Do public parks belong to all the public? Not in Oklahoma

written by Sandy | September 19, 2017

By Sandy . . . “What is the point in doing everything right for years when it counts for nothing? Where is the incentive? What I did was wrong, but that was 15 years ago. I’m not the same person I was when I was 19….My oldest is 9, and I’ve had to explain it to her – why we can’t go to a lake, why there’s no point in our getting a boat. She understands as well as she can at her age.”

Shawna is a mother of three. She is on the public registry in Oklahoma for life for a one-time sexual encounter on her 19th birthday with a 14-year-old boy. Her court-ordered punishment was a jail sentence, which she served, and lifetime probation and sex offender treatment. She is also serving an additional life sentence on the public sex offender registry, one whose requirements can shift and change depending on the whims of legislators and new laws. Since it is not considered punishment, applying conditions retroactively is apparently not a problem.

Oklahoma, where Shawna, her husband, and their three children live, is one of only three states defining “parks” to include public state parks and with a state-wide law forbidding park usage, access, or loitering to some or all who are required to be on a sex offender registry. The other two are Louisiana and Illinois. A fourth, Tennessee, couches its language ambiguously, saying that such access is prohibited “…when the offender has reason to believe children under eighteen (18) years of age are present…”

Oklahoma extends the definition of “park” far beyond children’s playgrounds, parks, and areas whose primary use is intended to be by children, the definition adhered to by other states with presence restrictions and by all individual counties and cities with similar ordinances. In Oklahoma, Illinois, and Louisiana, a park is a park, and state parks are included. All access to lakes, beaches, and waterways are state parks.

Oklahoma passed its law in 2014, twelve years after Shawna was ordered to register on the Megan’s Law registry as a level 3 offender, an automatic designation when the victim, even a statutory one, is under 16.

Another Oklahoma registrant, writing in an anonymous post at *With Justice for All*, said, “I was surprised that here in Oklahoma, I cannot go to a park. A park does not mean a place with swings and playground equipment… it means ANY park, State Park included. I really wanted to buy a boat, and I can, but I would have no place in Oklahoma to use it.”

The state of criminal justice reform as it applies to those required to register as sex offenders is very much in flux. While some jurisdictions and states recognize that no evidence supports residency and presence restrictions as effective and either eschew or overturn such requirements, others are rushing to implement them.

In North Carolina a variety of such restrictions have become so onerous that NARSOL and its state affiliate have filed a suit on several constitutional grounds.

A fourth of the states follow what research clearly shows as the most beneficial to public safety, making serious efforts to integrate law-abiding former sex offenders into their communities by placing no restrictions on where they may live, work, or go with their families. The majority of the other states range widely in the restrictions and requirements they place on their registered citizens.

Only three – Oklahoma, Illinois, and Louisiana – have taken steps to assure that children with a parent on the sex offender registry will not enjoy, as a family, the wonders and beauty that their state's national parks offer to all citizens and the educational value of their state's historical monuments – all, that is, except those who are punished beyond reason and with no safety justification all the days of their lives for crimes committed far in their pasts. Those like Shawna.

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