

1 ENGROSSED HOUSE
2 BILL NO. 3330

By: Sanders of the House

and

Griffin of the Senate

3
4
5
6
7 An Act relating to sex offenders; amending 57 O.S.
8 2011, Section 590, as last amended by Section 3,
9 Chapter 224, O.S.L. 2017 (57 O.S. Supp. 2017, Section
10 590), which relates to the Sex Offenders Registration
11 Act; modifying residency restriction to include
12 family child care homes; updating language; and
13 providing an effective date.

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

15 SECTION 1. AMENDATORY 57 O.S. 2011, Section 590, as last
16 amended by Section 3, Chapter 224, O.S.L. 2017 (57 O.S. Supp. 2017,
17 Section 590), is amended to read as follows:

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

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

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

19 B. It shall be unlawful for any person who is required to
20 register pursuant to the Sex Offenders Registration Act for any
21 offense in which a minor child was the victim to reside with a minor
22 child or establish any other living accommodation where a minor
23 child resides. Provided, however, the person may reside with a
24 minor child if the person is the parent, stepparent or grandparent

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

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

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

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

23 1. Intentionally moving into any neighborhood or to any real
24 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 2. This act shall become effective November 1, 2018.

Passed the House of Representatives the 20th day of February, 2018.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2018.

Presiding Officer of the Senate