ENGROSSED SENATE
BILL NO. 167 By: Griffin of the Senate

and

Casey of the House

[residency restrictions - convicted sex offenders - effective date]

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

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

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

1. A person is prohibited from loitering within five hundred (500) feet of any elementary, junior high or high school, permitted or licensed child care center, playground, or park if the person has been convicted of a crime that requires the person to register pursuant to the Sex Offenders Registration Act or the person has been convicted of an offense in another jurisdiction, which offense if committed or attempted in this state, would have been punishable

as one or more of the offenses listed in Section 582 of Title 57 of the Oklahoma Statutes and the victim was a child under the age of sixteen (16) years.

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

a. the person has been designated as a habitual or aggravated sex offender as provided in Section 584 of Title 57 of the Oklahoma Statutes, or

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

B. A person convicted of a violation of subsection A of this section shall be guilty of a felony punishable by a fine not exceeding Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the county jail for a term of not more than one (1) year, or by both such fine and imprisonment. Any person convicted of a second or subsequent violation of subsection A of this section shall be punished by a fine not exceeding Two Thousand Five Hundred Dollars ($2,500.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, or by both such fine and imprisonment. This proscription of conduct shall not modify or remove any restrictions currently

applicable to the person by court order, conditions of probation or as provided by other provision of law.

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

a. the person is the custodial parent or legal guardian of a child who is an enrolled student at the school or child care facility, and

b. the person is enrolling, delivering or retrieving such child at the school or licensed or permitted child care center during regular school or facility hours or for school-sanctioned or licensed-or-permitted-child-care-center-sanctioned extracurricular activities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

shall, upon conviction, be guilty of a felony punishable by a fine not to exceed Three Thousand Dollars ($3,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than three (3) years, or by both such fine and imprisonment. Any person convicted of a second or

subsequent violation of this section shall be punished by a fine not to exceed Three Thousand Dollars ($3,000.00), or by imprisonment in the custody of the Department of Corrections for a term of not less than three (3) years, or by both such fine and imprisonment.

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

Passed the Senate the 10th day of March, 2015.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2015.

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Presiding Officer of the House of Representatives