

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1196

By: Merrick

AS INTRODUCED

An Act relating to the Sex Offenders Registration Act; amending 57 O.S. 2021, Section 590.1, which relates to sex offenders residing together; requiring certain certification for nonprofit facilities housing sex offenders; updating statutory language; allowing the Department of Corrections to contract housing for more than one sex offender in an individual dwelling; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2021, Section 590.1, is amended to read as follows:

Section 590.1. A. 1. It is unlawful for two or more persons required to register as sex offenders to reside together in any individual dwelling during the term of registration as a sex offender. Every person violating this provision shall be guilty, upon conviction, of a misdemeanor punishable by imprisonment in the county jail for a term not more than one (1) year and a fine in an amount not to exceed One Thousand Dollars (\$1,000.00). Every person convicted of a second or subsequent violation of this section shall be guilty of a felony punishable by imprisonment in the custody of

1 the Department of Corrections for a term not more than five (5)
2 years and a fine in an amount not to exceed Two Thousand Dollars
3 (\$2,000.00).

4 2. The provisions of paragraph 1 of this subsection shall not
5 be construed to prohibit a registered sex offender from residing in
6 any properly zoned and established boarding house, apartment
7 building or other multi-unit structure; provided the individual
8 dwellings are separate for each registered person. Nothing in this
9 subsection shall prohibit the sharing of living quarters, jail or
10 prison space, or any multi-person or dormitory-style housing of sex
11 offenders in the custody of any jail or correctional facility or any
12 properly zoned facility under contract with a jail or correctional
13 agency for the purpose of housing prisoners, or any properly
14 established treatment or certified nonprofit facility that provides
15 access to recovery supportive living environments located in a
16 properly zoned area determined by the local governing authority and
17 housing persons for purposes of sex offender services and treatment.
18 Nothing in this subsection shall prohibit married persons, both of
19 whom are required to register as sex offenders, or two or more blood
20 relatives who are required to register as sex offenders, from
21 residing in any individual dwelling during the term of registration
22 as a sex offender.

23 3. For purposes of this subsection, "individual dwelling"
24 means:

- 1 a. a private residential property, whether owned, leased
2 or rented, including all real property zoned as
3 single-family residential property or zoned as multi-
4 family residential property due to any adjacent,
5 detached or separate living quarters of any kind on
6 such property,
- 7 b. any room available within any boarding house or group
8 home as such term is defined by subsection D of this
9 section,
- 10 c. any single apartment for rent or lease within an
11 apartment building, or
- 12 d. any separate residential unit made available for sale,
13 rent or lease within a multi-unit structure, including
14 a condominium, duplex, triplex, quadriplex or any unit
15 that is constructed together with other separate units
16 into one structure.

17 4. For purposes of this section, "multi-unit structure" means a
18 structure with multiple residential units that provide independent
19 living facilities for living, sleeping, cooking, eating, and
20 sanitation within each individual unit. ~~Manufactured homes, mobile~~
21 ~~homes, trailers, and recreational vehicles that do not meet the~~
22 ~~descriptions of this paragraph are not multi-unit structures.~~

23 ~~B. The Department of Corrections is prohibited from contracting~~
24 ~~for the housing of any person required to register as a sex offender~~
25

1 ~~in any individual dwelling, as defined by paragraph 3 of subsection~~
2 ~~A of this section, where another person required to register as a~~
3 ~~sex offender also resides.~~

4 ~~C.~~ B. No halfway house, nonprofit organization, or private
5 entity shall contract with the Department of Corrections or any jail
6 to house any person required to register as a sex offender or offer
7 housing independently to any person required to register as a sex
8 offender if such housing facility is located within a single-family
9 zoned residential neighborhood or is not properly zoned as a multi-
10 unit housing structure, jail, or correctional facility.

11 ~~D.~~ C. No person or entity shall knowingly establish or operate
12 a boarding house or group home, or otherwise knowingly rent or lease
13 rooms, for the residency of persons required to register pursuant to
14 the Sex Offenders Registration Act unless treatment services are
15 provided. ~~Said~~ The facility must also be in a properly zoned area
16 determined by the local governing authority. For purposes of this
17 subsection, "boarding house or group home" means a dwelling that is
18 used for the residency of two or more unrelated persons.

19 ~~E.~~ D. No person or entity shall knowingly establish, lease,
20 operate, or own any structure or portion of a structure where
21 persons required to register pursuant to the Sex Offenders
22 Registration Act are allowed to reside together in violation of this
23 section or knowingly allow any other violation of this section.

1 ~~F.~~ E. Every person convicted of a first violation of subsection
2 E of this section shall be guilty of a misdemeanor and shall be
3 punished by a fine of not more than Five Hundred Dollars (\$500.00),
4 or by imprisonment in the county jail for not more than one (1)
5 year, or by both such fine and imprisonment. Any person convicted
6 of a second violation shall be guilty of a misdemeanor and shall be
7 punished by a fine of not more than Two Thousand Five Hundred
8 Dollars (\$2,500.00), or by imprisonment in the county jail for not
9 more than one (1) year, or by both such fine and imprisonment. Any
10 person convicted of a third or subsequent violation shall be guilty
11 of a felony and shall be punished by a fine of not less than Two
12 Thousand Five Hundred Dollars (\$2,500.00) and not more than Five
13 Thousand Dollars (\$5,000.00), or by imprisonment in the custody of
14 the Department of Corrections for not more than five (5) years, or
15 by both such fine and imprisonment.

16 SECTION 2. This act shall become effective November 1, 2022.

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