

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1124

By: Hilbert

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8
9 COMMITTEE SUBSTITUTE

10 An Act relating to sex offenders; amending 21 O.S.
11 2011, Section 1125, as last amended by Section 1,
12 Chapter 270, O.S.L. 2015 (21 O.S. Supp. 2017, Section
13 1125), which relates to the zone of safety
14 restrictions; expanding scope of zone of safety
15 restrictions to include residence of victims;
16 amending 57 O.S. 2011, Section 590, as last amended
17 by Section 3, Chapter 224, O.S.L. 2017 (57 O.S. Supp.
18 2017, Section 590), which relates to the Sex
19 Offenders Registration Act; expanding scope of
20 residency restrictions to include residence of
21 victims; and providing an effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1125, as
24 last amended by Section 1, Chapter 270, O.S.L. 2015 (21 O.S. Supp.
25 2017, Section 1125), is amended to read as follows:

26 Section 1125. A. A zone of safety is hereby created around
27 elementary, junior high and high schools, permitted or licensed

1 child care centers as defined by the Department of Human Services,
2 playgrounds, ~~or~~ parks or the residence of a victim of a sex crime.

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

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

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

22 3. A person is prohibited from loitering within one thousand
23 (1,000) feet of the residence of his or her victim if:
24

- 1 a. the person who committed a sex crime against the
2 victim has been convicted of said crime, and
3 b. the person is required to register pursuant to the Sex
4 Offenders Registration Act.

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

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

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

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

6 Prior to entering the zone of safety for the purposes listed in
7 this paragraph, the person shall inform school or child care center
8 administrators of his or her status as a registered sex offender.

9 The person shall update monthly, or as often as required by the
10 school or center, information about the specific times the person
11 will be within the zone of safety as established by this section.

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

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

22 E. Nothing in this section shall prohibit a person, who is
23 registered as a sex offender pursuant to the Sex Offenders
24 Registration Act, from attending a recognized church or religious

1 denomination for worship; provided, the person has notified the
2 religious leader of his or her status as a registered sex offender
3 and the person has been granted written permission by the religious
4 leader.

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

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

12 SECTION 2. AMENDATORY 57 O.S. 2011, Section 590, as last
13 amended by Section 3, Chapter 224, O.S.L. 2017 (57 O.S. Supp. 2017,
14 Section 590), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

1 shall, upon conviction, be guilty of a felony punishable by a fine
2 not to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment
3 in the custody of the Department of Corrections for a term of not
4 less than one (1) year nor more than three (3) years, or by both
5 such fine and imprisonment. Any person convicted of a second or
6 subsequent violation of this section shall be punished by a fine not
7 to exceed Three Thousand Dollars (\$3,000.00), or by imprisonment in
8 the custody of the Department of Corrections for a term of not less
9 than three (3) years, or by both such fine and imprisonment.

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

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/01/2018 - DO
13 PASS, As Amended and Coauthored.
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