

1 **SENATE FLOOR VERSION**

February 21, 2022

2 **AS AMENDED**

3 SENATE BILL NO. 1196

By: Merrick of the Senate

4 and

5 Humphrey of the House

6  
7  
8 **[ Sex Offenders Registration Act - nonprofit**  
9 **facilities housing sex offenders - contract housing -**  
10 **effective date ]**

11  
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

15 Section 590.1. A. 1. It is unlawful for two or more persons  
16 required to register as sex offenders to reside together in any  
17 individual dwelling during the term of registration as a sex  
18 offender. Every person violating this provision shall be guilty,  
19 upon conviction, of a misdemeanor punishable by imprisonment in the  
20 county jail for a term not more than one (1) year and a fine in an  
21 amount not to exceed One Thousand Dollars (\$1,000.00). Every person  
22 convicted of a second or subsequent violation of this section shall  
23 be guilty of a felony punishable by imprisonment in the custody of  
24 the Department of Corrections for a term not more than five (5)

1 years and a fine in an amount not to exceed Two Thousand Dollars  
2 (\$2,000.00).

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

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

- 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~~

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.

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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.

17 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
18 February 21, 2022 - DO PASS AS AMENDED  
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