

1 **SENATE FLOOR VERSION**

2 April 5, 2018

3 ENGROSSED HOUSE  
4 BILL NO. 1124

By: Hilbert and Lawson of the  
House

5 and

6 Leewright of the Senate

7  
8  
9 An Act relating to sex offenders; creating the  
10 Justice for Danyelle Act of 2018; 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; providing for noncodification; and providing  
22 an effective date.  
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law not to be  
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".

1 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1125, as  
2 last amended by Section 1, Chapter 270, O.S.L. 2015 (21 O.S. Supp.  
3 2017, Section 1125), is amended to read as follows:

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

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

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

19 a. the person has been designated as a habitual or  
20 aggravated sex offender as provided in Section 584 of  
21 Title 57 of the Oklahoma Statutes, or

22 b. the person has been convicted of an offense in another  
23 jurisdiction, which offense, if committed or attempted  
24 in this state, would designate the person as a

1           habitual or aggravated sex offender as provided in  
2           Section 584 of Title 57 of the Oklahoma Statutes.

3           3. A person is prohibited from loitering within one thousand  
4 (1,000) feet of the residence of his or her victim if:

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

7           b. the person is required to register pursuant to the Sex  
8 Offenders Registration Act.

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

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

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

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

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

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

1 rehabilitative counseling services or treatment programs for sex  
2 offenders.

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

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

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

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

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

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

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

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

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

23 D. Any person willfully violating the provisions of this  
24 section by:

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

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

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

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
17 April 5, 2018 - DO PASS

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