

ENROLLED SENATE
BILL NO. 7

BY: ROBERTS of the SENATE

and

MAXEY, WEAVER, SULLIVAN,
WORTHEN and HEFNER of the
HOUSE

AN ACT RELATING TO CRIMES AND PUNISHMENTS;
AMENDING 21 O.S. 1981, SECTIONS 1438 AND 1439,
WHICH RELATE TO ENTERING CERTAIN BUILDINGS OR
STRUCTURES WITH CERTAIN INTENT; PROVIDING FOR
PUNISHMENT OF BREAKING AND ENTERING WITHOUT
CERTAIN INTENT; DEFINING TERM; AND DECLARING AN
EMERGENCY.

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

SECTION 1. AMENDATORY 21 O.S. 1981, Section 1438, is amended to read as follows:

Section 1438. A. Every person who, under circumstances not amounting to any burglary, enters any building or part of any building, booth, tent, warehouse, railroad car, vessel, or other structure or erection with intent to commit any felony, larceny, or malicious mischief, is guilty of a misdemeanor.

B. Every person who, without the intention to commit any crime therein, shall willfully and intentionally break and enter into any building, trailer, vessel or other premises used as a dwelling without the permission of the owner or occupant thereof, except in the cases and manner allowed by law, shall be guilty of a misdemeanor.

SECTION 2. AMENDATORY 21 O.S. 1981, Section 1439, is amended to read as follows:

Section 1439. A. The term "dwelling house" as used in ~~this article~~ Section 1431 et seq. of this title, includes every house or edifice, any part of which has usually been occupied by any person lodging therein at night, and any structure joined to and immediately connected with such a house or edifice.

B. The term "dwelling" as used in Section 1438 of this title includes every house, trailer, vessel, apartment or other premises, any part of which has usually been occupied by a person lodging therein at night and any structure joined to and immediately connected with such house, trailer or apartment.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 25th day of February, 1991.

President of the Senate

Passed the House of Representatives the 17th day of April, 1991.

Speaker of the House of
Representatives