

1 ENGROSSED HOUSE
2 BILL NO. 1124

By: Hilbert and Lawson of the
House

3 and

4 Leewright of the Senate
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8 An Act relating to sex offenders; creating the
9 Justice for Danyelle Act of 2018; amending 21 O.S.
10 2011, Section 1125, as last amended by Section 1,
11 Chapter 270, O.S.L. 2015 (21 O.S. Supp. 2017, Section
12 1125), which relates to the zone of safety
13 restrictions; expanding scope of zone of safety
14 restrictions to include residence of victims;
15 amending 57 O.S. 2011, Section 590, as last amended
16 by Section 3, Chapter 224, O.S.L. 2017 (57 O.S. Supp.
17 2017, Section 590), which relates to the Sex
18 Offenders Registration Act; expanding scope of
19 residency restrictions to include residence of
20 victims; providing for noncodification; and providing
21 an effective date.

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

23 SECTION 1. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Justice for
Danyelle Act of 2018".

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1125, as
last amended by Section 1, Chapter 270, O.S.L. 2015 (21 O.S. Supp.
2017, Section 1125), is amended to read as follows:

1 Section 1125. A. A zone of safety is hereby created around
2 elementary, junior high and high schools, permitted or licensed
3 child care centers as defined by the Department of Human Services,
4 playgrounds, ~~or~~ parks or the residence of a victim of a sex crime.

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

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

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

1 3. A person is prohibited from loitering within one thousand
2 (1,000) feet of the residence of his or her victim if:

3 a. the person who committed a sex crime against the
4 victim has been convicted of said crime, and

5 b. the person is required to register pursuant to the Sex
6 Offenders Registration Act.

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

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

- 1 a. the person is the custodial parent or legal guardian
2 of a child who is an enrolled student at the school or
3 child care facility, and
- 4 b. the person is enrolling, delivering or retrieving such
5 child at the school or licensed or permitted child
6 care center during regular school or facility hours or
7 for school-sanctioned or licensed-or-permitted-child-
8 care-center-sanctioned extracurricular activities.

9 Prior to entering the zone of safety for the purposes listed in
10 this paragraph, the person shall inform school or child care center
11 administrators of his or her status as a registered sex offender.
12 The person shall update monthly, or as often as required by the
13 school or center, information about the specific times the person
14 will be within the zone of safety as established by this section.

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

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

1 E. Nothing in this section shall prohibit a person, who is
2 registered as a sex offender pursuant to the Sex Offenders
3 Registration Act, from attending a recognized church or religious
4 denomination for worship; provided, the person has notified the
5 religious leader of his or her status as a registered sex offender
6 and the person has been granted written permission by the religious
7 leader.

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

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

15 SECTION 3. 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

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

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

13 SECTION 4. This act shall become effective November 1, 2018.

14 Passed the House of Representatives the 13th day of March, 2018.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ____ day of _____, 2018.

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Presiding Officer of the Senate

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