, junior high or high school, permitted  
10 or licensed child care center, playground, or park if the person has  
11 been convicted of a crime that requires the person to register  
12 pursuant to the Sex Offenders Registration Act or the person has  
13 been convicted of an offense in another jurisdiction, which offense  
14 if committed or attempted in this state, would have been punishable  
15 as one or more of the offenses listed in Section 582 of Title 57 of  
16 the Oklahoma Statutes and the victim was a child under the age of  
17 sixteen (16) years.

18 2. A person is prohibited from entering any park if:

- 19 a. the person has been designated as a habitual or  
20 aggravated sex offender as provided in Section 584 of  
21 Title 57 of the Oklahoma Statutes, or  
22 b. the person has been convicted of an offense in another  
23 jurisdiction, which offense, if committed or attempted  
24 in this state, would designate the person as a

1           habitual or aggravated sex offender as provided in  
2           Section 584 of Title 57 of the Oklahoma Statutes.

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

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

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

1 care center during regular school or facility hours or  
2 for school-sanctioned or licensed-or-permitted-child-  
3 care-center-sanctioned extracurricular activities.

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

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

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

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

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 G. As used in this section, "park" means any outdoor public  
6 area specifically designated as being used for recreational purposes  
7 that is operated or supported in whole or in part by ~~an~~ a  
8 homeowners' association ~~of homeowners~~ or a city, town, county, state  
9 ~~or~~, federal or tribal governmental authority.

10 SECTION 2. AMENDATORY 57 O.S. 2011, Section 590, as  
11 amended by Section 1, Chapter 281, O.S.L. 2012 (57 O.S. Supp. 2014,  
12 Section 590), is amended to read as follows:

13 Section 590. A. It is unlawful for any person registered  
14 pursuant to the Sex Offenders Registration Act to reside, either  
15 temporarily or permanently, within a two-thousand-foot radius of any  
16 public or private school site, educational institution, property or  
17 campsite used by an organization whose primary purpose is working  
18 with children, a playground or park that is established, operated or  
19 supported in whole or in part by a homeowners' association or a  
20 city, town, county, state, federal or tribal government, or a  
21 licensed child care center as defined by the Department of Human  
22 Services. Establishment of a day care center or park in the  
23 vicinity of the residence of a registered sex offender will not  
24 require the relocation of the sex offender or the sale of the

1 property. On the effective date of this act, the distance indicated  
2 in this section shall be measured from the nearest property line of  
3 the residence of the person to the nearest property line of the  
4 public or private school site, educational institution, property or  
5 campsite used by an organization whose primary purpose is working  
6 with children, playground, park, or licensed child care facility;  
7 provided, any nonprofit organization established and housing sex  
8 offenders prior to the effective date of this provision shall be  
9 allowed to continue its operation.

10 Nothing in this provision shall require any person to sell or  
11 otherwise dispose of any real estate or home acquired or owned prior  
12 to the conviction of the person as a sex offender.

13 B. It shall be unlawful for any person who is required to  
14 register pursuant to the Sex Offenders Registration Act for any  
15 offense in which a minor child was the victim to reside with a minor  
16 child or establish any other living accommodation where a minor  
17 child resides. Provided, however, the person may reside with a  
18 minor child if the person is the parent, stepparent or grandparent  
19 of the minor child and the minor child was not the victim of the  
20 offense for which the person is required to register.

21 C. The provisions of this section shall not apply to any  
22 registered sex offender residing in a hospital or other facility  
23 certified or licensed by the State of Oklahoma to provide medical  
24 services.

1 D. Any person willfully violating the provisions of this  
2 section by:

3 1. Intentionally moving into any neighborhood or to any real  
4 estate or home within the prohibited distance; or

5 2. Intentionally moving into a residence with a minor child or  
6 establishing any other living accommodation where a minor child  
7 resides as specified in subsection B of this section,  
8 shall, upon conviction, be guilty of a felony punishable by a fine  
9 not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment  
10 in the custody of the Department of Corrections for a term of not  
11 less than one (1) year nor more than three (3) years, or by both  
12 such fine and imprisonment. Any person convicted of a second or  
13 subsequent violation of this section shall be punished by a fine not  
14 to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in  
15 the custody of the Department of Corrections for a term of not less  
16 than three (3) years, or by both such fine and imprisonment.

17 SECTION 3. This act shall become effective November 1, 2015."  
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