

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 217, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Griffin

Griffin-BH-FS-Req#1612
3/21/2017 4:53 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 217

By: Griffin of the Senate

and

6 Osburn (Mike) of the House

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to sex offender registration;
11 amending 57 O.S. 2011, Section 582.2, which relates
12 to duty to forward registration information;
13 modifying procedures; amending 57 O.S. 2011, Section
14 584, as amended by Section 1, Chapter 24, O.S.L. 2014
15 (57 O.S. Supp. 2016, Section 584), which relates to
16 information required on registration; modifying
17 reporting procedures; amending 57 O.S. 2011, Section
18 590, as last amended by Section 2, Chapter 270,
19 O.S.L. 2015 (57 O.S. Supp. 2016, Section 590), which
20 relates to unlawful residence locations; modifying
21 reporting requirements; and providing an effective
22 date.

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

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

Section 582.2. A. No less than seven (7) days prior to the
date on which a person, who will be subject to the provisions of the
Sex Offenders Registration Act, is to be released from a

1 correctional institution, the person in charge of the correctional
2 institution shall forward the registration information, as provided
3 in subsection A of Section 585 of this title, and level assignment
4 to the Department of Corrections and to:

5 1. The local law enforcement authority in the municipality or
6 county in which the person expects to reside, if the person expects
7 to reside within this state; or

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

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

19 ~~1. Make a determination of the level assignment of the person~~
20 ~~using the guidelines provided for in Section 582.5 of this title;~~

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

22 ~~3. Notify the person of the obligation to register as a sex~~
23 ~~offender as provided for in Section 585 of this title, order the~~
24 ~~offender to report to the local law enforcement authority in the~~

1 municipality or county in which the offender resides and to report
2 to the Oklahoma Department of Corrections probation and parole
3 office in the district in which the offender resides.

4 C. Within three (3) business days after the Court orders the
5 judgment and sentence, the court clerk shall transmit to the Sex and
6 Violent Offenders Registration Unit of the Department of Corrections
7 by facsimile, electronic mail or actual delivery of a certified copy
8 of:

9 1. The judgment and sentence; or

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

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

15 Section 584. A. Any registration with the Department of
16 Corrections required by the Sex Offenders Registration Act shall be
17 in a form approved by the Department and shall include the following
18 information about the person registering:

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

21 2. A complete description of the person, including a photograph
22 and fingerprints, and when requested by the Department of
23 Corrections, such registrant shall submit to a blood or saliva test
24 for purposes of a deoxyribonucleic acid (DNA) profile. Submission

1 to testing for individuals registering shall be within thirty (30)
2 days of registration. Registrants who already have valid samples on
3 file in the Oklahoma State Bureau of Investigation (OSBI) DNA
4 Offender Database shall not be required to submit duplicate samples
5 for testing;

6 3. The offenses listed in Section 582 of this title for which
7 the person has been convicted or the person received a suspended
8 sentence or any form of probation, where the offense was committed,
9 where the person was convicted or received the suspended sentence or
10 any form of probation, and the name under which the person was
11 convicted or received the suspended sentence or probation;

12 4. The name and location of each hospital or penal institution
13 to which the person was committed for each offense listed in Section
14 582 of this title;

15 5. Where the person previously resided, where the person
16 currently resides including a mappable address and a zip code, how
17 long the person has resided there, how long the person expects to
18 reside there, and how long the person expects to remain in the
19 county and in this state. The address of the residence shall be a
20 physical address, not a post office box. The Department of
21 Corrections shall conduct address verification of each registered
22 sex offender as follows:

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

- 1 b. on a semiannual basis, if the numeric risk level of
2 the person is two; or
3 c. every ninety (90) days, if the offender has been
4 determined to be a habitual or aggravated sex offender
5 by the Department of Corrections or has been assigned
6 a level assignment of three (3).

7 The Department of Corrections shall mail a nonforwardable
8 verification form to the last-reported address of the person. The
9 person shall return the verification form in person to the local law
10 enforcement authority of that jurisdiction within ten (10) days
11 after receipt of the form and may be photographed by the local law
12 enforcement authority at that time; provided that the person shall
13 be photographed by the local law enforcement authority at that time
14 if the photograph in the Department of Corrections sex offender
15 registry is more than one year old, or if it cannot be determined
16 when the photograph in the registry was taken. The local law
17 enforcement authority shall require the person to produce proof of
18 the identity of the person and a current mappable address with a zip
19 code. Upon confirming the information contained within the
20 verification form, the local law enforcement authority shall forward
21 a copy of the form to the Department of Corrections, in a manner
22 approved by the Department of Corrections, within three (3) days
23 after receipt of the form. The verification form shall be signed by
24 the person and state the current address of the person. In the

1 absence of receipt of the mailed verification form by the offender,
2 the offender must continue to comply with the reporting requirements
3 as provided in this paragraph. The offender should report as
4 required to the local law enforcement agency for current address
5 verification. The Department of Corrections will provide an
6 alternative address verification form to local law enforcement for
7 conformity. Failure to return the verification form or report as
8 required shall be a violation of the Sex Offenders Registration Act.
9 ~~If the offender has been determined to be a habitual or aggravated~~
10 ~~sex offender by the Department of Corrections or has been assigned a~~
11 ~~level assignment of three, the address verification shall be~~
12 ~~conducted every ninety (90) days. The Department of Corrections~~
13 shall notify the office of the district attorney and local law
14 enforcement authority of the appropriate county, within forty-five
15 (45) days if unable to verify the address of a sex offender. A
16 local law enforcement authority may notify the office of the
17 district attorney whenever it comes to the attention of the local
18 law enforcement authority that a sex offender is not in compliance
19 with any provisions of Section 581 et seq. of this title. A local
20 law enforcement authority designated as the primary registration
21 authority of the person may, at any time, mail a nonforwardable
22 verification form to the last-reported address of the person. The
23 person shall return the verification form in person to the local law
24 enforcement authority that mailed the form within ten (10) days

1 after receipt of the form. The local law enforcement authority
2 shall require the person to produce proof of the identity of the
3 person and a current mappable address with a zip code;

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

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

10 8. The level assignment of the person; and

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

16 B. Conviction data and fingerprints shall be promptly
17 transmitted at the time of registration to the Oklahoma State Bureau
18 of Investigation (OSBI) and the Federal Bureau of Investigation
19 (FBI) if the state has not previously sent the information at the
20 time of conviction.

21 C. Any person subject to the provisions of the Sex Offenders
22 Registration Act or the Mary Rippey Violent Crime Offenders
23 Registration Act, who has an out-of-state conviction that requires
24 registration, shall provide the local law enforcement authority

1 where the offender intends to reside with a certified copy of the
2 offender's judgment and sentencing report within sixty (60) days of
3 the offender's initial registration with this state. If an offender
4 moves to a different location in this state outside of the
5 jurisdiction of the law enforcement authority that has a certified
6 copy of the judgment and sentencing report, the offender shall
7 provide the local law enforcement authority of the new location
8 where the offender intends to reside with a certified copy of the
9 judgment and sentencing report within sixty (60) days of
10 establishing residency in the new location.

11 ~~Upon the effective date of this act~~ On or after November 1,
12 2011, the Department of Corrections shall notify by regular first-
13 class mail to the registered addresses in the sex offender registry
14 all offenders required to register in this state that have an out-
15 of-state conviction to obtain a certified copy of the offender's
16 judgment and sentencing report and file it with the local law
17 enforcement authority in which the offender resides within one
18 hundred twenty (120) days of receipt of the mailed notice.

19 D. The registration with the local law enforcement authority
20 required by the Sex Offenders Registration Act shall be in a form
21 approved by the local law enforcement authority and shall include
22 the following information about the person registering:

23 1. The full name of the person, alias, date of birth, sex,
24 race, height, weight, eye color, social security number, driver

1 license number, and a mappable home address with a zip code. The
2 home address shall be a physical address, not a post office box;

3 2. A description of the offense for which the offender was
4 convicted, the date of the conviction, and the sentence imposed, if
5 applicable;

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

7 4. The level assignment of the person.

8 For purposes of this section, "local law enforcement authority"
9 means:

10 a. the municipal police department, if the person resides
11 or intends to reside or stay within the jurisdiction
12 of any municipality of this state, or

13 b. the county sheriff, if the person resides or intends
14 to reside or stay at any place outside the
15 jurisdiction of any municipality within this state,
16 and

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

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

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

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

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

6 E. Any person subject to the provisions of the Sex Offenders
7 Registration Act who changes address, employment or student
8 enrollment status shall appear in person and give notification to
9 ~~the Department of Corrections and~~ the local law enforcement
10 authority of the change of address and the new mappable address with
11 zip code, the change of employment or the change of student
12 enrollment status no later than three (3) business days prior to the
13 abandonment of or move from the current address or, in the case of
14 change of employment or student enrollment, within three (3)
15 business days of such change. The address given to ~~the Department~~
16 ~~of Corrections and~~ the local law enforcement authority shall be a
17 physical address, not a post office box. If the new address,
18 employment or student enrollment is under the jurisdiction of a
19 different local law enforcement authority:

20 1. ~~The Department of Corrections and~~ the local law enforcement
21 authority shall notify the Department of Corrections and the new
22 local law enforcement authority by teletype or electronic
23 transmission of the change of address, employment or student
24 enrollment status;

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

3 3. The new local law enforcement authority shall notify the
4 most recent registering agency by teletype or electronic
5 transmission of the change in address, employment or student
6 enrollment status of the offender. If the new address is in another
7 state the Department of Corrections shall promptly notify the agency
8 responsible for registration in that state of the new address of the
9 offender.

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

14 G. Any person subject to the provisions of the Sex Offenders
15 Registration Act who is unable to provide a mappable address with a
16 zip code to the Department of Corrections or local law enforcement
17 authority as required in subsections A, C and D of this section and
18 registers as a transient shall report in person to the nearest local
19 law enforcement authority every seven (7) days and provide to the
20 local law enforcement authority the approximate location of where
21 the person is staying and where the person plans to stay.

22 H. Any person subject to the provisions of the Sex Offenders
23 Registration Act who resides with a minor child as the parent,
24 stepparent or grandparent of the minor child, provided the minor

1 child was not the victim of the offense for which the person is
2 required to register, must provide to the Department of Human
3 Services, within three (3) days of intent to reside with a minor
4 child, the name and date of birth of any and all minor children
5 residing in the same household.

6 I. The Department of Corrections shall maintain a file of all
7 sex offender registrations. A copy of the information contained in
8 the registration shall promptly be available to state, county and
9 municipal law enforcement agencies, the State Superintendent of
10 Public Instruction, the State Commissioner of Health, and the
11 National Sex Offender Registry maintained by the Federal Bureau of
12 Investigation, unless otherwise prohibited by law. The file shall
13 promptly be made available for public inspection or copying pursuant
14 to rules ~~promulgated~~ prescribed by the Department of Corrections and
15 may be made available through Internet access, unless otherwise
16 prohibited by law. The Department of Corrections shall promptly
17 provide all municipal police departments, all county sheriff
18 departments and all campus police departments a list of those sex
19 offenders registered and living in their county.

20 ~~I.~~ J. The Department of Corrections shall, upon the request of
21 any Internet entity, release to such entity any information required
22 pursuant to paragraph 9 of subsection A of this section or paragraph
23 5 of subsection D of this section that would enable the Internet
24 entity to prescreen or remove sex offenders from its services or, in

1 conformity with state and federal law, advise law enforcement or
2 other governmental entities of potential violations of law or
3 threats to public safety. Before releasing information to an
4 Internet entity the Department shall require an Internet entity that
5 requests information to submit to the Department the name, address
6 and telephone number of such entity and the specific legal nature
7 and corporate status of such entity. Except for the purposes
8 specified in this subsection, an Internet entity shall not publish
9 or in any way disclose or redisclose any information provided to it
10 by the Department pursuant to this subsection. The Department shall
11 update any information released pursuant to this subsection on a
12 monthly basis to ensure that the information of every individual
13 that has been removed from the sex offender registry in this state
14 is no longer released pursuant to this subsection. The Department
15 may charge the Internet entity a fee for access to information
16 pursuant to this subsection. The Department shall promulgate any
17 rules necessary to implement the provisions of this subsection. As
18 used in this subsection "Internet entity" means any business,
19 organization or other entity providing or offering a service over
20 the Internet which permits persons under eighteen (18) years of age
21 to access, meet, congregate or communicate with other users for the
22 purpose of social networking. This definition shall not include
23 general e-mail services.

24

1 ~~J.~~ K. The Superintendent of Public Instruction is authorized to
2 copy and shall distribute information from the sex offender registry
3 to school districts and individual public and private schools within
4 the state with a notice using the following or similar language: "A
5 person whose name appears on this registry has been convicted of a
6 sex offense. Continuing to employ a person whose name appears on
7 this registry may result in civil liability for the employer or
8 criminal prosecution pursuant to Section 589 of Title 57 of the
9 Oklahoma Statutes."

10 ~~K.~~ L. The State Commissioner of Health is authorized to
11 distribute information from the sex offender registry to any nursing
12 home or long-term care facility. Nothing in this subsection shall
13 be deemed to impose any liability upon or give rise to a cause of
14 action against any person, agency, organization, or company for
15 failing to release information in accordance with the Sex Offenders
16 Registration Act.

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

22 When a local law enforcement authority sends a copy of or
23 otherwise makes the sex offender registry available to any public or
24 private school offering any combination of prekindergarten through

1 twelfth grade classes or child care facility licensed by the state,
2 the agency shall provide a notice using the following or similar
3 language: "A person whose name appears on this registry has been
4 convicted of a sex offense. Continuing to employ a person whose
5 name appears on this registry may result in civil liability for the
6 employer or criminal prosecution pursuant to Section 589 of Title 57
7 of the Oklahoma Statutes."

8 ~~M.~~ N. Samples of blood or saliva for DNA testing required by
9 subsection A of this section shall be taken by employees or
10 contractors of the Department of Corrections. ~~Said~~ The individuals
11 shall be properly trained to collect blood or saliva samples.
12 Persons collecting samples for DNA testing pursuant to this section
13 shall be immune from civil liabilities arising from this activity.
14 The Department of Corrections shall ensure the collection of samples
15 is mailed to the Oklahoma State Bureau of Investigation (OSBI)
16 within ten (10) days of the time the subject appears for testing.
17 The Department shall use sample kits provided by the OSBI and
18 procedures promulgated by the OSBI. Persons subject to DNA testing
19 pursuant to this section shall be required to pay to the Department
20 of Corrections a fee of Fifteen Dollars (\$15.00). Any fees
21 collected pursuant to this subsection shall be deposited in the
22 Department of Corrections revolving account.

23 ~~N.~~ O. 1. Any person who has been convicted of or received a
24 suspended sentence or any probationary term, including a deferred

1 sentence imposed in violation of subsection G of Section 991c of
2 Title 22 of the Oklahoma Statutes, for any crime listed in Section
3 582 of this title and:

4 a. who is subsequently convicted of a crime or an attempt
5 to commit a crime listed in subsection A of Section
6 582 of this title, or

7 b. who enters this state after November 1, 1997, and who
8 has been convicted of an additional crime or attempted
9 crime which, if committed or attempted in this state,
10 would be a crime or an attempt to commit a crime
11 provided for in subsection A of Section 582 of this
12 title,

13 shall be subject to all of the registration requirements of the Sex
14 Offenders Registration Act and shall be designated by the Department
15 of Corrections as a habitual sex offender. A habitual sex offender
16 shall be required to register for the lifetime of the habitual sex
17 offender.

18 2. On or after November 1, 1999, any person who has been
19 convicted of a crime or an attempt to commit a crime, received a
20 suspended sentence or any probationary term, including a deferred
21 sentence imposed in violation of subsection G of Section 991c of
22 Title 22 of the Oklahoma Statutes, for a crime provided for in
23 Section 843.5 of Title 21 of the Oklahoma Statutes, if the offense
24 involved sexual abuse or sexual exploitation as these terms are

1 defined in Section 1-1-105 of Title 10A of the Oklahoma Statutes,
2 Section 885, 888, 1111.1, 1114 or 1123 of Title 21 of the Oklahoma
3 Statutes shall be subject to all the registration requirements of
4 the Sex Offenders Registration Act and shall be designated by the
5 Department of Corrections as an aggravated sex offender. An
6 aggravated sex offender shall be required to register for the
7 lifetime of the aggravated sex offender.

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

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

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

- 3 a. the name and physical address of the habitual or
4 aggravated sex offender,
 - 5 b. a physical description of the habitual or aggravated
6 sex offender, including, but not limited to, age,
7 height, weight and eye and hair color,
 - 8 c. a description of the vehicle that the habitual or
9 aggravated sex offender is known to drive,
 - 10 d. any conditions or restrictions upon the probation,
11 parole or conditional release of the habitual or
12 aggravated sex offender,
 - 13 e. a description of the primary and secondary targets of
14 the habitual or aggravated sex offender,
 - 15 f. a description of the method of offense of the habitual
16 or aggravated sex offender,
 - 17 g. a current photograph of the habitual or aggravated sex
18 offender,
 - 19 h. the name and telephone number of the probation or
20 parole officer of the habitual or aggravated sex
21 offender, and
 - 22 i. the level assignment of the person.
- 23
24

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

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

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

16 1. Nothing in the Sex Offenders Registration Act shall be
17 deemed to impose any liability upon or to give rise to a cause of
18 action against any public official, public employee, or public
19 agency for releasing information to the public or for failing to
20 release information in accordance with the Sex Offenders
21 Registration Act.

22 2. Nothing in this section shall be construed to prevent law
23 enforcement officers from notifying members of the public of any
24

1 persons that pose a danger under circumstances that are not
2 enumerated in the Sex Offenders Registration Act.

3 SECTION 3. AMENDATORY 57 O.S. 2011, Section 590, as last
4 amended by Section 2, Chapter 270, O.S.L. 2015 (57 O.S. Supp. 2016,
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~~ June 7, 2006, the
19 distance indicated in this section shall be measured from the
20 nearest property line of the residence of the person to the nearest
21 property line of the public or private school site, educational
22 institution, property or campsite used by an organization whose
23 primary purpose is working with children, playground, park, or
24 licensed child care facility; provided, any nonprofit organization

1 established and housing sex offenders prior to the effective date of
2 this provision shall be 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. Any person
14 subject to the provisions of the Sex Offenders Registration Act who
15 resides with a minor child as the parent, stepparent or grandparent
16 of the minor child, provided the minor child was not the victim of
17 the offense for which the person is required to register, must
18 provide to the Department of Human Services, within three (3) days
19 of intent to reside with a minor child, the name and date of birth
20 of any and all minor children residing in the same household.

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

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

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

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

17 SECTION 4. This act shall become effective November 1, 2017.
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19 56-1-1612 BH 3/21/2017 4:53:55 PM
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