

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB1221 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Josh West

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1221

By: Leewright of the Senate

and

Hilbert of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to sex offenders; amending 21 O.S. 2011, Section 1125, as last amended by Section 1, Chapter 270, O.S.L. 2015 (21 O.S. Supp. 2017, Section 1125), which relates to the zone of safety restrictions; expanding scope of zone of safety restrictions to include residence of victims; amending 57 O.S. 2011, Sections 332.1A and 332.1B, which relates to training and qualifications of the Pardon and Parole Board; directing members of the Board to complete annual training; providing training curriculum topics; changing eligibility qualifications for Board members; amending 57 O.S. 2011, Section 590, as last amended by Section 3, Chapter 224, O.S.L. 2017 (57 O.S. Supp. 2017, Section 590), which relates to the Sex Offenders Registration Act; expanding scope of residency restrictions to include residence of victims; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1125, as last amended by Section 1, Chapter 270, O.S.L. 2015 (21 O.S. Supp. 2017, Section 1125), is amended to read as follows:

1 Section 1125. A. A zone of safety is hereby created around
2 elementary, junior high and high schools, permitted or licensed
3 child care centers as defined by the Department of Human Services,
4 playgrounds, ~~or~~ parks or the residence of a victim of a sex crime.

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

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

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

1 3. A person is prohibited from loitering within one thousand
2 (1,000) feet of the residence of his or her victim if:
3 a. the person who committed a sex crime against the
4 victim has been convicted of the crime, and
5 b. the person is required to register pursuant to the Sex
6 Offender Registration Act.

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

20 C. 1. A person shall be exempt from the prohibition of this
21 section regarding a school or a licensed or permitted child care
22 facility only under the following circumstances and limited to a
23 reasonable amount of time to complete such tasks:
24

- 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.

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

15 SECTION 2. AMENDATORY 57 O.S. 2011, Section 332.1A, is
16 amended to read as follows:

17 Section 332.1A A. Each member of the Pardon and Parole Board
18 shall receive at least twelve (12) hours of training for the first
19 year and six (6) hours of training per year thereafter on matters
20 relating to the duties of the Board. The training shall be provided
21 by personnel of the Pardon and Parole Board ~~according to guidelines~~
22 ~~adopted by the Board.~~

23 B. Each member of the Pardon and Parole Board shall complete
24 annual training based on guidance from organizations that provide

training and technical assistance related to the probation and parole process. Annual training curriculum shall include, but not be limited to, identifying, understanding and targeting criminogenic needs, the principles of effective intervention, core correctional practices and how to support and encourage offender behavior change.

SECTION 3. AMENDATORY 57 O.S. 2011, Section 332.1B, is amended to read as follows:

Section 332.1B A. To be eligible for appointment as a Pardon and Parole Board member, a person shall possess ~~at least one of the following minimum qualifications:~~

~~1. A a bachelor's degree in the social sciences~~ from an accredited college or university and have at least five (5) years of experience in the criminal one or more of the following fields:

1. Criminal justice field;

~~2. A master's degree and four (4) years of experience in the criminal justice field; or~~

~~3. A juris doctorate and three (3) years of experience in the criminal justice field~~ Parole;

3. Probation;

4. Corrections;

5. Criminal law;

6. Law enforcement;

7. Mental health services;

8. Substance abuse services; or

1 9. Social work.

2 B. At least two members of the Pardon and Parole Board shall
3 have five (5) years of training or experience in mental health
4 services, substance abuse services or social work.

5 SECTION 4. AMENDATORY 57 O.S. 2011, Section 590, as last
6 amended by Section 3, Chapter 224, O.S.L. 2017 (57 O.S. Supp. 2017,
7 Section 590), is amended to read as follows:

8 Section 590. A. It is unlawful for any person registered
9 pursuant to the Sex Offenders Registration Act to reside, either
10 temporarily or permanently, within a two-thousand-foot radius of any
11 public or private school site, educational institution, property or
12 campsite used by an organization whose primary purpose is working
13 with children, a playground or park that is established, operated or
14 supported in whole or in part by a homeowners' association or a
15 city, town, county, state, federal or tribal government, ~~or~~ a
16 licensed child care center as defined by the Department of Human
17 Services or the residence of his or her victim. Establishment of a
18 day care center or park in the vicinity of the residence of a
19 registered sex offender will not require the relocation of the sex
20 offender or the sale of the property. On June 7, 2006, the distance
21 indicated in this section shall be measured from the nearest
22 property line of the residence of the person to the nearest property
23 line of the public or private school site, educational institution,
24 property or campsite used by an organization whose primary purpose

1 is working with children, playground, park, ~~or~~ licensed child care
2 facility or residence of his or her victim; provided, any nonprofit
3 organization established and housing sex offenders prior to the
4 effective date of this provision shall be allowed to continue its
5 operation.

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

9 B. It shall be unlawful for any person who is required to
10 register pursuant to the Sex Offenders Registration Act for any
11 offense in which a minor child was the victim to reside with a minor
12 child or establish any other living accommodation where a minor
13 child resides. Provided, however, the person may reside with a
14 minor child if the person is the parent, stepparent or grandparent
15 of the minor child and the minor child was not the victim of the
16 offense for which the person is required to register. Any person
17 subject to the provisions of the Sex Offenders Registration Act who
18 resides with a minor child as the parent, stepparent or grandparent
19 of the minor child, provided the minor child was not the victim of
20 the offense for which the person is required to register, must
21 report to the statewide centralized hotline of the Department of
22 Human Services the name and date of birth of any and all minor
23 children residing in the same household and the offenses for which
24 the person is required to register pursuant to the Sex Offenders

1 Registration Act within three (3) days of intent to reside with a
2 minor child.

3 Nothing in the provisions of this subsection shall prevent the
4 Department of Human Services from conducting and completing a safety
5 evaluation when a registered sex offender resides in the home of a
6 minor child.

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

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

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

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

1 the custody of the Department of Corrections for a term of not less
2 than three (3) years, or by both such fine and imprisonment.

3 SECTION 5. This act shall become effective November 1, 2018.

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