

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 167

By: Griffin of the Senate

and

6 Casey of the House

7
8
9 COMMITTEE SUBSTITUTE

10 An act relating to sex offenders; amending 21 O.S.
11 2011, Section 1125, as amended by Section 1, Chapter
12 250, O.S.L. 2014 (21 O.S. Supp. 2014, Section 1125),
13 which relates to zones of safety; modifying zone of
14 safety restrictions; amending 57 O.S. 2011, Section
15 590, as amended by Section 1, Chapter 281, O.S.L.
2012 (57 O.S. Supp. 2014, Section 590), which relates
to residency restrictions; modifying scope of
residency restrictions; and providing an effective
date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1125, as
19 amended by Section 1, Chapter 250, O.S.L. 2014 (21 O.S. Supp. 2014,
20 Section 1125), is amended to read as follows:

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

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

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

- 12 a. the person has been designated as a habitual or
13 aggravated sex offender as provided in Section 584 of
14 Title 57 of the Oklahoma Statutes, or
- 15 b. the person has been convicted of an offense in another
16 jurisdiction, which offense, if committed or attempted
17 in this state, would designate the person as a
18 habitual or aggravated sex offender as provided in
19 Section 584 of Title 57 of the Oklahoma Statutes.

20 B. A person convicted of a violation of subsection A of this
21 section shall be guilty of a felony punishable by a fine not
22 exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by
23 imprisonment in the county jail for a term of not more than one (1)
24 year, or by both such fine and imprisonment. Any person convicted

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

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

- 13 a. the person is the custodial parent or legal guardian
14 of a child who is an enrolled student at the school or
15 child care facility, and
- 16 b. the person is enrolling, delivering or retrieving such
17 child at the school or licensed or permitted child
18 care center during regular school or facility hours or
19 for school-sanctioned or licensed-or-permitted-child-
20 care-center-sanctioned extracurricular activities.

21 Prior to entering the zone of safety for the purposes listed in
22 this paragraph, the person shall inform school or child care center
23 administrators of his or her status as a registered sex offender.
24 The person shall update monthly, or as often as required by the

1 school or center, information about the specific times the person
2 will be within the zone of safety as established by this section.

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

6 D. The provisions of subsection A of this section shall not
7 apply to any person receiving medical treatment at a hospital or
8 other facility certified or licensed by the State of Oklahoma to
9 provide medical services. As used in this subsection, "medical
10 treatment" shall not include any form of psychological, social or
11 rehabilitative counseling services or treatment programs for sex
12 offenders.

13 E. Nothing in this section shall prohibit a person, who is
14 registered as a sex offender pursuant to the Sex Offenders
15 Registration Act, from attending a recognized church or religious
16 denomination for worship; provided, the person has notified the
17 religious leader of his or her status as a registered sex offender
18 and the person has been granted written permission by the religious
19 leader.

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

22 G. As used in this section, "park" means any outdoor public
23 area specifically designated as being used for recreational purposes
24 that is operated or supported in whole or in part by ~~an~~ a

1 homeowners' association ~~of homeowners~~ or a city, town, county, state
2 ~~or~~, federal or tribal governmental authority.

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

6 Section 590. A. It is unlawful for any person registered
7 pursuant to the Sex Offenders Registration Act to reside, either
8 temporarily or permanently, within a two-thousand-foot radius of any
9 public or private school site, educational institution, property or
10 campsite used by an organization whose primary purpose is working
11 with children, a playground or park that is established, operated or
12 supported in whole or in part by a homeowners' association or a
13 city, town, county, state, federal or tribal government, or a
14 licensed child care center as defined by the Department of Human
15 Services. Establishment of a day care center or park in the
16 vicinity of the residence of a registered sex offender will not
17 require the relocation of the sex offender or the sale of the
18 property. On the effective date of this act, the distance indicated
19 in this section shall be measured from the nearest property line of
20 the residence of the person to the nearest property line of the
21 public or private school site, educational institution, property or
22 campsite used by an organization whose primary purpose is working
23 with children, playground, park, or licensed child care facility;
24 provided, any nonprofit organization established and housing sex

1 offenders prior to the effective date of this provision shall be
2 allowed to continue its operation.

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

6 B. It shall be unlawful for any person who is required to
7 register pursuant to the Sex Offenders Registration Act for any
8 offense in which a minor child was the victim to reside with a minor
9 child or establish any other living accommodation where a minor
10 child resides. Provided, however, the person may reside with a
11 minor child if the person is the parent, stepparent or grandparent
12 of the minor child and the minor child was not the victim of the
13 offense for which the person is required to register.

14 C. The provisions of this section shall not apply to any
15 registered sex offender residing in a hospital or other facility
16 certified or licensed by the State of Oklahoma to provide medical
17 services.

18 D. Any person willfully violating the provisions of this
19 section by:

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

22 2. Intentionally moving into a residence with a minor child or
23 establishing any other living accommodation where a minor child
24 resides as specified in subsection B of this section,

1 shall, upon conviction, be guilty of a felony punishable by a fine
2 not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment
3 in the custody of the Department of Corrections for a term of not
4 less than one (1) year nor more than three (3) years, or by both
5 such fine and imprisonment. Any person convicted of a second or
6 subsequent violation of this section shall be punished by a fine not
7 to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in
8 the custody of the Department of Corrections for a term of not less
9 than three (3) years, or by both such fine and imprisonment.

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

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