

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 HOUSE BILL 3330

 By: Sanders of the House

5 and

6 Griffin of the Senate

7
8
9 AS INTRODUCED

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

14
15
16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

20 Section 590. A. It is unlawful for any person registered
21 pursuant to the Sex Offenders Registration Act to reside, either
22 temporarily or permanently, within a two-thousand-foot radius of any
23 public or private school site, educational institution, property or
24 campsite used by an organization whose primary purpose is working

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

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

22 B. It shall be unlawful for any person who is required to
23 register pursuant to the Sex Offenders Registration Act for any
24 offense in which a minor child was the victim to reside with a minor

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

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

20 C. The provisions of this section shall not apply to any
21 registered sex offender residing in a hospital or other facility
22 certified or licensed by the State of Oklahoma to provide medical
23 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 2. This act shall become effective November 1, 2018.

18
19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/15/2018 -
20 DO PASS, As Coauthored.