

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB217 _____
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: Mike Osburn

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 217

By: Griffin of the Senate

and

Osburn (Mike) of the House

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to sex offender registration; amending 57 O.S. 2011, Sections 582.2, 584, as amended by Section 1, Chapter 24, O.S.L. 2014 and 590, as last amended by Section 2, Chapter 270, O.S.L. 2015 (57 O.S. Supp. 2016, Sections 584 and 590), which relate to the Sex Offenders Registration Act; directing courts to utilize level assignment categorizations; establishing reporting requirement for offenders; providing time limitation for transmitting certain documents to the Department of Corrections; adding address verification requirement; clarifying reporting procedures; deleting verification requirement; updating language; directing offenders to provide certain information to the Department of Human Services; providing for safety evaluations of offenders who live with minor children; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 582.2, is amended to read as follows:

1 Section 582.2 A. No less than seven (7) days prior to the date
2 on which a person, who will be subject to the provisions of the Sex
3 Offenders Registration Act, is to be released from a correctional
4 institution, the person in charge of the correctional institution
5 shall forward the registration information, as provided in
6 subsection A of Section 585 of this title, and level assignment to
7 the Department of Corrections and to:

8 1. The local law enforcement authority in the municipality or
9 county in which the person expects to reside, if the person expects
10 to reside within this state; or

11 2. The local law enforcement authority that is identified by
12 the correctional institution as the agency designated by another
13 state to receive registration information, if the person expects to
14 reside in that other state and that other state has a registration
15 requirement for sex offenders.

16 B. If a person, who will be subject to the provisions of the
17 Sex Offenders Registration Act, received a suspended sentence or any
18 probationary term, including a deferred sentence imposed in
19 violation of subsection G of Section 991c of Title 22 of the
20 Oklahoma Statutes, the court shall, on the day of pronouncing the
21 judgment and sentence:

22 1. ~~Make a determination of the level assignment of the person~~
23 ~~using the guidelines~~ Utilize the sex offender level assignments
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1 established by the sex offender level assignment committee provided
2 for in Section 582.5 of this title;

3 2. Assign to the person a level of one, two, or three; ~~and~~

4 3. Notify the person of the obligation to register as a sex
5 offender as provided for in Section 585 of this title; and

6 4. Order the offender to report to the local law enforcement
7 authority in the municipality or county in which the offender
8 resides and to report to the Oklahoma Department of Corrections
9 probation and parole office in the district in which the offender
10 resides.

11 C. Within three (3) business days after the court orders the
12 judgment and sentence, the court clerk shall transmit to the Sex and
13 Violent Offenders Registration Unit of the Department of Corrections
14 by facsimile, electronic mail or actual delivery of a certified copy
15 of:

16 1. The judgment and sentence; or

17 2. Plea paperwork, Summary of Facts and Sentence on Plea or
18 Sentencing After Jury Trial Summary of Facts.

19 SECTION 2. AMENDATORY 57 O.S. 2011, Section 584, as
20 amended by Section 1, Chapter 24, O.S.L. 2014 (57 O.S. Supp. 2016,
21 Section 584), is amended to read as follows:

22 Section 584. A. Any registration with the Department of
23 Corrections required by the Sex Offenders Registration Act shall be
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1 in a form approved by the Department and shall include the following
2 information about the person registering:

3 1. The name of the person and all aliases used or under which
4 the person has been known;

5 2. A complete description of the person, including a photograph
6 and fingerprints, and when requested by the Department of
7 Corrections, such registrant shall submit to a blood or saliva test
8 for purposes of a deoxyribonucleic acid (DNA) profile. Submission
9 to testing for individuals registering shall be within thirty (30)
10 days of registration. Registrants who already have valid samples on
11 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
12 Offender Database shall not be required to submit duplicate samples
13 for testing;

14 3. The offenses listed in Section 582 of this title for which
15 the person has been convicted or the person received a suspended
16 sentence or any form of probation, where the offense was committed,
17 where the person was convicted or received the suspended sentence or
18 any form of probation, and the name under which the person was
19 convicted or received the suspended sentence or probation;

20 4. The name and location of each hospital or penal institution
21 to which the person was committed for each offense listed in Section
22 582 of this title;

23 5. Where the person previously resided, where the person
24 currently resides including a mappable address and a zip code, how

1 long the person has resided there, how long the person expects to
2 reside there, and how long the person expects to remain in the
3 county and in this state. The address of the residence shall be a
4 physical address, not a post office box. The Department of
5 Corrections shall conduct address verification of each registered
6 sex offender as follows:

7 a. on an annual basis, if the numeric risk level of the
8 person is one, ~~or~~

9 b. on a semiannual basis, if the numeric risk level of
10 the person is two; or

11 c. every ninety (90) days, if the offender has been
12 determined to be a habitual or aggravated sex offender
13 by the Department of Corrections or has been assigned
14 a level assignment of three.

15 The Department of Corrections shall mail a nonforwardable
16 verification form to the last-reported address of the person. The
17 person shall return the verification form in person to the local law
18 enforcement authority of that jurisdiction within ten (10) days
19 after receipt of the form and may be photographed by the local law
20 enforcement authority at that time; provided that the person shall
21 be photographed by the local law enforcement authority at that time
22 if the photograph in the Department of Corrections sex offender
23 registry is more than one year old, or if it cannot be determined
24 when the photograph in the registry was taken. The local law

1 enforcement authority shall require the person to produce proof of
2 the identity of the person and a current mappable address with a zip
3 code. Upon confirming the information contained within the
4 verification form, the local law enforcement authority shall forward
5 a copy of the form to the Department of Corrections, in a manner
6 approved by the Department of Corrections, within three (3) days
7 after receipt of the form. The verification form shall be signed by
8 the person and state the current address of the person. In the
9 absence of receipt of the mailed verification form by the offender,
10 the offender must continue to comply with the reporting requirements
11 as provided in this paragraph. The offender should report as
12 required to the local law enforcement agency for current address
13 verification. The Department of Corrections will provide an
14 alternative address verification form to local law enforcement for
15 conformity. Failure to return the verification form or report as
16 required shall be a violation of the Sex Offenders Registration Act.
17 ~~If the offender has been determined to be a habitual or aggravated~~
18 ~~sex offender by the Department of Corrections or has been assigned a~~
19 ~~level assignment of three, the address verification shall be~~
20 ~~conducted every ninety (90) days.~~ The Department of Corrections
21 shall notify the office of the district attorney and local law
22 enforcement authority of the appropriate county, within forty-five
23 (45) days if unable to verify the address of a sex offender. A
24 local law enforcement authority may notify the office of the

1 district attorney whenever it comes to the attention of the local
2 law enforcement authority that a sex offender is not in compliance
3 with any provisions of Section 581 et seq. of this title. A local
4 law enforcement authority designated as the primary registration
5 authority of the person may, at any time, mail a nonforwardable
6 verification form to the last-reported address of the person. The
7 person shall return the verification form in person to the local law
8 enforcement authority that mailed the form within ten (10) days
9 after receipt of the form. The local law enforcement authority
10 shall require the person to produce proof of the identity of the
11 person and a current mappable address with a zip code;

12 6. The name and address of any school where the person expects
13 to become or is enrolled or employed for any length of time;

14 7. A description of all occupants residing with the person
15 registering, including, but not limited to, name, date of birth,
16 gender, relation to the person registering, and how long the
17 occupant has resided there;

18 8. The level assignment of the person; and

19 9. Any electronic mail address information, instant message,
20 chat or other Internet communication name or identity information
21 that the person uses or intends to use while accessing the Internet
22 or used for other purposes of social networking or other similar
23 Internet communication.

1 B. Conviction data and fingerprints shall be promptly
2 transmitted at the time of registration to the Oklahoma State Bureau
3 of Investigation (OSBI) and the Federal Bureau of Investigation
4 (FBI) if the state has not previously sent the information at the
5 time of conviction.

6 C. Any person subject to the provisions of the Sex Offenders
7 Registration Act or the Mary Rippey Violent Crime Offenders
8 Registration Act, who has an out-of-state conviction that requires
9 registration, shall provide the local law enforcement authority
10 where the offender intends to reside with a certified copy of the
11 offender's judgment and sentencing report within sixty (60) days of
12 the offender's initial registration with this state. If an offender
13 moves to a different location in this state outside of the
14 jurisdiction of the law enforcement authority that has a certified
15 copy of the judgment and sentencing report, the offender shall
16 provide the local law enforcement authority of the new location
17 where the offender intends to reside with a certified copy of the
18 judgment and sentencing report within sixty (60) days of
19 establishing residency in the new location.

20 ~~Upon the effective date of this act~~ On or after November 1,
21 2011, the Department of Corrections shall notify by regular first-
22 class mail to the registered addresses in the sex offender registry
23 all offenders required to register in this state that have an out-
24 of-state conviction to obtain a certified copy of the offender's

1 judgment and sentencing report and file it with the local law
2 enforcement authority in which the offender resides within one
3 hundred twenty (120) days of receipt of the mailed notice.

4 D. The registration with the local law enforcement authority
5 required by the Sex Offenders Registration Act shall be in a form
6 approved by the local law enforcement authority and shall include
7 the following information about the person registering:

8 1. The full name of the person, alias, date of birth, sex,
9 race, height, weight, eye color, social security number, driver
10 license number, and a mappable home address with a zip code. The
11 home address shall be a physical address, not a post office box;

12 2. A description of the offense for which the offender was
13 convicted, the date of the conviction, and the sentence imposed, if
14 applicable;

15 3. A photocopy of the driver license of the person;

16 4. The level assignment of the person.

17 For purposes of this section, "local law enforcement authority"
18 means:

- 19 a. the municipal police department, if the person resides
20 or intends to reside or stay within the jurisdiction
21 of any municipality of this state, or
22 b. the county sheriff, if the person resides or intends
23 to reside or stay at any place outside the
24

jurisdiction of any municipality within this state,
and

c. the police or security department of any institution
of higher learning within this state if the person:

(1) enrolls as a full-time or part-time student,

(2) is a full-time or part-time employee at an
institution of higher learning, or

(3) resides or intends to reside or stay on any
property owned or controlled by the institution
of higher learning; and

5. Any electronic mail address information, instant message,
chat or other Internet communication name or identity information
that the person uses or intends to use while accessing the Internet
or used for other purposes of social networking or other similar
Internet communication.

E. Any person subject to the provisions of the Sex Offenders
Registration Act who changes address, employment or student
enrollment status shall appear in person and give notification to
~~the Department of Corrections and~~ the local law enforcement
authority of the change of address and the new mappable address with
zip code, the change of employment or the change of student
enrollment status no later than three (3) business days prior to the
abandonment of or move from the current address or, in the case of
change of employment or student enrollment, within three (3)

1 business days of such change. The address given to ~~the Department~~
2 ~~of Corrections and~~ the local law enforcement authority shall be a
3 physical address, not a post office box. If the new address,
4 employment or student enrollment is under the jurisdiction of a
5 different local law enforcement authority:

6 1. The ~~Department of Corrections and~~ the local law enforcement
7 authority shall notify the Department of Corrections and the new
8 local law enforcement authority by teletype or electronic
9 transmission of the change of address, employment or student
10 enrollment status;

11 2. The offender shall notify the new local law enforcement
12 authority of any previous registration; and

13 3. The new local law enforcement authority shall notify the
14 most recent registering agency by teletype or electronic
15 transmission of the change in address, employment or student
16 enrollment status of the offender. If the new address is in another
17 state the Department of Corrections shall promptly notify the agency
18 responsible for registration in that state of the new address of the
19 offender.

20 F. Any person registered as a sex offender, pursuant to the Sex
21 Offenders Registration Act, who has provided a post office box as an
22 address shall be contacted by local law enforcement and required to
23 provide a physical address.

1 G. Any person subject to the provisions of the Sex Offenders
2 Registration Act who is unable to provide a mappable address with a
3 zip code to the Department of Corrections or local law enforcement
4 authority as required in subsections A, C and D of this section and
5 registers as a transient shall report in person to the nearest local
6 law enforcement authority every seven (7) days and provide to the
7 local law enforcement authority the approximate location of where
8 the person is staying and where the person plans to stay.

9 H. Any person subject to the provisions of the Sex Offenders
10 Registration Act who resides with a minor child as the parent,
11 stepparent or grandparent of the minor child, provided the minor
12 child was not the victim of the offense for which the person is
13 required to register, must report to the statewide centralized
14 hotline of the Department of Human Services the name and date of
15 birth of any and all minor children residing in the same household
16 and the offenses for which the person is required to register
17 pursuant to the Sex Offenders Registration Act within three (3) days
18 of intent to reside with a minor child.

19 I. The Department of Corrections shall maintain a file of all
20 sex offender registrations. A copy of the information contained in
21 the registration shall promptly be available to state, county and
22 municipal law enforcement agencies, the State Superintendent of
23 Public Instruction, the State Commissioner of Health, and the
24 National Sex Offender Registry maintained by the Federal Bureau of

Investigation, unless otherwise prohibited by law. The file shall promptly be made available for public inspection or copying pursuant to rules ~~promulgated~~ prescribed by the Department of Corrections and may be made available through Internet access, unless otherwise prohibited by law. The Department of Corrections shall promptly provide all municipal police departments, all county sheriff departments and all campus police departments a list of those sex offenders registered and living in their county.

~~I.~~ J. The Department of Corrections shall, upon the request of any Internet entity, release to such entity any information required pursuant to paragraph 9 of subsection A of this section or paragraph 5 of subsection D of this section that would enable the Internet entity to prescreen or remove sex offenders from its services or, in conformity with state and federal law, advise law enforcement or other governmental entities of potential violations of law or threats to public safety. Before releasing information to an Internet entity the Department shall require an Internet entity that requests information to submit to the Department the name, address and telephone number of such entity and the specific legal nature and corporate status of such entity. Except for the purposes specified in this subsection, an Internet entity shall not publish or in any way disclose or redisclose any information provided to it by the Department pursuant to this subsection. The Department shall update any information released pursuant to this subsection on a

1 monthly basis to ensure that the information of every individual
2 that has been removed from the sex offender registry in this state
3 is no longer released pursuant to this subsection. The Department
4 may charge the Internet entity a fee for access to information
5 pursuant to this subsection. The Department shall promulgate any
6 rules necessary to implement the provisions of this subsection. As
7 used in this subsection "Internet entity" means any business,
8 organization or other entity providing or offering a service over
9 the Internet which permits persons under eighteen (18) years of age
10 to access, meet, congregate or communicate with other users for the
11 purpose of social networking. This definition shall not include
12 general e-mail services.

13 ~~J.~~ K. The Superintendent of Public Instruction is authorized to
14 copy and shall distribute information from the sex offender registry
15 to school districts and individual public and private schools within
16 the state with a notice using the following or similar language: "A
17 person whose name appears on this registry has been convicted of a
18 sex offense. Continuing to employ a person whose name appears on
19 this registry may result in civil liability for the employer or
20 criminal prosecution pursuant to Section 589 of Title 57 of the
21 Oklahoma Statutes."

22 ~~K.~~ L. The State Commissioner of Health is authorized to
23 distribute information from the sex offender registry to any nursing
24 home or long-term care facility. Nothing in this subsection shall

1 be deemed to impose any liability upon or give rise to a cause of
2 action against any person, agency, organization, or company for
3 failing to release information in accordance with the Sex Offenders
4 Registration Act.

5 ~~L.~~ M. Each local law enforcement authority shall make its sex
6 offender registry available upon request, without restriction, at a
7 cost that is no more than what is charged for other records provided
8 by the local law enforcement authority pursuant to the Oklahoma Open
9 Records Act.

10 When a local law enforcement authority sends a copy of or
11 otherwise makes the sex offender registry available to any public or
12 private school offering any combination of prekindergarten through
13 twelfth grade classes or child care facility licensed by the state,
14 the agency shall provide a notice using the following or similar
15 language: "A person whose name appears on this registry has been
16 convicted of a sex offense. Continuing to employ a person whose
17 name appears on this registry may result in civil liability for the
18 employer or criminal prosecution pursuant to Section 589 of Title 57
19 of the Oklahoma Statutes."

20 ~~M.~~ N. Samples of blood or saliva for DNA testing required by
21 subsection A of this section shall be taken by employees or
22 contractors of the Department of Corrections. ~~Said~~ The individuals
23 shall be properly trained to collect blood or saliva samples.
24 Persons collecting samples for DNA testing pursuant to this section

1 shall be immune from civil liabilities arising from this activity.
2 The Department of Corrections shall ensure the collection of samples
3 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
4 within ten (10) days of the time the subject appears for testing.
5 The Department shall use sample kits provided by the OSBI and
6 procedures promulgated by the OSBI. Persons subject to DNA testing
7 pursuant to this section shall be required to pay to the Department
8 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
9 collected pursuant to this subsection shall be deposited in the
10 Department of Corrections revolving account.

11 ~~N.~~ O. 1. Any person who has been convicted of or received a
12 suspended sentence or any probationary term, including a deferred
13 sentence imposed in violation of subsection G of Section 991c of
14 Title 22 of the Oklahoma Statutes, for any crime listed in Section
15 582 of this title and:

- 16 a. who is subsequently convicted of a crime or an attempt
17 to commit a crime listed in subsection A of Section
18 582 of this title, or
19 b. who enters this state after November 1, 1997, and who
20 has been convicted of an additional crime or attempted
21 crime which, if committed or attempted in this state,
22 would be a crime or an attempt to commit a crime
23 provided for in subsection A of Section 582 of this
24 title,

1 shall be subject to all of the registration requirements of the Sex
2 Offenders Registration Act and shall be designated by the Department
3 of Corrections as a habitual sex offender. A habitual sex offender
4 shall be required to register for the lifetime of the habitual sex
5 offender.

6 2. On or after November 1, 1999, any person who has been
7 convicted of a crime or an attempt to commit a crime, received a
8 suspended sentence or any probationary term, including a deferred
9 sentence imposed in violation of subsection G of Section 991c of
10 Title 22 of the Oklahoma Statutes, for a crime provided for in
11 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense
12 involved sexual abuse or sexual exploitation as these terms are
13 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
14 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
15 Statutes shall be subject to all the registration requirements of
16 the Sex Offenders Registration Act and shall be designated by the
17 Department of Corrections as an aggravated sex offender. An
18 aggravated sex offender shall be required to register for the
19 lifetime of the aggravated sex offender.

20 3. Upon registration of any person designated as a habitual or
21 aggravated sex offender, pursuant to this subsection, a local law
22 enforcement authority shall notify, by any method of communication
23 it deems appropriate, anyone that the local law enforcement
24 authority determines appropriate, including, but not limited to:

- a. the family of the habitual or aggravated sex offender,
- b. any prior victim of the habitual or aggravated sex offender,
- c. residential neighbors and churches, community parks, schools, convenience stores, businesses and other places that children or other potential victims may frequent, and
- d. a nursing facility, a specialized facility, a residential care home, a continuum-of-care facility, an assisted living center, and an adult day care facility.

4. The notification may include, but is not limited to, the following information:

- a. the name and physical address of the habitual or aggravated sex offender,
- b. a physical description of the habitual or aggravated sex offender, including, but not limited to, age, height, weight and eye and hair color,
- c. a description of the vehicle that the habitual or aggravated sex offender is known to drive,
- d. any conditions or restrictions upon the probation, parole or conditional release of the habitual or aggravated sex offender,

- e. a description of the primary and secondary targets of the habitual or aggravated sex offender,
- f. a description of the method of offense of the habitual or aggravated sex offender,
- g. a current photograph of the habitual or aggravated sex offender,
- h. the name and telephone number of the probation or parole officer of the habitual or aggravated sex offender, and
- i. the level assignment of the person.

5. The local law enforcement authority shall make the notification provided for in this subsection regarding a habitual or aggravated sex offender available to any person upon request.

~~Q.~~ P. If the probation and parole officer supervising a person subject to registration receives information to the effect that the status of the person has changed in any manner that affects proper supervision of the person including, but not limited to, a change in the physical health of the person, address, employment, or educational status, higher educational status, incarceration, or terms of release, the supervising officer or administrator shall notify the appropriate local law enforcement authority or authorities of that change.

1 ~~P.~~ Q. Public officials, public employees, and public agencies
2 are immune from civil liability for good faith conduct under any
3 provision of the Sex Offenders Registration Act.

4 1. Nothing in the Sex Offenders Registration Act shall be
5 deemed to impose any liability upon or to give rise to a cause of
6 action against any public official, public employee, or public
7 agency for releasing information to the public or for failing to
8 release information in accordance with the Sex Offenders
9 Registration Act.

10 2. Nothing in this section shall be construed to prevent law
11 enforcement officers from notifying members of the public of any
12 persons that pose a danger under circumstances that are not
13 enumerated in the Sex Offenders Registration Act.

14 SECTION 3. AMENDATORY 57 O.S. 2011, Section 590, as last
15 amended by Section 2, Chapter 270, O.S.L. 2015 (57 O.S. Supp. 2016,
16 Section 590), is amended to read as follows:

17 Section 590. A. It is unlawful for any person registered
18 pursuant to the Sex Offenders Registration Act to reside, either
19 temporarily or permanently, within a two-thousand-foot radius of any
20 public or private school site, educational institution, property or
21 campsite used by an organization whose primary purpose is working
22 with children, a playground or park that is established, operated or
23 supported in whole or in part by a homeowners' association or a
24 city, town, county, state, federal or tribal government, or a

1 licensed child care center as defined by the Department of Human
2 Services. Establishment of a day care center or park in the
3 vicinity of the residence of a registered sex offender will not
4 require the relocation of the sex offender or the sale of the
5 property. On ~~the effective date of this act~~ June 7, 2006, the
6 distance indicated in this section shall be measured from the
7 nearest property line of the residence of the person to the nearest
8 property line of the public or private school site, educational
9 institution, property or campsite used by an organization whose
10 primary purpose is working with children, playground, park, or
11 licensed child care facility; provided, any nonprofit organization
12 established and housing sex offenders prior to the effective date of
13 this provision shall be allowed to continue its operation.

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

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

1 subject to the provisions of the Sex Offenders Registration Act who
2 resides with a minor child as the parent, stepparent or grandparent
3 of the minor child, provided the minor child was not the victim of
4 the offense for which the person is required to register, must
5 report to the statewide centralized hotline of the Department of
6 Human Services the name and date of birth of any and all minor
7 children residing in the same household and the offenses for which
8 the person is required to register pursuant to the Sex Offenders
9 Registration Act within three (3) days of intent to reside with a
10 minor child.

11 Nothing in the provisions of this subsection shall prevent the
12 Department of Human Services from conducting and completing a safety
13 evaluation when a registered sex offender resides in the home of a
14 minor child.

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

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

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

13 SECTION 4. This act shall become effective November 1, 2017.

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15 56-1-7476 GRS 04/07/17

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