STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1249 By: Steidley

COMMITTEE SUBSTITUTE

An Act relating to truth in sentencing; providing short title; declaring policy; providing for review of measures; requiring preparation of policy impact statements and providing contents thereof; requiring attachment of impact statements to measures; requiring convicted persons sentenced to incarceration to serve certain percent of sentence; limiting eligibility for earned credits; requiring sentencing of certain felons in accordance with specified schedules of punishment; requiring sentencing court to consider certain factors; providing for enhancement of sentences in certain circumstances; providing that certain persons shall not be sentenced as second and subsequent offenders; specifying date of full completion of sentence; providing for filing of certain notice; making enhancements cumulative; amending 22 O.S. 1991, Sections 857, 860, 982, as amended by Section 1, Chapter 319, O.S.L. 1992, 991a, as last amended by Section 3, Chapter 382, O.S.L. 1992, 991a-2, 991a-3, 991a-11 and 991c, as last amended by Section 5, Chapter 357, O.S.L. 1992 (22 O.S. Supp. 1992, Sections 982, 991a and 991c), which relate to criminal procedure; providing that juries shall determine only guilt or innocence, with exception; modifying procedure for persons prosecuted for second or subsequent offense; modifying contents of certain reports; providing certain judicial discretion relating to sentencing; providing for court orders directing presentence investigations; providing form; modifying sentencing powers of the court; providing for the transmission of inmate data information within a certain time; providing a uniform judgement and sentence form; authorizing the court to enter certain order if defendant fails to pay restitution; modifying authority of the court in deferred judgement cases; amending 21 O.S. 1991, Section 42, which relates to attempted crimes; modifying penalties for attempted crimes; modifying status of certain crimes; providing for enhancers; providing classification schedule; amending 21 O.S. 1991, Sections 1462, 1503, 1521, 1541.1, 1541.2, 1541.3, 1704, 1719.1, 1722 and 1731, which relate to crimes and punishments; modifying value of certain property for purposes of distinguishing certain misdemeanor and felony offenses; modifying penalty; clarifying language; amending 47 O.S. 1991, Sections 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992 and 11-902, as amended by Section 7, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1992, Sections 6-205.1 and 11-902), which relate to motor vehicles; modifying penalties; amending 57 O.S. 1991, Sections 95, 138, 332, 332.1, 332.2, as amended by Section 5, Chapter 136, O.S.L. 1992, 332.4, as amended by Section 2, Chapter 293, O.S.L. 1992, 332.7, 332.7a, 332.8, as amended by Section

6, Chapter 136, O.S.L. 1992, 332.15, 332.17, 360 and 365 (57 O.S. Supp. 1992, Sections 332.2, 332.4 and 332.8), which relate to prisons and reformatories; providing for calculation of earned credits; providing for limitation on certain actions by the Governor; providing for scope of application of certain provisions; providing that certain persons shall be ineligible for parole; dissolving the Pardon and Parole Board on a certain date; providing for transfer of duties to the Truth in Sentencing Review Board; providing for expiration of certain duties; providing duties of the Truth in Sentencing Review Board; authorizing the Truth in Sentencing Board to employ certain staff; providing duties of Pardon and Parole Board staff; including the Truth in Sentencing Review Board in certain provisions relating to the Pardon and Parole Board; removing obsolete language concerning parole recommendations; amending 21 O.S. 1991, Sections 175, 265, 266, 301, 303, 305, 306, 307, 308, 309, 320, 322, 341, 349, 350, 357, 359, 380, 381, 382, 383, 384, 399, 400, 421, 422, 424, 434, 436, 437, 438, 440, 443, 444, 445, 453, 455, 456, 461, 462, 463, 496, 500, 521, 531, 532, 539, 540B, 543, 570, 578, 579, 588, 590, 645, 649, 649.1, 649.2, 650, 650.2, 650.5, 651, 652, as amended by Section 1, Chapter 192, O.S.L. 1992, 653, 662, 681, 701.9, 701.10, as amended by Section 1, Chapter 67, O.S.L. 1992, 701.10a, 701.11, 701.16, 715, 722, 741, 745, 759, 798, 799, 800, 801, 817, 818, 832, 843, 843.1, 849, 850, as amended by Section 1, Chapter 82, O.S.L. 1992, 851, 852, 852.1, 853, 856, as amended by Section 1, Chapter 182, O.S.L. 1992, 856.1, 861, 867, 872, 883, 884, 885, 886, as amended by Section 1, Chapter 289, O.S.L. 1992, 888, as amended by Section 2, Chapter 289, O.S.L. 1992, 891, 941, as amended by Section 29, Chapter 328, O.S.L. 1992, 946, 948, 950, 954, 982, 984, 986, 987, 991, 1021, 1021.2, 1021.3, 1040.51, 1053, 1066, 1068, 1081, 1087, 1088, 1092, 1115, 1116, 1118, 1119, 1120, 1122, 1123, as amended by Section 3, Chapter 289, O.S.L. 1992, 1161, 1162, 1163, 1172, 1192, 1214, 1217, 1263, 1265.2, 1265.3, 1266, 1266.5, 1267.1, 1272.2, 1273, 1276, 1282, 1284, 1287, 1289.16, 1289.17, 1289.18, 1289.20, 1289.21, 1302, 1303, 1312, 1320.2, 1320.3, 1320.4, 1320.5, 1320.10, 1321.7, 1321.8, 1327, 1368, 1401, 1402, 1403, 1404, 1411, 1412, 1414, 1415, 1416, 1436, 1441, 1442, 1463, 1483, 1488, 1506, 1532, 1542, 1543, 1544, 1550, 1550.33, 1550.41, as amended by Section 1, Chapter 116, O.S.L. 1992, 1621, 1632, 1635, 1662, 1685, 1694, 1695, 1696, 1697, 1699.1, 1705, 1707, 1708, 1713, 1716, 1719, 1720, 1721, 1723, 1724, 1726, 1727, 1728, 1751, 1752, 1753, 1755, 1760, 1762, 1765, 1767.1, 1767.2, 1777, 1778, 1785, 1786, 1834, 1834.2, 1837, 1903, 1904, 1953, 1955, 1958 and 1976 (21 O.S. Supp. 1992, Sections 652, 701.10, 850, 856, 886, 888, 941, 1123 and 1550.41), which relate to crimes and punishments; modifying penalties for certain crimes; amending 22 O.S. 1991, Sections 1110 and 1404, which relate to criminal procedure; modifying certain penalties relating jumping bail and violations of the Oklahoma Corrupt Organizations Prevention Act; amending 47 O.S. 1991, Sections 4-109, 6-301, 6-302, 10-102, as amended by Section 5, Chapter 382, O.S.L. 1992, 11-904 and 1503 (47 O.S. Supp. 1992, Section 10-102), which relate to motor vehicles; modifying certain penalties; amending 56 O.S. 1991, Sections 185 and 243, which relate to poor persons; modifying certain penalties relating to fraud in

obtaining certain assistance and food stamps or coupons; amending 57 O.S. 1991, Sections 21, as amended by Section 1, Chapter 264, O.S.L. 1992 and 222, as amended by Section 1, Chapter 160, O.S.L. 1992 (57 O.S. Supp. 1992, Sections 21 and 222), which relate to prisons and reformatories; modifying penalties for contraband in jails or prisons and illegal use of inmate labor; amending 59 O.S. 1991, Section 1512, as amended by Section 5, Chapter 280, O.S.L. 1992 (59 O.S. Supp. 1992, Section 1512), which relates to pawnbrokers; modifying penalty; amending 63 O.S. 1991, Section 1-519, which relates to spreading venereal disease; modifying penalty; modifying status of certain crimes related to the Uniform Controlled Dangerous Substances Act; amending 63 O.S. 1991, Sections 2-410, 2-412, 2-328, 2-401, as amended by Section 1, Chapter 86, O.S.L. 1992, 2-402, as amended by Section 2, Chapter 86, O.S.L. 1992, 2-403, 2-404, 2-405, 2-406, 2-407, 2-415, 2-419 and 2-509 (63 O.S. Supp. 1992, Sections 2-401 and 2-402), which relate to the Uniform Controlled Dangerous Substances Act and the Trafficking in Illegal Drugs Act; modifying penalties; repealing 21 O.S. 1991, Sections 51, 51A and 52, which relate to penalties for second and subsequent offenses; repealing 21 O.S. 1991, Section 62, which relates imprisonment; repealing 22 O.S. 1991, Sections 927 and 928, which relate to punishment; repealing 22 O.S. 1991, Section 982a, which relates to certain judicial review; repealing 22 O.S. 1991, Sections 991a-5, 991a-6, 991a-7, 991a-8, 991a-9, 991a-10 and 991a-12, which relate to the Elderly and Incapacitated Victim's Protection Program; repealing 57 O.S. 1991, Section 353, which relates to terms of confinement; repealing 57 O.S. 1991, Section 510.2, which relates to house arrest; repealing 57 O.S. 1991, Sections 570, 571, 572, 573, 574, 574.1, 575 and 576, which relate to the Oklahoma Prison Overcrowding Emergency Powers Act, on a certain date; providing for codification; and providing an effective date.

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

SECTION 1. This act shall be known and may be cited as the "Truth in Sentencing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a of Title 22, unless there is created a duplication in numbering, reads as follows:

A. It is hereby declared to be the policy of the State of Oklahoma that persons convicted of violations of the law should be sentenced in a manner that adequately reflects the offense committed, reasonably safeguards society as a whole, provides a measure of substantial justice for the victims of crime, provides an opportunity for an offender to seek rehabilitation, assures the

availability of prison space for those most in need of incarceration, and which will truthfully present the punishment actually to be exacted.

B. The Department of Corrections shall review each bill or joint resolution, introduced in either house of the Oklahoma Legislature, which has an impact on the Oklahoma prison system, including but not limited to additions, amendments or repeal of criminal law or procedure in the Oklahoma Statutes, prior to being considered by any committee of either house of the Legislature and prior to being considered by the entire membership of either house of the Legislature. The Department of Corrections shall prepare a policy impact statement for each such bill or joint resolution. The Department's policy impact statement shall include, but not be limited to, a fiscal analysis of facility and maintenance costs, a projection of inmate population increase and costs related to the increase, and a projection of increased staffing for the Department of Corrections and costs related to the staff increase. A copy of the policy impact statement shall be attached to each copy of a bill or joint resolution reviewed by any committee of either house of the Legislature and to each copy of a bill or joint resolution reviewed by the entire membership of either house of the Legislature.

C. A person convicted of a crime and sentenced to incarceration shall be required to serve not less than eighty percent (80%) of the sentence received. The person shall not be eligible for earned credits, or other types of credits which have the effect of reducing the length of sentence, in excess of twenty percent (20%) of the sentence being served. Any person convicted of a felony after the effective date of the Truth in Sentencing Act shall be sentenced in accordance with the schedules of punishments provided in Section 13 of this act.

D. At the time of sentencing the court shall consider the following factors prior to entering the sentence but shall not be required to state its findings for the record:

1. The prior criminal record of the offender, to include juvenile record, giving more weight to convictions for crimes of

violence or against persons than to convictions for nonviolent property offenses;

2. Whether the victim in the present case was physically harmed;

3. The value of restitution for bodily injury or property damage to the victim in the present case;

4. Whether based on prior criminal record or bodily harm committed against the victim the sentence is subject to enhancement pursuant to subsection D of Section 991a of Title 22 of the Oklahoma Statutes;

5. Whether alternatives to incarceration provide viable alternatives for appropriate punishment of the offense, securing restitution for the victim, or successful potential to afford the person sentenced a program to rehabilitate himself;

6. The educational background and literacy, or any condition of chemical dependency, of the person being sentenced, together with sentencing options which would correct any deficiencies;

7. The attitude of the person being sentenced; and

8. The helplessness of the victim based on age, physical or mental condition, or any other circumstance that indicates helplessness.

E. The court shall be empowered to enhance a sentence imposed in accordance with the following provisions:

1. If the value of the property for any theft crime is over Two Thousand Five Hundred Dollars ($2,500.00) but less than Ten Thousand Dollars ($10,000.00), the maximum sentence range shall be increased by six (6) months. If the amount of the theft is over Ten Thousand Dollars ($10,000.00) but less than One Hundred Thousand Dollars ($100,000.00), the maximum sentence range shall be increased by eighteen (18) months. If the amount of the theft is over One Hundred Thousand Dollars ($100,000.00) but less than Five Hundred Thousand Dollars ($500,000.00), the maximum sentence range shall be increased by thirty-six (36) months. If the amount of the theft is over Five Hundred Thousand Dollars ($500,000.00), the maximum sentence range shall be increased by sixty (60) months;

2. Any person found to have used a dangerous or deadly weapon of any type during the commission of any offense not involving bodily injury shall have the maximum sentence range increased twenty-five percent (25%) unless said weapon is a necessary element for the offense on the defendant being sentenced;

3. If the person being sentenced tortured or dismembered the victim, the maximum sentence range prescribed by law shall be enhanced seventy-five percent (75%); and

4. If the victim of the offense is by virtue of age, over sixty-two (62), under twelve (12), or is disabled by reason of mental or physical illness to such extent he lacks the ability to effectively protect himself or his property, the person being sentenced shall have the minimum and maximum sentence range increased twenty-five percent (25%).

F. Every person who, having been previously convicted of any offense punishable by imprisonment in the State Penitentiary commits any crime after such conviction, is punishable thereof as follows:

1. If the prior offense is murder in the first degree, Section 701.7 of Title 21 of the Oklahoma Statutes, a Schedule I felony, the maximum and minimum range of punishment for the offense charged shall be enhanced by one hundred percent (100%);

2. If the prior offense is a Schedule II, III, IV or V felony, the maximum and minimum range of punishment for the offense charged shall be enhanced by twenty-five percent (25%);

3. If the prior offense is a Schedule VI or VII felony, the maximum and minimum range of punishment for the offense charged shall be enhanced by fifteen percent (15%); and

4. If the prior offense is a Schedule VIII, IX or X felony, the maximum and minimum range of punishment for the offense charged shall be enhanced by five percent (5%).

G. If the person has been convicted of two or more felonies which do not arise out of the same transaction or series of transactions, his punishment shall be enhanced as follows: The maximum and minimum range of punishment shall be increased by determining the highest schedule enhancement percentage from

subsection F of this section and adding five percent (5%) for each additional prior felony conviction.

H. If the person has been previously convicted of two or more felonies which arose out of the same transaction or series of transactions, the maximum and minimum range of sentence for the current offense shall be determined on the range of punishment for the highest scheduled prior offense arising from that transaction as set forth from subsection F of this section.

I. No person shall be sentenced as a second and subsequent offender when a period of ten (10) years has elapsed since the date of full completion of the sentence. For the purpose of this section, the date of full completion of the sentence set forth herein shall begin to run on the first day following the expiration of the original sentence imposed as though said sentence had been served in full, and no methods of sentence reduction shall apply towards calculating this time period.

J. If the person charged is bound over for trial, the state shall, on or before the date of arraignment, file a notice of specific acts or prior convictions upon which the state will rely at sentencing for enhancement of punishment.

K. The enhancements provided by this section are cumulative and shall operate to increase the maximum sentence range prescribed by statute and the court is empowered to sentence an offender whose sentence is enhanced pursuant to these provisions in accordance with the provisions of Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 22 O.S. 1991, Section 857, is amended to read as follows:

Section 857. After hearing the charge, the jury may either decide in court, or may retire for deliberation. <u>The jury shall determine only guilt or innocence, except when the trial is for the offense of first degree murder.</u> If they do not agree without retiring, one or more officers must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor do so themselves, unless it be by order of the court, or to ask them whether they have

agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

SECTION 4. AMENDATORY 22 O.S. 1991, Section 860, is amended to read as follows:

Section 860. In all cases in which the defendant is prosecuted for a second or subsequent offense, except in those cases in which former conviction is an element of the offense, the procedure shall be as follows:

~~(a)~~ The trial shall proceed initially as though the offense charged was the first offense; when the indictment or information is read all reference to prior offenses shall be omitted; during the trial of the case no reference shall be made nor evidence received of prior offenses except as permitted by the rules of evidence; the judge shall instruct the jury only on the offense charged; the jury shall be further instructed to determine only the guilt or innocence on the offense charged, and that punishment at this time shall not be determined by the jury.

~~(b) If the verdict be guilty of the offense charged, that portion of the indictment or information relating to prior offenses shall be read to the jury and evidence of prior offenses shall be received. The court shall then instruct the jury on the law relating to second and subsequent offenses, and the jury shall then retire to determine (1) the fact of former conviction, and (2) the punishment, as in other cases.~~

SECTION 5. AMENDATORY 22 O.S. 1991, Section 982, as amended by Section 1, Chapter 319, O.S.L. 1992 (22 O.S. Supp. 1992, Section 982), is amended to read as follows:

Section 982. A. Whenever a person is convicted of a felony except when the death sentence is imposed, the court shall, before imposing sentence to commit any felon to incarceration by the Department of Corrections, order a presentence investigation to be made by the Department. The court may order the defendant to pay a fee to the Department of Corrections not to exceed Two Hundred Fifty Dollars ($250.00) for the presentence investigation, if in the opinion of the court the defendant has the ability to pay such fee.

B. The Department shall inquire into the circumstances of the offense. This information shall include the voluntary statement of the victim concerning the offense, the amount of the loss of the victim, and the criminal record, social history and present condition of the convicted person. The Department shall make a report of such investigation to the court, including ~~a recommendation as to appropriate sentence, and specifically a recommendation for or against probation~~ the mean, median, and average sentence given for each offense. Such reports must be presented to the judge so requesting, within a reasonable time, and upon the failure to so present the same, the judge may proceed with sentencing. Whenever, in the opinion of the court or the Department, it is desirable, the investigation shall include a physical and mental examination of the convicted person.

C. The presentence investigation reports so received by the court shall not be referred to, or be considered, in any appeal proceedings. Before imposing sentence, the court shall advise the defendant or his counsel and the district attorney of the factual contents and the conclusions of any presentence investigation or psychiatric examination and afford fair opportunity, if the defendant so requests, to controvert them. If either the defendant or the district attorney desires, such hearing shall be ordered by the court providing either party an opportunity to offer evidence proving or disproving any finding contained in such report, which shall be a hearing in mitigation or aggravation of punishment.

D. If the district attorney and the defendant desire to waive such presentence investigation and report, both shall execute a suitable waiver subject to approval of the court~~, whereupon the~~. The judge ~~shall~~ may proceed with the sentencing, or at the discretion of the court, direct a presentence investigation and report prior to sentencing.

E. The order of the court directing a presentence investigation shall be in the following form:

IN THE DISTRICT COURT IN AND FOR _____ COUNTY

STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,) No.

CRF_____

Plaintiff,)

CRF_____

vs.)

CRF_____

_____,)

CRF_____

Defendant.)

ORDER TO CONDUCT PRESENTENCE INVESTIGATION

This matter set for hearing this _____ day of _____, 19__. The Department of Corrections, Division of Community Services, Probation and Parole is hereby ordered to conduct a presentence investigation and to include in their report information from the subject matter indicated below.

All parties receiving this order are hereby ordered by this Court to permit the Department of Corrections, Division of Community Services, Probation and Parole, or its authorized representative, to examine and make copies of any and all records of the defendant, for the purpose of the presentence investigation.

I. Offense, official version:

(1) Was violence or threat of violence used? If so, nature, instrumentality employed, the injuries, if any, inflicted on victim.

a. Extent

b. Prognosis for recovery

c. Did same result in monetary loss

(2) The offender's role

a. Leader in multiple offender situations

b. Active participant in multiple offender situations

c. Minor or peripheral role in multiple offender situations

d. Alone

(3) Did offender exploit victim's vulnerability i.e. but not limited to:

a. Physical or mental disability

b. Age of victim

c. Disparity in size or strength

d. Abuse of authority status

e. Was victim intoxicated or under influence of drugs?

f. Asleep or unconscious?

g. Physical restraint (e.g. binding with rope, handcuffs, etc.)

(4) Was offender under influence of intoxicants or drugs?

(5) Was victim carried away or held captive beyond that which was necessary to commit the offense?

(6) Monetary value of loss to victim

a. Was property recovered, if so, was value changed?

b. Has restitution been made?

c. Cost to repair or replace

(7) Did offender stand to reap financial gain?

a. How much, actual or potential?

II. Offense, Defendant's Version:

(1) Defendant's response to all parts of official version

(2) Alleged provocation, justification or excuse

(3) Was defendant under influence of intoxicants or drugs

(4) Past relationship of defendant and victim

(5) Effect of conviction and sentence on defendant

Investigation and Report to be made on following items checked (X)

III. Family Background (Social History) ( )

IV. Marital History ( )

V. Education ( )

VI. Religious Background and Support Structures ( )

VII. Mental Health History ( )

VIII. Physical Health History ( )

IX. Financial Condition ( )

X. Prior Record, Adult [include prior convictions separately for crimes with weapon or bodily harm or threat of bodily harm] ( )

XI. Prior Record, Juvenile [include prior convictions separately for crimes with weapon or bodily harm or threat of bodily harm] ( )

XII. Traffic Record ( )

XIII. Residence ( )

XIV. Leisure Time Activities ( )

XV. Military Service Record ( )

XVI. Employment ( )

XVII. Resources ( )

XVIII. Plans ( )

XIX. Mean/Median/Average Sentence ( )

XX. Percentage of similar cases given probation in whole or part ( )

The report of the Department of Corrections, Division of Community Services, Probation and Parole is to be sent to this Court on or before the _____ day of _____, 19___.

_____

DISTRICT JUDGE

SENTENCING DATE: _____ AT _____ AM PM

SECTION 6. AMENDATORY 22 O.S. 1991, Section 991a, as last amended by Section 3, Chapter 382, O.S.L. 1992 (22 O.S. Supp. 1992, Section 991a), is amended to read as follows:

Section 991a. A. ~~Except as otherwise provided in the Elderly and Incapacitated Victims Protection Program, Section 991a-5 et seq. of this title, when~~ When a defendant is convicted of a crime and no death sentence is imposed, the court shall either:

1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, ~~may~~ shall order the convicted defendant at the time of sentencing or at any

time during the suspended sentence to do one or more of the following as a condition of the suspended sentence:

a. to provide restitution to the victim according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, if he is able to pay such restitution without imposing manifest hardship on the defendant or his immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,

b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which such person was convicted, which reimbursement shall be made directly to the state agency, with interest accruing thereon at the rate of twelve percent (12%) per annum,

c. to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted,

d. to pay a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, and which provides restitution payments by convicted defendants to victims of crimes committed within the State of Oklahoma wherein such victim has incurred a financial loss,

e. to confinement in the county jail for a period not to exceed six (6) months,

f. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the

defendant in the case in which he is being sentenced, ~~or~~

g. to engage in any other program the court deems necessary to facilitate rehabilitation, or

h. to prescribe additional reasonable rules or probation as the court deems necessary to ensure the successful completion of the probation period, or to repay the reward or part of the reward paid by a certified local crimestoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment, and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the certified local crimestoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. "Certified local crimestoppers program" means a crimestoppers program certified by the Office of the Attorney General pursuant to Section 991g of this title. The "Oklahoma General Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes;

~~However, any such order for restitution, community service, payment to a certified local crimestoppers program, payment to the Oklahoma Reward System, or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence;~~

2. Impose a fine prescribed by law for the offense, with or without any of the following:

a. probation or commitment ~~and with or without~~,

b. restitution or service as provided for in this section,

c. reimbursement to the court fund for amounts paid to court-appointed attorneys and expert witnesses for representing the defendant in the case in which he or she is being sentenced;

3. Commit such person for confinement provided for by law with or without any of the following:

a. restitution as provided for in this section,

b. reimbursement to the court fund for amounts paid to court-appointed attorneys and expert witnesses for representing the defendant in the case in which he or she is being sentenced;

4. In the case of nonviolent felony offenses, sentence such person to the Community Service Sentencing Program created pursuant to Section 991a-4 of this title;

5. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:

a. to participate in an alcohol and drug substance abuse course or treatment program, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes,

b. to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant,

if in the opinion of the court the defendant has the ability to pay such fee,

c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,

d. to install an ignition interlock device, at the person's own expense, approved by the Department of Public Safety, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver's license at the time of reinstatement of the license. Said restriction shall remain on the driver's license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of said order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or

e. beginning January 1, 1993, to submit to electronically monitored home detention administered and supervised by the Department of Corrections, and to pay to the Department a monitoring fee, not to exceed Seventy-five Dollars ($75.00) a month, to the Department of Corrections, if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections

Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court; or

6. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems.

B. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to defendants being sentenced upon their third or subsequent to their third conviction of a felony <u>set forth in paragraph 3 of subsection B of Section 991a-4 of this title</u> or, beginning January 1, 1993, to defendants being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this subsection. In the case of a person being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, the court may sentence the person pursuant to the provisions of paragraph 1 of subsection A of this section if the court orders the person to submit to electronically monitored home detention administered and supervised by the Department of Corrections pursuant to subparagraph e of paragraph 5 of subsection A of this section.

C. When sentencing a person convicted of a crime, the court shall consider any victim impact statement if submitted to the court.

D. Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime is

released by the court subject to conditions imposed by the court and subject to the supervision of the Department of Corrections. Such supervision shall be initiated upon an order of probation from the court, and shall ~~not exceed two (2) years. However, such supervision may be extended for a period not to exceed the expiration of the maximum term or terms of the sentence upon a determination by the Division of Probation and Parole of the Department of Corrections that the best interests of the public and the releasee will be served by an extended period of supervision~~ continue until further order of the court.

E. The Department of Corrections, or such other agency as the court may designate, shall be responsible for the monitoring and administration of the restitution and service programs provided for by subparagraphs a, c, and d of paragraph 1 of subsection A of this section, and shall ensure that restitution payments are forwarded to the victim and that service assignments are properly performed.

F. 1. The Division of Probation and Parole of the Department of Corrections is hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs;

2. Any offender eligible to participate in the Program pursuant to this act shall be eligible to participate in a county Program; provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections;

3. The Division shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Division for a contract for a county-funded Program for a specific period of time. The Department shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Division;

4. The Division is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirements set forth in this act; and

5. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department and the costs of each Program.

G. As used in this section:

1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater.

2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location.

SECTION 7. AMENDATORY 22 O.S. 1991, Section 991a-2, is amended to read as follows:

Section 991a-2. A. Any person who has been convicted of a nonviolent felony in the state may be sentenced, at the discretion of the judge, to incarceration in the county jail for a period of one or more nights or weekends with the remaining portion of each week being spent under probation, in lieu of any other kind of imprisonment prescribed by law for the particular felony. Any person incarcerated in the county jail may be assigned work duties as may be approved by the judge. The sentencing court may require a person incarcerated pursuant to this act to pay the county, for food and maintenance for each day of incarceration, an amount equal to the maximum amount prescribed by law to be paid by the

county to the sheriff for such expenses. If the judge does not so order, the Department of Corrections shall reimburse the county for the cost of feeding and care of the person during such periods of incarceration. The Department of Corrections shall reimburse the county for the actual costs paid for any emergency medical care for physical injury or illness of a person incarcerated hereunder if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. For the purposes of this section, weekend incarceration shall commence at 6 p.m. on Friday and continue until 8 a.m. on the following Monday, and incarceration overnight shall commence at 6 p.m. on one day and continue until 8 a.m. of the next day. Provided, that the sentencing judge may modify said times if the circumstances of the particular case require such action. Persons who have been sentenced to incarceration in the county jail under the provisions of this section will not have to be processed through the Lexington Assessment and Reception Center prior to incarceration, provided the sheriff of the county where the person is incarcerated shall transmit to the Department of Corrections complete intake data information, on the form(s) provided by the Department of Corrections, which shall contain a photograph and fingerprint card, within twenty (20) days of the date the person is incarcerated.

B. When a court enters a sentence in any criminal case in this state, the sentence shall be imposed pursuant to the uniform judgment and sentence form, as follows:

IN THE DISTRICT COURT OF _____ COUNTY, STATE OF OKLAHOMA

THE STATE OF OKLAHOMA,	)	
	)	
Plaintiff,	)	No.: _____
vs.	)	DOB: _____
_____,	)	SSNo.: _____
Defendant.	)	

JUDGMENT AND SENTENCE

Now, on this _____ day of _____, 19__, this matter comes on before the undersigned Judge, for sentencing and the defendant, _____, appears personally and by Attorney _____ (Retained/Appointed/Public Defender), the State of Oklahoma represented by _____, and the defendant, having previously either:

( ) Entered negotiated plea of guilty

( ) Entered a Blind Plea

( ) Found guilty by jury

to/of the crime(s) of:		Offense Statute
Count 1:	_____	____ O.S. ___
Count 2:	_____	____ O.S. ___
Count 3:	_____	____ O.S. ___
Count 4:	_____	____ O.S. ___
Count 5:	_____	____ O.S. ___

( ) The Court finds the defendant has prior felony convictions and this sentence has been enhanced in accordance with the provisions set forth in _____ O.S. ____, and,

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED by the Court that the Defendant, _____, is guilty of the above described offenses and is sentenced as follows:

- (TIME TO DO) -

( ) Count 1: Sentenced to a term of ____ months imprisonment;

( ) Count 2: Sentenced to a term of ____ months imprisonment;

( ) Count 3: Sentenced to a term of ____ months imprisonment;

( ) Count 4: Sentenced to a term of ____ months imprisonment;

( ) Count 5: Sentenced to a term of ____ months imprisonment;

all under custody and control of: ( ) Oklahoma Department of Corrections, or ( ) the _____ County Sheriff.

These terms to be served: ( ) concurrently, or ( ) consecutively.

- (TIME TO DO WITH PART SUSPENDED) -

( ) Count 1: Sentenced to a term of ____ months/days imprisonment;

( ) Count 2: Sentenced to a term of ____ months/days imprisonment;

( ) Count 3: Sentenced to a term of ____ months/days imprisonment;

( ) Count 4: Sentenced to a term of ____ months/days imprisonment;

( ) Count 5: Sentenced to a term of ____ months/days imprisonment;

with all except the first ___ months/days suspended under the custody and control of: the ( ) Oklahoma Department of Corrections, or ( ) the _____ County Sheriff. These terms to be served: ( ) concurrently, or ( ) consecutively.

- (NO TIME TO DO - ALL SUSPENDED) -

( ) Count 1: Sentenced to a term of ____ months/days imprisonment;

( ) Count 2: Sentenced to a term of ____ months/days imprisonment;

( ) Count 3: Sentenced to a term of ____ months/days imprisonment;

( ) Count 4: Sentenced to a term of ____ months/days imprisonment;

( ) Count 5: Sentenced to a term of ____ months/days imprisonment;

under the custody and control of: the ( ) Oklahoma Department of Corrections, or ( ) the _____ County Sheriff, all of said terms of imprisonment suspended. These terms to be served: ( ) concurrently, or ( ) consecutively.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED by the Court that in addition to the preceding terms, the Defendant is also sentenced to:

- (FINE) -

( ) The defendant shall pay a fine $_____ on or before _____, 19__, at the rate of $_____ per _____.

( ) No fine is required.

( ) The payment of a fine of $_____ is SUSPENDED.

- (COSTS, VCA, RESTITUTION) -

( ) The defendant shall pay costs and/or fees of $_____ on or before _____, 19__, at the rate of $_____ per _____.

( ) The defendant shall NOT pay costs and/or fees.

( ) The defendant shall pay Victim's Compensation Assessment of $_____: ( ) on or before _____, 19__; ( ) within __ months after release.

( ) The defendant shall NOT pay Victim's Compensation Assessment.

( ) The defendant shall pay restitution of $_____ on or before _____, 19__, at the rate of _____ per _____.

( ) No restitution is required.

( ) (Other) _____

It is further ordered that judgment is hereby entered against the Defendant as to the fines, costs and assessments set forth above.

The Court further advised the Defendant of h__ rights to appeal to the Court of Criminal Appeals of the State of Oklahoma, and of the necessary steps to be taken by h__ to perfect such appeal, and that if h__ desired to appeal and was unable to afford counsel and a transcript of the proceedings, that the same would be furnished by the state without cost to h__.

In the event the above sentence is for incarceration in the Department of Corrections, the sheriff of _____ County, Oklahoma, is ordered and directed to deliver the Defendant to the Lexington Assessment and Reception Center at Lexington, Oklahoma, and leave therewith a copy of this Judgment and Sentence to serve as warrant and authority for the imprisonment of the Defendant as provided herein. A second copy of this Judgment and Sentence to be warrant and authority of said sheriff for the transportation and imprisonment of the Defendant as herein before provided. The sheriff to make due return to the clerk of this Court, with his proceedings endorsed thereon.

Witness my hand the day and year first above mentioned.

_____

JUDGE OF THE DISTRICT COURT

(SEAL)

ATTEST: _____ Court Clerk

_____ Deputy Clerk

CLERK'S CERTIFICATION OF COPIES

I, _____, Clerk of the District Court of _____ County, State of Oklahoma, do hereby certify the foregoing to be true, correct, full and complete copy of the original Judgment and Sentence in the case of The State of Oklahoma vs. _____ as the same appears of record in my office.

WITNESS my hand and official seal this _____ day of _____, 19__.

(SEAL)

_____

Court Clerk

By

_____

Deputy Court Clerk

SHERIFF'S RETURN

I received this Judgment and Sentence the ___ day of _____, 19__, and executed it by delivering the Defendant to the Warden of the Lexington Assessment and Reception Center at Lexington, Oklahoma, on the _____ day of _____, 19__. I also certify the above prisoner has served ____ days in the County Jail on the present charge or charges.

_____

Sheriff

_____

Deputy Sheriff

ADDITIONAL FINDINGS OF COURT

1. Were other charges/counts dismissed/not filed by the District Attorney as a part of this finding of guilt? Yes ( ) No ( ). If yes, identify:

_____

2. Were prior convictions dismissed/not alleged as a part of the prosecution process? Yes ( ) No ( ). If yes, identify and list all known prior felony convictions by date, offense, jurisdiction, case number, and disposition:

_____

_____

3. Were charges consolidated with charges from other counties/jurisdictions as a part of adjudication? Yes ( ) No ( ). If yes, identify:

_____

4. Was a weapon used in the commission of this offense?: Yes ( ) No ( ). If yes, identify:

_____

5. The offender's role was: primary actor ( ); active participant ( ); follower ( )

6. Was victim physically harmed? Yes ( ) No ( ). If yes, identify:

_____

7. Was victim elderly, incapacitated, or minor?: Yes ( ) No ( ). If yes, identify:

_____

8. Was Defendant under influence of alcohol or other drugs at time offense committed? Yes ( ) No ( ). If yes, identify:

_____

9. Were enhancers utilized in determining sentence?

Yes ( ) No ( ). If yes, identify:

_____

10. Age, marital status, race and sex of offender:

_____

11. Education of Offender:

_____

12. Can offender read and write? Yes ( ) No ( ).
Explain:

_____

13. Was victim consulted regarding any plea agreements?
Yes ( ) No ( ).

SECTION 8. AMENDATORY 22 O.S. 1991, Section 991a-3, is amended to read as follows:

Section 991a-3. A. Upon a verdict or plea of guilty or upon a plea of nolo contendere for an offense in which any property is unlawfully obtained and the property is sold, traded, bartered, pledged ~~or~~, pawned or destroyed, the court may order the defendant to provide restitution to the buyer, recipient or pledgee of the property for the value of any consideration paid, loaned or given for the property unless the buyer, recipient or pledgee has violated the provisions of Section 1092, 1093 or 1713 of Title 21 of the Oklahoma Statutes. Such restitution shall be in addition to any restitution to the victim and shall be in addition to any other penalties provided by law. Restitution to the buyer, recipient or pledgee shall be ordered pursuant to the provisions of subparagraph a of paragraph 1 of subsection A of Section 991a of ~~Title 22 of the Oklahoma Statutes~~ this title.

B. The buyer of any property which has been unlawfully obtained and which is lawfully returned to its rightful owner shall have the right to bring a civil action against the person who sold, traded, bartered, pledged ~~or~~, pawned or destroyed the property for the value of any consideration paid, loaned or given for the property unless the buyer has violated the provisions of Section 1092, 1093 or 1713 of Title 21 of the Oklahoma Statutes.

SECTION 9. AMENDATORY 22 O.S. 1991, Section 991a-11, is amended to read as follows:

Section 991a-11. A. ~~Any~~ If the defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff or any peace officer of this state ~~shall~~ to seize any real or personal property of the defendant, except property exempt under Section 1 of Title 31 of the Oklahoma Statutes, to be held until a forfeiture for sale has been declared or release ordered.

B. Notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county in which the property is seized and shall be given all owners and parties in interest.

C. Notice shall be given by the party seeking forfeiture and sale according to one of the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record at the Tax Commission, by mailing a copy of the notice by certified mail to the address shown upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known to the attorney or the party seeking the action to recover unpaid restitution, by mailing a copy of the notice by registered mail to the last-known address; or

3. Upon all other owners or interested parties, whose addresses are unknown, but who are believed to have an interest in the property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing or publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of exemption under Section 1 of Title 31 of the Oklahoma Statutes, and shall order the property

forfeited and sold to pay restitution, if such property is not proved exempt.

F. If a verified answer is filed, the forfeiture for sale proceeding shall be set for hearing.

G. At a hearing on the forfeiture the evidence of ownership and exemption under Section 1 of Title 31 of the Oklahoma Statutes shall be satisfied by a preponderance of the evidence.

H. The claimant of any right, title or interest in the property may prove his lien, mortgage or conditional sales contract to be a bona fide ownership interest.

I. In the event of such proof, the court shall order the property released to the bona fide owner, lienholder, mortgagee or vendor if the amount due him is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title or interest of the offender.

J. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property shall be forfeited and sold under judgment of the court, as on sale upon execution.

K. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county in which the property was seized, subject only to the orders and decrees of the court having jurisdiction thereof.

L. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of storing the property;

3. To the payment of court costs and costs of the sheriff in conducting the sale;

4. To the payment of restitution to the victim; and

5. The balance of the proceeds of such sale shall be paid to the defendant.

M. If the court finds that the party seeking the forfeiture failed to satisfy the requirements provided for in subsection G of this section, the court shall order the property released to the owner or owners.

SECTION 10. AMENDATORY 22 O.S. 1991, Section 991c, as last amended by Section 5, Chapter 357, O.S.L. 1992 (22 O.S. Supp. 1992, Section 991c), is amended to read as follows:

Section 991c. A. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation under the supervision of the State Department of Corrections upon the conditions of probation prescribed by the court, as set forth in paragraph 1 of subsection A of Section 991a of this title. The court shall first consider restitution, administered in accordance with the provisions pertaining thereto, among the various conditions of probation it may prescribe. ~~The court may also consider ordering the defendant to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the defendant. Further, the court may order the defendant confined to the county jail for a period not to exceed ninety (90) days to be served in conjunction with probation.~~ Further, the court may order the defendant to pay a sum into the court fund not to exceed the amount of fine authorized for the offense alleged against the defendant or authorized under Section 9 of Title 21 of the Oklahoma Statutes and an amount for reasonable attorney fee, to be paid into the court fund, if a court-appointed attorney has been provided to defendant. Further, the court may, in the case of a person before the court for the offense of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol and another intoxicating substance, before the court for the offense of operating a motor vehicle while the

ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person to participate in one or both of the following:

1. An alcohol and drug substance abuse course, pursuant to Sections ~~11-902.2~~ 3-452 and ~~11-902.3~~ 3-453 of Title ~~47~~ 43A of the Oklahoma Statutes; and

2. A victims impact panel program sponsored by the Highway Safety Division of the Oklahoma Department of Transportation, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not to exceed Five Dollars ($5.00), to the victims impact panel program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

B. Upon completion of the probation term, which probation term under this procedure shall not exceed five (5) years, the defendant shall be discharged without a court judgment of guilt, and the verdict or plea of guilty or plea of nolo contendere shall be expunged from the record and said charge shall be dismissed with prejudice to any further action. The procedure to expunge the defendant's record shall be as follows:

1. All references to the defendant's name shall be deleted from the docket sheet;

2. The public index of the filing of the charge shall be expunged by deletion, mark-out or obliteration;

3. Upon expungement, the court clerk shall keep a separate confidential index of case numbers and names of defendants which have been obliterated pursuant to the provisions of this section;

4. No information concerning the confidential file shall be revealed or released, except upon written order of a judge of the district court; and

5. Defendants qualifying under Section 18 of this title may petition the court to have the filing of the indictment and the dismissal expunged from the public index and docket sheet. This section shall not be mutually exclusive of Section 18 of this title.

C. Upon order of the court, the provisions of subsection B of this section shall be retroactive to September 1, 1987.

D. Upon violation of the conditions of probation, the court may enter a judgment of guilt and proceed as provided in Section 991a of this title. Further, if the probation is for a felony offense, and the defendant violates the conditions of probation by committing another felony offense, the defendant shall not be allowed bail pending appeal. The deferred judgment procedure described in this section shall only apply to defendants not having been previously convicted of a felony.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 42, is amended to read as follows:

Section 42. Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in the ~~penitentiary for four (4) years or more,~~ State Penitentiary or by imprisonment in a county jail, the person guilty of such attempt is punishable by imprisonment in the ~~penitentiary~~ State Penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted.

2. ~~If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.~~

~~3.~~ If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.

~~4.~~ 3. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and one-half (1/2)

the largest fine which may be imposed upon a conviction for the offense so attempted.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12 of Title 21, unless there is created a duplication in numbering, reads as follows:

Unless otherwise provided by law, for any crime that is originally a misdemeanor and that, prior to the effective date of the Truth in Sentencing Act, would be a felony for a second or subsequent offense, the crime shall remain a misdemeanor for second and subsequent offenses committed after the effective date of said act with enhancers to consist of mandatory county jail time.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. On and after the effective date of the Truth in Sentencing Act, felonies shall be classified pursuant to the following schedule:

1. Schedule I crimes shall include:

CRIME	STATUTE
Murder I	21 O.S. 701.7

2. Schedule II crimes shall include:

CRIME	STATUTE
Murder II	21 O.S. 701.8

3. Schedule III crimes shall include:

CRIME	STATUTE
Shooting with Intent	21 O.S. 652 subsection A
Solicitation for Murder	21 O.S. 701.16
Conspiracy to Commit Murder	21 O.S. 701.16
Forcible Sodomy	21 O.S. 888
Rape I	21 O.S. 1111, 1114
Rape by Instrumentation	21 O.S. 1111.1

Incest	21 O.S. 885

4. Schedule IV crimes shall include:

CRIME	STATUTE
Assault and Battery with Deadly Weapon	21 O.S. 652 subsection C
Use of Vehicle to Facilitate Discharge of Weapon	21 O.S. 652 subsection A
Assault with Intent to Kill	21 O.S. 653
Manslaughter I	21 O.S. 711
Kidnapping for purposes of Extortion	21 O.S. 745 subsection A
Conjoint Robbery	21 O.S. 800
Robbery or Attempted Robbery with Dangerous Weapon	21 O.S. 801
Participation in Pattern of Racketeering	22 O.S. 1403
Manufacturing Drugs	63 O.S. 2-401 subsection F
Trafficking in Illegal Drugs	63 O.S. 2-415

5. Schedule V crimes shall include:

CRIME	STATUTE
Accessory to Murder	21 O.S. 175 paragraph 5
Wiring Vehicle or Structure with Explosives	21 O.S. 849
Arson I	21 O.S. 1401
Burglary I	21 O.S. 1431
Burglary with Explosives	21 O.S. 1441

6. Schedule VI crimes shall include:

CRIME	STATUTE
Abuse of Children	21 O.S. 843
Causing, Aiding,	

Abetting or Encouraging Minor to Participate in Drug-related Crimes	21 O.S. 856.1
Trafficking in Children	21 O.S. 866
Minors - Obscene or Indecent Writings, Pictures, etc.	21 O.S. 1021.2, 1021.3
Indecent Exposure; Obscene or Indecent Writings; Solicitation of Minors	21 O.S. 1021
Procuring for Prostitution Children Under 18	21 O.S. 1087
Inducing Children Under 18 for Prostitution	21 O.S. 1088
Lewd or Indecent Proposals or Acts as to Child Under 16	21 O.S. 1123
Selling Weapons to Minors	21 O.S. 1273
Possession of Explosives by Convicted Felon	21 O.S. 1368
Use of Minors in Sale or Transportation of Controlled Dangerous Substance	63 O.S. 2-419 subsection D

7. Schedule VII crimes shall include:

CRIME	STATUTE
Assault with Intent to Commit Rape	21 O.S. 681
Robbery I	21 O.S. 791
Malicious Intimidation	

or Harassment Because of Race, Color, Religion, etc.	21 O.S. 850
Rape II	21 O.S. 1114 subsection B
Advocating Overthrow of Government	21 O.S. 1266
Unlawful Acts	21 O.S. 1266.4
Seizure of Bus, Assault or Battery, Use of Dangerous Weapon, Discharging Firearm, or Hurling Missile at Bus	21 O.S. 1903
Distribution of Controlled Dangerous Substance - Schedule I or II or LSD	63 O.S. 2-401 subsection B, paragraph 1

8. Schedule VIII crimes shall include:

CRIME	STATUTE
Injuring or Burning Public Building	21 O.S. 349
Conspiracy	21 O.S. 421
Assisting Prisoner to Escape	21 O.S. 437 paragraph 1
Carry into Prison Things to Aid Escape	21 O.S. 438 paragraph 1
Assault with Dangerous Weapon	21 O.S. 645
Manslaughter II	21 O.S. 716
Kidnapping	21 O.S. 741
Maiming	21 O.S. 752
Willfully Poisoning Food	21 O.S. 832
Caretaker Abuse, Neglect or Financial	

Exploitation	21 O.S. 843.1
Omission to Provide for a Child	21 O.S. 852
Child Endangerment	21 O.S. 852.1
Crime Against Nature	21 O.S. 886
Child Stealing	21 O.S. 891
Officers Gambling	21 O.S. 948
Pictures, Movies, etc. Showing the Acts of Sexual Intercourse	21 O.S. 1040.51
Restraining Female in House of Prostitution	21 O.S. 1085
Destroying or Interfering with Property with Intent to Hinder Defense Preparations or Prosecution of War	21 O.S. 1265.2
Causing Defects in Articles Used in Defense Preparation or Prosecution of War	21 O.S. 1265.3
Use of Firearm While Committing or Attempting to Commit Felony	21 O.S. 1287
Sawed-off Shotgun and Sawed-off Rifle	21 O.S. 1289.18
Manufacture, Importation, or Advertisement for Sale of Restricted Bullets	21 O.S. 1289.20
Use or Attempted Use of Restricted Bullets	21 O.S. 1289.21
Trespass; Masked Person Demanding Admission	

to Premises	21 O.S. 1302
Assault While Masked or Disguised	21 O.S. 1303
Riot	21 O.S. 1312
Riot	21 O.S. 1320.1
Incitement to Riot	21 O.S. 1320.2
Damaging Property; State of Emergency; Offense and Penalty	21 O.S. 1321.7
Riot During State of Emergency	21 O.S. 1321.8
Arson II	21 O.S. 1402
Larceny of Auto	21 O.S. 1720
Ownership and Operating Chop Shop	47 O.S. 1503
Distribution of Schedule I, II, III or IV Drugs	63 O.S. 2-401 subsection B paragraphs 1, 2 and 5
Cultivation of Drugs	63 O.S. 2-509

9. Schedule IX crimes shall include:

CRIME	STATUTE
Harboring Criminals and Fugitives	21 O.S. 440
Bribing or Offering to Bribe Executive Officer	21 O.S. 265
Accessory to Crime	21 O.S. 175 paragraphs 1 and 4
Asking or Receiving Bribes	21 O.S. 266
Preventing Meetings of Legislature	21 O.S. 301
Compelling Adjournment of Legislature	21 O.S. 303
Compelling Legislature	

to Perform or Omit Act	21 O.S. 305
Altering Draft Bill	21 O.S. 306
Altering Engrossed Copy of Bill	21 O.S. 307
Bribery of or Influencing Members of Legislature	21 O.S. 308
Soliciting Bribes; Trading Votes	21 O.S. 309
Bribery	21 O.S. 318
Member of Legislature Soliciting or Securing Employment with State Department or Institution	21 O.S. 321
Embezzlement and False Accounts by Officers	21 O.S. 341
Seizing Military Stores	21 O.S. 350
Penalty, Unlawful Contract or Purchase by Member of Public Body	21 O.S. 357
Bribery of Fiduciary	21 O.S. 380
Bribing Officers	21 O.S. 381
Officers Receiving Bribes	21 O.S. 382
Bribing Jurors, Referees, etc.	21 O.S. 383
Receiving Bribes by Jurors, Referees, etc.	21 O.S. 384
Athletic Contests - Bribery of Participants, Officials	21 O.S. 399
Acceptance of Bribe	

by Participant, Official	21 O.S. 400
Conspiracy Outside State Against Peace of State	21 O.S. 422
Conspiracy Against State	21 O.S. 424
Attempt to Escape from Penitentiary	21 O.S. 434
Attempt to Escape From Other Prison Than Penitentiary	21 O.S. 436
Assisting Prisoner to Escape	21 O.S. 437 paragraph 2
Escape from Penal Institution	21 O.S. 443
Escape or Attempt to Escape from Arrest or Detention	21 O.S. 444 subsection C
Unauthorized Entry into Penal Institution, Jail	21 O.S. 445
Preparing False Evidence	21 O.S. 453
Preventing Witness From Giving Testimony	21 O.S. 455
Bribing Witness; Subordination of Perjury	21 O.S. 456
Larceny or Destruction of Records by Clerk or Officer	21 O.S. 461
Larceny or Destruction of Records by Other Persons	21 O.S. 462
Offering Forged or False Instruments for Record	21 O.S. 463

Contrary Statements as Perjury	21 O.S. 496
Perjury	21 O.S. 500
Subornation of Perjury	21 O.S. 505
Rescuing Prisoner	21 O.S. 521 paragraph 1
Injury to Records - Embezzlement by Officer	21 O.S. 531
Permitting Escapes	21 O.S. 532
Resisting Execution of Process in Time of Insurrection	21 O.S. 539
Roadblocks	21 O.S. 540B
Compounding Crimes	21 O.S. 543 paragraphs 1 and 2
Grand Juror Acting After Challenge Allowed	21 O.S. 570
Inheritance - Intercepting by Fraudulent Production of Infant	21 O.S. 578
Substituting Child	21 O.S. 579
Recording of Grand or Petit Jury Proceedings Listening or Observing	21 O.S. 588
Certain Acts Against Police Dog or Police Horse	21 O.S. 649.1 subsection D
Killing Police Dog or Police Horse	21 O.S. 649.2 subsection C
Aggravated Assault and Battery Upon Peace Officer	21 O.S. 650
Aggravated Assault Upon DOC Employees	21 O.S. 650.2

Aggravated Assault and Battery or Assault with Firearm or Other Dangerous Weapon Upon Emergency Medical Technician or Other Emergency Medical Care Provider	21 O.S. 650.5
Poison; Attempt to Kill by Administering	21 O.S. 651
Dueling	21 O.S. 662
Assaults with Intent to Commit Felony	21 O.S. 681
Assisting in Kidnapping for Purposes of Extortion	21 O.S. 745 subsection B
Robbery II	21 O.S. 799
Aiding Suicide	21 O.S. 813
Furnishing Weapons or Drugs	21 O.S. 814
Aid in Attempt to Commit Suicide	21 O.S. 815
Desertion of Children Under Age of 10	21 O.S. 851
Desertion of Wife or Child Under 15	21 O.S. 853
Contributing to Delinquency of Minors 2nd Offense	21 O.S. 856 subsection B
Procuring an Abortion	21 O.S. 861
Adultery	21 O.S. 871
Bigamy	21 O.S. 881
Person Marrying Bigamist	21 O.S. 884
Opening, Conducting, or Carrying On Gambling Game	21 O.S. 941

Illegal Use of Building	21 O.S. 946	
Confidence Games - Three Card Monte	21 O.S. 954	
Commercial Gambling	21 O.S. 982	
Dealing in Gambling Devices	21 O.S. 984	
Installing Communication Facilities for Gamblers	21 O.S. 986	
Dissemination of Gambling Information	21 O.S. 987	
Betting or Letting Premises for Betting on Races	21 O.S. 991	subsection A paragraphs 1, 2, 3, 4, 5 and 6
Indecent Exposure	21 O.S. 1021	
Sexual Battery	21 O.S. 1023	subsection B
Preparing or Drawing Lottery	21 O.S. 1053	
Selling Plan as Lottery	21 O.S. 1066	
Pandering	21 O.S. 1081	
Refusing to Exhibit Stolen Goods	21 O.S. 1092	
Compelling Woman to Marry	21 O.S. 1117	
Intent to Compel Woman to Marry	21 O.S. 1118	
Abduction of Person Under 15	21 O.S. 1119	
Seduction Under Promise of Marriage	21 O.S. 1120	
Marriage After Seduction	21 O.S. 1122	
Unlawful Removal of the Dead	21 O.S. 1161	
Purchasing Dead		

Body	21 O.S. 1162
Unlawful Interference with Places of Burial	21 O.S. 1163
Spread of Infectious Diseases	21 O.S. 1192
Radio Sets Capable of Receiving on Police Frequencies	21 O.S. 1214
Firemen - Interference with Performance of Duty	21 O.S. 1217
Advocating or Teaching Necessity of Crime, Criminal Syndicalism, or Sabotage	21 O.S. 1263
Organizing or Assisting to Organize Groups, Companies, etc.	21 O.S. 1267.1
Carrying Weapons or Firearms into Establishments Wherein Beer and Intoxicating Liquor are Consumed	21 O.S. 1272.1
Carrying or Using Slung Shot	21 O.S. 1282
Persons Convicted of Felony Prohibited From Carrying Firearms	21 O.S. 1283
Pointing Firearm	21 O.S. 1289.16
Unlawful Assembly	21 O.S. 1320.3
Teaching, Demonstrating or Training in the Use of Firearms, Explosives, or Incendiary Devices in	

Furtherance of Riot or Civil Disorder	21 O.S. 1320.10
Advocating of Unlawful Criminal Syndicalism, Sabotage, Sedition or Treason Upon Public School Ground	21 O.S. 1327
Arson III	21 O.S. 1403
Arson IV	21 O.S. 1404
Fraudulent Bill of Lading	21 O.S. 1411
Fraudulent Warehouse Receipts	21 O.S. 1412
Duplicate Receipts or Vouchers	21 O.S. 1414
Selling Goods without Consent of Holder of Bill of Lading	21 O.S. 1415
Unlawful Delivery of Goods	21 O.S. 1416
Burglary II	21 O.S. 1435
Possession of Certain Tools by Persons Previously Convicted of Burglary	21 O.S. 1442
Diversion of State Funds	21 O.S. 1463
Extortion	21 O.S. 1483
Blackmail	21 O.S. 1488
Mock Auction	21 O.S. 1506
Receiving Money or Property Intended for Individual Personated	21 O.S. 1532
Obtaining Property or Signature Under False Pretenses	21 O.S. 1542
Person Committing Felony	

in Possession of Firearm without Serial Number	21 O.S. 1550
Unlawful Use of Driver's License/Failure to Surrender	47 O.S. 6-301
Perjury Through False Affidavit	47 O.S. 6-302
Leaving Scene of Accident Involving Injury	47 O.S. 10-102
DUI AFCF	47 O.S. 11-902
DUI Accident Involving Injury	47 O.S. 11-904
Carrying into Prison Things to Aid Escape	21 O.S. 438
Carrying Weapon/Drugs/ Alcohol into Jail	57 O.S. 21
Distribution Schedule V	63 O.S. 2-401 subsection B, paragraph 3
Distribution Schedule IV	63 O.S. 2-401 subsection B, paragraph 4
Possession Controlled Dangerous Substance	63 O.S. 2-402
Larceny/Burglary of Controlled Dangerous Substance	63 O.S. 2-403
Maintaining Place For Keeping/Selling Controlled Dangerous Substance	63 O.S. 2-404
Fraud, Forgery, Obtaining Drugs	63 O.S. 2-406, 2-407

10. Schedule X crimes shall include:

CRIME	STATUTE
False Claim	21 O.S. 358

Maintenance of Financial Records	21 O.S. 590
Assault or Assault and Battery on Police Officer or Peace Officer	21 O.S. 649 subsection B
Officers Receiving Consideration for Protection Against Arrest or Conviction	21 O.S. 950
Embezzlement	21 O.S. 1462
Bogus Check - Motor Vehicle Lease of Rental $20 or More	21 O.S. 1521
Attempting or Obtaining Property by Trick or Deception over $50	21 O.S. 1541.2
False or Bogus Check	21 O.S. 1541.3
Obtaining Signature for Property for Charitable Purposes by False Pretenses	21 O.S. 1543
False Negotiable Paper	21 O.S. 1544
Taking or Receiving a Credit Card or Debit Card	21 O.S. 1550.22
Receiving, Holding, or Concealing Lost or Mislaid Card	21 O.S. 1550.23
Selling or Buying Credit Card or Debit Card	21 O.S. 1550.24
Controlling Credit Card or Debit Card as Security for Debt	21 O.S. 1550.25
Receiving Taken or Retained Card Upon	

Giving Consideration	21 O.S. 1550.26
Falsely Making or Embossing a Credit or Debit Card	21 O.S. 1550.27
Possession of Signed or Unsigned Card	21 O.S. 1550.28
Forged or Revoked Card	21 O.S. 1550.29
Failure to Furnish Money, Goods, or Services Represented to have been Furnished	21 O.S. 1550.30
Possessing Incomplete Card	21 O.S. 1550.31
Receiving of Money, Goods, or Services in Violation of Section 1550.29	21 O.S. 1550.32
Identification Documents, Cards, Certificates	21 O.S. 1550.41 subsection C
Forgery I	21 O.S. 1561
Forgery - Public Securities	21 O.S. 1562
Forgery II	21 O.S. 1571
Making False Entries in Record	21 O.S. 1573
Making False Certificate of Acknowledgment	21 O.S. 1574
False Bank Noteplates	21 O.S. 1575
Notes, Checks, Bills, Drafts - Sale, Exchange, Delivery	21 O.S. 1577
Possession of Forged Evidence of Debt	21 O.S. 1578
Possession of Other Forged Instrument	21 O.S. 1579

Issuing Spurious Certificate of Stock	21 O.S. 1580
Reissuing Canceled Certificate of Stock	21 O.S. 1581
False Evidence of Debt	21 O.S. 1582
Counterfeiting Coin	21 O.S. 1583
Counterfeiting Coin for Exportation	21 O.S. 1584
Forging Process	21 O.S. 1585
Making False Entries on Public Book	21 O.S. 1586
Forging Tickets of Passage	21 O.S. 1587
Postage Stamps - Forging	21 O.S. 1588
False Entries in Corporation Books	21 O.S. 1589
Officer or Employee of Corporation Making False Entries	21 O.S. 1590
Possession of Counterfeit Coin	21 O.S. 1591
Uttering Forged Instruments or Coin	21 O.S. 1592
Falsely Obtaining Signature	21 O.S. 1593
Fraudulently Uttering One's Signature as that of Another of the Same Name	21 O.S. 1622
Fraudulently Uttering One's Endorsement as Another's	21 O.S. 1623
Erasure and Obliteration	21 O.S. 1624
Signing Fictitious Names as Officers of	

Corporations	21 O.S. 1626
Fraud in Procuring Organization of Stock Company	21 O.S. 1632
Destroying or Falsifying Books	21 O.S. 1635
False Claim or Proof of Loss in Insurance	21 O.S. 1662
Cruelty to Animals	21 O.S. 1685
Instigating or Encouraging Dog Fight	21 O.S. 1694
Keeping Place, Equipment or Facilities for Dog Fighting	21 O.S. 1695
Servicing or Facilitating Dog Fight	21 O.S. 1696
Owning, Possessing, Keeping, or Training Dogs for Fighting	21 O.S. 1697
Larceny of Lost Property	21 O.S. 1702
Grand Larceny	21 O.S. 1704
Grand Larceny in House or Vessel	21 O.S. 1707
Grand Larceny at Nighttime from Person	21 O.S. 1708
Larceny of Written Instrument	21 O.S. 1709
Larceny of Passage Ticket	21 O.S. 1710
Receiving Stolen Property	21 O.S. 1714
Bringing Stolen Property into the State	21 O.S. 1715
Larceny of Domestic Animals	21 O.S. 1716

Larceny of Dogs	21 O.S. 1718
Larceny or Receiving Stolen Fowls	21 O.S. 1719
Larceny of Certain Fish, Game	21 O.S. 1719.1
Tapping Pipeline	21 O.S. 1721
Taking Oil, Gas, Gasoline, or any Product Thereof Over $50	21 O.S. 1722
Larceny From the House	21 O.S. 1723
Mercury - Possession of More than One Pound without Written Evidence of Title	21 O.S. 1726
Copper - Stealing or Removing	21 O.S. 1727
Possessing, Receiving or Transporting Stolen Copper	21 O.S. 1728
Larceny of Merchandise From Retailer or Wholesaler	21 O.S. 1731
Larceny of Trade Secrets	21 O.S. 1732
Railroads, Injury to	21 O.S. 1751
Death from Displacing of Railroad Equipment	21 O.S. 1752
Highways, Injuries to	21 O.S. 1753
Toll House or Gate - Injuries to	21 O.S. 1755
Malicious Destruction of Property	21 O.S. 1760, 1762
House of Worship or Contents - Injury	21 O.S. 1765
Bombs and Explosives, Foul, Poisonous,	

Offensive, or Injurious Substances - Telephone Threat	21 O.S. 1767.1	
Piles, Removing or Injuring	21 O.S. 1777	
Train Signal Light, Removing or Masking, False Light or Signal	21 O.S. 1778	
Works of Literature or Art in Public Place - Injuring	21 O.S. 1785	
Injuries to Pipes and Wires	21 O.S. 1786	
Chattels Encumbered by Mortgage, Conditional Sales Contract or Security Agreement, Removal or Destruction	21 O.S. 1834	
Misappropriation of Funds as Embezzlement	21 O.S. 1834.2	
Hard or Solid Substances in Grain and Flammable or Explosive Substances in Cotton	21 O.S. 1837	
Unauthorized Removal of Baggage, Cargo or Other Item	21 O.S. 1904	
Oklahoma Computer Crimes Act	21 O.S. 1953	subsection A, paragraphs 1, 2, 3, 6 and 7
Access to Computer; Computer Systems	21 O.S. 1958	
Defrauding Hotels, Inns Restaurants, etc. $20 or More	21 O.S. 1503	

Bail Jumping	22 O.S. 1110
Altering/Forging Certificate of Title	47 O.S. 4-109
False Representation in Obtaining Assistance	56 O.S. 185
False Representation in Obtaining Food Stamps	56 O.S. 243
Use of Convict Labor on Private Property	57 O.S. 222
Making False Statement to Pawnbroker	59 O.S. 1512
Exposing Person to Venereal Disease	63 O.S. 1-519

Any felony not specifically provided for in the schedules established by this subsection shall be considered a Schedule X felony.

B. The following ranges of punishment shall be used by the courts for sentencing for felony convictions:

1. The range of punishment for Schedule I crimes shall be 180 - 720 months, life without parole, or death;

2. The range of punishment for Schedule II crimes shall be 36 - 300 months;

3. The range of punishment for Schedule III crimes shall be 12 - 300 months;

4. The range of punishment for Schedule IV crimes shall be 12 - 180 months;

5. The range of punishment for Schedule V crimes shall be 12 - 150 months;

6. The range of punishment for Schedule VI crimes shall be 12 - 120 months;

7. The range of punishment for Schedule VII crimes shall be 12 - 72 months;

8. The range of punishment for Schedule VIII crimes shall be 9 - 42 months;

9. The range of punishment for Schedule IX crimes shall be 6 - 24 months; and

10. The range of punishment for Schedule X crimes shall be 3 - 12 months.

SECTION 14. AMENDATORY 21 O.S. 1991, Section 1462, is amended to read as follows:

Section 1462. Every person guilty of embezzlement is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled, except that every person convicted of embezzlement of any item valued at less than ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00) shall be punished for a misdemeanor. And where the property embezzled is an evidence of debt or right in action, the sum due upon it, or secured to be paid by it, shall be taken as its value.

SECTION 15. AMENDATORY 21 O.S. 1991, Section 1503, is amended to read as follows:

Section 1503. Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations ~~be of the value of Twenty Dollars ($20.00) or~~ is less than Five Hundred Dollars ($500.00), shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding ~~One Hundred Dollars ($100.00)~~ One Thousand Dollars ($1,000.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or other accommodations ~~be more than Twenty Dollars ($20.00)~~ is Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished ~~by imprisonment in the State Penitentiary for a term not exceeding five (5) years~~ for a Schedule X felony as provided in Section 13 of this act. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be deemed guilty of

a misdemeanor and upon conviction thereof shall be fined not exceeding ~~One Hundred Dollars ($100.00)~~ One Thousand Dollars ($1,000.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both such fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that ~~he gave~~ a check was given on which payment was refused, or that ~~he left~~ the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp was vacated, without payment or ~~offering to pay~~ offer of payment for such food, lodging, services or other accommodation, or that ~~he~~ baggage was surreptitiously removed or attempted to ~~remove his baggage~~ be removed, or that ~~he registered~~ registration was under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this ~~act~~ section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 16. AMENDATORY 21 O.S. 1991, Section 1521, is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for ~~the~~ a sum ~~of Twenty Dollars ($20.00) or~~ less than Five Hundred Dollars ($500.00) shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed ~~Five Hundred Dollars ($500.00)~~ One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment. If the ~~value of the~~ false, bogus or worthless check ~~shall exceed~~ is written for the sum of ~~Twenty Dollars ($20.00)~~ Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a Schedule X felony and shall be punished by imprisonment ~~in the State Penitentiary for a term not exceeding seven (7) years~~ as

provided in Section 13 of this act or by a fine not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment.

SECTION 17. AMENDATORY 21 O.S. 1991, Section 1541.1, is amended to read as follows:

Section 1541.1 Every person who, with intent to cheat and defraud, shall obtain or attempt to obtain from any person, firm or corporation any money, property or valuable thing, of a cumulative value less than ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00), by means or by use of any trick or deception, or false or fraudulent representation or statement or pretense, or by any other means or instruments or device commonly called the "confidence game", or by means or use of any false or bogus checks, or by any other written or printed or engraved instrument or spurious coin, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment.

SECTION 18. AMENDATORY 21 O.S. 1991, Section 1541.2, is amended to read as follows:

Section 1541.2 If the cumulative value of the money, property or valuable thing referred to in Section 1541.1 of this title is ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a Schedule X felony and shall be punished by imprisonment ~~in the State Penitentiary, for a term not more than ten (10) years~~ as provided in Section 13 of this act, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 19. AMENDATORY 21 O.S. 1991, Section 1541.3, is amended to read as follows:

Section 1541.3 Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00) or more, even though each separate instrument is written for less than

~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a Schedule X felony and shall be punished by imprisonment ~~in the State Penitentiary, for a term not more than ten (10) years~~ as provided in Section 13 of this act, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 20. AMENDATORY 21 O.S. 1991, Section 1704, is amended to read as follows:

Section 1704. Grand larceny is larceny committed in either of the following cases:

1. When the property taken is of a value ~~exceeding Fifty Dollars ($50.00).~~ of Five Hundred Dollars ($500.00) or more; or

2. When such property, although ~~not of value exceeding Fifty Dollars ($50.00)~~ less than Five Hundred Dollars ($500.00) in value, is taken from the person of another.

Larceny in other cases is petty larceny.

SECTION 21. AMENDATORY 21 O.S. 1991, Section 1719.1, is amended to read as follows:

Section 1719.1 A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is Five Hundred Dollars ($500.00) or more ~~than Fifty Dollars ($50.00)~~, be guilty of a Schedule X felony and shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) or imprisonment ~~in the State Penitentiary for a term of not more than five (5) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 22. AMENDATORY 21 O.S. 1991, Section 1722, is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall be:

1. ~~Be~~ guilty of a misdemeanor if the value of said product so taken ~~does not exceed the sum of Fifty Dollars ($50.00)~~ is less than Five Hundred Dollars ($500.00), and upon conviction thereof, shall be punished by a fine of not more than ~~One Hundred Dollars ($100.00)~~ Five Thousand Dollars ($5,000.00), or imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. ~~Be~~ guilty of a felony if the value of such product so taken ~~exceeds the sum of Fifty Dollars ($50.00)~~ is Five Hundred Dollars ($500.00) or more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00), or confinement ~~in the penitentiary for a term of not less than one (1) year, and not more than ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 23. AMENDATORY 21 O.S. 1991, Section 1731, is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first conviction, in the event the cumulative value of the goods, edible meat or other corporeal property which has been taken ~~does not exceed Fifty Dollars ($50.00)~~ is less than Five Hundred Dollars ($500.00), punishment shall be by imprisonment in the county jail not exceeding thirty (30) days, ~~and~~ or by a fine not ~~less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00); provided for the first conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail not to exceed thirty (30) days, and by a fine not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00)~~ exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property ~~does not exceed Fifty Dollars ($50.00)~~ is less than Five Hundred Dollars ($500.00), that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by confinement in the county jail for not less than thirty (30) days nor more than one (1) year, and by a fine not ~~exceeding One Thousand Dollars ($1,000.00)~~ less than Two Thousand Dollars ($2,000.00) but not exceeding Five Thousand Dollars ($5,000.00).

3. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property ~~does not exceed Fifty Dollars ($50.00)~~ is less than Five Hundred Dollars ($500.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the punishment shall be by confinement in the ~~penitentiary~~ county jail for not less than ~~two (2)~~ ninety (90) days nor more than ~~five (5) years~~ one (1) year and by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00).

4. In the event the value of the goods, edible meat or other corporeal property ~~exceeds Fifty Dollars ($50.00)~~ is Five Hundred Dollars ($500.00) or more, punishment shall be ~~by confinement in the penitentiary for not less than one (1) year nor more than five (5) years~~ as prescribed for a Schedule X felony as provided in Section 13 of this act.

SECTION 24. AMENDATORY 47 O.S. 1991, Section 6-205.1, as amended by Section 11, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1992, Section 6-205.1), is amended to read as follows:

Section 6-205.1 (a) The driver's license or driving privilege of a person who is convicted of any offense as provided in paragraph 2 of subsection A of Section 6-205 of this title, or a person who has refused to submit to a test or tests as provided in Section 753 of this title, or a person whose alcohol concentration is ten-hundredths (0.10) or more as provided in Section 754 of this title, shall be revoked or denied by the Department of Public Safety for the following period, as applicable:

1. The first license revocation under Section 753 of this title shall be for one hundred eighty (180) days, of which the first ninety (90) days shall not be modified;

2. The first license revocation under paragraph 2 of subsection A of Section 6-205 of this title or under Section 754

of this title shall be for ~~ninety (90) days~~ six (6) months, of which the first thirty (30) days shall not be modified;

3. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title shall be for a period of one (1) year if within five (5) years preceding the date of arrest relating thereto, a prior revocation commenced under paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title as shown by the Department's records. Such period shall not be modified; or

4. A revocation pursuant to paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title shall be for a period of three (3) years if within five (5) years preceding the date of arrest relating thereto, two or more prior revocations commenced under paragraph 2 of subsection A of Section 6-205, 753 or 754 of this title as shown by the Department's records. Such period shall not be modified.

(b) The term "revocation" as used in this section includes a denial by the Department to issue a driver's license.

(c) Each period of license revocation not subject to modification shall be mandatory and neither the Department nor any court shall grant a license or permit to drive a motor vehicle based upon hardship or otherwise for the duration of such period. The balance of the revocation period, if any, may be modified as provided for in Section 754.1 or 755 of this title.

(d) Any appeal shall be governed by Section 6-211 of this title.

SECTION 25. AMENDATORY 47 O.S. 1991, Section 11-902, as amended by Section 7, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1992, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided in this section for any person to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of ten-hundredths (0.10) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any other intoxicating substance to a degree which renders such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance to a degree which renders such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

C. Every person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and a fine of not less than One Thousand Five Hundred Dollars ($1,500.00) and not more than ~~One Thousand Dollars ($1,000.00)~~ five percent (5%) of the annual gross income of the offender, and revocation of driver's license, pursuant to Sections 6-205 and 6-205.1 of this title, and shall be required to complete an alcohol and drug substance abuse course as provided in Section 6-212.2 of this title. Any person who within ten (10) years after a previous conviction of a violation of this section is convicted of a second or subsequent offense pursuant to the provisions of this section or has a prior conviction after October 31, 1984, and within ten (10) years prior to the conviction pursuant to the provisions of this section, in a municipal criminal court of

record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section shall be deemed guilty of a felony and shall be ~~sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years~~ punished by incarceration as provided in this section, revocation of driver's license as provided in Sections 6-205 and 6-205.1 of this title, and a fine of not less than Two Thousand Dollars ($2,000.00) and not more than ~~Two Thousand Five Hundred Dollars ($2,500.00)~~ eight percent of the annual gross income of the offender and shall be required to attend for a minimum of thirty (30) days and successfully complete an alcohol and drug substance abuse course complying with the provisions of Section 3-453 of Title 43A of the Oklahoma Statutes. A person convicted of a second offense pursuant to this section shall be incarcerated in the county jail for not less than three (3) months nor more than twelve (12) months. A person convicted of a third offense pursuant to this section shall be incarcerated in either the county jail or a state correctional institution for not less than three (3) months nor more than twelve (12) months. A person convicted of a fourth or subsequent offense pursuant to this section shall be incarcerated in either the county jail or a state correctional institution for not less than six (6) months nor more than twenty-four (24) months.

D. When a sentence of incarceration is imposed, the person shall be processed through the Lexington Assessment and Reception Center. The Department of Corrections shall:

1. Assign the person to the Department of Mental Health and Substance Abuse Services pursuant to subsection E of this section;

2. Place the person under electronically monitored home detention and, if appropriate, require completion of a substance abuse treatment plan, pursuant to subsection F of this section; or

3. Place the person in an institution operated by the Department of Corrections.

E. If the person is evaluated to be receptive to treatment and not deemed by the Department of Corrections to be a security risk, the person may be assigned to the Department of Mental

Health and Substance Abuse Services for a minimum of thirty (30) days for substance abuse treatment. The inmate shall be required to reimburse the Department of Mental Health and Substance Abuse Services for all or part of the actual cost incurred for treatment of the inmate while the inmate was assigned to the Department of Mental Health and Substance Abuse Services, if at the time the sentence of incarceration was imposed, the court determined that the convicted person has the ability to pay for all or part of the cost of treatment. The court shall determine the amount of reimbursement the convicted person shall pay. Any order by the court requiring such reimbursement, if willfully disobeyed, may be enforced as an indirect contempt of court. While assigned to a Department of Mental Health and Substance Abuse Services treatment program the inmate shall comply with the rules and regulations as agreed upon by the Department of Mental Health and Substance Abuse Services and the Department of Corrections. Any infraction of said rules may result in the inmate's reassignment to a correctional facility of the Department of Corrections. Upon successful completion of the treatment program the person shall be properly reassigned by the Department of Corrections for the completion of the sentence imposed by the court. Prior to discharge from the treatment facility, the treatment facility shall forward to the Department of Corrections a report and discharge summary including arrangements and recommendations for further disposition and follow-up treatment. If the person is evaluated not to be receptive to treatment or is evaluated to be a security risk, the inmate shall be assigned to a state correctional facility according to normal Department of Corrections classification procedures.

F. If the person is evaluated to be receptive to treatment and not deemed by the Department of Corrections to be a security risk, the Department may place the person on electronically monitored home detention and, if deemed appropriate by the Department, require the person to complete a substance abuse treatment plan selected by the Department as a condition of Preparole Conditional Supervision, when approved by the Pardon and

Parole Board. As used in this subsection, "substance abuse treatment plan" means a residential or outpatient program certified by the Department of Mental Health and Substance Abuse Services to provide substance abuse treatment and "electronically monitored home detention" means incarceration of the person within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location. The inmate shall be required to pay the Department of Corrections for all or part of the monitoring fee and pay the entity providing the substance abuse treatment plan for all or part of the cost of the plan, if at the time the sentence of incarceration is imposed the court determines that the convicted person has the ability to pay for all or part of the monitoring fee and, if appropriate, treatment plan. The monitoring fee shall not exceed Seventy-five Dollars ($75.00) a month. The court shall determine the amount of the monitoring fee and treatment plan costs the convicted person shall pay. Any order by the court for the payment of the monitoring fee or treatment plan costs, if willfully disobeyed, may be enforced as an indirect contempt of court. If the person is evaluated not to be receptive to treatment or is evaluated to be a security risk, the inmate shall be assigned to a state correctional facility according to normal Department of Corrections classification procedures. Any violation of the electronically monitored home detention or the treatment plan or any other condition of Preparole Conditional Supervision may result in the inmate's reassignment to a correctional facility of the Department of Corrections.

G. In the event a felony conviction does not result in a sentence of incarceration as provided for in this subsection, the person shall be required to serve not less than ten (10) days of community service, or to undergo in-patient rehabilitation or treatment in a public or private facility with at least minimum security for a period of not less than forty-eight (48) consecutive hours, notwithstanding the provisions of Sections 991a, 991a-2 and 996.3 of Title 22 of the Oklahoma Statutes.

H. The Department of Mental Health and Substance Abuse Services and the Department of Corrections may certify to the Department of Public Safety that a person has successfully completed a treatment program provided for in subsection E of this section and is successfully complying with any follow-up treatment required by the Department of Corrections. In such case, the person shall be given credit therefor as fulfillment of all provisions of Section 3-453 of Title 43A of the Oklahoma Statutes and shall be permitted to apply for reinstatement of any suspension, revocation, cancellation or denial order withdrawing his privilege to drive.

I. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked license when the applicant meets the statutory requirements which affect his existing driving privilege.

J. Any person who is found guilty of a violation of the provisions of this section may be referred, prior to sentencing, to an alcoholism evaluation facility designated by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility for the evaluation in an amount not to exceed Seventy-five Dollars ($75.00). The facility shall, within seventy-two (72) hours, submit a written report to the court for the purpose of assisting the court in its final sentencing determination.

K. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

SECTION 26. AMENDATORY 57 O.S. 1991, Section 95, is amended to read as follows:

Section 95. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the sheriff of the county where said person is sentenced, or the designated representative of the sheriff, to the Lexington Assessment and Reception Center. The sheriff shall deliver such person together with a certified copy of the judgment and sentence of the court ordering such imprisonment and a certificate setting forth the number of days served after the pronouncement of judgment and rendering of sentence for the offenses committed to the Department of Corrections at such center and the Department shall give the sheriff a receipt for each prisoner received. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

SECTION 27. AMENDATORY 57 O.S. 1991, Section 138, is amended to read as follows:

Section 138. A. As of the effective date of this act, all persons currently under the custody of the Department of Corrections, including those serving probated sentences or who are on parole, shall receive their assignments and all credits calculated pursuant to the law at the time of their conviction. As of the effective date of this act, all persons sentenced pursuant to the Truth in Sentencing Act, whether such sentences are for incarceration, in whole or in part, or are for probation which is subsequently revoked, shall receive only those earned credits pursuant to and limited by this section.

B. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may

be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority.

~~B.~~ C. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one (1) of four (4) class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department, including but not limited to, the criteria for awarding credits required by this subsection.

~~C.~~ D. 1. Class levels shall be as follows:

a. class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, new prisoners being processed through the Lexington Assessment and Reception Center, inmates on escape status, inmates removed from job or program assignments due to misconduct or nonperformance, or inmates subject to disciplinary action.

b. class level 2 shall include an inmate who has been given a work or program assignment, has received a good evaluation for participation in the work or

program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.

c. class level 3 shall include an inmate who has been incarcerated at least four (4) months, has received an excellent work or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.

d. class level 4 shall include an inmate who has been incarcerated at least ten (10) months, has received an outstanding work or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. Class level corresponding credits are as follows:

Class 1 - 0 Credits per month;

Class 2 - ~~22~~ 3 Credits per month;

Class 3 - ~~33~~ 5 Credits per month;

Class 4 - ~~44~~ 10 Credits per month.

Each inmate shall receive the above specified monthly credits for the class to which he is assigned.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

a. satisfactory participation in the work or program assignment at the standard required for the particular class level;

b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level;

c. cooperative behavior toward facility staff and other inmates;

d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.

b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.

c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.

d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

~~D.~~ E. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three (3) members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

~~E.~~ F. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated

shall be allowed the time spent on medical leave as time served. Any inmate classified by the Department of Corrections as being physically or mentally disabled for work or placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from his term of imprisonment at the state correctional institution.

~~F.~~ G. Additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent
General Education Diploma ..... ~~90~~ 45 credits;
Certification of Completion of
Vocational Training ..... ~~80~~ 40 credits;
Successful completion of
Alcohol/Chemical Abuse
Treatment Program of not less than
four (4) months continuous participation ... ~~70~~ 35 credits;
Successful completion of other
Educational Accomplishments
or other programs not
specified in this subsection ..... ~~10 - 30~~ 5-15 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits. No inmate shall receive more than ninety (90) achievement credits per calendar year.

~~G.~~ H. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. sent to the administrative office of the Department of Corrections on a quarterly basis;

2. provided to the inmate.

~~H.~~ I. As of ~~the effective date of this act~~ November 1, 1988, all inmates currently under the custody of the Department of Corrections shall receive their assignments and all credits from that date forward shall be calculated pursuant to this act.

SECTION 28. AMENDATORY 57 O.S. 1991, Section 332, is amended to read as follows:

Section 332. A. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles and pardons for all offenses, except cases of impeachment, upon such conditions and such restrictions and limitations as ~~he~~ may ~~deem~~ be deemed proper by the Governor, subject, however, to the regulations ~~hereinbefore~~ prescribed by the Legislature and the provisions of Section 10 of Article VI of the Oklahoma Constitution.

B. The powers of the Pardon and Parole Board and its successor, the Truth in Sentencing Review Board, and the procedures hereinafter set forth shall apply only to those persons under the custody of the Department of Corrections as of the effective date of this section, including those persons serving probated sentences. On and after the effective date of this section, all persons sentenced pursuant to the sentencing guidelines established by the Truth in Sentencing Act shall be ineligible for parole. Such persons shall remain eligible for pardons, commutations, reprieves or leaves of absence as determined by the Governor and subject to law. For purposes of sentencing, the law at the time the offense was committed shall apply.

SECTION 29. AMENDATORY 57 O.S. 1991, Section 332.1, is amended to read as follows:

Section 332.1 A. The Pardon and Parole Board shall continue in existence until January 9, 1995, at which time it shall be dissolved and cease to exist. The duties of the Pardon and Parole Board shall be transferred to the Truth in Sentencing Review Board, pursuant to the provisions of the Truth in Sentencing Act. The Truth in Sentencing Review Board shall perform the duties previously performed by the Pardon and Parole Board until the last

inmate subject to review by said Board has been released, at which time the duties of the Pardon and Parole Board shall expire.

B. The Truth in Sentencing Review Board, established by Section 10 of Article VI of the Oklahoma Constitution, shall monitor, review, and analyze the Oklahoma Truth in Sentencing Act, and provide impact statements and reports to the Legislature concerning the continued implementation of the Act. The Board is vested with the authority to collect data and require reports from governmental entities within the State of Oklahoma relating to all matters concerning the charging, pleading, sentencing and release of persons charged, convicted or placed on probation for criminal offenses within this State. Governmental entities shall respond promptly to all reasonable requests of the Board for data required to meet this directive. The Board shall publish an annual report reflecting the implementation of the Truth in Sentencing Act. The Legislature shall not pass amendments to the Truth in Sentencing Act, change penalties established pursuant to the Act or set penalties for newly created criminal offenses without first receiving a certification from the Board as to compliance with the Act and its impact.

C. The Pardon and Parole Board ~~created by Article VI, Section 10, of the Oklahoma Constitution is~~ and its successor, the Truth in Sentencing Review Board, are authorized to employ professional investigators and such clerical and administrative personnel as may be required to carry out the duties and responsibilities under the provisions of this act. Effective upon the Oklahoma Truth in Sentencing Act taking effect, the Pardon and Parole Board staff shall assume the additional requirements of staff and administrative support for the Truth in Sentencing Review Board and shall continue to provide staff support to both Boards until January 9, 1995, when the Pardon and Parole Board shall cease to exist and the Truth in Sentencing Review Board shall assume the additional duty of the Pardon and Parole Board until the last inmate subject to review by said board has been released. On January 9, 1995, the staff shall become the support staff for the

Truth in Sentencing Review Board subject to appropriations and FTE allocations enacted by the Oklahoma Legislature.

SECTION 30. AMENDATORY 57 O.S. 1991, Section 332.2, as amended by Section 5, Chapter 136, O.S.L. 1992 (57 O.S. Supp. 1992, Section 332.2), is amended to read as follows:

Section 332.2 The Pardon and Parole Board, or its successor, the Truth in Sentencing Review Board, which shall meet only on the call of the Chairman, is authorized, if and when an application made to the Governor for a reprieve, commutation, parole, pardon, or other act of clemency is certified thereto by the Governor, to examine into the merits of said application and make recommendations to the Governor in relation thereto, said recommendation being advisory to the Governor and not binding thereon.

The Pardon and Parole Board or its successor shall provide a copy of their regular docket to each district attorney in this state at least twenty (20) days before such docket is considered by the board, or in the case of a supplemental, addendum or special docket, at least ten (10) days before such docket is considered by the board, and shall notify the district attorney of any recommendations for commutations or paroles no later than twenty (20) days after the docket is considered by the board.

The Pardon and Parole Board or its successor shall notify the victim or victim's representative in writing at least twenty (20) days before an inmate is considered by the board provided the board has received a request from the victim or victim's representative for notice. The board shall provide the victim or victim's representative with the date, time and place of the scheduled meeting and rules for attendance and providing information or input to the board regarding the inmate or the crime. If requested by the victim or victim's representative, the board shall allow the victim or victim's representative to testify at the parole hearing of the inmate for at least five (5) minutes.

The Pardon and Parole Board or its successor shall notify the victim or victim's representative in writing of the board's

decision no later than twenty (20) days after the inmate is considered by the board.

Any notice required to be provided to the victim or the victim's representative shall be mailed to the last-known address of the victim or victim's representative. It is the responsibility of the victim or victim's representative to provide the Pardon and Parole Board or its successor a current mailing address. The district attorney's victim-witness coordinator shall assist the victim or victim's representative with supplying their address to the board if they wish to be notified.

For purposes of this section, "victim" shall mean a person who has suffered direct or threatened physical, emotional, or financial harm as the result of the commission or attempted commission of criminally injurious conduct, and "victim's representative" shall mean a person who is a member of the victim's immediate family.

All meetings of the Pardon and Parole Board or its successor shall comply with Section 301 et seq. of Title 25 of the Oklahoma Statutes; provided that the board shall have the authority to limit the number of persons attending in support of, or in opposition to, any inmate being considered for parole and shall have the authority to exclude persons from attendance in accordance with prison security regulations and the capacity of the meeting room. Persons excluded from attending the meeting under this provision shall be informed of their right to be informed of the board's vote in accordance with Section 312 of Title 25 of the Oklahoma Statutes. Provided further, nothing in this section shall be construed to prevent any member of the press or any public official from attending any meeting of the Pardon and Parole Board or its successor, except as provided by the Oklahoma Open Meeting Act, Section 301 et seq. of Title 25 of the Oklahoma Statutes.

SECTION 31. AMENDATORY 57 O.S. 1991, Section 332.4, as amended by Section 2, Chapter 293, O.S.L. 1992 (57 O.S. Supp. 1992, Section 332.4), is amended to read as follows:

Section 332.4 The ~~Chairman~~ Chairperson of the Pardon and Parole Board and effective January 9, 1995, the Chairperson of the Truth in Sentencing Review Board, shall be selected by said Board. The members of said Board shall receive Seven Thousand Two Hundred Dollars ($7,200.00) per annum, payable monthly; provided, that failure on the part of any member to attend Board meetings during any month will preclude ~~his~~ the right of the member to said month's compensation except in case of justifiable cause. In addition, the ~~Chairman~~ Chairperson and members of said Pardon and Parole Board and its successor shall receive expenses while attending and going to and from meetings of the Board and in performing their official duties, according to the State Travel Reimbursement Act. Such compensation shall be paid by the State Treasurer by state warrant drawn against funds appropriated for such purpose by the Legislature. Hours worked by Board members shall be exempt from full-time-equivalent employee limits.

SECTION 32. AMENDATORY 57 O.S. 1991, Section 332.7, is amended to read as follows:

Section 332.7 A. Upon completion of one-third (1/3) of the sentence of any person confined in a penal institution in the state, such person shall be eligible for consideration for a parole, and it shall be the duty of the Pardon and Parole Board or its successor, with or without application being made, to cause an examination to be made at the penal institution where the person is confined, and to make inquiry into the conduct and the record of the said person during his confinement in said penal institution, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole. However, the Pardon and Parole Board or its successor shall not be required to consider for parole any person who has completed one-third (1/3) of his sentence if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections. The Pardon and Parole Board or its successor shall adopt policies and procedures governing parole consideration for such persons.

B. ~~The Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.~~

~~C.~~ Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board or its successor may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board or its successor.

~~D. No person who is appearing out of the normal processing procedure shall be eligible for consideration for parole without the concurrence of at least three (3) members of the Pardon and Parole Board.~~

SECTION 33. AMENDATORY 57 O.S. 1991, Section 332.7a, is amended to read as follows:

Section 332.7a A. The Department of Corrections shall establish procedures for obtaining drug-related information, pursuant to Section ~~1~~ 2-418 of ~~this act~~ Title 63 of the Oklahoma Statutes, and shall establish a method of reporting such information in relation to any person convicted and incarcerated in the State Penitentiary or placed on probation or parole.

B. The Pardon and Parole Board or its successor, the Truth in Sentencing Review Board, shall be provided any drug-related information on any person eligible for parole by the Department of Corrections prior to such person's consideration.

C. The Pardon and Parole Board or its successor shall consider the nature and relationship of the offense and offender to any controlled dangerous substance.

SECTION 34. AMENDATORY 57 O.S. 1991, Section 332.8, as amended by Section 6, Chapter 136, O.S.L. 1992 (57 O.S. Supp. 1992, Section 332.8), is amended to read as follows:

Section 332.8 No recommendations to the Governor for parole shall be made in relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon and Parole Board or its successor, the Truth in Sentencing Review Board, considers the victim impact statement if presented to the court at the time of sentencing and, in every appropriate case, as a condition of parole, monetary restitution of economic loss as defined by Section 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the inmate was imprisoned. In every case, the Pardon and Parole Board or its successor shall first consider the number of previous felony convictions and the type of criminal violations leading to any such felony convictions, and then shall consider either suitable employment or a suitable residence as a condition for release on parole. The probation and parole officer shall render every reasonable assistance to any person making application for parole, in helping to obtain suitable employment or a suitable residence.

SECTION 35. AMENDATORY 57 O.S. 1991, Section 332.15, is amended to read as follows:

Section 332.15 From and after the effective date of this act, no member of the Pardon and Parole Board or its successor, the Truth in Sentencing Review Board, and/or their law firm or law partners or associate may represent in a legal capacity any inmate incarcerated in any state penal institution. If a member of the Pardon and Parole Board or its successor, or his law partners or associate or any member of his law firm undertakes the representation of an inmate in violation of this prohibition the member of the Board shall forfeit his office. In any case in which an inmate requesting a pardon or parole was represented in a legal capacity by any member of the Pardon and Parole Board or its

successor and/or their law firm or law partners or associate prior to imposition of a prison term, the Board member who represented such inmate shall be disqualified from voting on such inmate's request for a pardon or parole.

SECTION 36. AMENDATORY 57 O.S. 1991, Section 332.17, is amended to read as follows:

Section 332.17 No person who is appearing out of the normal processing procedure shall be eligible for consideration for parole without the concurrence of at least three (3) members of the Pardon and Parole Board or its successor. The vote on whether or not to consider such person for parole and the names of the concurring Board members shall be set forth in the written minutes of the Board meeting at which the issue is considered.

SECTION 37. AMENDATORY 57 O.S. 1991, Section 360, is amended to read as follows:

Section 360. A. Upon the granting of a parole by the Governor, and release of the inmate to the community, the Pardon and Parole Board or its successor, the Truth in Sentencing Review Board, shall provide written notification to the following:

1. The sheriff of the county in which the parolee is to reside;

2. The district attorney of the county in which the parolee is to reside;

3. The chief law enforcement officer of any incorporated city or town in which the parolee is to reside;

4. The sheriff of the sentencing county as defined in Section 513.2 of this title;

5. The district attorney of the sentencing county as defined in Section 513.2 of this title;

6. The chief law enforcement officer of any incorporated city or town in the sentencing county who has requested such notification; and

7. Any victim of the crime for which the parolee was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board or its successor shall not give the

address of the parolee to any victim of the crime for which the parolee was convicted.

B. Upon the granting of a pardon by the Governor, the Pardon and Parole Board or its successor shall provide written notification to the following:

1. The sheriff of the sentencing county as defined in Section 513.2 of this title;

2. The district attorney of the sentencing county as defined in Section 513.2 of this title;

3. The chief law enforcement officer of any incorporated city or town in the sentencing county who has requested such notification; and

4. Any victim of the crime for which the person receiving the pardon was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Pardon and Parole Board or its successor shall not give the address of the person receiving the pardon to any victim of the crime for which the person receiving the pardon was convicted.

C. Said notification shall be made on a monthly basis by the tenth day of the month following the granting of the pardon or parole.

SECTION 38. AMENDATORY 57 O.S. 1991, Section 365, is amended to read as follows:

Section 365. A. Whenever the population of the prison system is certified by the State Board of Corrections as exceeding ninety-five percent (95%) of its capacity, as defined in Section 571 of ~~Title 57 of the Oklahoma Statutes~~ this title, the Department of Corrections and the Pardon and Parole Board or its successor shall implement a Preparole Conditional Supervision Program until such time as the population is reduced to ninety-two and one-half percent (92 1/2%) of capacity, for persons in the custody of the Department of Corrections who meet the following guidelines:

1. Only inmates who are otherwise eligible for parole, pursuant to Sections 332.7 and 332.8 of ~~Title 57 of the Oklahoma~~

~~Statutes~~ this title, shall be eligible to participate in this program; and

2. An inmate shall serve at least fifteen percent (15%) of his sentence of incarceration and be within one (1) year of his regularly scheduled parole consideration date or be within twenty-one (21) months of his projected release date, prior to being eligible for this program.

B. Upon an inmate becoming eligible for this program it shall be the duty of the Pardon and Parole Board or its successor, with or without application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of said inmate during his confinement in the custody of the Department of Corrections.

C. Upon favorable recommendation by the Pardon and Parole Board or its successor, notification shall be made to the Department of Corrections that said inmate has been recommended to be placed in this program.

D. Prior to the placement of an inmate on Preparole Conditional Supervision, the Department shall provide written notification to the sheriff and district attorney of the county in which any person on Preparole Conditional Supervision is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town. The Department also shall provide written notification of the placement of the person on Preparole Conditional Supervision within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The Department of Corrections shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

E. Should an inmate violate any rule or condition during the period of community supervision, the inmate shall be subject to

disciplinary proceedings as established by the Department of Corrections.

F. Any inmate who escapes from this program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

G. The provisions of this section shall not apply to any person sentenced pursuant to the provisions of the Truth in Sentencing Act and such person shall not be committed to the Preparole Conditional Supervision Program.

SECTION 39. AMENDATORY 21 O.S. 1991, Section 175, is amended to read as follows:

Section 175. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable as follows:

1. If the underlying offense be punishable by imprisonment in the penitentiary for four (4) years or more, the person guilty of being an accessory shall be ~~subject to imprisonment in the penitentiary for a term not exceeding one-half (1/2) of the longest term prescribed upon a conviction for the underlying offense~~ guilty of a Schedule IX felony as provided in Section 13 of this act;

2. If the underlying offense be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of being an accessory shall be subject to imprisonment in a county jail for not more than one (1) year;

3. If the underlying offense be punishable by a fine only, the person guilty of being an accessory shall be subject to a fine not exceeding one-half (1/2) of the largest amount of money which may be imposed as a fine upon a conviction of the underlying offense;

4. If the underlying offense be punishable by both imprisonment and a fine, the offender convicted of being an accessory shall be subject to both imprisonment and fine~~,~~. If the underlying offense be punishable by imprisonment in the penitentiary for four (4) years or more and by a fine, the person guilty of being an accessory shall be guilty of a Schedule IX

felony, punishable as provided in Section 13 of this act and shall be subject to a fine not exceeding one-half (1/2) of the largest fine which may be imposed upon a conviction of the underlying offense. If the underlying offense be punishable by imprisonment in the penitentiary for less than four (4) years, the person guilty of being an accessory shall be subject to imprisonment and fine not exceeding one-half (1/2) of the longest term of imprisonment and one-half (1/2) of the largest fine which may be imposed upon a conviction of the underlying offense; and

5. If the underlying offense be murder in the first degree, the accessory thereto shall be punished ~~by imprisonment for not less than five (5) years nor more than forty-five (45) years~~ for a Schedule V felony as provided in Section 13 of this act.

SECTION 40. AMENDATORY 21 O.S. 1991, Section 265, is amended to read as follows:

Section 265. Every person who gives or offers any bribe to any executive officer, with intent to influence him in respect to any act, decision, vote, opinion, or other proceedings of such officer, is punishable ~~by imprisonment in the State Penitentiary, not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding Five Thousand Dollars ($5,000.00); or both.

SECTION 41. AMENDATORY 21 O.S. 1991, Section 266, is amended to read as follows:

Section 266. Every executive officer or person elected or appointed to executive office who asks, receives or agrees to receive any bribe upon any agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, is punishable ~~by imprisonment in the State Penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both; and in addition thereto, forfeits his office and is forever disqualified from holding any public office under the laws of the state.

SECTION 42. AMENDATORY 21 O.S. 1991, Section 301, is amended to read as follows:

Section 301. Every person who willfully and ~~and~~ by force or fraud prevents the State Legislature or either of the houses composing it, or any of the members thereof, from meeting or organizing, is punishable ~~by imprisonment in the State Penitentiary not less than five (5) nor more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

SECTION 43. AMENDATORY 21 O.S. 1991, Section 303, is amended to read as follows:

Section 303. Every person who willfully and by force or fraud compels or attempts to compel the State Legislature, or either of the houses composing it, to adjourn or disperse, is punishable ~~by imprisonment in the State Penitentiary not less than five (5) nor more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine of not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), or both.

SECTION 44. AMENDATORY 21 O.S. 1991, Section 305, is amended to read as follows:

Section 305. Every person who willfully compels or attempts to compel either of the houses composing the Legislature to pass, amend or reject any bill or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, is punishable ~~by imprisonment in the State Penitentiary not less than five (5) nor more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

SECTION 45. AMENDATORY 21 O.S. 1991, Section 306, is amended to read as follows:

Section 306. Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted,

with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 46. AMENDATORY 21 O.S. 1991, Section 307, is amended to read as follows:

Section 307. Every person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the Legislature, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the printer of the statutes in language different from that in which it was passed by the Legislature, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 47. AMENDATORY 21 O.S. 1991, Section 308, is amended to read as follows:

Section 308. Every person who gives or offers to give a bribe to any member of the Legislature, or attempts directly or indirectly, by menace, deceit, suppression of truth or any other corrupt means, to influence a member in giving or withholding his vote, or in not attending the house of which he is a member, or any committee thereof, is punishable ~~by imprisonment in the State Penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by fine not exceeding Five Thousand Dollars ($5,000.00), or both.

SECTION 48. AMENDATORY 21 O.S. 1991, Section 309, is amended to read as follows:

Section 309. Every member of either of the houses composing the Legislature, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any manner or upon any particular side of any question or matter upon which he may be required to act in his official capacity, or who gives, or offers or promises to give any official vote in consideration that another member of the Legislature shall give

any such vote, either upon the same or another question, is punishable ~~by imprisonment in the State Penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by fine not exceeding Five Thousand Dollars ($5,000.00), or both.

SECTION 49. AMENDATORY 21 O.S. 1991, Section 320, is amended to read as follows:

Section 320. Any person or member of any firm, corporation or association violating the provisions of Section ~~2180~~ 318 of this title shall be punished ~~by imprisonment in the State Penitentiary for not less than two (2) nor more than five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, and by a fine in the sum of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00).

SECTION 50. AMENDATORY 21 O.S. 1991, Section 322, is amended to read as follows:

Section 322. Any member of the Legislature who shall violate the provisions of Section ~~1~~ 321 of this ~~act~~ title shall be guilty of a Schedule IX felony, and upon conviction shall be fined in any sum not less than One Hundred Dollars ($100.00) nor to exceed One Thousand Dollars ($1,000.00), and be ~~sentenced to the penitentiary for a term not less than one (1) year nor to exceed five (5) years~~ punished as provided in Section 13 of this act, and in addition thereto shall forfeit his office.

SECTION 51. AMENDATORY 21 O.S. 1991, Section 341, is amended to read as follows:

Section 341. Every public officer of the state or any county, city, town, or member or officer of the Legislature, and every deputy or clerk of any such officer and every other person receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state or any bureau or fund created by law and in which this state or the people thereof, are directly or indirectly interested, who either:

First: Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money

or anything of value received by him as such officer, clerk, or deputy, or otherwise, on behalf of this state, or any subdivision of this state, or the people thereof, or in which they are interested; or~~,~~

Second: Receives, directly or indirectly, any interest, profit or perquisites, arising from the use or loan of public funds in his hands or money to be raised through his agency for state, city, town, district, or county purposes; or~~,~~

Third: Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to any moneys so received by him, on behalf of the state, city, town, district or county, or the people thereof, or in which they are interested; or

Fourth: Fraudulently alters, falsifies, cancels, destroys or obliterates any such account; or

Fifth: Willfully omits or refuses to pay over to the state, city, town, district or county, or their officers or agents authorized by law to receive the same, any money or interest, profit or perquisites arising therefrom, received by him under any duty imposed by law so to pay over the same, shall upon conviction thereof, be deemed guilty of a Schedule IX felony and shall be punished by a fine of not to exceed Five Hundred Dollars ($500.00), and by imprisonment ~~in the penitentiary for a term of not less than one (1) nor more than twenty (20) years~~ as provided in Section 13 of this act, and in addition thereto shall be disqualified to hold office in this state, and the court shall issue an order of such forfeiture, and should appeal be taken from the judgment of the court, the defendant may, in the discretion of the court, stand suspended from such office until such cause is finally determined.

SECTION 52. AMENDATORY 21 O.S. 1991, Section 349, is amended to read as follows:

Section 349. Every person who willfully burns, destroys, or injures any public buildings or improvements in this state, is punishable ~~by imprisonment in the penitentiary not exceeding twenty-five (25) years~~ for a Schedule VIII felony as provided in Section 13 of this act.

SECTION 53. AMENDATORY 21 O.S. 1991, Section 350, is amended to read as follows:

Section 350. Every person who enters any fort, magazine, arsenal, armory, arsenal yard or encampment and seizes or takes away any arms, ammunition, military stores or supplies belonging to the people of this state, and every person who enters any such place with intent so to do, is punishable ~~by imprisonment in the penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 54. AMENDATORY 21 O.S. 1991, Section 357, is amended to read as follows:

Section 357. Any member of any public body, such as is specified in ~~the second preceding section~~ Section 355 of this title, who shall be a party to any such contract or purchase therein declared unlawful, or who shall receive any money, warrant, certificate, or other consideration thereunder, or who shall vote for or assent to any such contract or purchase, shall be punished by a fine of not less than Fifty Dollars ($50.00), and imprisonment in the county jail not less than thirty (30) days, or by a fine of not more than Five Hundred Dollars ($500.00), with imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 55. AMENDATORY 21 O.S. 1991, Section 359, is amended to read as follows:

Section 359. Any person, firm, corporation, association or agency found guilty of violating ~~the foregoing section~~ Section 358 of this title shall be guilty of a Schedule X felony and is punishable by a fine not exceeding the sum of Ten Thousand Dollars ($10,000.00), or by imprisonment ~~in the penitentiary for a term not exceeding two (2) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 56. AMENDATORY 21 O.S. 1991, Section 380, is amended to read as follows:

Section 380. A. Any fiduciary who, with a corrupt intent and without the consent of his beneficiary, intentionally or knowingly solicits, accepts, or agrees to accept any bribe from another

person with the agreement or understanding that the bribe as defined by law will influence the conduct of the fiduciary in relation to the affairs of his beneficiary, upon conviction, is guilty of a Schedule IX felony punishable by imprisonment ~~in a state correctional institution for a term not more than ten (10) years~~ as provided in Section 13 of this act, or by a fine not to exceed Five Thousand Dollars ($5,000.00) or an amount fixed by the court not to exceed twice the value of the benefit gained from the bribe, or by both said imprisonment and fine.

B. Any person who offers, confers, or agrees to confer any bribe the acceptance of which is an offense pursuant to the provisions of subsection A of this section, upon conviction, is guilty of a Schedule IX felony punishable by imprisonment ~~in a state correctional institution for a term not more than ten (10) years~~ as provided in Section 13 of this act, or by a fine not to exceed Five Thousand Dollars ($5,000.00), or both.

C. As used in subsection A of this section:

1. "Beneficiary" means any person for whom a fiduciary is acting~~.~~;

2. "Fiduciary" means:

a. an agent or employee~~;~~, or

b. a trustee, guardian, custodian, administrator, executor, conservator, receiver, or similar fiduciary~~;~~, or

c. a lawyer, physician, accountant, appraiser, or other professional advisor~~;~~, or

d. an officer, director, partner, manager, or other participant in the direction of the affairs of a corporation or association.

SECTION 57. AMENDATORY 21 O.S. 1991, Section 381, is amended to read as follows:

Section 381. Whoever corruptly gives, offers, or promises to any executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as

such officer, after his election or appointment, either before or after he has qualified or has taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which then may be pending, or may by law come or be brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, shall be punished ~~by imprisonment in the State Penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding Three Thousand Dollars ($3,000.00) and imprisonment in jail not exceeding one (1) year.

SECTION 58. AMENDATORY 21 O.S. 1991, Section 382, is amended to read as follows:

Section 382. Every executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, who corruptly accepts or requests a gift or gratuity, or a promise to make a gift, or a promise to do an act beneficial to such officer, or that judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, or that in such capacity he shall make any particular nomination or appointment, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the laws of this state, and be punished ~~by imprisonment in the State Penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by fine not exceeding Five Thousand Dollars ($5,000.00) and imprisonment in jail not exceeding one (1) year.

SECTION 59. AMENDATORY 21 O.S. 1991, Section 383, is amended to read as follows:

Section 383. Every person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, umpire or

assessor, or to any person who may be authorized by law or agreement of parties interested to hear or determine any question or controversy, with intent to influence his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, is punishable ~~by imprisonment in the penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or both.

SECTION 60. AMENDATORY 21 O.S. 1991, Section 384, is amended to read as follows:

Section 384. Every juror, referee, arbitrator, umpire or assessor, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe upon any agreement or understanding that his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, shall be thereby influenced, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 61. AMENDATORY 21 O.S. 1991, Section 399, is amended to read as follows:

Section 399. Whoever corruptly gives, offers or promises any gift, gratuity or thing of value to any player, participant, coach, referee, umpire, official or any other person having authority in connection with the conducting of any amateur or professional athletic contest with the intent to influence the action, conduct, judgment, or decision of any such person in, or in connection with, such contest, or as a consideration for such person acting, playing or performing his functions in any such contest, in any manner calculated to affect the result thereof, or in consideration of such person failing to participate or engage in such contest, shall be deemed guilty of bribery, and upon conviction shall be punished ~~by imprisonment in the State Penitentiary for not to exceed five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act; or by a fine of not to exceed Three Thousand Dollars ($3,000.00) and imprisonment in the county jail for not to exceed one (1) year.

SECTION 62. AMENDATORY 21 O.S. 1991, Section 400, is amended to read as follows:

Section 400. Every player, participant, coach, umpire, referee or other person having or exercising authority in connection with the conducting of any amateur or professional athletic contest, who corruptly accepts or requests a gift or gratuity or a promise of any such gift or gratuity, or any other thing of value, or the performance of an act beneficial to any such person in consideration of such person performing any act or making any judgment or decision, or in consideration of such person playing or making decisions or judgments or conducting such athletic contest, in a manner intended or calculated to affect or change the result of such athletic contest, or in consideration of such person failing to participate or engage in any such contest, shall be deemed guilty of a Schedule IX felony and upon conviction shall be punished by imprisonment ~~in the State Penitentiary for not to exceed one (1) year~~ as provided in Section 13 of this act; or by fine of not to exceed Three Thousand ($3,000.00) or imprisonment in the county jail for not to exceed one (1) year or by both such fine and imprisonment.

SECTION 63. AMENDATORY 21 O.S. 1991, Section 421, is amended to read as follows:

Section 421. A. If two or more persons conspire, either:

1. To commit any crime; or~~,~~

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime; or~~,~~

3. Falsely to move or maintain any suit, action or proceeding; or

4. To cheat and defraud any person of any property by any means which are in themselves criminal, or by any means which, if executed, would amount to a cheat or to obtaining money or property by false pretenses; or~~,~~

5. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice or the due administration of the laws, they are guilty of a conspiracy.

B. Except in cases where a different punishment is prescribed by law the punishment for conspiracy shall be a misdemeanor unless the conspiracy is to commit a felony.

C. Conspiracy to commit a felony shall be a Schedule VIII felony and is punishable by payment of a fine not exceeding Five Thousand Dollars ($5,000.00), or by imprisonment ~~in the State Penitentiary for a period not exceeding ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 64. AMENDATORY 21 O.S. 1991, Section 422, is amended to read as follows:

Section 422. If two or more persons, being out of this state, conspire to commit any act against the peace of this state, the commission or attempted commission of which, within this state, would be treason against the state, they are punishable ~~by imprisonment in the State Penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 65. AMENDATORY 21 O.S. 1991, Section 424, is amended to read as follows:

Section 424. If two or more persons conspire either to commit any offense against the State of Oklahoma, any county, school district, municipality or subdivision thereof, or to defraud the State of Oklahoma, any county, school district, municipality or subdivision thereof, in any manner or for any purpose, and if one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for ~~not more than ten (10) years or by both such fine and imprisonment~~ a Schedule IX felony as provided in Section 13 of this act.

SECTION 66. AMENDATORY 21 O.S. 1991, Section 434, is amended to read as follows:

Section 434. Every prisoner confined in the penitentiary for a term less than for life, who attempts by force or fraud, although unsuccessfully, to escape from such prison, is guilty of

a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 67. AMENDATORY 21 O.S. 1991, Section 436, is amended to read as follows:

Section 436. Every prisoner confined in any other prison than the penitentiary, who attempts by force or fraud, although unsuccessfully, to escape therefrom, is punishable ~~by imprisonment in a county jail not exceeding one (1) year~~ for a Schedule IX felony as provided in Section 13 of this act, to commence from the expiration of the original term of his imprisonment.

SECTION 68. AMENDATORY 21 O.S. 1991, Section 437, is amended to read as follows:

Section 437. Every person who willfully by any means whatever, assists any prisoner confined in any prison to escape therefrom, is punishable as follows:

1. If such prisoner was confined upon a charge or conviction of a felony, by imprisonment ~~in the penitentiary not exceeding ten years~~ for a Schedule VIII felony, as provided in Section 13 of this act.

2. If such prisoner was confined otherwise than upon a charge or conviction of a felony, by imprisonment ~~in the county jail not exceeding one (1) year~~ for a Schedule IX felony, as provided in Section 13 of this act, or by fine, not exceeding Five Hundred Dollars ($500.00), or both.

SECTION 69. AMENDATORY 21 O.S. 1991, Section 438, is amended to read as follows:

Section 438. Every person who carries or sends into any prison anything useful to aid any prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as follows:

1. If such prisoner was confined upon any charge or conviction of felony, by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ for a Schedule VIII felony, as provided in Section 13 of this act.

2. If such prisoner was confined otherwise than upon a charge or conviction of felony, by imprisonment in the county jail not

exceeding one (1) year, or by a fine of Five Hundred Dollars ($500.00), or both.

SECTION 70. AMENDATORY 21 O.S. 1991, Section 440, is amended to read as follows:

Section 440. Any person who shall knowingly feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist or conceal in any manner any person guilty of any felony, or outlaw, or fugitive from justice, or any person seeking to escape arrest for any felony committed within this state or any other state or territory, shall be punished ~~by imprisonment at hard labor in the penitentiary for a period not exceeding ten (10) years~~ for a Schedule IX felony, as provided in Section 13 of this title.

SECTION 71. AMENDATORY 21 O.S. 1991, Section 443, is amended to read as follows:

Section 443. A. Any person having been imprisoned in a county or city jail awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to confinement with the Department of Corrections who escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, is punishable by imprisonment ~~of not less than one (1) year nor more than seven (7) years~~ for a Schedule IX felony as provided in Section 13 of this act.

B. Any person who is an inmate confined in any institution or facility operated by the Department of Corrections who escapes from said confinement, either while actually confined therein, ~~while assigned to the house arrest program authorized by Section 510.2 of Title 57 of the Oklahoma Statutes,~~ while assigned to the Preparole Conditional Supervision Program as authorized by Section ~~8~~ 365 of ~~this act~~ Title 57 of the Oklahoma Statutes or while permitted to be at large as a trusty, shall be punishable by imprisonment ~~of not less than two (2) years nor more than seven (7) years~~ for a Schedule IX felony as provided in Section 13 of this act.

C. For the purposes of this section, an inmate assigned ~~to house arrest or~~ to the Preparole Conditional Supervision Program shall be considered to have escaped if the inmate cannot be located within a twenty-four-hour period or if he fails to report to a confining facility or institution, as directed.

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which he was serving imprisonment at the time of his escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section ~~51 of Title 21 of the Oklahoma Statutes~~ 2 of this act. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which he was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

SECTION 72. AMENDATORY 21 O.S. 1991, Section 444, is amended to read as follows:

Section 444. A. It is unlawful for any person, after being lawfully arrested or detained by a peace officer, to escape or attempt to escape from such peace officer.

B. Such person who escapes or attempts to escape after being lawfully arrested or detained for custody for a misdemeanor offense shall be guilty of a misdemeanor.

C. Such person who escapes or attempts to escape after being lawfully arrested or detained for custody for a felony offense shall be guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 73. AMENDATORY 21 O.S. 1991, Section 445, is amended to read as follows:

Section 445. Any person who willfully gains unauthorized entry into any state penal institution, jail, any place where prisoners are located, or the penal institution grounds, upon conviction, shall be guilty of a Schedule IX felony punishable by imprisonment ~~in the State Penitentiary for not less than one (1) year or more than five (5) years~~ as provided in Section 13 of this act, or by the imposition of a fine of not less than Five Hundred

Dollars ($500.00) or more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 74. AMENDATORY 21 O.S. 1991, Section 453, is amended to read as follows:

Section 453. Every person guilty of falsely preparing any book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced as genuine upon any trial, proceeding or inquiry whatever, authorized by law, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 75. AMENDATORY 21 O.S. 1991, Section 455, is amended to read as follows:

Section 455. Every person who willfully prevents any person from giving testimony who has been duly summoned or subpoenaed or endorsed on the criminal information or juvenile petition as a witness or threatens physical or mental harm through force or fear with the intent to prevent the witness from appearing in court to give his testimony, or to alter his testimony, is guilty of a Schedule IX felony punishable ~~by not less than one (1) year nor more than ten (10) years in prison~~ as provided in Section 13 of this act.

SECTION 76. AMENDATORY 21 O.S. 1991, Section 456, is amended to read as follows:

Section 456. Every person who gives or offers or promises to give to any witness or person about to be called as a witness in any matter whatever, including contests before United States land officers or townsite commissioners, any bribe upon any understanding or agreement that the testimony of such witness shall be influenced, or who attempts by any other means fraudulently to induce any witness to give false testimony is guilty of a Schedule IX felony punishable as provided in Section 13 of this act, but if the offer, promise, or bribe is in any way to induce the witness to swear falsely, then it shall be held to be subornation of perjury.

SECTION 77. AMENDATORY 21 O.S. 1991, Section 461, is amended to read as follows:

Section 461. Every clerk, register or other officer having the custody of any record, maps or book, or of any paper or proceeding of any court of justice, filed or deposited in any public office, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying or unlawfully removing or secreting such record, map, book, paper or proceeding, or who permits any other person so to do, is punishable ~~by imprisonment in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, and in addition thereto forfeits his office.

SECTION 78. AMENDATORY 21 O.S. 1991, Section 462, is amended to read as follows:

Section 462. Every person not an officer such as is mentioned in ~~the last section~~ Section 461 of this title, who is guilty of any of the acts specified in that section, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 79. AMENDATORY 21 O.S. 1991, Section 463, is amended to read as follows:

Section 463. Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 80. AMENDATORY 21 O.S. 1991, Section 496, is amended to read as follows:

Section 496. Whoever, in one or more trials, hearings, investigations, depositions, certifications or declarations, in which the making or subscribing of statements is required or authorized by law, makes or subscribes two or more statements under oath, affirmation or other legally binding assertion that the statements are true, when in fact two or more of the

statements contradict each other, is guilty of perjury, punishable as provided in Section 500 of this title.

SECTION 81. AMENDATORY 21 O.S. 1991, Section 500, is amended to read as follows:

Section 500. Perjury is punishable by imprisonment ~~in the penitentiary as follows:~~

~~First. When committed on the trial of an indictment for felony, by imprisonment not less than two (2) years nor more than twenty (20) years.~~

~~Second. When committed on any other trial of proceeding in a court of justice, by imprisonment for not less than one (1) nor more than ten (10) years.~~

~~Third. In all other cases by imprisonment not more than five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 82. AMENDATORY 21 O.S. 1991, Section 521, is amended to read as follows:

Section 521. Every person who by force or fraud rescues or attempts to rescue, or aids another person in rescuing or in attempting to rescue any prisoner from any officer or other person having him in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a charge or conviction of felony, by imprisonment ~~in the State Penitentiary for not less than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

2. If such prisoner was in custody otherwise than upon a charge or conviction of felony, by imprisonment in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 83. AMENDATORY 21 O.S. 1991, Section 531, is amended to read as follows:

Section 531. Every sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer who either:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office, or~~,~~

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property entrusted to him in virtue of his office, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 84. AMENDATORY 21 O.S. 1991, Section 532, is amended to read as follows:

Section 532. Every sheriff, coroner, clerk of a court, constable or other ministerial officer and any deputy or subordinate of any ministerial officer, who either:

1. Willfully or carelessly allows any person lawfully held by him in custody to escape or go at large, except as may be permitted by law; or~~,~~

2. Receives any gratuity or reward, or any security or promise of one, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape is attempted or not; or~~,~~

3. Commits any unlawful act tending to hinder justice, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this title.

SECTION 85. AMENDATORY 21 O.S. 1991, Section 539, is amended to read as follows:

Section 539. Every person who, after proclamation issued by the Governor declaring any county to be in a state of insurrection, resists or aids in resisting the execution of process in the county declared to be in a state of insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the government to quell or suppress an insurrection, is punishable ~~by imprisonment in the State Penitentiary for not less than two (2) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 86. AMENDATORY 21 O.S. 1991, Section 540B, is amended to read as follows:

Section 540B. A peace officer may set up one or more roadblocks to apprehend any person riding upon or within a motor

vehicle traveling upon a highway, street, turnpike, or area accessible to motoring public, when the officer has probable cause to believe such person is committing or has committed:

1. A violation of Section 540A of this title;

2. Escape from the lawful custody of any peace officer;

3. A felony under the laws of this state or the laws of any other jurisdiction.

A roadblock is defined as a barricade, sign, standing motor vehicle, or similar obstacle temporarily placed upon or adjacent to a public street, highway, turnpike or area accessible to the motoring public, with one or more peace officers in attendance thereof directing each operator of approaching motor vehicles to stop or proceed.

Every operator of a motor vehicle approaching such roadblock has a duty to stop at the roadblock unless directed otherwise by a peace officer in attendance thereof and the willful violation hereof shall constitute a separate offense from any other offense committed. Any person who willfully attempts to avoid such roadblock or in any manner willfully fails to stop at such roadblock or who willfully passes by or through such roadblock without receiving permission from a peace officer in attendance thereto, is guilty of a Schedule IX felony and shall be punished by imprisonment ~~in the penitentiary for not less than one (1) year, nor more than five (5) years~~ as provided in Section 13 of this act, or by a fine not exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

SECTION 87. AMENDATORY 21 O.S. 1991, Section 543, is amended to read as follows:

Section 543. Every person who, having knowledge of the actual commission of a crime or violation of statute, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or violation of statute, or to abstain from any prosecution therefor, or to withhold any evidence thereof, is punishable as follows:

1. By imprisonment ~~in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year~~ for a Schedule IX felony as provided in Section 13 of this act, where the crime compounded is one punishable either by death or by imprisonment in the State Penitentiary for life.

2. By imprisonment ~~in the State Penitentiary not exceeding three (3) years~~ for a Schedule IX felony as provided in Section 13 of this act, or in a county jail not exceeding six (6) months, where the crime compounded was punishable by imprisonment in the State Penitentiary for any other term than for life.

3. By imprisonment in a county jail not exceeding one (1) year, or by fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment, where the crime or violation of statute compounded is a crime punishable by imprisonment in a county jail, or by fine, or is a misdemeanor, or violation of statute for which a pecuniary or other penalty or forfeiture is prescribed.

SECTION 88. AMENDATORY 21 O.S. 1991, Section 570, is amended to read as follows:

Section 570. Every grand juror who, with knowledge that a challenge, interposed against him by a defendant, has been allowed, is present at or takes part, or attempts to take part, in the consideration of the charge against the defendant who interposed the challenge, or the deliberations of the grand jury thereon, is guilty of a ~~misdemeanor~~ Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 89. AMENDATORY 21 O.S. 1991, Section 578, is amended to read as follows:

Section 578. Every person who fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit any real estate or to receive a share of any personal estate, with intent to intercept the inheritance of any such real estate, or the distribution of any such personal estate, from any person lawfully entitled thereto, is punishable ~~by imprisonment in the state prison not~~

~~exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 90. AMENDATORY 21 O.S. 1991, Section 579, is amended to read as follows:

Section 579. Every person to whom an infant has been confided for nursing, education, or any other person, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided, is punishable ~~by imprisonment in the state prison not exceeding seven (7) years~~ for a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 91. AMENDATORY 21 O.S. 1991, Section 588, is amended to read as follows:

Section 588. If any person, firm or corporation shall knowingly and willfully, by means of any device whatsoever, records or attempts to record the proceedings of any grand or petit jury in any court of the State of Oklahoma while such jury is deliberating or voting or listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the State of Oklahoma while such jury is deliberating or voting shall be guilty of a Schedule IX felony and shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned ~~not more than two (2) years~~ as provided in Section 13 of this act, or both. Provided, however, that nothing in this ~~act~~ section shall be construed to prohibit the taking of notes by a grand juror in any court of the State of Oklahoma in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

SECTION 92. AMENDATORY 21 O.S. 1991, Section 590, is amended to read as follows:

Section 590. A. Every state governmental entity shall, for a period of two (2) years, maintain accurate and complete records, as defined in Section 203 of Title 67 of the Oklahoma Statutes, reflecting all financial and business transactions, which records shall include support documentation for each transaction. No such records shall be disposed of for three (3) years thereafter,

except upon a unanimous vote of the members of the Archives and Records Commission pursuant to Section 565 of Title 74 of the Oklahoma Statutes, or upon a majority vote of the members of the Commission for records more than five (5) years old. The disposition of such records shall be in accordance with the provisions of Sections 564 through 576 of Title 74 of the Oklahoma Statutes, provided all state or federal audits have been completed, unless such audits request such records to be maintained for some given period of time.

B. Any person who willfully violates the provisions of this section shall be guilty of a Schedule X felony, punishable by imprisonment ~~in the State Penitentiary for a period of not more than three (3) years~~ as provided in Section 13 of this act or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Any person convicted of any such violation who holds any elective or appointive public office shall also be subject to immediate removal from office.

SECTION 93. AMENDATORY 21 O.S. 1991, Section 645, is amended to read as follows:

Section 645. Every person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of another with any sharp or dangerous weapon, or who, without such cause, shoots at another, with any kind of firearm or air gun or other means whatever, with intent to injure any person, although without the intent to kill such person or to commit any felony, upon conviction is guilty of a Schedule VIII felony punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year.

SECTION 94. AMENDATORY 21 O.S. 1991, Section 649, is amended to read as follows:

Section 649. A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or state peace officer employed by any

state governmental agency to enforce state laws while said officer is in the performance of his duties is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or other state peace officer employed by any state governmental agency to enforce state laws while said officer is in the performance of his duties, upon conviction, is punishable by imprisonment ~~of not more than five (5) years in a state correction institution~~ for a Schedule X felony as provided in Section 13 of this act, or imprisonment in the county jail for a period not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

C. As used in this section and in Section 650 of this title, "corrections personnel" means any person, employed by the state or by a political subdivision, who has direct contact with inmates of a jail or state correctional facility, and includes but is not limited to, Department of Corrections personnel in job classifications requiring direct contact with inmates, persons providing vocational-technical training to inmates, education personnel who have direct contact with inmates because of education programs for inmates, and persons employed by county or municipal jails to supervise inmates or to provide medical treatment or meals to inmates of jails.

SECTION 95. AMENDATORY 21 O.S. 1991, Section 649.1, is amended to read as follows:

Section 649.1 A. No person shall willfully torture, torment, beat, mutilate, injure, disable, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or political subdivision of the state.

B. No person shall willfully interfere with the lawful performance of any police dog or police horse.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a Schedule IX felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment ~~in the State Penitentiary not exceeding two (2) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 96. AMENDATORY 21 O.S. 1991, Section 649.2, is amended to read as follows:

Section 649.2 A. No person shall willfully kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a Schedule IX felony, punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment ~~in the State Penitentiary not exceeding two (2) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 97. AMENDATORY 21 O.S. 1991, Section 650, is amended to read as follows:

Section 650. A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state governmental agency to enforce state laws, while said officer is in the performance of his duties shall upon conviction thereof be guilty of a Schedule IX felony, which shall be punishable by imprisonment ~~in a state correctional institution for not more than five (5) years~~ as provided in Section 13 of this act, or county jail for a period not to exceed one (1) year or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. This ~~act~~ section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 98. AMENDATORY 21 O.S. 1991, Section 650.2, is amended to read as follows:

Section 650.2 Every person in the custody of the Oklahoma Department of Corrections who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Corrections employee while said employee is in the performance of his duties shall upon conviction thereof be guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 99. AMENDATORY 21 O.S. 1991, Section 650.5, is amended to read as follows:

Section 650.5 Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of an emergency medical technician or other emergency medical care provider, upon conviction, is guilty of a Schedule IX felony punishable by imprisonment ~~in a state correctional institution for not more than one (1) year~~ as provided in Section 13 of this act, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 100. AMENDATORY 21 O.S. 1991, Section 651, is amended to read as follows:

Section 651. Every person who, with intent to kill, administers or causes or procures to be administered to another any poison which is actually taken by such other person but by which death is not caused, is punishable by imprisonment ~~in the State Penitentiary not less than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 101. AMENDATORY 21 O.S. 1991, Section 652, as amended by Section 1, Chapter 192, O.S.L. 1992 (21 O.S. Supp. 1992, Section 652), is amended to read as follows:

Section 652. A. Every person who intentionally and wrongfully shoots another with or discharges any kind of firearm, with intent to kill any person, shall upon conviction be punished ~~by imprisonment in the State Penitentiary not exceeding life~~ for a Schedule III felony, as provided in Section 13 of this act.

B. Every person who uses any vehicle to facilitate the intentional discharge of any kind of firearm, crossbow or other weapon in conscious disregard for the safety of any other person or persons shall upon conviction be punished ~~by imprisonment in the State Penitentiary for a term of not less than two (2) years nor more than twenty (20) years~~ for a Schedule IV felony, as provided in Section 13 of this act.

C. Any person who commits any assault and battery upon another by means of any deadly weapon, or by such other means or force as is likely to produce death, or in any manner attempts to kill another, or in resisting the execution of any legal process, shall upon conviction be punished ~~by imprisonment in the State Penitentiary not exceeding twenty (20) years~~ for a Schedule IV felony, as provided in Section 13 of this act.

SECTION 102. AMENDATORY 21 O.S. 1991, Section 653, is amended to read as follows:

Section 653. Every person who is guilty of an assault with intent to kill any person the punishment for which is not prescribed by ~~the foregoing section~~ Section 652 of this title, is punishable by imprisonment ~~in the penitentiary for a term not~~

~~exceeding five (5) years~~ for a Schedule IV felony as provided in Section 13 of this act, or imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 103. AMENDATORY 21 O.S. 1991, Section 662, is amended to read as follows:

Section 662. Every person guilty of fighting any duel, although no death or wound ensues, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 104. AMENDATORY 21 O.S. 1991, Section 681, is amended to read as follows:

Section 681. Every person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill or an assault with intent to commit rape, the punishment for which assault is not otherwise prescribed in this code, is punishable by imprisonment ~~in the State Penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment. Every person who is guilty of an assault with intent to commit rape shall be guilty of a Schedule VII felony, punishable as provided in Section 13 of this act.

SECTION 105. AMENDATORY 21 O.S. 1991, Section 701.9, is amended to read as follows:

Section 701.9 A. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree shall be punished by death, by imprisonment for life without parole or by imprisonment ~~for life~~ for a term as provided for Schedule I crimes in Section 13 of this act.

B. A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be punished by imprisonment ~~in a state penal institution for not less than ten (10) years nor more than life~~ for a Schedule II felony as provided in Section 13 of this act.

SECTION 106. AMENDATORY 21 O.S. 1991, Section 701.10, as amended by Section 1, Chapter 67, O.S.L. 1992 (21 O.S. Supp. 1992, Section 701.10), is amended to read as follows:

Section 701.10 A. Upon conviction or adjudication of guilt of a defendant of murder in the first degree, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death, life imprisonment without parole or ~~life imprisonment~~ to a term of imprisonment as provided for Schedule I crimes. The proceeding shall be conducted by the trial judge before the same trial jury as soon as practicable without presentence investigation.

B. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the sentencing proceeding shall be conducted before the court.

C. In the sentencing proceeding, evidence may be presented as to any mitigating circumstances or as to any of the aggravating circumstances enumerated in Section 701.7 et seq. of this title. Only such evidence in aggravation as the state has made known to the defendant prior to his trial shall be admissible. In addition, the state may introduce evidence about the victim and about the impact of the murder on the family of the victim.

D. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitutions of the United States or of the State of Oklahoma. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

SECTION 107. AMENDATORY 21 O.S. 1991, Section 701.10a, is amended to read as follows:

Section 701.10a Notwithstanding subsection A of Section 701.10 of Title 21 of the Oklahoma Statutes, which requires that the same jury sit in the sentencing phase of a capital murder trial, the following shall apply:

1. Upon any appeal by the defendant where the sentence is of death, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence of death and remand the case to the trial court in the jurisdiction in

which the defendant was originally sentenced. No error in the sentencing proceeding shall result in the reversal of the conviction for a capital felony. When a capital case is remanded after vacation of a death sentence, the prosecutor may:

a. move the trial court to impose a sentence of ~~life~~ a term of imprisonment provided for Schedule I crimes or life imprisonment without parole, one of which the trial court shall impose after a non-jury sentencing proceeding; or

b. move the trial court to impanel a new sentencing jury, and the sentencing jury shall determine whether the defendant should be sentenced to ~~life~~ imprisonment for a term as provided for Schedule I crimes, life imprisonment without parole or death;

2. If the prosecutor elects to utilize the procedure provided in paragraph b of subsection 1 of this section, the trial court shall impanel a new jury for the purpose of conducting new sentencing proceedings;

3. Resentencing proceedings shall be governed by the provisions of Sections 701.10, 701.11 and 701.12 of Title 21 of the Oklahoma Statutes;

4. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding; additional relevant evidence may be admitted including testimony of witnesses who testified at the previous trial;

5. The provisions of this section are procedural and shall apply retroactively to any defendant sentenced to death;

6. This section shall not be construed to amend the provisions of Section 701.10 of Title 21 of the Oklahoma Statutes, requiring the same jury to sit in both the guilt and sentencing phases of the original trial.

SECTION 108. AMENDATORY 21 O.S. 1991, Section 701.11, is amended to read as follows:

Section 701.11 In the sentencing proceeding, the statutory instructions as determined by the trial judge to be warranted by

the evidence shall be given in the charge and in writing to the jury for its deliberation. The jury, if its verdict be a unanimous recommendation of death, shall designate in writing, signed by the foreman of the jury, the statutory aggravating circumstance or circumstances which it unanimously found beyond a reasonable doubt. In nonjury cases the judge shall make such designation. Unless at least one of the statutory aggravating circumstances enumerated in this act is so found or if it is found that any such aggravating circumstance is outweighed by the finding of one or more mitigating circumstances, the death penalty shall not be imposed. If the jury cannot, within a reasonable time, agree as to punishment, the judge shall dismiss the jury and impose a sentence of imprisonment for life without parole or imprisonment for ~~life~~ a term provided for Schedule I crimes.

SECTION 109. AMENDATORY 21 O.S. 1991, Section 701.16, is amended to read as follows:

Section 701.16 It shall be unlawful for any person or agent of that person to solicit another person or persons to cause the death of a human being by the act of murder in the first degree as is defined by ~~Title 21 O.S.,~~ Section 701.7 of this title. A person who is convicted, pleads guilty or pleads nolo contendere to the act of Solicitation For Murder in the first degree, except as provided in Section 701.7 of this title, shall be punished by imprisonment ~~in a state penal institution for not less than five (5) years nor more than life imprisonment in the State Penitentiary~~ for a Schedule III felony, as provided in Section 13 of this act.

SECTION 110. AMENDATORY 21 O.S. 1991, Section 715, is amended to read as follows:

Section 715. Every person guilty of manslaughter in the first degree is punishable by imprisonment ~~in the penitentiary for not less than four (4) years~~ for a Schedule IV felony as provided in Section 13 of this act.

SECTION 111. AMENDATORY 21 O.S. 1991, Section 722, is amended to read as follows:

Section 722. Every person guilty of manslaughter in the second degree is punishable by imprisonment ~~in the penitentiary not more than four (4) years and not less than two (2) years~~ for a Schedule VIII felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both fine and imprisonment.

SECTION 112. AMENDATORY 21 O.S. 1991, Section 741, is amended to read as follows:

Section 741. Every person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, with intent, either:

First. To cause such other person to be secretly confined or imprisoned in this state against his will; or,

Second. To cause such other person to be sent out of this state against his will; or,

Third. To cause such person to be sold as a slave, or in any way held to service against his will, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ for a Schedule VIII felony as provided in Section 13 of this act. Upon any trial for a violation of this section, the consent thereto of the person kidnapped or confined, shall not be a defense, unless it appears satisfactorily to the jury, that such person was above the age of twelve (12) years, and that such consent was not extorted by threat, or by duress.

SECTION 113. AMENDATORY 21 O.S. 1991, Section 745, is amended to read as follows:

Section 745. A. Every person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, for the purpose of extorting any money, property or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, or from any other person, or in any manner threatens either by written instrument, word of mouth, message, telegraph, telephone, by placing an ad in a newspaper, or by messenger, demands money or other thing of value, shall be guilty of a Schedule IV felony, and upon conviction shall suffer ~~death or~~

imprisonment ~~in the penitentiary, not less than ten (10) years~~ as provided in Section 13 of this act.

B. Every person, not a principal in the kidnapping and not a relative or agent authorized by a relative of a kidnapped person, but who knowingly aids, assists, or participates in the disposing, receiving, possession or exchanging of any moneys, property or thing of value or advantage from the person so seized, confined, inveigled or kidnaped, shall be guilty of a Schedule IX felony, and upon conviction thereof shall be punished by imprisonment ~~in the penitentiary, not less than five (5) years~~ as provided in Section 13 of this act.

SECTION 114. AMENDATORY 21 O.S. 1991, Section 759, is amended to read as follows:

Section 759. Every person guilty of maiming is punishable by imprisonment ~~in the penitentiary not exceeding seven (7) years~~ for a Schedule VIII felony as provided in Section 13 of this act, or by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

SECTION 115. AMENDATORY 21 O.S. 1991, Section 798, is amended to read as follows:

Section 798. Every person guilty of robbery in the first degree is punishable by imprisonment ~~in the State Penitentiary not less than ten (10) years~~ for a Schedule VIII felony as provided in Section 13 of this act.

SECTION 116. AMENDATORY 21 O.S. 1991, Section 799, is amended to read as follows:

Section 799. Every person guilty of robbery in the second degree is punishable by imprisonment ~~in the State Penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 117. AMENDATORY 21 O.S. 1991, Section 800, is amended to read as follows:

Section 800. Whenever two or more persons conjointly commit a robbery or where the whole number of persons conjointly commits a robbery and persons present and aiding such robbery amount to two

or more, each and either of such persons is punishable by imprisonment ~~in the penitentiary for not less than five (5) years nor more than fifty (50) years~~ for a Schedule IV felony as provided in Section 13 of this act.

SECTION 118. AMENDATORY 21 O.S. 1991, Section 801, is amended to read as follows:

Section 801. Any person or persons who, with the use of any firearms or any other dangerous weapons, whether the firearm is loaded or not, or who uses a blank or imitation firearm capable of raising in the mind of the one threatened with such device a fear that it is a real firearm, attempts to rob or robs any person or persons, or who robs or attempts to rob any place of business, residence or banking institution or any other place inhabited or attended by any person or persons at any time, either day or night, shall be guilty of a felony, and, upon conviction therefor, shall suffer punishment ~~by imprisonment for life, in the State Penitentiary, or for a period of time of not less than five (5) years, at the discretion of the court, or the jury trying the same~~ as provided for a Schedule IV felony in Section 13 of this act.

Upon conviction therefor, any person guilty of ~~three (3) separate and distinct felonies~~ a second or subsequent offense, in violation of this section shall suffer punishment ~~by imprisonment for life, in the State Penitentiary, or for a period of time of not less than ten (10) years, and it is mandatory upon the court to impose no less than the minimum sentence of ten (10) years. The sentence imposed upon such person shall not be reduced to less than ten (10) calendar years, nor suspended, nor shall any person be eligible for probation or parole or receive any deduction from his sentence for good conduct until he shall have served ten (10) calendar years of such sentence~~ as provided in Section 2 of this act.

SECTION 119. AMENDATORY 21 O.S. 1991, Section 817, is amended to read as follows:

Section 817. Every person guilty of aiding suicide is punishable by imprisonment ~~in the penitentiary for not less than~~

~~seven (7) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 120. AMENDATORY 21 O.S. 1991, Section 818, is amended to read as follows:

Section 818. Every person guilty of aiding an attempt at suicide is punishable by imprisonment ~~in the penitentiary not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 121. AMENDATORY 21 O.S. 1991, Section 832, is amended to read as follows:

Section 832. A. 1. No person shall willfully mingle any poison, Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes, or sharp object, or any other object or substance which if used in a manner which is not customary or usual is harmful to human life, with any food, drink, medicine, or patent or proprietary medicine with intent that the same shall be taken, consumed, applied, or used in any manner by any human being to his injury; and

2. Unless authorized by law, no person shall willfully poison or place any Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes or any other object or substance which if used in a manner which is not customary or usual is harmful to human life in any spring, well, or reservoir of water.

B. Any person convicted of violating any of the provisions of this section shall be guilty of a Schedule VIII felony, punishable by imprisonment ~~in the penitentiary for not less than five (5) years~~ as provided in Section 13 of this act, or by a fine of not less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 122. AMENDATORY 21 O.S. 1991, Section 843, is amended to read as follows:

Section 843. Any parent or other person who shall willfully or maliciously injure, torture, maim, use unreasonable force upon a child under the age of eighteen (18), or sexually abuse such

child, as those terms are defined by Section 845 of this title or who shall cause, procure or permit any of said acts to be done, shall upon conviction be punished by imprisonment ~~in the State Penitentiary not exceeding life imprisonment~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

SECTION 123. AMENDATORY 21 O.S. 1991, Section 843.1, is amended to read as follows:

Section 843.1 A. No caretaker as defined in Section 803 of Title 43A of the Oklahoma Statutes shall willfully abuse, neglect, or financially exploit any person entrusted in his care, or shall cause, secure, or permit any of said acts to be done.

B. Any person convicted of violating the provisions of this section shall be guilty of a Schedule IX felony punishable by a fine of not more than Ten Thousand Dollars ($10,000.00), or by imprisonment ~~in the State Penitentiary for not more than ten (10) years~~ as provided in Section 13 of this act, or by both said fine and imprisonment.

SECTION 124. AMENDATORY 21 O.S. 1991, Section 849, is amended to read as follows:

Section 849. Every person who shall attach to, or place in or upon any motor vehicle or any vehicle designed or customarily used to transport a person or persons or any structure designed or customarily used for the occupancy of a person or persons, any explosive material, thing or device with the intent of causing bodily injury or death to any person shall be guilty of a Schedule V felony, and, upon conviction therefor, shall suffer punishment by imprisonment ~~for a period of time of not less than five (5) years, or imprisonment in the State Penitentiary for life, at the discretion of the court or the jury trying the same~~ as provided in Section 13 of this act.

SECTION 125. AMENDATORY 21 O.S. 1991, Section 850, as amended by Section 1, Chapter 82, O.S.L. 1992 (21 O.S. Supp. 1992, Section 850), is amended to read as follows:

Section 850. A. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:

1. Assault or batter another person;

2. Damage, destroy, vandalize or deface any real or personal property of another person; or

3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

B. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephone or electronic message.

C. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published or distributed, any message or material.

D. Any person convicted of violating any provision of subsections A, B or C of this section shall be guilty of a misdemeanor ~~on a first offense and a felony on a second or subsequent offense~~. Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

E. Upon conviction, any person guilty of a ~~misdemeanor~~ <u>first offense</u> in violation of this section shall be punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment.

F. Upon conviction, any person guilty of a ~~felony~~ <u>second or subsequent offense</u> in violation of this section shall be

punishable by the imposition of a fine not exceeding Ten Thousand Dollars ($10,000.00), or by imprisonment in the ~~State Penitentiary~~ county jail for a period of not more than ~~ten (10) years~~ one year, or by both such fine and imprisonment.

G. The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section to the Bureau within seventy-two (72) hours of the time such incidents are reported to such agencies. All law enforcement agencies shall report to the OSBI, pursuant to such system, incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section and further provide information on the disposition of the reported incident. The Oklahoma State Bureau of Investigation shall promulgate rules, regulations and procedures necessary to develop, implement and maintain a standard system for the collection and reporting of hate crime data.

H. No person, partnership, company or corporation that installs telephone or electronic message equipment shall be required to monitor the use of such equipment for possible violations of this section, nor shall such person, partnership, company or corporation be held criminally or civilly liable for the use by another person of the equipment in violation of this section, unless the person, partnership, company or corporation that installed the equipment had prior actual knowledge that the equipment was to be used in violation of this section.

SECTION 126. AMENDATORY 21 O.S. 1991, Section 851, is amended to read as follows:

Section 851. Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within the State of Oklahoma, or takes such child or children without the State of Oklahoma, with the intent wholly to abandon it, shall be deemed guilty of a felony and upon conviction thereof shall be punished ~~by imprisonment in the State~~

~~Penitentiary for any period of time not less than one (1) year or more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 127. AMENDATORY 21 O.S. 1991, Section 852, is amended to read as follows:

Section 852. A. Unless otherwise provided for by law, any parent, guardian, or person having custody or control over a child as defined in Section 1101 of Title 10 of the Oklahoma Statutes who willfully omits, without lawful excuse, to perform any duty imposed upon such parent, guardian, or person having custody or control of a child by law to furnish necessary food, clothing, shelter, monetary child support, or medical attendance for such child, upon conviction, is guilty of a misdemeanor. Any subsequent conviction pursuant to this section shall be a Schedule VIII felony, punishable by imprisonment ~~for not more than four (4) years in the State Penitentiary~~ as provided in Section 13 of this act or by the imposition of a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. As used in this section, the duty to furnish medical attention shall mean that the parent or person having custody or control of a child must furnish medical treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted. Any person who leaves the state to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child, upon conviction, is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than four (4) years in the State Penitentiary~~ as provided in Section 13 of this act or by the imposition of a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon

spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated. Nothing contained herein shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect his health or welfare. Psychiatric and psychological testing and counseling are exempt from the provisions of this section.

B. It is the duty of any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person, as such terms are defined by Section 3-403 of Title 43A of the Oklahoma Statutes, to provide for the treatment, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, of such child. Any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person who without having made a reasonable effort fails or willfully omits to provide for the treatment of such child shall be guilty of a misdemeanor. For the purpose of this subsection, the duty to provide for such treatment shall mean that the parent having legal custody of a child must provide for the treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide.

SECTION 128. AMENDATORY 21 O.S. 1991, Section 852.1, is amended to read as follows:

Section 852.1 A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section 1101 of Title 10 of the Oklahoma Statutes, commits child endangerment when the person knowingly permits physical or sexual abuse of a child. However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of Title 21 or Section 1130 of Title 10 of the Oklahoma Statutes.

C. Any person convicted of violating any provision of this section shall be guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than four (4) years in the State Penitentiary~~ as provided in Section 13 of this act or by the imposition of a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 129. AMENDATORY 21 O.S. 1991, Section 853, is amended to read as follows:

Section 853. Every person who shall without good cause abandon his wife in destitute or necessitous circumstances and neglect and refuse to maintain or provide for her, or who shall abandon his or her minor child or children under the age of fifteen (15) years and willfully neglect or refuse to maintain or provide for such child or children, shall be deemed guilty of a Schedule IX felony and upon conviction thereof, shall be punished ~~by imprisonment in the State Penitentiary for any period of time not less than one (1) year or more than ten (10) years~~ as provided in Section 13 of this act.

SECTION 130. AMENDATORY 21 O.S. 1991, Section 856, as amended by Section 1, Chapter 182, O.S.L. 1992 (21 O.S. Supp. 1992, Section 856), is amended to read as follows:

Section 856. A. Except as otherwise specifically provided by law, every person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child, upon conviction, shall, for the first offense, be guilty of a misdemeanor and punishable by imprisonment in a county jail not to exceed one (1) year, or by a fine not to exceed

One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. Every person convicted of a second or any succeeding violation of this ~~act~~ section shall be guilty of a ~~felony and~~ misdemeanor, punishable by imprisonment in the ~~State Penitentiary~~ county jail for not to exceed ~~three (3) years~~ one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a felony punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit or recruit a minor to participate, join, or associate with any criminal street gang, as defined by subsection F of this section, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a felony punishable by imprisonment in the State Penitentiary for a term not to exceed one (1) year, or a fine not to exceed Three Thousand Dollars ($3,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony punishable by imprisonment ~~in the State Penitentiary for a term not to exceed five (5) years~~ as provided in Section 2 of this act or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

F. "Criminal street gang" means any ongoing organization, association, or group of five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

2. Aggravated assault and battery as defined by Section 646 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

3. Robbery by force or fear, as defined in Section 791 through 797 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-101 et seq. of Title 63 of the Oklahoma Statutes~~,~~;

7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act~~,~~;

8. Arson, as defined in Sections 1401 through 1403 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

10. Criminal gang intimidation~~, as defined by Section 3 of this act,~~;

11. Theft of any vehicle, as described in Section 1720 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

12. Rape, as defined in Section 1111 of ~~Title 21 of the Oklahoma Statute,~~ this title;

13. Extortion, as defined in Section 1481 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

14. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

15. Transporting a weapon in, or discharging a weapon from, a boat, in violation of Section 1289.14 of ~~Title 21 of the Oklahoma Statutes,~~ this title;

16. Possession of a concealed weapon, as defined by Section 1289.8 of ~~Title 21 of the Oklahoma Statutes,~~ this title; or

17. Shooting or discharging a firearm, as defined by Section 652 of ~~Title 21 of the Oklahoma Statutes~~ this title.

SECTION 131. AMENDATORY 21 O.S. 1991, Section 856.1, is amended to read as follows:

Section 856.1 Every person who shall knowingly, intentionally or willfully cause, aid, abet or encourage a minor child to:

1. Distribute, dispense, possess or manufacture a controlled dangerous substance, as provided in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

2. Create, distribute, or possess a counterfeit controlled dangerous substance, as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

3. Distribute any imitation controlled substance as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

4. Conspire or participate in any scheme, plan or act for the purposes of avoiding, eluding or evading arrest or detection by law enforcement authorities for crimes involving controlled substances as defined by Section 2-101 of Title 63 of the Oklahoma Statutes; or

5. Violate any penal provisions of the Uniform Controlled Dangerous Substances Act,

shall be guilty of a Schedule VI felony punishable by imprisonment ~~in the State Penitentiary for a term not more than twenty (20) years~~ as provided in Section 13 of this act and a fine of not more than Two Hundred Thousand Dollars ($200,000.00). ~~Said sentence shall not be subject to statutory provisions for suspended sentences, or deferred sentences except when the conviction is for a first offense.~~

SECTION 132. AMENDATORY 21 O.S. 1991, Section 861, is amended to read as follows:

Section 861. Every person who administers to any woman, or who prescribes for any woman, or advises or procures any woman to take any medicine, drug or substance, or uses or employs any instrument, or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, is punishable by imprisonment ~~in the penitentiary not less than two (2) nor more than five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 133. AMENDATORY 21 O.S. 1991, Section 867, is amended to read as follows:

Section 867. A. The first conviction of the crime of trafficking in children by any person shall be a Schedule VI felony and punishable by imprisonment ~~in the State Penitentiary for not less than one (1) year nor for more than three (3) years~~ as provided in Section 13 of this title.

B. Conviction of the crime of trafficking in children, subsequent to a prior conviction for such offense in any form, shall be a felony and punishable by imprisonment ~~in the State Penitentiary for not less than three (3) years. No suspension of judgment or sentence shall be permitted~~ as provided in Section 2 of this act.

SECTION 134. AMENDATORY 21 O.S. 1991, Section 872, is amended to read as follows:

Section 872. Every person guilty of the crime of adultery shall be punished by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act or by fine not exceeding Five Hundred Dollars ($500.00), or both such fine and imprisonment.

SECTION 135. AMENDATORY 21 O.S. 1991, Section 883, is amended to read as follows:

Section 883. Every person guilty of bigamy is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 136. AMENDATORY 21 O.S. 1991, Section 884, is amended to read as follows:

Section 884. Every person who knowingly marries the husband or wife of another, in any case in which such husband or wife would be punishable according to the foregoing provisions, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 137. AMENDATORY 21 O.S. 1991, Section 885, is amended to read as follows:

Section 885. Persons who, being within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void, intermarry with each other, or commit adultery or fornication with each other, are punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ for a Schedule III felony as provided in Section 13 of this act.

SECTION 138. AMENDATORY 21 O.S. 1991, Section 886, as amended by Section 1, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1992, Section 886), is amended to read as follows:

Section 886. Every person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ for a Schedule VIII felony as provided in Section 13 of this act. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court.

SECTION 139. AMENDATORY 21 O.S. 1991, Section 888, as amended by Section 2, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1992, Section 888), is amended to read as follows:

Section 888. A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a Schedule III felony punishable by imprisonment ~~in the penitentiary for a period of not more than twenty (20) years~~ as provided in Section 13 of this act. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime.

SECTION 140. AMENDATORY 21 O.S. 1991, Section 891, is amended to read as follows:

Section 891. Whoever maliciously, forcibly or fraudulently takes or entices away any child under the age of twelve (12) years, with intent to detain and conceal such child from its parent, guardian or other person having the lawful charge of such child is punishable by imprisonment ~~in the penitentiary not~~

~~exceeding ten (10) years~~ for a Schedule VIII felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 141. AMENDATORY 21 O.S. 1991, Section 941, as amended by Section 29, Chapter 328, O.S.L. 1992 (21 O.S. Supp. 1992, Section 941), is amended to read as follows:

Section 941. Except as provided in the Oklahoma Charity Games Act, every person who opens, or causes to be opened, or who conducts, whether for hire or not, or carries on either poker, roulette, craps or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits, or any representatives of value, or who either as owner or employee, whether for hire or not, deals for those engaged in any such game, shall be guilty of a Schedule IX felony, and upon conviction thereof, shall be punished by a fine of not less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), and by imprisonment ~~in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act.

SECTION 142. AMENDATORY 21 O.S. 1991, Section 946, is amended to read as follows:

Section 946. Any house, room or place where any of the games prohibited by Section ~~1~~ 941 of this ~~act~~ title are opened, conducted or carried on, or where persons congregate to play at any such games is a public nuisance and the keepers and managers of any such nuisance, and persons aiding or assisting any such keepers or managers in keeping or managing any such nuisance shall be guilty of a Schedule IX felony and upon conviction, shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment ~~in the state penitentiary for a term of not less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act.

SECTION 143. AMENDATORY 21 O.S. 1991, Section 948, is amended to read as follows:

Section 948. Any state, district, city, town, county or township officer who shall engage or participate in, or who shall assist or encourage any other person or persons in any kind of gambling, whether the same be by cards, dice, dominoes, billiards or any game of chance or a gambling device, by betting money, property or other things of value in such game of chance, or gambling device, such officer shall be deemed guilty of a Schedule VIII felony, and upon conviction shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment ~~in the State Penitentiary for a term ofnot less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act, and such judgment of conviction shall carry with it an immediate removal from office and a disqualification to hold any office of profit or trust in the State of Oklahoma.

SECTION 144. AMENDATORY 21 O.S. 1991, Section 950, is amended to read as follows:

Section 950. Any state, county, city, or township officer, or other person who shall hold for, receive or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt or otherwise assist said person from arrest or conviction for a violation of any of the provisions of this article, or who shall issue, deliver or cause to be delivered to any person or persons, any license, permit, or other privileges, giving or pretending to give, any authority or right to any person or persons, to carry on, conduct, open or cause to be opened, any game or games which are forbidden or prohibited by any of the provisions of this article shall be deemed guilty of a Schedule X felony, punishable as provided in Section 13 of this act.

SECTION 145. AMENDATORY 21 O.S. 1991, Section 954, is amended to read as follows:

Section 954. Every person who deals, plays or practices in the State of Oklahoma, or who is in any manner accessory to the dealing, playing or practicing of a swindle known as three-card monte, or any other swindle or confidence game, play or practice,

shall be deemed guilty of a Schedule IX felony and upon conviction thereof, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000,00), or by ~~confinement in the penitentiary for a term of not less than one (1) year nor more than five (5) years~~ imprisonment as provided in Section 13 of this act.

SECTION 146. AMENDATORY 21 O.S. 1991, Section 982, is amended to read as follows:

Section 982. A. Commercial gambling is:

1. Operating or receiving all or part of the earnings of a gambling place;

2. Receiving, recording or forwarding bets or offers to bet or, with intent to receive, record or forward bets or offers to bet, possessing facilities to do so;

3. For gain, becoming a custodian of anything of value bet or offered to be bet;

4. Conducting a lottery or with intent to conduct a lottery possessing facilities to do so;

5. Setting up for use or collecting the proceeds of any gambling device; or

6. Alone or with others, owning, controlling, managing or financing a gambling business.

B. Any person found guilty of commercial gambling shall be punished by imprisonment ~~for not more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act or a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 147. AMENDATORY 21 O.S. 1991, Section 984, is amended to read as follows:

Section 984. A. Dealing in gambling devices is manufacturing, transferring or possessing with intent to transfer any gambling device or subassembly or essential part thereof.

B. Any person dealing in gambling devices shall be punished by imprisonment for ~~not more than five (5) years~~ a Schedule IX felony as provided in Section 13 of this act, or a fine of not

more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 148. AMENDATORY 21 O.S. 1991, Section 986, is amended to read as follows:

Section 986. A. Installing communication facilities for gamblers is:

1. Installing communications facilities in a place which the person who installs the facilities knows is a gambling place;

2. Installing communications facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or

3. Knowing that communications facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use.

B. Any person not an employee of a communications public utility authorized to transact business in this state by the Oklahoma Corporation Commission acting within the scope of his employment, violating subsection A above, who knows or has reason to know said communications facilities will be used in making or settling commercial gambling transactions and installs said facilities with the intent to facilitate said commercial gambling transactions and is found guilty thereof shall be punished by imprisonment ~~for not more than five (5) years~~ <u>for a Schedule IX felony as provided in Section 13 of this act,</u> or a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

C. When any communications public utility providing telephone communications service is notified in writing by an order of a court of competent jurisdiction, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any such court order. Nothing in this section

shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

SECTION 149. AMENDATORY 21 O.S. 1991, Section 987, is amended to read as follows:

Section 987. A. Dissemination of gambling information is the transmitting or receiving, by means of any communications facilities, information to be used in making or settling bets. Provided that nothing herein shall prohibit a licensed radio or television station or newspaper of general circulation from broadcasting or disseminating to the public reports of odds or results of legally staged sporting events.

B. Any person found guilty of disseminating gambling information shall be punished by imprisonment for ~~not more than five (5) years~~ a Schedule IX felony as provided in Section 13 of this act, or a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 150. AMENDATORY 21 O.S. 1991, Section 991, is amended to read as follows:

Section 991. A. Except as provided for in the Oklahoma Horse Racing Act, it shall be unlawful for any person, association, or corporation:

1. To bet or wager upon the result of any trial of speed or power of endurance of animals or beasts; or

2. To occupy any room, shed, tenement or building, or any part thereof, or to occupy any place upon any grounds with books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools, or making books or mutuals upon the result of any trial of speed or power of endurance of animals or beasts; or

3. Being the owner or lessee or occupant of any room, tent, tenement, shed, booth, or building, or part thereof at any place knowingly to permit the same to be used or occupied to keep, exhibit, or employ any device or apparatus for the purpose of

recording or registering such bets or wagers or the selling or making of such books, pools or mutuals, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value, bet or wagered or to be wagered or bet upon the result of any trial of speed or power of endurance of animals or beasts; or

4. To receive, register, record, forward or purport or pretend to forward to or for any racetrack within or without this state, any money, thing or consideration of value offered for the purpose of being bet or wagered upon the result of any trial of speed or power of endurance of any animal or beast; or

5. To occupy any place, or building or part thereof with books, papers, apparatus, or paraphernalia for the purpose of receiving or pretending to receive or for recording or for registering or for forwarding or pretending or attempting to forward in any manner whatever, any money, thing or consideration of value, bet or wagered or to be bet or wagered by any person, or to receive or offer to receive any money, thing, or consideration of value bet or to be bet upon the result of any trial of speed or power of endurance of any animal or beast; or

6. To aid or assist or abet at any racetrack or other place in any manner in any of the acts forbidden by this section.

B. Any person, association, or corporation convicted of violating the provisions of ~~paragraph 1 of subsection A of this section shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) and be imprisoned not more than ninety (90) days. Any person, association, or corporation convicted of violating any provision of paragraphs 2, 3, 4, 5 or 6 of~~ subsection A of this section shall be guilty of a Schedule IX felony and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned ~~for a period of not more than ten (10) years~~ as provided in Section 13 of this act or both said fine and imprisonment.

C. Any personal property used for the purpose of violating any of the provisions of this section shall be disposed of as provided for in Section 1261 of Title 22 of the Oklahoma Statutes.

SECTION 151. AMENDATORY 21 O.S. 1991, Section 1021, is amended to read as follows:

Section 1021. A. Every person who willfully either:

1. Lewdly exposes his person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby~~,~~;

2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer~~,~~;

3. Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, book, picture, photograph, motion picture, figure, or form of any description~~,~~; or

4. Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any other kind of sound recording of any obscene or indecent language, poetry, or songs, or who speaks any words by means of a telephone to any person which are offensive to decency or are calculated to excite vicious or lewd thoughts or acts, or who speaks any other communicable words which are offensive to decency or are adapted to excite vicious or lewd thoughts or acts,

shall be guilty, upon conviction, of a Schedule IX felony and shall be punished by the imposition of a fine of not less than One Hundred Dollars ($100.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment ~~for not less than thirty (30) days nor more than ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

B. Every person who:

1. Willfully solicits or aids a minor child to perform~~,~~; or

2. Shows, exhibits, loans, or distributes to a minor child any obscene or indecent writing, paper, book, picture, photograph,

motion picture, figure, or form of any description for the purpose of inducing said minor to participate in,
any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section shall be guilty, upon conviction, of a Schedule VI felony and shall be punished by imprisonment ~~in a state correctional institution for not less than ten (10) years nor more than thirty (30) years~~ as provided in Section 13 of this act.

SECTION 152. AMENDATORY 21 O.S. 1991, Section 1021.2, is amended to read as follows:

Section 1021.2 Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any film, motion picture, videotape, photograph, negative, slide, drawing, painting, play, or performance wherein the minor is engaged in or portrayed, depicted, or represented as engaging in any act of sexual intercourse, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual activity, in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual activity, or in any other exhibition of the uncovered genitals having the purpose of sexual stimulation of the viewer, or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any said material involving the participation of any minor under the age of eighteen (18) shall be guilty, upon conviction, of a Schedule VI felony and shall be punished by imprisonment ~~for not more than twenty (20) years~~ as provided in Section 13 of this act or by the imposition of a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or by both said fine and imprisonment. The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.

SECTION 153. AMENDATORY 21 O.S. 1991, Section 1021.3, is amended to read as follows:

Section 1021.3 Any parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any film, motion picture, videotape, photograph, negative, slide,

drawing, painting, play or performance wherein the minor is engaged in or portrayed, depicted or represented as engaging in any act of sexual intercourse, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual activity, or in any lewd exhibition of the uncovered genitals in the context of masturbation or other sexual activity, shall be guilty of a Schedule VI felony and, upon conviction, shall be imprisoned ~~in the State Penitentiary for a period of not more than twenty (20) years~~ as provided in Section 13 of this act or a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment. The consent of the minor to the activity prohibited by this section shall not constitute a defense.

SECTION 154. AMENDATORY 21 O.S. 1991, Section 1040.51, is amended to read as follows:

Section 1040.51 Any person who knowingly buys, sells, barters, traffics in, or causes to be delivered or transported into Oklahoma any picture, moving picture, drawing, electronic video game, diagram, or photograph of any person or animal or caricature thereof in an act of sexual intercourse or unnatural copulation, upon conviction, shall be deemed guilty of a Schedule VIII felony and shall be punished by a fine of not to exceed Twenty-five Thousand Dollars ($25,000.00) or by imprisonment ~~for not to exceed fifteen (15) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment. Nothing contained in this section shall prohibit the use of any of the above-mentioned items pursuant to medical prescription by a duly licensed physician in the State of Oklahoma, or in recognized schools of medicine or veterinary science for educational purposes.

SECTION 155. AMENDATORY 21 O.S. 1991, Section 1053, is amended to read as follows:

Section 1053. Every person who contrives, prepares, sets up, proposes or draws any lottery, is punishable by a fine equal to double the amount of the whole sum or value for which such lottery was made, and if such amount cannot be ascertained, then, by imprisonment ~~in the state prison not exceeding two (2) years~~ for a

Schedule IX felony as provided in Section 13 of this act or by imprisonment in a county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.

SECTION 156. AMENDATORY 21 O.S. 1991, Section 1066, is amended to read as follows:

Section 1066. Every person who sets up, promotes or engages in any plan by which goods or anything of value is sold to a person, firm or corporation for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and shall be punished as provided in Section ~~3~~ 1068 of this ~~act~~ title.

SECTION 157. AMENDATORY 21 O.S. 1991, Section 1068, is amended to read as follows:

Section 1068. Any person violating the provisions of ~~this act~~ Section 1066 or 1067 of this title shall upon conviction thereof be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment for a ~~term not exceeding two (2) years in the State Penitentiary~~ Schedule IX felony as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 158. AMENDATORY 21 O.S. 1991, Section 1081, is amended to read as follows:

Section 1081. Any person who shall procure a female inmate for a house of prostitution, or who, by promise, threats, violence or by any device or scheme shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution; or shall procure a place as inmate in a house of prostitution for a female person; or who shall, by promise, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to

remain therein as such inmate; or who shall, by fraud, or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority procure any female person to become an inmate of a house of ill-fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or who shall procure any female person, who has not previously practiced prostitution to become an inmate of a house of ill-fame within this state, or to come into this state or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become an inmate of a house of ill-fame within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of pandering, and upon conviction for any offense under this article shall be punished by imprisonment ~~in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years~~ for a Schedule IX felony as provided in Section 13 of this act, and by a fine of not less than Three Hundred Dollars ($300.00) and not to exceed One Thousand Dollars ($1,000.00).

SECTION 159. AMENDATORY 21 O.S. 1991, Section 1087, is amended to read as follows:

Section 1087. A. No person shall:

1. Offer, or offer to secure, a child under eighteen (18) years of age for the purpose of prostitution, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced;

2. Receive or to offer or agree to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose; or

3. Direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any child under

eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

B. 1. Any person violating the provisions of this section shall, upon conviction, be guilty of a Schedule IX felony punishable by imprisonment ~~of not less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act.

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits any violation of this section in any house, building, room, or other premises or any conveyances under his control or of which he has possession shall, upon conviction for the first offense, be guilty of a misdemeanor and punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00). Upon conviction for a subsequent offense pursuant to this subsection such person shall be guilty of a ~~felony~~ misdemeanor and shall be punished by mandatory imprisonment in the ~~State Penitentiary~~ county jail for a period of not ~~less~~ more than one (1) year ~~nor more than ten (10) years~~, or by a fine of not less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment.

SECTION 160. AMENDATORY 21 O.S. 1991, Section 1088, is amended to read as follows:

Section 1088. A. No person shall:

1. By promise, threats, violence, or by any device or scheme, including but not limited to the use of any controlled dangerous substance prohibited pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, cause, induce, persuade, or encourage a child under eighteen (18) years of age to engage or continue to engage in prostitution or to become or remain an inmate of a house of prostitution or other place where prostitution is practiced;

2. Keep, hold, detain, restrain, or compel against his will, any child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or other place where prostitution is practiced or allowed;

3. Directly or indirectly keep, hold, detain, restrain, or compel or attempt to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child.

B. 1. Any person violating the provisions of this section, upon conviction, shall be guilty of a Schedule IX felony punishable by imprisonment ~~for not less than one (1) year nor more than twenty-five (25) years~~ as provided in Section 13 of this act, and by a fine of not less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00).

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits a violation of this section in any house, building, room, tent, lot or premises under his control or of which he has possession, upon conviction for the first offense, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Five Thousand Dollars ($5,000.00). Upon conviction for a subsequent offense pursuant to the provisions of this subsection such person shall be guilty of a ~~felony~~ misdemeanor punishable by mandatory imprisonment in the county jail for a period of not ~~less~~ more than one (1) year ~~nor more than ten (10) years~~, and by a fine of not less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00).

SECTION 161. AMENDATORY 21 O.S. 1991, Section 1092, is amended to read as follows:

Section 1092. Every pawnbroker or person carrying on the business of a pawnbroker, and every junk dealer, who having

received any goods which have been embezzled or stolen, refuses or omits to exhibit them, upon demand, during the usual business hours, to the owner of said goods or his agent authorized to demand an inspection thereof, or any peace officer, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 162. AMENDATORY 21 O.S. 1991, Section 1115, is amended to read as follows:

Section 1115. Rape in the first degree is a Schedule III felony, punishable by ~~death or~~ imprisonment ~~in the penitentiary, not less than five (5) years, in the discretion of the jury, or in case the jury fail or refuse to fix the punishment then the same shall be pronounced by the court~~ as provided in Section 13 of this act.

SECTION 163. AMENDATORY 21 O.S. 1991, Section 1116, is amended to read as follows:

Section 1116. Rape in the second degree is a Schedule VI felony, punishable by imprisonment ~~in the penitentiary not less than one (1) year nor more than fifteen (15) years~~ as provided in Section 13 of this act.

SECTION 164. AMENDATORY 21 O.S. 1991, Section 1118, is amended to read as follows:

Section 1118. Every person who takes any woman unlawfully against her will, with the intent to compel her by force, menace or duress to marry him, or to marry any other person, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 165. AMENDATORY 21 O.S. 1991, Section 1119, is amended to read as follows:

Section 1119. Every person who takes away or induces to leave any person under the age of fifteen (15) years, from a parent, guardian or other person having the legal charge of the person, without the consent of said parent, guardian, or other person having legal charge, for the purpose of marriage or concubinage, or any crime involving moral turpitude is punishable by

imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 166. AMENDATORY 21 O.S. 1991, Section 1120, is amended to read as follows:

Section 1120. Every person who, under promise of marriage, seduces and has illicit connection with any unmarried female of previous chaste character, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 167. AMENDATORY 21 O.S. 1991, Section 1122, is amended to read as follows:

Section 1122. Any person charged by information or indictment with the offense of seduction who shall, before the trial of such charge, marry the female whom he was accused of seducing, thereby procuring the dismissal of such charge, and who shall within two (2) years after said marriage, without the fault of his said wife, such fault amounting to acts committed by her after said marriage as would entitle him to a divorce under the laws of this state, shall abandon her or refuse to live with her, or shall be so cruel to her as to compel her to leave him, or shall be guilty of such outrages or cruelties towards her as to make their living together impossible, thereby leaving her or forcing her to leave him, and live apart from each other, shall be guilty of the offense of abandonment after seduction and marriage; and any person convicted of said offense shall be ~~confined in the penitentiary for a term of not less than two (2) nor more than ten (10) years~~ guilty of a Schedule IX felony, punishable as provided in Section 13 of this act; and said marriage shall be no bar to the qualifications of said female to testify against the defendant; and the female so

seduced and subsequently married and abandoned as herein provided, shall be a competent witness against said defendant.

SECTION 168. AMENDATORY 21 O.S. 1991, Section 1123, as amended by Section 3, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1123), is amended to read as follows:

Section 1123. A. Any person who shall knowingly and intentionally:

1. Make any oral or written lewd or indecent proposal to any child under sixteen (16) years of age for the child to have unlawful sexual relations or sexual intercourse with any person; or

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification, urinate or defecate upon a child under sixteen (16) years of age or ejaculate upon or in the presence of a child, or force or require a child to look upon the body or private parts of another person or upon sexual acts performed in the presence of the child or force or require a child to touch or feel the body or private parts of said child or another person, upon conviction, shall be deemed guilty of a Schedule VI felony and shall be punished by imprisonment ~~in the Oklahoma State Penitentiary for not less than one (1) year nor more than twenty (20) years~~ as provided in Section 13 of this act. The provisions of this section shall not apply unless the accused is at least

three (3) years older than the victim. Any person convicted of a second ~~violation of subsection A of this section shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third~~ or subsequent violation of subsection A of this section shall be punished by imprisonment ~~in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court~~ as provided in Section 2 of this act.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person. Any person convicted of any violation of this subsection shall be deemed guilty of a Schedule IX felony and shall be punished by imprisonment ~~in the Oklahoma State Penitentiary for not more than five (5) years~~ as provided in Section 13 of this act.

SECTION 169. AMENDATORY 21 O.S. 1991, Section 1161, is amended to read as follows:

Section 1161. A. No person shall intentionally remove the dead body of a human being or any part thereof from the initial site where such dead body is located for any purpose, unless such removal is authorized by a district attorney or his authorized representative or medical examiner or his authorized representative, or is not required to be investigated pursuant to the provisions of Section 938 of Title 63 of the Oklahoma Statutes, said authorization by the district attorney or medical examiner shall not be required prior to the removal of said body. A district attorney having jurisdiction may refuse to prosecute a violation of this subsection if the district attorney determines that circumstances existed which would justify such removal or that such removal was not an act of malice or wantonness.

B. No person shall remove any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while

awaiting burial, with intent to sell the same, or to dissect it without authority of law, or from malice or wantonness.

C. No person shall willfully or with malicious intent violate or cause damage to the casket or burial vault holding the deceased human remains.

D. Any person convicted of violating any of the provisions of this section shall be punished by imprisonment ~~in the State Penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in the county jail not exceeding one (1) year, or by a fine not exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 170. AMENDATORY 21 O.S. 1991, Section 1162, is amended to read as follows:

Section 1162. Whoever purchases, or who receives, except for the purpose of burial, any dead body of a human being, knowing the same has been removed contrary to ~~the last section~~ Section 1161 of this title, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 171. AMENDATORY 21 O.S. 1991, Section 1163, is amended to read as follows:

Section 1163. Every person who opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent either:

1. To remove any dead body of a human being for the purpose of selling the same, or for the purpose of dissection; or~~,~~

2. To steal the coffin, or any part thereof or anything attached thereto, or connected therewith, or the vestments or other articles buried with the same, is punishable by imprisonment ~~in the penitentiary not exceeding two~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding Two

Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment.

SECTION 172. AMENDATORY 21 O.S. 1991, Section 1172, is amended to read as follows:

Section 1172. A. It shall be unlawful for a person who, by means of a telephone, willfully either:

1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

2. Makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

3. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section; and

4. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number(s).

B. Use of a telephone facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this act is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

C. Any person who is convicted of the provisions of subsection A of this section, shall be guilty of a misdemeanor as defined in this title.

~~D. Any person who is convicted of a second offense under this section shall be guilty of a felony as defined in this title.~~

SECTION 173. AMENDATORY 21 O.S. 1991, Section 1192, is amended to read as follows:

Section 1192. Any person who shall inoculate himself or any other person or shall suffer himself to be inoculated with smallpox, syphilis or gonorrhea and shall spread or cause to be spread to any other persons with intent to or recklessly be responsible for the spread of or prevalence of such infectious disease, shall be ~~deemed a felon~~ guilty of a Schedule IX felony, and upon conviction thereof shall be punished by imprisonment ~~in~~

~~the penitentiary not more than five (5) years nor less than two (2) years~~ as provided in Section 13 of this act.

SECTION 174. AMENDATORY 21 O.S. 1991, Section 1214, is amended to read as follows:

Section 1214. It shall be unlawful for any person to operate a mobile radio capable of receiving transmissions made by any law enforcement agency for illegal purposes or while in the commission of a crime and not otherwise and any person violating the provisions hereof shall be guilty of a Schedule IX felony and upon conviction thereof shall be punished by imprisonment ~~in the penitentiary for not more than three (3) years~~ as provided in Section 13 of this act, or fined by not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

SECTION 175. AMENDATORY 21 O.S. 1991, Section 1217, is amended to read as follows:

Section 1217. Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firemen in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, shall be deemed guilty of a Schedule IX felony and shall be punished therefor by imprisonment ~~in the State Penitentiary for a term not exceeding ten (10) years nor less than two (2) years~~ as provided in Section 13 of this act.

SECTION 176. AMENDATORY 21 O.S. 1991, Section 1263, is amended to read as follows:

Section 1263. Any person who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly

circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism; or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit, is guilty of a Schedule IX felony, and upon conviction thereof shall be punished by imprisonment ~~in the State Penitentiary for a term not to exceed ten (10) years~~ as provided in Section 13 of this act, or by a fine of not more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. Provided, that none of the provisions of ~~this act~~ Sections 1261 through 1264 of this title shall be construed to modify or affect ~~Section 3764, Chapter 42 of the Revised Laws of Oklahoma, 1910~~ Section 166 of Title 40 of the Oklahoma Statutes.

SECTION 177. AMENDATORY 21 O.S. 1991, Section 1265.2, is amended to read as follows:

Section 1265.2 Whoever destroys, impairs, injures, interferes or tampers with real or personal property with intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be punished by imprisonment for ~~not more than ten (10) years~~ a Schedule VIII felony as provided in Section 13 of this act, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both~~; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year~~.

SECTION 178. AMENDATORY 21 O.S. 1991, Section 1265.3, is amended to read as follows:

Section 1265.3 Whoever intentionally makes or causes to be made any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that such article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be punished by imprisonment for ~~not more than ten (10) years~~ a Schedule VIII felony as provided in Section 13 of this act, or a fine of not more than Ten Thousand Dollars ($10,000.00) or both~~; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year~~.

SECTION 179. AMENDATORY 21 O.S. 1991, Section 1266, is amended to read as follows:

Section 1266. Any person above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly

or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a Schedule VII felony, and upon conviction shall be punished by imprisonment ~~in the State Penitentiary from five (5) years to life~~ as provided in Section 13 of this act.

SECTION 180. AMENDATORY 21 O.S. 1991, Section 1266.5, is amended to read as follows:

Section 1266.5 Any person who shall violate any of the provisions of Section ~~4~~ 1266.4 of this ~~act~~ title shall be guilty of a Schedule VII felony, and upon conviction thereof shall be fined not more than Twenty Thousand Dollars ($20,000.00), or imprisoned ~~not less than one (1) year nor more than twenty (20) years in the State Penitentiary~~ as provided in Section 13 of this act, or may be both so fined and imprisoned. ~~No person convicted of any violation of this act shall ever be entitled to suspension or probation of sentence by the trial court.~~

SECTION 181. AMENDATORY 21 O.S. 1991, Section 1267.1, is amended to read as follows:

Section 1267.1 Any person organizing or assisting to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the United States or state governments, or of acting to overthrow such governments, by force or violence, or who is or becomes a member or affiliate of any such organization knowing its purposes shall, upon conviction thereof, be guilty of a Schedule IX felony and punished ~~accordingly~~ as provided in Section 13 of this act.

SECTION 182. AMENDATORY 21 O.S. 1991, Section 1272.2, is amended to read as follows:

Section 1272.2 Any person who intentionally, knowingly or recklessly carries on his person any weapon in violation of Section ~~1 above~~ 1272.1 of this title shall be guilty of a Schedule IX felony punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or imprisonment ~~in the penitentiary for a period not to exceed two (2) years~~ as provided in Section 13 of this act or both such fine and imprisonment.

SECTION 183. AMENDATORY 21 O.S. 1991, Section 1273, is amended to read as follows:

Section 1273. It shall be ~~unlawful~~ a Schedule VI felony, punishable as provided in Section 13 of this act, for any person within this state, to sell or give to any minor any of the arms or weapons designated~~,~~ in ~~the two preceding sections~~ Section 1272 of this title.

SECTION 184. AMENDATORY 21 O.S. 1991, Section 1276, is amended to read as follows:

Section 1276. Any person violating the provisions of ~~any one of the foregoing sections~~ Section 1272 of this title, shall on the first conviction be adjudged guilty of a misdemeanor and be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00), or by imprisonment in the county jail not to exceed thirty (30) days or both at the discretion of the court. On the second and every subsequent conviction, the party offending shall on conviction be fined not less than Fifty Dollars ($50.00) nor more than Two Hundred Fifty Dollars ($250.00) or be imprisoned in the county jail not less than thirty (30) days nor more than three (3) months or both, at the discretion of the court.

SECTION 185. AMENDATORY 21 O.S. 1991, Section 1282, is amended to read as follows:

Section 1282. Every person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, is guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 186. AMENDATORY 21 O.S. 1991, Section 1284, is amended to read as follows:

Section 1284. Any person who violates any provision of Section 1283 of this ~~act~~ title shall be guilty of a Schedule IX felony and, upon conviction thereof, shall be punished by imprisonment ~~in the State Penitentiary not less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act.

SECTION 187. AMENDATORY 21 O.S. 1991, Section 1287, is amended to read as follows:

Section 1287. Any person who, while committing or attempting to commit a felony, possesses a firearm or any other offensive weapon in such commission or attempt, whether the firearm is loaded or not, or who possesses a blank or imitation firearm capable of raising in the mind of one threatened with such device a fear that it is a real firearm, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense, and shall be punishable by imprisonment ~~in the penitentiary for a period of not less than two (2) years nor for more than ten (10) years~~ for the first offense as provided for a Schedule VIII felony in Section 13 of this act, and ~~for a period of not less than ten (10) years nor for more than thirty (30) years~~ as provided in Section 2 of this act for any second or subsequent offense.

SECTION 188. AMENDATORY 21 O.S. 1991, Section 1289.16, is amended to read as follows:

Section 1289.16 It shall be ~~unlawful~~ a Schedule IX felony for any person to willfully or without lawful cause, point a shotgun, rifle or pistol, or any deadly weapon, whether loaded or not, at any person or persons for the purpose of threatening or with the intention of discharging the firearm or with any malice or for any purpose of injuring, either through physical injury or mental or emotional intimidation or for purposes of whimsy, humor or prank, but not to include the pointing of shotguns, rifles or pistols by law enforcement authorities in the performance of their duties, members of the state military forces in the form of the Oklahoma Army or Air National Guard in the performance of their duties, members of the Federal Military Reserve and active military components in the performance of their duties, or any federal government law enforcement officer in the performance of his duty,

or in the performance of a play on stage, rodeo, television or on film, or in defense of one's person, home or property.

SECTION 189. AMENDATORY 21 O.S. 1991, Section 1289.17, is amended to read as follows:

Section 1289.17 Any violation of ~~Section 16 of this act, or of the provisions of 21 O.S. 1961,~~ Section 1289.16 or 1283 of this title, shall constitute a Schedule IX felony, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years.

SECTION 190. AMENDATORY 21 O.S. 1991, Section 1289.18, is amended to read as follows:

Section 1289.18 A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length, including the stock portion.

C. Every person who has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a Schedule VIII felony for the possession of such device, and shall be punishable by a fine not to exceed One Thousand Dollars ($1,000.00) or imprisonment ~~in the penitentiary for a period not to exceed two (2) years~~ as provided in Section 13 of this act, or both such fine and imprisonment.

D. It is a defense to prosecution under this section, if the approved application form that authorized the making or transfer of the particular firearm to the defendant, which indicates the

registration of the firearm to said defendant pursuant to the National Firearm's Act, is introduced.

SECTION 191. AMENDATORY 21 O.S. 1991, Section 1289.20, is amended to read as follows:

Section 1289.20 A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, cause to be manufactured, import, advertise for sale or sell within this state any restricted bullet as defined in Section ~~1~~ 1289.19 of this ~~act~~ title.

B. Any person convicted of violating subsection A of this section shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment ~~in the State Penitentiary for not more than ten (10) years~~ for a Schedule VIII felony as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 192. AMENDATORY 21 O.S. 1991, Section 1289.21, is amended to read as follows:

Section 1289.21 A. It shall be ~~unlawful~~ a Schedule VIII felony for any person to possess, carry upon his person, use or attempt to use against another person any restricted bullet as defined in Section ~~1~~ 1289.19 of this ~~act~~ title.

B. Any person convicted of violating subsection A of this section shall be punished by imprisonment ~~in the State Penitentiary for not less than two (2) years nor more than ten (10) years~~ as provided in Section 13 of this act. ~~The sentence so imposed shall not be suspended.~~

SECTION 193. AMENDATORY 21 O.S. 1991, Section 1302, is amended to read as follows:

Section 1302. Any person, masked or in disguise, who shall enter upon the premises of another or demand admission into the house or enclosure of another (with intent to inflict bodily injury, or injury to property) shall be deemed guilty of assault with intent to commit a felony and such entrance or demand for admission shall be prima facie evidence of such intent, and upon conviction thereof, such person shall be punished by a fine of not less than Fifty Dollars ($50.00) nor more than Five Hundred

Dollars ($500.00), and by imprisonment ~~in the penitentiary for a term of not less than one (1) year nor more than five (5) years~~ for a Schedule VIII felony as provided in Section 13 of this act.

SECTION 194. AMENDATORY 21 O.S. 1991, Section 1303, is amended to read as follows:

Section 1303. Any person, while masked or in disguise, who shall assault another with a dangerous weapon, or other instrument of punishment, shall be deemed guilty of a Schedule VIII felony, and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), and by imprisonment ~~in the penitentiary for a term of not less than five (5) years nor more than twenty (20) years~~ as provided in Section 13 of this act.

SECTION 195. AMENDATORY 21 O.S. 1991, Section 1312, is amended to read as follows:

Section 1312. Every person guilty of participating in any riot is punishable as follows:

1st. If any murder, maiming, robbery, rape or arson was committed in the course of such riot, such person is punishable in the same manner as a principal in such crime.

2nd. If the purpose of the riotous assembly was to resist the execution of any statute of this state or of the United States, or to obstruct any public officer of this state or of the United States, in the performance of any legal duty, or in serving or executing any legal process, such person is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years and not less than two (2)~~ for a Schedule VIII felony as provided in Section 13 of this act.

3rd. If such person carried at the time of such riot any species of firearms, or other deadly or dangerous weapon, or was disguised, he is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years and not less than two (2)~~ for a Schedule VIII felony as provided in Section 13 of this act.

4th. If such person directed, advised, encouraged or solicited other persons, who participated in the riot to acts of force or violence, he is punishable by imprisonment ~~in the~~

~~penitentiary for not exceeding twenty (20) and not less than two (2) years~~ for a Schedule VIII felony as provided in Section 13 of this act.

5th. In all other cases such person is punishable as for a misdemeanor.

SECTION 196. AMENDATORY 21 O.S. 1991, Section 1320.2, is amended to read as follows:

Section 1320.2 It shall be ~~unlawful~~ a Schedule VIII felony and shall constitute incitement to riot for a person or persons, intending to cause, aid, or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence, or the unlawful burning or destroying of property, or the unlawful interference with a police officer, peace officer, fireman or a member of the Oklahoma National Guard or any unit of the armed services officially assigned to riot duty in the lawful performance of his duty.

SECTION 197. AMENDATORY 21 O.S. 1991, Section 1320.3, is amended to read as follows:

Section 1320.3 It shall be ~~unlawful~~ a Schedule IX felony and shall constitute an unlawful assembly for a person to assemble or act in concert with four (4) or more persons for the purpose of engaging in conduct constituting the crime of riot, or to remain at the scene of a riot after being instructed to disperse by law authorities.

SECTION 198. AMENDATORY 21 O.S. 1991, Section 1320.4, is amended to read as follows:

Section 1320.4 ~~After the effective date of this act, any~~ Any person guilty of the crime, as set forth in ~~Sections 1 and 2~~ Section 1320.2 of this title, shall be deemed guilty of a Schedule VIII felony, punishable ~~by not more than ten (10) years in prison~~ as provided in Section 13 of this act, or a fine of not more than Ten Thousand Dollars ($10,000.00), or both.

SECTION 199. AMENDATORY 21 O.S. 1991, Section 1320.5, is amended to read as follows:

Section 1320.5 ~~After the effective date of this act, any~~ Any person guilty of the crime, as set forth in Section ~~3~~ 1320.3 of this title, shall be deemed guilty of a Schedule IX felony, punishable ~~by not more than five (5) years in prison~~ as provided in Section 13 of this act, or a fine of not more than Five Thousand Dollars ($5,000.00), or both.

SECTION 200. AMENDATORY 21 O.S. 1991, Section 1320.10, is amended to read as follows:

Section 1320.10 No person, except those specifically authorized by the state or federal government, shall:

1. Teach or demonstrate to any group of persons the use, application or making of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person knowing or intending that such firearm, explosive or incendiary device or application of physical force will be employed for use in, or in furtherance of, a riot or civil disorder; or

2. Assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person, intending to employ such firearm, explosive or incendiary device or application of physical force for use in, or in furtherance of, a riot or civil disorder. Any violation of this ~~act~~ section shall be a Schedule VIII felony punishable as provided in Section 13 of this act.

SECTION 201. AMENDATORY 21 O.S. 1991, Section 1321.7, is amended to read as follows:

Section 1321.7 (a) During a state of emergency, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a Schedule VIII felony.

(b) Any person guilty of violating this section shall, upon conviction thereof, be imprisoned ~~for not less than two (2) years, nor more than ten (10) years~~ as provided in Section 13 of this act.

(c) Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

(d) A person is guilty of an offense under this section committed by another person when:

(1) acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

(2) intending to promote or facilitate the commission of the offense he:

(A) solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it; or

(B) aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or

(C) having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

(e) In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

(1) the other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

(2) the other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

SECTION 202. AMENDATORY 21 O.S. 1991, Section 1321.8, is amended to read as follows:

Section 1321.8 The following provisions shall apply during a state of emergency.

(a) A person is guilty of riot when he participates with two or more persons in a course of disorderly conduct:

(1) with intent to commit or facilitate the commission of a felony or misdemeanor; or

(2) with intent to prevent or coerce official action; or

(3) when the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

(b) Any person upon any public way within the described area who is directed by the authorities to leave the public way but refuses to do so shall be guilty of a misdemeanor.

(c) Any person who violates the provisions of this section, except subsection (b), shall be guilty of a Schedule VIII felony and upon conviction thereof shall be imprisoned ~~for not less than two (2) years nor more than then (10) years~~ as provided in Section 13 of this act.

(d) Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

(e) A person is guilty of an offense under this section committed by another person when:

(1) acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

(2) intending to promote or facilitate the commission of the offense he:

(A) solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it; or

(B) aids, counsels, or agrees or attempts to aid the other person in planning or committing it; or

(C) having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so;

(3) his conduct is expressly declared by a statute of this state to establish his complicity.

(f) In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

(1) the other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

(2) the other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

(g) Disorderly conduct as used in this section means a course of conduct by a person who:

(1) causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

(A) engaging in fighting or in violent, tumultuous, or threatening behavior; or

(B) making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present; or

(C) dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority; or (D) creating a hazardous or physically offensive condition which serves no legitimate purpose; or

(2) engages with at least one other person in a course of disorderly conduct as defined in subparagraph (1) of this subsection which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants.

SECTION 203. AMENDATORY 21 O.S. 1991, Section 1327, is amended to read as follows:

Section 1327. The Legislature recognizes that special circumstances exist as regards college campuses and public school facilities, including the fact that a large number of people are confined to a small area, and certain acts committed in such

places would have a more detrimental effect as regards the health and safety of those involved than if the same act were committed at some other place, and, in keeping with these facts, any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly or at all attempt to justify by word of mouth or writing the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism, or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of

accomplishing or effecting any industrial or political ends, change or revolution, or for profit; is guilty of a felony, and upon conviction thereof shall be punished by imprisonment ~~in the State Penitentiary for a term not less than two (2) years, nor more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine of not less than Five Thousand Dollars ($5,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment. Provided, that none of the provisions of this ~~act~~ section shall be construed to modify or affect Section ~~3764, Chapter 42 of the Revised Laws of~~ 166 of Title 40 of the Oklahoma~~, 1910~~ Statutes.

Any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a Schedule IX felony, and upon conviction shall be punished by imprisonment ~~in the State Penitentiary from ten (10) years to life~~ as provided in Section 13 of this act.

SECTION 204. AMENDATORY 21 O.S. 1991, Section 1368, is amended to read as follows:

Section 1368. Any person who has been convicted of a felony under the laws of this or any other state or the laws of the United States who, with an unlawful intent, is in possession of any explosives is guilty of a Schedule VI felony and, upon conviction, shall be punished by a fine of not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment ~~in the State Penitentiary for a term not to exceed ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 205. AMENDATORY 21 O.S. 1991, Section 1401, is amended to read as follows:

Section 1401. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or

substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or structure or contents thereof, inhabited or occupied by one or more persons, whether the property of himself or another, shall be guilty of arson in the first degree, and upon conviction thereof shall be punished by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00) or be confined ~~to the penitentiary for not more than thirty-five (35) years~~ for a Schedule V felony as provided in Section 13 of this act, or both.

SECTION 206. AMENDATORY 21 O.S. 1991, Section 1402, is amended to read as follows:

Section 1402. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any uninhabited or unoccupied building or structure or contents thereof, whether the property of himself or another, shall be guilty of arson in the second degree, and upon conviction thereof shall be punished by a fine not to exceed Twenty Thousand Dollars ($20,000.00) or be confined ~~in the penitentiary for not more than twenty-five (25) years~~ for a Schedule VIII felony as provided in Section 13 of this act, or both.

SECTION 207. AMENDATORY 21 O.S. 1991, Section 1403, is amended to read as follows:

Section 1403. (A) Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning of any property whatsoever, including automobiles, trucks, trailers, motorcycles, boats, standing farm crops, pasture lands, forest lands, or any other property not herein specifically named, such property being worth not less than Fifty Dollars ($50.00), whether the property of himself or another, shall be guilty of arson in the third degree, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars ($10,000.00)

or be confined ~~in the penitentiary for not more than fifteen (15) years~~ for a Schedule IX felony as provided in Section 13 of this act, or both.

(B) Any person who willfully and maliciously, and with intent to injure or defraud the insurer, sets fire to or burns or by use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destruction of any building, property, or other chattels, whether the property of himself or another, which shall at the time be insured against loss or damage by fire or explosion, shall be guilty of arson in the third degree, and upon conviction thereof shall be punished by a fine not to exceed Ten Thousand Dollars ($10,000.00) or be confined ~~in the penitentiary for not more than fifteen (15) years~~ for a Schedule IX felony as provided in Section 13 of this act, or both.

SECTION 208. AMENDATORY 21 O.S. 1991, Section 1404, is amended to read as follows:

Section 1404. (A) Any person who willfully and maliciously attempts to set fire to or burn or attempts by use of any explosive device or substance to destroy in whole or in part, or causes to be burned or destroyed, or attempts to counsel or procure the burning or destruction of any building or property mentioned in Sections 1401, 1402 or 1403 of this title shall be guilty of arson in the fourth degree, and upon conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) or be confined ~~in the penitentiary for not more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or both.

(B) The placing or distributing of any flammable, explosive or combustible material or substance or any device in any building or property mentioned in Sections 1401, 1402 or 1403 of this title, in an arrangement or preparation with intent to eventually willfully and maliciously set fire to or burn or to procure the setting fire to or burning of same, shall for the purposes of this section constitute an attempt to burn such building or property, and shall be guilty of arson in the fourth degree, and upon

conviction thereof shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) or be confined ~~in the penitentiary for not more than ten (10) years~~ for a Schedule IX felony as provided in Section 13 of this act, or both.

SECTION 209. AMENDATORY 21 O.S. 1991, Section 1411, is amended to read as follows:

Section 1411. Every person being the master, owner or agent of any vessel, or officer or agent of any railroad, express or transportation company, or otherwise being or representing any carrier who delivers any bill of lading, receipt or other voucher, or by which it appears that any merchandise of any description has been shipped on board of any vessel, or delivered to any railroad, express or transportation company or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner or agent of such vessel, or some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt or voucher, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 210. AMENDATORY 21 O.S. 1991, Section 1412, is amended to read as follows:

Section 1412. Every person carrying on the business of a warehouseman, wharfinger or other depositary of property, who issues any receipt, bill of lading or other voucher for any merchandise of any description which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, is punishable ~~by imprisonment in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 211. AMENDATORY 21 O.S. 1991, Section 1414, is amended to read as follows:

Section 1414. Every person mentioned in ~~the first two sections of this article~~ Section 1411 or 1412 of this title, who issued any second or duplicate receipt or voucher of a kind specified in those two sections, at a time while any former receipt or voucher for the merchandise specified in the second receipt is outstanding and uncancelled, without writing across the face of the same the word "Duplicate," in a plain and legible manner, is punishable ~~by imprisonment in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 212. AMENDATORY 21 O.S. 1991, Section 1415, is amended to read as follows:

Section 1415. Every person mentioned in ~~the first two sections of this article~~ Section 1411 or 1412 of this title, who sells, hypothecates or pledges any merchandise for which any bill of lading, receipt or voucher has been issued by him without the consent in writing thereto of the person holding such bill, receipt or voucher, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 213. AMENDATORY 21 O.S. 1991, Section 1416, is amended to read as follows:

Section 1416. Every person such as mentioned in ~~the second section of this article~~ Section 1412 of this title, who delivers to another any merchandise for which any bill of lading, receipt or voucher has been issued, unless such receipt or voucher bore upon its face the words "Not negotiable," plainly written or stamped, or unless such receipt is surrendered to be canceled at the time of delivery or unless, in the case of partial delivery, a memorandum thereof is endorsed upon such receipt or voucher, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 214. AMENDATORY 21 O.S. 1991, Section 1436, is amended to read as follows:

Section 1436. Burglary is punishable by imprisonment in the penitentiary as follows:

1. Burglary in the first degree for any term ~~not less than seven (7) years nor more than twenty (20) years~~ provided in Section 13 of this act for a Schedule V felony.

2. Burglary in the second degree ~~not exceeding seven (7) years and not less than two (2) years~~ as provided in Section 13 of this act for a Schedule IX felony.

SECTION 215. AMENDATORY 21 O.S. 1991, Section 1441, is amended to read as follows:

Section 1441. Any person who enters any building, railway car, vehicle, or structure and there opens or attempts to open any vault, safe, or receptacle used or kept for the secure keeping of money, securities, books of accounts, or other valuable property, papers or documents, without the consent of the owner, by the use of or aid of dynamite, nitroglycerine, gunpowder, or other explosives, or who enters any such building, railway car, vehicle, or structure in which is kept any vault, safe or other receptacle for the safe keeping of money or other valuable property, papers, books or documents, with intent and without the consent of the owner, to open or crack such vault, safe or receptacle by the aid or use of any explosive, shall in either case be deemed guilty of a Schedule V felony, and upon conviction shall be punished by imprisonment ~~in the State Penitentiary for a term of not less than twenty (20) nor more than fifty (50) years~~ as provided in Section 13 of this act.

SECTION 216. AMENDATORY 21 O.S. 1991, Section 1442, is amended to read as follows:

Section 1442. Any person who has been previously convicted of the crime of burglary who has in his possession, custody or concealed about his person, or transports or causes to be transported, any combination of three or more of the following tools: Sledge hammer, pry bar, punches, chisel, bolt cutters, with the intent to use or employ, or allow the same to be used or

employed, in the commission of a crime, or knowing that same are to be used, shall be guilty of a Schedule IX felony, punishable as provided in Section 13 of this act.

SECTION 217. AMENDATORY 21 O.S. 1991, Section 1463, is amended to read as follows:

Section 1463. Any state officer, deputy or employee of such state officer, who shall divert any money appropriated by law from the purpose and object of such appropriation, shall be deemed guilty of a Schedule IX felony and upon conviction thereof shall be punished by imprisonment ~~in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act.

SECTION 218. AMENDATORY 21 O.S. 1991, Section 1483, is amended to read as follows:

Section 1483. Every person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as is mentioned in Section 1482 of this title, upon conviction, shall be guilty of a felony. A conviction for extortion ~~is punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years. A conviction for~~ or attempted extortion is punishable by imprisonment ~~in the State Penitentiary for a term not exceeding two (2) years~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 219. AMENDATORY 21 O.S. 1991, Section 1488, is amended to read as follows:

Section 1488. Blackmail is verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his will:

1. Accusing or threatening to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; or

2. Exposing or threatening to expose any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society, coupled with the threat that such accusation or exposure will be communicated

to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his will. Blackmail is punishable by imprisonment ~~in the State Penitentiary for not to exceed five (5) years~~ for a Schedule IX felony as provided in Section 13 of this act or by a fine not to exceed Ten Thousand Dollars ($10,000.00) or by both such imprisonment and fine.

SECTION 220. AMENDATORY 21 O.S. 1991, Section 1506, is amended to read as follows:

Section 1506. Every person who obtains any money or property from another, or obtains the signature of another to any written instrument, the false making of which would be forgery, by means of any false or fraudulent sale of property or pretended property by auction, or by any of the practices known as mock auctions, is punishable by imprisonment ~~in the penitentiary not exceeding three (3) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment; and, in addition thereto, he forfeits any license he may hold to act as an auctioneer, and is forever disqualified from receiving a license to act as auctioneer within this state.

SECTION 221. AMENDATORY 21 O.S. 1991, Section 1532, is amended to read as follows:

Section 1532. Every person who falsely personates another, and in such assumed character receives any money or property, that knowing it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto, is punishable ~~in the same manner and to the same extent as for larceny of the money or property so received~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 222. AMENDATORY 21 O.S. 1991, Section 1542, is amended to read as follows:

Section 1542. Every person who, with intent to cheat or defraud another, designedly, by color or aid of any false token or

writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property, is punishable by imprisonment ~~in the penitentiary not exceeding three (3) years~~ for a Schedule IX felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding three times the value of the money or property so obtained, or by both such fine and imprisonment.

SECTION 223. AMENDATORY 21 O.S. 1991, Section 1543, is amended to read as follows:

Section 1543. Every person who designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property for any alleged charitable or benevolent purpose whatever, is punishable by imprisonment ~~in the penitentiary not exceeding three (3) years~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding the value of the money or property so obtained, or by both such fine and imprisonment.

SECTION 224. AMENDATORY 21 O.S. 1991, Section 1544, is amended to read as follows:

Section 1544. If the false token by which any money or property is obtained in violation of the first and second preceding sections of this article, is a promissory note or negotiable evidence of debt purporting to be issued by or under the authority of any banking company or corporation not in existence, the person guilty of such cheat is punishable by imprisonment ~~in the penitentiary not exceeding seven (7) years, instead of by punishment prescribed by those sections~~ for a Schedule X felony as provided in Section 13 of this act.

SECTION 225. AMENDATORY 21 O.S. 1991, Section 1550, is amended to read as follows:

Section 1550. A. Any person who, while in the commission or attempted commission of a felony, has in his possession or under his control a firearm, the factory serial number or identification

number of which has been removed, defaced, altered, obliterated or mutilated in any manner, upon conviction, shall be guilty of a Schedule IX felony punishable by imprisonment ~~in the State Penitentiary for a period of not less than two (2) years nor more than five (5) years~~ as provided in Section 13 of this act, or by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

B. Any person who removes, defaces, alters, obliterates or mutilates in any manner the factory serial number or identification number of a firearm, or in any manner participates therein, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not to exceed one (1) year, or by a fine of not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. 1. Upon a conviction of a violation of this section, the court clerk, sheriff, peace officer or other person having custody of the firearm shall immediately deliver the firearm to the Commissioner of Public Safety, who shall preserve the firearm pending an order of the court.

2. At the conclusion of a trial or proceeding for a violation of this section, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the court shall issue a written order to the Commissioner of Public Safety for destruction of the firearm, unless the defendant files a timely motion to preserve the firearm pending appeal. At the conclusion of the appeal, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the Court of Criminal Appeals or the trial court shall issue a written order to the Commissioner for destruction of the firearm.

SECTION 226. AMENDATORY 21 O.S. 1991, Section 1550.33, is amended to read as follows:

Section 1550.33 (a) A person who is subject to the penalties of this subsection shall be fined not more than Three Thousand

Dollars ($3,000.00) or imprisoned ~~in the penitentiary not more than three (3) years~~ as provided in Section 13 of this act, or both.

(b) A person who is subject to the penalties of this subsection shall be imprisoned ~~in the penitentiary not more than seven (7) years~~ as provided in Section 13 of this act.

(c) A person who violates any provision of ~~this act~~ the Oklahoma Credit Card Crime Act shall be deemed guilty of a Schedule X felony.

SECTION 227. AMENDATORY 21 O.S. 1991, Section 1550.41, as amended by Section 1, Chapter 116, O.S.L. 1992 (21 O.S. Supp. 1992, Section 1550.41), is amended to read as follows:

Section 1550.41 A. As used in this section and Section 1550.42 of this title, "identification document", "identification card", or "identification certificate" means any printed form which contains:

1. The name and photograph of a person; or

2. The name and any physical description of a person; or

3. Any combination of information provided for in paragraphs 1 and 2 of this subsection; and

which by its format, is capable of leading a person to believe said document, card, or certificate has been issued for the purpose of identifying the person named thereon, but shall not include any printed form which, on its face, conspicuously bears the term "NOT FOR IDENTIFICATION" in not less than six-point type.

B. It is a misdemeanor for any person:

1. To purchase an identification document, identification card, or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, a fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

2. To display or cause or permit to be displayed or to knowingly possess an identification document, identification card or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color,

weight, or fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

3. To display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious identification document, identification card, or identification certificate; or

4. To use the "Great Seal of the State of Oklahoma" or facsimile thereof, on any identification document, identification card, or identification certificate which is not issued by an entity of this state or political subdivision thereof, or by the United States. Provided, nothing in this paragraph shall be construed to prohibit the use of the "Great Seal of the State of Oklahoma" for authorized advertising, including but not limited to, business cards, calling cards and stationery.

C. It is a Schedule X felony for any person:

1. To create, publish or otherwise manufacture an identification document, identification card or identification certificate or facsimile thereof, or to create, manufacture or possess an engraved plate or other such ~~devise~~ device for the printing of an identification document, identification card or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law;

2. To sell or offer for sale an identification document, identification card, or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law; or

3. To display or present an identification document, identification card or identification certificate which bears altered, false or fictitious information for the purpose of:

a. committing or aiding in the commission of a felony in any commercial or financial transaction,

b. misleading a peace officer in the performance of his duties, or

c. avoiding prosecution.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00).

2. The violation of any of the provisions of subsection C of this section shall constitute a Schedule X felony and, upon conviction thereof, shall be punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment ~~in the State Penitentiary not to exceed seven (7) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

E. Notwithstanding any provision of this section, the chief administrator of a federal or state law enforcement agency may request the Commissioner of the Department of Public Safety to authorize the issuance of an identification document, identification card, or identification certificate which would otherwise be a violation of this section, to identify a police officer or agent as another person for the sole purpose of aiding in a criminal investigation. A person displaying or possessing such identification shall not be prosecuted for a violation of this section. Upon termination of the criminal investigation, the person to whom such identification document, identification card or identification certificate was issued shall return such identification to the Department of Public Safety.

SECTION 228. AMENDATORY 21 O.S. 1991, Section 1621, is amended to read as follows:

Section 1621. Forgery is punishable by imprisonment in the penitentiary as follows:

1. Forgery in the first degree by imprisonment ~~not less than seven (7) years nor more than (7) twenty.~~ for a Schedule X felony as provided in Section 13 of this act; and

2. Forgery in the second degree ~~not exceeding seven (7) years~~ by imprisonment for a Schedule X felony as provided in Section 13 of this act.

SECTION 229. AMENDATORY 21 O.S. 1991, Section 1632, is amended to read as follows:

Section 1632. Any officer, agent or clerk of any corporation, or of any persons proposing to organize a corporation or to increase the capital stock of any corporation, who knowingly exhibits any false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital with intent to deceive such officer or board in respect thereto, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years, and not less than three (3) years~~ for a Schedule X felony as provided in Section 13 of this act.

SECTION 230. AMENDATORY 21 O.S. 1991, Section 1635, is amended to read as follows:

Section 1635. Any director, officer, agent or member of any corporation or joint stock association, who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to such corporation or association, or makes or concurs in making any false entry, or omits or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years and not less than three (3)~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 231. AMENDATORY 21 O.S. 1991, Section 1662, is amended to read as follows:

Section 1662. Every person who presents or causes to be presented any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance, for the payment of any loss, or who prepares, makes or subscribes any account, certificate, survey affidavit, proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim, is punishable by imprisonment ~~in the penitentiary not exceeding three (3) years~~ for a Schedule X felony as provided in Section 13 of this act, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 232. AMENDATORY 21 O.S. 1991, Section 1685, is amended to read as follows:

Section 1685. Any person who shall willfully or maliciously overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink or shelter; or who shall cause, procure or permit any such animal to be so overdriven, overloaded, tortured, destroyed or killed, or cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be punished by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in the county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars ($500.00); and any officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.

SECTION 233. AMENDATORY 21 O.S. 1991, Section 1694, is amended to read as follows:

Section 1694. Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, is guilty of a Schedule X felony, punishable as provided in Section 13 of this act.

SECTION 234. AMENDATORY 21 O.S. 1991, Section 1695, is amended to read as follows:

Section 1695. Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section ~~1~~ 1693 of this ~~act~~ title, upon conviction, is guilty of a Schedule X felony, punishable as provided in Section 1699.1 of this title.

SECTION 235. AMENDATORY 21 O.S. 1991, Section 1696, is amended to read as follows:

Section 1696. Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, is guilty of a Schedule X felony, punishable as provided in Section 1699.1 of this title. Such activities and services specifically prohibited by this section include, but are not limited to: Promotion, refereeing, handling of dogs at a fight, transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight.

SECTION 236. AMENDATORY 21 O.S. 1991, Section 1697, is amended to read as follows:

Section 1697. Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a Schedule X felony, punishable as provided in Section 1699.1 of this title.

SECTION 237. AMENDATORY 21 O.S. 1991, Section 1699.1, is amended to read as follows:

Section 1699.1 A. Every person who is guilty of a felony under any of the provisions of Sections ~~2, 3, 4 and 5~~ 1694, 1695,

1696 and 1697 of this ~~act~~ title shall be punished by imprisonment ~~in the State Penitentiary for not less than one (1) year nor more than ten (10) years~~ for a Schedule X felony as provided in Section 13 of this act, or shall be fined not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty of any of the provisions of Section ~~6~~ 1698 of this ~~act~~ title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars ($500.00).

SECTION 238. AMENDATORY 21 O.S. 1991, Section 1705, is amended to read as follows:

Section 1705. Grand larceny is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule X felony as provided in Section 13 of this act.

SECTION 239. AMENDATORY 21 O.S. 1991, Section 1707, is amended to read as follows:

Section 1707. When it appears upon a trial for grand larceny that the larceny alleged was committed in any dwelling house or vessel, the offender may be punished by imprisonment ~~in the penitentiary not exceeding eight (8) years~~ for a Schedule X felony as provided in Section 13 of this act.

SECTION 240. AMENDATORY 21 O.S. 1991, Section 1708, is amended to read as follows:

Section 1708. When it appears upon such trial, that such larceny was committed by stealing in the night time, from the person of another, the offender may be punished by imprisonment ~~in the penitentiary not exceeding ten years~~ for a Schedule X felony as provided in Section 13 of this act.

SECTION 241. AMENDATORY 21 O.S. 1991, Section 1713, is amended to read as follows:

Section 1713. (1) Every person who buys or receives, in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false

pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, is punishable by imprisonment ~~in the penitentiary not to exceed five (5) years~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00) or by both such fine and imprisonment.

(2) Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

SECTION 242. AMENDATORY 21 O.S. 1991, Section 1716, is amended to read as follows:

Section 1716. Any person in this state who shall steal any horse, jackass, jennet, mule, cow, or hog, shall be guilty of a felony and upon conviction shall be punished by confinement ~~in the State Penitentiary for a term of not less than three (3) years, nor more than ten (10) years~~ for a Schedule X felony as provided in Section 13 of this act; and any person in this state who shall steal any sheep, or goat, shall be guilty of a Schedule X felony and upon conviction therefor shall be punished by confinement ~~in the State Penitentiary for a term not less than six (6) months, nor more than three (3) years~~ for a Schedule X felony as provided in Section 13 of this act. The word "horse" as used in this ~~act~~ section, shall include all animals of the equine species and the word "cow" shall include all animals of bovine species.

SECTION 243. AMENDATORY 21 O.S. 1991, Section 1719, is amended to read as follows:

Section 1719. Every person who shall take, steal and carry away any domestic fowl, or fowls, and any person purchasing or

receiving such domestic fowl, or fowls, knowing them to have been stolen, shall be guilty of grand larceny, regardless of the value thereof, and upon conviction shall be punished by imprisonment ~~in the penitentiary not exceeding five (5) years~~ for a Schedule X felony as provided in Section 13 of this act, or by fine not exceeding Two Hundred Dollars ($200.00), or by confinement in the county jail not exceeding two (2) months, or by both such fine and imprisonment.

SECTION 244. AMENDATORY 21 O.S. 1991, Section 1720, is amended to read as follows:

Section 1720. Any person in this state who shall steal an aircraft, automobile or other automotive driven vehicle shall be guilty of a felony, and upon conviction shall be punished by confinement ~~in the State Penitentiary for a term of not less than three (3) years, nor more than twenty (20) years~~ for a Schedule VIII felony as provided in Section 13 of this act.

SECTION 245. AMENDATORY 21 O.S. 1991, Section 1721, is amended to read as follows:

Section 1721. Any person who shall unlawfully make or cause to be made any connection with or in any way tap or cause to be tapped, or drill or cause to be drilled a hole in any pipe or pipeline or tank laid or used for the conduct or storage of crude oil, naphtha, gas or casinghead gas, or any of the manufactured or natural products thereof, with intent to deprive the owner thereof of any of said crude oil, naphtha, gas, casinghead gas or any of the manufactured or natural products thereof, shall be guilty of a Schedule X felony, and upon conviction shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00), or confinement ~~in the penitentiary for a term of not less than one (1) year nor more than ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 246. AMENDATORY 21 O.S. 1991, Section 1723, is amended to read as follows:

Section 1723. Any person entering and stealing any money or other thing of value from any house, railroad car, tent, booth or temporary building shall be guilty of larceny from the house. Larceny from the house is declared to be a Schedule X felony.

SECTION 247. AMENDATORY 21 O.S. 1991, Section 1724, is amended to read as follows:

Section 1724. Any person convicted of larceny from the house shall be punished by imprisonment ~~in the State Penitentiary for a period of time not to exceed five (5) years~~ as provided in Section 13 of this act.

SECTION 248. AMENDATORY 21 O.S. 1991, Section 1726, is amended to read as follows:

Section 1726. (a) Any person who may be found in this state with more than one (1) pound of mercury in his possession, and who does not have valid written evidence of his title to such mercury, shall be guilty of a Schedule X felony and upon conviction thereof shall be punishable by imprisonment ~~in the State Penitentiary for a term not less than one year nor more than five (5) years~~ as provided in Section 13 of this act, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

(b) It shall be a defense to any charge under this section that the person so charged (1) is a bona fide miner or processor of mercury or (2) that the mercury possessed by such person is, while in his possession, an integral part of a tool, instrument, or device used for a beneficial purpose. In any complaint, information, or indictment brought under this section, it shall not be necessary to negative any exception, excuse, exemption, or defense provided in this section, and the burden of proof of any such exception, excuse, exemption or defense shall be upon the defendant.

SECTION 249. AMENDATORY 21 O.S. 1991, Section 1727, is amended to read as follows:

Section 1727. Any person who shall enter upon any premises, easement, or right of way with intent to steal or remove without the consent of the owner, or with intent to aid or assist in

stealing or removing any copper wire, copper cable, or copper tubing from and off of any appurtenance on such premises, easement, or right of way shall be guilty of a Schedule X felony and upon conviction shall be punished by confinement ~~in the penitentiary for not less than one (1) year nor more than five (5) years~~ as provided in Section 13 of this act, or by confinement in the county jail for not less ninety (90) days nor more than two hundred (200) days, or shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 250. AMENDATORY 21 O.S. 1991, Section 1728, is amended to read as follows:

Section 1728. Any person who shall receive, transport, or possess in this state stolen copper wire, copper cable, or copper tubing under such circumstances that he knew or should have known that the same was stolen shall upon conviction thereof be confined ~~in the penitentiary for a term of not less than one (1) year nor more than five (5) years~~ for a Schedule X felony as provided in Section 13 of this act, or shall be confined in the county jail for not less than ninety (90) days nor more than two hundred (200) days, or shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or both such fine and imprisonment.

SECTION 251. AMENDATORY 21 O.S. 1991, Section 1751, is amended to read as follows:

Section 1751. Every person who maliciously, wantonly or negligently either:

1. Removes, displaces, injures or destroys any part of any railroad, or railroad equipment, whether for steam or horse cars, or any track of any railroad, or of any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or~~,~~

2. Places any obstruction upon the rails or tracks of any railroad, or any branch, branchway, or turnout connected with any railroad,

is punishable by imprisonment ~~in the penitentiary not exceeding four (4) years~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in a county jail not less than six (6) months.

SECTION 252. AMENDATORY 21 O.S. 1991, Section 1752, is amended to read as follows:

Section 1752. Whenever any offense specified in ~~the last section~~ Section 1751 of this title results in the death of any human being, the offender is punishable by imprisonment ~~in the penitentiary for not less than four (4) years~~ for a Schedule X felony as provided in Section 13 of this act.

SECTION 253. AMENDATORY 21 O.S. 1991, Section 1753, is amended to read as follows:

Section 1753. Every person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or bridge upon such way, is guilty of a Schedule X felony, punishable as provided in Section 13 of this act.

SECTION 254. AMENDATORY 21 O.S. 1991, Section 1755, is amended to read as follows:

Section 1755. Every person who maliciously injures or destroys any toll house or turnpike gate is guilty of a Schedule X felony, punishable as provided in Section 13 of this act.

SECTION 255. AMENDATORY 21 O.S. 1991, Section 1760, is amended to read as follows:

Section 1760. A. Every person who maliciously injures, defaces or destroys any real or personal property not his own, in cases other than such as are specified in Section 1761 ~~and following sections~~ et seq. of this title, is guilty of:

1. A misdemeanor, if the damage, defacement or destruction causes a loss which is valued at less than Two Thousand Five Hundred Dollars ($2,500.00); or

2. A Schedule X felony punishable as provided in Section 13 of this act, if the damage, defacement or destruction causes a loss which is valued at Two Thousand Five Hundred Dollars ($2,500.00) or more.

B. In addition to the punishment prescribed in subsection A of this section, he is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property or public officer having charge thereof.

SECTION 256. AMENDATORY 21 O.S. 1991, Section 1762, is amended to read as follows:

Section 1762. Any person who shall willfully or maliciously tear down or deface any legal notice posted on any mining claim, or take up or destroy any stakes or monument used for marking such mining claims, or who shall willfully or maliciously throw or place any dirt, water, brush, stones or other foreign substance into any mining shaft or tunnel belonging to or claimed by another, or who shall willfully or maliciously alter, erase, deface or destroy any record kept by any legally elected mining recorder shall be deemed guilty of a ~~misdemeanor~~ Schedule X felony and shall upon conviction thereof be punished by a fine of not less than Twenty-five Dollars ($25.00) nor more than One Hundred Dollars ($100.00), or by imprisonment ~~for not less than ten (10) days nor more than six (6) months or by both such fine and imprisonment~~ as provided in Section 13 of this act.

SECTION 257. AMENDATORY 21 O.S. 1991, Section 1765, is amended to read as follows:

Section 1765. Every person who willfully breaks, defaces, or otherwise injures any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship, is guilty of a Schedule X felony, punishable as provided in Section 13 of this act.

SECTION 258. AMENDATORY 21 O.S. 1991, Section 1767.1, is amended to read as follows:

Section 1767.1 A. Any person who shall willfully and maliciously commit any of the following acts shall be deemed guilty of a Schedule X felony:

1. Any person who places in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or

structure, any gunpowder, dynamite, bomb, any explosive substance, or incendiary device, with unlawful intent to destroy, throw down, or injure, in whole or in part, such property of another, or conspires, aids, counsels or procures the destruction of any building or structure, public or private, or any car, aircraft, motor or other vehicle, vessel or structure~~, shall be guilty of a felony~~; or

2. Any person who places in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any gunpowder, dynamite, bomb, or any explosive substance, with intent to destroy, throw down or injure the whole or any part thereof, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby~~, shall be guilty of a felony~~; or

3. Every person who maliciously, by the explosion of gunpowder, dynamite or any explosive substance, destroys, throws down, or injures any property of another, or by which explosion an injury is caused to the person of another~~, shall be guilty of a felony~~; or

4. Any person or group of persons who shall willfully manufacture, sell, transport, or possess a bomb or simulated bomb or any explosive including an incendiary device or the component parts of an explosive or incendiary device with knowledge or intent that it will be used to unlawfully kill, injure or intimidate any person, or unlawfully damage any real or personal property~~, is guilty of a felony~~; or

5. Any person who shall place in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any foul, poisonous, offensive or injurious substance or compound or simulated bomb, with intent to wrongfully injure, molest or coerce another or to injure or damage the property of another~~, shall be guilty of a felony~~; or

6. Any person or group of persons who maliciously injures, damages or attempts to damage by an explosive, including an incendiary device, any person, persons, or property, whether real or personal~~, is guilty of a felony~~; or

7. Any person who uses the telephone or other instrument to willfully make any threat or maliciously convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive or simulated bomb, including an incendiary device~~, shall be guilty of a felony~~; or

8. Any person who manufactures, possesses, sells or delivers an explosive or simulated bomb or mails or sends an explosive or simulated bomb to another person ~~shall be guilty of a felony~~; or

9. Any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any explosive or simulated bomb ~~shall be guilty of a felony~~.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs".

SECTION 259. AMENDATORY 21 O.S. 1991, Section 1767.2, is amended to read as follows:

Section 1767.2 Any person violating any of the provisions of Section 1767.1 of ~~Title 21 of the Oklahoma Statutes~~ this title shall be deemed guilty of a Schedule X felony, and upon conviction shall be punished by imprisonment ~~in the penitentiary for not less than three (3) years nor more than ten (10) years~~ as provided in Section 13 of this act, or by a fine not to exceed Ten Thousand Dollars ($10,000.00) or by both. If personal injury results, such person shall be punished by imprisonment in the ~~penitentiary~~ State Penitentiary for not less than seven (7) years or life imprisonment.

SECTION 260. AMENDATORY 21 O.S. 1991, Section 1777, is amended to read as follows:

Section 1777. Every person who maliciously draws up or removes or cuts or otherwise injures any piles fixed in the ground and used for securing any bank or dam of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, dock, quay, jetty or lock, is punishable by imprisonment ~~in the penitentiary not exceeding five (5) years and not less than two (2)~~ for a Schedule X felony

as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 261. AMENDATORY 21 O.S. 1991, Section 1778, is amended to read as follows:

Section 1778. Every person who unlawfully masks, alters or removes any light or signal, or willfully exhibits any false light or signal, with intent to bring any locomotive or any railway car or train of cars into danger, is punishable by imprisonment ~~in the penitentiary not exceeding ten (10) years and not less than three (3) years~~ for a Schedule X felony, as provided in Section 13 of this act.

SECTION 262. AMENDATORY 21 O.S. 1991, Section 1785, is amended to read as follows:

Section 1785. Every person who maliciously cuts, tears, disfigures, soils, obliterates, breaks or destroys any book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen or other work of literature or art, or object of curiosity deposited in any public library, gallery, museum, collection, fair or exhibition, is punishable by imprisonment ~~in the penitentiary for not exceeding (3) three years~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in a county jail not exceeding one (1) year.

SECTION 263. AMENDATORY 21 O.S. 1991, Section 1786, is amended to read as follows:

Section 1786. Every person who willfully breaks, digs up or obstructs any pipes or mains for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenances or appendages therewith connected, or injures, cuts, breaks down or destroys any electric light wires, poles or appurtenances, or any telephone or telegraph wires, cable or appurtenances, is punishable by imprisonment ~~in the penitentiary not exceeding three (3) years~~ for a Schedule X felony as provided in Section 13 of this act, or by imprisonment in the county jail

not exceeding one (1) year, and by fine of not more than Five Hundred Dollars ($500.00).

SECTION 264. AMENDATORY 21 O.S. 1991, Section 1834, is amended to read as follows:

Section 1834. Any mortgagor or conditional sales contract vendee or pledgor or debtor under a security agreement of personal property, or his legal representative, who, while such mortgage, security agreement or conditional sales contract remains in force and unsatisfied, conceals, sells, or in any manner disposes of such property, or any part thereof, or removes such property, or any part thereof, beyond the limits of the county, or materially injures or willfully destroys such property, or any part thereof, without the written consent of the holder of such mortgage or conditional sales contract, secured party or pledgee under a security agreement, shall be deemed guilty of a Schedule X felony, and shall, upon conviction, be punished by imprisonment ~~in the penitentiary for a period not exceeding three (3) years~~ as provided in Section 13 of this act or by imprisonment in the county jail not exceeding one (1) year, or by a fine of not to exceed Five Hundred Dollars ($500.00); provided, that the writing containing the consent of the holder of the mortgage or conditional sales contract, secured party or pledgee under a security agreement, as before specified, shall be the only competent evidence of such consent, unless it appears that such writing has been lost or destroyed.

SECTION 265. AMENDATORY 21 O.S. 1991, Section 1834.2, is amended to read as follows:

Section 1834.2 If such debtor, being a person, or its officers or agents making such sale, if a firm or corporation, shall, without the consent of the secured party or assignee, appropriate such funds to his own use, or the use and benefit of such firm or corporation, or shall knowingly or willfully, with the intent or effect of depriving such secured party or assignee thereof, secrete such proceeds, or any part thereof, or mix and mingle the same with his own or with the funds of such firm or corporation, or who, after demand for the payment thereof, refuses

or neglects to pay same over to such secured party or assignee to the extent of the unpaid secured debt, or cause same to be done, or who shall put such fund to any other use inconsistent with such trust, shall be guilty of embezzlement and shall upon conviction be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00), or by imprisonment ~~in the State Penitentiary for a term of not more than five (5) years~~ for a Schedule X felony as provided in Section 13 of this act, or by both such fine and imprisonment.

SECTION 266. AMENDATORY 21 O.S. 1991, Section 1837, is amended to read as follows:

Section 1837. Any person who shall designedly place any hard or solid substance or article in any stack, shock, sheaf or load of unthreshed grain, or in any bin, bag, sack or load of unthreshed grain, or seed, or shall designedly place any matches or other inflammable, combustible or explosive substance in any unginned cotton with the intent to injure or destroy any such grain, seed, or cotton, or any machinery which may be used for threshing or grinding such grain or seed or ginning such cotton, shall be deemed guilty of a Schedule X felony and upon conviction shall be punished by confinement ~~in the State Penitentiary for a term of not less than one (1) nor more than five (5) years~~ as provided in Section 13 of this act.

SECTION 267. AMENDATORY 21 O.S. 1991, Section 1903, is amended to read as follows:

Section 1903. A. No person shall by force or violence, or threat of force or violence, seize or exercise control of any bus. Any person violating this subsection shall be guilty of a Schedule VII felony, and shall, upon conviction, be imprisoned ~~for not more than twenty (20) years~~ as provided in Section 13 of this act, or fined not more than Twenty Thousand Dollars ($20,000.00), or both.

B. In addition, no person shall intimidate, threaten, assault or batter any driver, attendant, guard or passenger of any bus with intent to violate subsection A of this section. Any person violating this subsection shall be guilty of a Schedule VII felony, and shall, upon conviction, be imprisoned ~~for not more~~

~~than ten (10) years~~ as provided in Section 13 of this act, or fined not more than Five Thousand Dollars ($5,000.00), or both.

C. In addition, any person violating subsections A or B of this section using a dangerous or deadly weapon shall be ~~guilty of a felony, and shall, upon conviction, be imprisoned for not more than twenty (20) years~~ subject to the penalty enhancement provisions of Section 2 of this act, or fined not more than Twenty Thousand Dollars ($20,000.00), or both.

D. No person, other than an authorized law enforcement officer, shall board a bus with a dangerous or deadly weapon concealed upon or about his person. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers. Any person convicted of violating this subsection shall be guilty of a Schedule VII felony, and shall, upon conviction, be imprisoned ~~for not more than ten (10) years~~ as provided in Section 13 of this act, or fined not more than Ten Thousand Dollars ($10,000.00), or both.

E. It shall be unlawful for any person to discharge any firearm or hurl or place in the path any missile at, into or within any bus, terminal or other transportation facility. Such person shall, upon conviction, be punished by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for ~~not more than five (5) years, or both~~ a Schedule VII felony as provided in Section 13 of this act.

SECTION 268. AMENDATORY 21 O.S. 1991, Section 1904, is amended to read as follows:

Section 1904. It shall be unlawful to remove any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of such property or the company, or its duly authorized representative. Any person violating this section shall be guilty of a Schedule X felony and, upon conviction, shall be punished by a fine of not more than Ten Thousand Dollars ($10,000.00) or imprisoned ~~not more than five (5) years~~ as provided in Section 13 of this act, or both.

The actual value of an item removed in violation of this section shall not be material to the crime herein defined.

SECTION 269. AMENDATORY 21 O.S. 1991, Section 1953, is amended to read as follows:

Section 1953. A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property.

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, services or other thing of value by means of a false or fraudulent pretense or representation.

3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property. 4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property.

5. Willfully and without authorization use or cause to be used computer services.

6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network.

7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section.

B. Any person convicted of violating ~~paragraphs~~ paragraph 1, 2, 3, 6 or 7 of subsection A of this section shall be guilty of a Schedule X felony.

C. Any person convicted of violating ~~paragraphs~~ paragraph 4 or 5 of subsection A of this section shall be guilty of a misdemeanor.

SECTION 270. AMENDATORY 21 O.S. 1991, Section 1955, is amended to read as follows:

Section 1955. A. Upon conviction of a felony under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not less than Five Thousand Dollars ($5,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or by confinement ~~in the State Penitentiary for a term of not more than ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

B. Upon conviction of a misdemeanor under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

C. In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program or data may bring a civil action against any person convicted of a violation of the Oklahoma Computer Crimes Act for compensatory damages, including any victim expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, damaged, deleted, disrupted or destroyed by the access. In any action brought pursuant to this subsection the court may award reasonable attorneys fees to the prevailing party.

SECTION 271. AMENDATORY 21 O.S. 1991, Section 1958, is amended to read as follows:

Section 1958. No person shall communicate with, store data in, or retrieve data from a computer system or computer network for the purpose of using such access to violate any of the provisions of the Oklahoma Statutes.

Any person convicted of violating the provisions of this section shall be guilty of a Schedule X felony punishable by imprisonment ~~in the State Penitentiary for a term of not more than five (5) years~~ as provided in Section 13 of this act, or by a fine

of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

SECTION 272. AMENDATORY 21 O.S. 1991, Section 1976, is amended to read as follows:

Section 1976. A. It shall be unlawful for any person to knowingly reproduce for sale any sound recording produced without the written consent of the owner of the original recording, provided, however, that this section shall only apply to sound recordings initially fixed prior to February 15, 1972, and shall not apply to motion pictures or other audiovisual works.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a Schedule X felony, and shall, upon conviction, be punishable by a fine not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment ~~in the State Penitentiary for a term not to exceed five (5) years~~ as provided in Section 13 of this act, or both such fine and imprisonment.

D. A second or subsequent felony violation of this section shall constitute a felony and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by imprisonment ~~in the State Penitentiary for a term not less than two (2) years nor more than five (5) years~~ as provided in Section 2 of this act, or both such fine and imprisonment.

SECTION 273. AMENDATORY 22 O.S. 1991, Section 1110, is amended to read as follows:

Section 1110. Whoever, having been admitted to bail or released on recognizance, bond, or undertaking for appearance before any magistrate or court of the State of Oklahoma, incurs a forfeiture of the bail or violates such undertaking or recognizance and willfully fails to surrender himself within five (5) days following the date of such forfeiture shall, if the bail was given or undertaking or recognizance extended in connection

with a charge of felony or pending appeal or certiorari after conviction of any such offense, be guilty of a Schedule X felony and shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned ~~not more than one (1) year~~ as provided in Section 13 of this act, or both. Nothing in this section shall be construed to interfere with or prevent the exercise by any court of its power to punish for contempt.

SECTION 274. AMENDATORY 22 O.S. 1991, Section 1404, is amended to read as follows:

Section 1404. A. Any person convicted of violating any provision of Section ~~3~~ 1403 of ~~the Oklahoma Corrupt Organizations Prevention Act~~ this title shall be punished by a term of imprisonment ~~of not less than ten (10) years and shall not be eligible for a deferred sentence, probation, suspension, work furlough, house arrest or release from confinement on any other basis until the person has served one-half (1/2) of his or her sentence~~ for a Schedule IV felony as provided in Section 13 of this act. A violation of each of the provisions of Section ~~3~~ 1403 of ~~the Oklahoma Corrupt Organizations Prevention Act~~ this title shall be a separate offense.

B. In lieu of the fine authorized by the Oklahoma Corrupt Organizations Prevention Act, any person convicted of violating any provision of Section ~~3~~ 1403 of ~~the Oklahoma Corrupt Organizations Prevention Act~~ this title, through which he derived pecuniary value, or by which he caused personal injury, or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred, less the value of any property ordered forfeited pursuant to the provisions of subsection A of Section ~~5~~ 1405 of ~~the Oklahoma Corrupt Organizations Prevention Act~~ this title. The district court shall hold a separate hearing to determine the amount of the fine authorized by the provisions of this subsection.

C. No person shall institute any proceedings, civil or criminal, pursuant to the provisions of ~~this act~~ the Oklahoma

Corrupt Organizations Prevention Act, except the Attorney General, any district attorney or any district attorney appointed under the provisions of Section 215.9 of Title 19 of the Oklahoma Statutes.

SECTION 275. AMENDATORY 47 O.S. 1991, Section 4-109, is amended to read as follows:

Section 4-109. Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Commission, pursuant to the provisions of this act, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a Schedule X felony, and upon conviction thereof shall be liable to pay a fine of not less than Fifty Dollars ($50.00), nor more than Five Thousand Dollars ($5,000.00), or to imprisonment ~~in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment, at the discretion of the court.

SECTION 276. AMENDATORY 47 O.S. 1991, Section 6-301, is amended to read as follows:

Section 6-301. It shall be unlawful for any person to commit any of the acts specified in paragraphs 1 or 2 of this section in relation to an Oklahoma driver's license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-308 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

   a. to display or cause or permit to be displayed his license after such license has been suspended, revoked or canceled or to possess his license after having received notice of its suspension, revocation, or cancellation;

   b. to lend his license or identification card to any other person or knowingly permit the use thereof by another;

c. to display or cause or permit to be displayed or to possess a license or identification card issued to him which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number;

d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled;

e. to permit any unlawful use of a license or identification card issued to him; or

f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section.

2. It is a Schedule IX felony for any person:

a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title;

b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card;

c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature;

d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee;

e. to display or represent as one's own any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties; or

f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a Schedule IX felony for any employee or person authorized to issue licenses or identification cards under this title to knowingly issue a license or identification card or knowingly cause a license or identification card to be issued:

a. to a person not entitled thereto;

b. bearing erroneous information thereon; or

c. bearing the photograph of a person other than the person named thereon.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00); the violation of any of the provisions of ~~paragraphs~~ paragraph 2 or 3 of this section shall constitute a Schedule IX felony and shall, upon conviction thereof, be punishable by a fine not exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment ~~in the State Penitentiary not to exceed seven (7) years~~ as provided in Section 13 of this act, or by both such fine and imprisonment.

5. Notwithstanding any provision of this section, the Commissioner of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement agency, authorize the issuance, display, manufacture and possession of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation under this section. Upon termination of such criminal investigation or upon request of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.

SECTION 277. AMENDATORY 47 O.S. 1991, Section 6-302, is amended to read as follows:

Section 6-302. Any person who makes any false affidavit, or knowingly swears or affirms falsely to any matter or thing required by the terms of this chapter to be sworn to or affirmed, is guilty of perjury and upon conviction shall be punishable by fine or imprisonment ~~as other persons committing perjury are punishable~~ for a Schedule IX felony as provided in Section 13 of this act.

SECTION 278. AMENDATORY 47 O.S. 1991, Section 10-102, as amended by Section 5, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1992, Section 10-102), is amended to read as follows:

Section 10-102. A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a Schedule IX felony punishable by imprisonment ~~for not less than ten (10) days nor more than two (2) years~~ as provided in Section 13 of this act, or by a fine of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

SECTION 279. AMENDATORY 47 O.S. 1991, Section 11-904, is amended to read as follows:

Section 11-904. A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection

A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00); and

2. Any person who is convicted of a second or subsequent violation of the provisions of this subsection shall be deemed guilty of a ~~felony~~ misdemeanor and shall be punished by imprisonment in ~~a state correctional institution for~~ the county jail not less than ~~one (1) year~~ ninety (90) days and not more than ~~five (5) years~~ one (1) year, and a fine of not more than Five Thousand Dollars ($5,000.00).

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a Schedule IX felony punishable by imprisonment ~~in a state correctional institution for not less than one (1) year and not more than five (5) years~~ as provided in Section 13 of this act, and a fine of not more than Five Thousand Dollars ($5,000.00).

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

SECTION 280. AMENDATORY 47 O.S. 1991, Section 1503, is amended to read as follows:

Section 1503. A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;

2. Transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or

3. Sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop,

upon conviction, is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than ten (10) years~~ as provided in Section 13 of this act, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than ten (10) years~~ as provided in Section 13 of this act, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than five (5) years~~ as provided in Section 13 of this act, or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both such imprisonment and fine.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsections A, B or C of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than five (5) years~~ as provided in Section 13 of this act, or by a fine of not more than Fifty Thousand Dollars ($50,000.00), or both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsections A, B or C of this section be committed, the person agrees with another to the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Schedule VIII felony punishable by imprisonment ~~for not more than two (2) years~~ as provided in Section 13 of this act, or by a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or both such imprisonment and fine. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsections A, B or C of this section be

committed, the person commands, encourages, or requests another to commit the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than two (2) years~~ as provided in Section 13 of this act, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsections A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a Schedule VIII felony, punishable by imprisonment ~~for not more than one (1) year~~ as provided in Section 13 of this act, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both such imprisonment and fine.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsections A, B, C, D, E, F or G of this section, and upon conviction is guilty of a Schedule VIII felony punishable by imprisonment ~~for not more than one (1) year~~ as provided in Section 13 of this act, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both such imprisonment and fine.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or territory of the United States, or of the federal government of the United States.

J. ~~The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than five (5) years for a third or subsequent conviction of~~

~~any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended, or reduced, until such person shall have served the minimum period of imprisonment provided for herein.~~ A person convicted of a second or subsequent violation of this section shall ~~not be eligible for probation, parole, furlough or work release~~ be sentenced pursuant to the provisions of Section 2 of this act.

K. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

SECTION 281. AMENDATORY 56 O.S. 1991, Section 185, is amended to read as follows:

Section 185. Whoever obtains or attempts to obtain, or aids, abets or assists any person to obtain, by means of a false statement or representation, or by false impersonation, or by a fictitious transfer, conveyance or encumbrance of property or income, or by a knowing and willful failure to report to the

Department income, personal property, real property, household members, or other material eligibility factors at the time of application or during the receipt of assistance, or other fraudulent device, assistance to which an applicant is not entitled or assistance greater than that to which an applicant is justly entitled shall be guilty of a misdemeanor, if the aggregate amount of assistance received as a result thereof is Five Hundred Dollars ($500.00) or less, and upon conviction thereof shall be fined not more than Five Hundred Dollars ($500.00) or be imprisoned for not more than three (3) months or both so fined and imprisoned in the discretion of the court; or shall be guilty of a Schedule X felony, if the aggregate amount of assistance received as a result thereof is in excess of Five Hundred Dollars ($500.00), and upon conviction thereof shall be fined not more than Five Thousand Dollars ($5,000.00) or be imprisoned ~~in the penitentiary for a term not more than two (2) years~~ as provided in Section 13 of this act or by both such fine and imprisonment in the discretion of the court.

SECTION 282. AMENDATORY 56 O.S. 1991, Section 243, is amended to read as follows:

Section 243. No person shall obtain or attempt to obtain, or aid, abet or assist any person to obtain, by means of a false statement or representation, or by false impersonation, or by a fictitious transfer, conveyance or encumbrance of property or income, or by a knowing and willful failure to report to the Department income, personal property, real property, household members, or other material eligibility factors at the time of application or during receipt of assistance, or other fraudulent device, food stamps or coupons to which an applicant for food stamps or coupons is not entitled or a greater amount of food stamps or coupons than that which an applicant for food stamps or coupons is justly entitled or acquire, possess, use or transfer food stamps or coupons except as authorized by this act and the rules and regulations of the Oklahoma Public Welfare Commission, nor shall any person acquire or transfer food stamps or coupons except in exchange for food or food products for human

consumption, which shall not be construed as including alcoholic beverages, tobacco, beer containing not more than three and two-tenths percent (3.2%) of alcohol by weight or imported foods. Any person, firm or corporation who violates any of the provisions of this section shall be guilty of a misdemeanor, if the aggregate amount of food stamps or coupons obtained or transferred is Five Hundred Dollars ($500.00) or less, and upon conviction thereof shall be fined not more than Five Hundred Dollars ($500.00) or be imprisoned for not more than three (3) months or both so fined and imprisoned in the discretion of the court; or shall be guilty of a Schedule X felony, if the aggregate amount of food stamps or coupons obtained or transferred is in excess of Five Hundred Dollars ($500.00), and upon conviction thereof shall be fined not more than Five Thousand Dollars ($5,000.00) or be imprisoned ~~in the penitentiary for a term not more than two (2) years~~ as provided in Section 13 of this act or by both such fine and imprisonment in the discretion of the court. Any store which allows purchases of prohibited items shall not be allowed to participate in the program.

SECTION 283. AMENDATORY 57 O.S. 1991, Section 21, as amended by Section 1, Chapter 264, O.S.L. 1992 (57 O.S. Supp. 1992, Section 21), is amended to read as follows:

Section 21. Any person who, without authority, brings into or has in his possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, marijuana, narcotic drug or any dangerous drug whatsoever, including amphetamines, sleeping potions, barbiturates or derivatives thereof, or any alcoholic beverages, or money, shall be guilty of a Schedule IX felony and is subject to imprisonment ~~in the State Penitentiary for not less than one (1) year or more than five (5) years~~ as provided in Section 13 of this act, or a fine of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

If an inmate is found to be in possession of any such item, upon conviction, he shall be guilty of a Schedule IX felony and

shall be subject to imprisonment ~~for not less than five (5) years or more than twenty (20) years in the State Penitentiary~~ as provided in Section 13 of this act.

If the person found to be in possession of any such item has, prior to the commission of said offense, committed two or more felony offenses, and said possession of contraband was within ten (10) years of the completion of the execution of the sentence, such person upon conviction, shall be punished by imprisonment ~~in the State Penitentiary for a term of not less than twenty (20) years~~ as provided in Section 2 of this act. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

SECTION 284. AMENDATORY 57 O.S. 1991, Section 222, as amended by Section 1, Chapter 160, O.S.L. 1992 (57 O.S. Supp. 1992, Section 222), is amended to read as follows:

Section 222. A. It shall be unlawful to use prisoners assigned to said public works project on any property other than public property, except that inmate labor may be used on private property for a public purpose.

B. As used in this section "public purpose" means a purpose affecting the inhabitants of the state or political subdivision utilizing the inmate labor, as a group, and not merely as individuals. The work performed shall be essentially public and for the general good of the inhabitants of the state or political subdivision, and may include eradication of graffiti on private buildings. For purposes of this section:

1. "Graffiti" shall include but not be limited to any inscription, slogan or drawing, crudely scratched, drawn, printed, painted or scribbled on a wall or other surface visible to the public and which is likely to endanger the health or safety of the public. Provided, however, that this definition shall never be construed to include any sign or advertising device lawfully erected or installed by the owner of property or his lessee or authorized agent;

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

C. The purpose of the work performed shall be to aid the federal government, a state agency or a political subdivision, utilizing the inmate labor in the exercise of a governmental function. Any person willfully violating the provisions of this section shall be guilty of a Schedule X felony, punishable as provided in Section 13 of this act.

SECTION 285. AMENDATORY 59 O.S. 1991, Section 1512, as amended by Section 5, Chapter 280, O.S.L. 1992 (59 O.S. Supp. 1992, Section 1512), is amended to read as follows:

Section 1512. A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars ($1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this

title shall be guilty of a Schedule X felony and upon conviction shall be punished by imprisonment ~~in the State Penitentiary not to exceed five (5) years~~ as provided in Section 13 of this act or by imprisonment in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney's fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars ($100.00), whichever is greater; and

b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorneys' fees as determined by the court.

SECTION 286. AMENDATORY 63 O.S. 1991, Section 1-519, is amended to read as follows:

Section 1-519. It shall be unlawful and a Schedule X felony for any person, after becoming an infected person and before being discharged and pronounced cured by a physician in writing, to marry any other person, or to expose any other person by the act of copulation or sexual intercourse to such venereal disease or to liability to contract the same. Any person convicted of violating the provisions of this section shall be subject to imprisonment as provided in Section 13 of this act.

SECTION 287. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-407.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

For any crime that is originally a misdemeanor that becomes a felony for a second or subsequent offense under the Uniform Controlled Dangerous Substances Act prior to enactment of the Truth in Sentencing Act, except crimes related to lysergic acid diethylamide, the crime shall remain a misdemeanor with enhancers to consist of mandatory county jail time or mandatory inpatient drug treatment for second or subsequent offenses on and after the effective date of the Truth in Sentencing Act.

SECTION 288. AMENDATORY 63 O.S. 1991, Section 2-410, is amended to read as follows:

Section 2-410. Whenever any person who has not previously been convicted of any offense under this act or under any statute of the United States or of any state relating to narcotic drugs, marihuana, or stimulant, depressant, or hallucinogenic drugs, pleads guilty to or is found guilty of possession of a controlled

dangerous substance under Section 2-402 of this title, the court may, without entering a judgment of guilt and with the consent of such person, defer further proceedings and place him on probation upon such reasonable terms and conditions as it may require including the requirement that such person cooperate in a treatment and rehabilitation program of a state-supported or state-approved facility, if available. Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed as otherwise provided. Upon fulfillment of the terms and conditions, the court shall discharge such person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this section may occur only once with respect to any person.

Any expunged arrest or conviction shall not thereafter be regarded as an arrest or conviction for purposes of employment, civil rights, or any statute, regulation, license, questionnaire or any other public or private purpose; provided, that, any such plea of guilty or finding of guilt shall constitute a conviction of the offense for the purpose of this act or any other criminal statute under which the existence of a prior conviction is relevant.

Provided, no conviction pursuant to the provisions of this section shall be used for enhancement purposes when a period of ten (10) years or more has elapsed since the date of full completion of the sentence, as defined in the Oklahoma Truth in Sentencing Act.

SECTION 289. AMENDATORY 63 O.S. 1991, Section 2-412, is amended to read as follows:

Section 2-412. An offense shall be considered a second or subsequent offense under this act, if, prior to his conviction of the offense, the offender has at any time been convicted of an offense or offenses under this act, under any statute of the United States, or of any state relating to narcotic drugs,

marihuana, depressant, stimulant, or hallucinogenic drugs, as defined by this act. Provided, no conviction pursuant to the provisions of this section shall be used for enhancement purposes when a period of ten (10) years or more has elapsed since the date of full completion of the sentence, as defined in the Oklahoma Truth in Sentencing Act.

SECTION 290. AMENDATORY 63 O.S. 1991, Section 2-328, is amended to read as follows:

Section 2-328. A. A person or business who manufactures, sells, transfers, furnishes, or receives a precursor substance defined in Section ~~4~~ 2-322 of this ~~act~~ title commits an offense if the person:

1. Does not comply with the requirements of Sections ~~4, 5 or 8~~ 2-322, 2-323 or 2-326 of this ~~act~~ title; or

2. Knowingly makes a false statement in a report or record required by Section ~~5~~ 2-323 or ~~8~~ 2-326 of this ~~act~~ title.

B. Except as provided by subsection C of this section, an offense under subsection A of this section is a misdemeanor and punishable by imprisonment in the county jail for a term not to exceed one year or by a fine not to exceed Ten Thousand Dollars ($10,000.00).

C. A person who manufactures, sells, transfers, or otherwise furnishes a precursor substance defined in Section ~~4~~ 2-322 of this ~~act~~ title commits an offense if the person manufactures, sells, transfers, or furnishes the substance with the knowledge or intent that the recipient shall use the substance to unlawfully manufacture a controlled substance or a controlled substance analog.

D. A second or subsequent violation of subsection A of this section shall be a ~~felony~~ misdemeanor punishable by imprisonment in the ~~State Penitentiary~~ county jail for a term not more than ~~ten (10) years~~ one (1) year or by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment. Said imprisonment shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

E. A person who is required by Sections ~~4~~ 2-322 or ~~6~~ 2-324 of this ~~act~~ title to have a permit for precursor substances commits an offense if the person:

1. Purchases, obtains, or possesses a precursor substance without having first obtained a permit;

2. Has in his possession or immediate control a precursor substance with no attached permit;

3. Knowingly makes a false statement in an application or report required by Sections ~~6~~ 2-324 or ~~8~~ 2-326 of this ~~act~~ title; or

4. Manufacturers, sells, transfers, or otherwise furnishes any person or business a precursor substance defined in Section ~~4~~ 2-322 of this ~~act~~ title, who does not have a permit.

F. An offense under subsection C or E of this section is a Schedule X felony punishable by imprisonment ~~in the State Penitentiary for a term not more than ten (10) years~~ as provided in Section 13 of this act or by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00) or by both such fine and imprisonment. ~~Said imprisonment shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.~~

SECTION 291. AMENDATORY 63 O.S. 1991, Section 2-401, as amended by Section 1, Chapter 86, O.S.L. 1992 (63 O.S. Supp. 1992, Section 2-401), is amended to read as follows:

Section 2-401. A. Except as authorized by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, it shall be unlawful for any person:

1. To distribute, dispense, or solicit the use of or use the services of a person less than eighteen (18) years of age to distribute or dispense a controlled dangerous substance or possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance;

2. To create, distribute, or possess with intent to distribute, a counterfeit controlled dangerous substance; or

3. To distribute any imitation controlled substance as defined by Section 2-101 of this title, except when authorized by

the Food and Drug Administration of the United States Department of Health and Human Services.

B. Any person who violates the provisions of this section with respect to:

1. A substance classified in Schedule I or II which is a narcotic drug or lysergic acid diethylamide (LSD), upon conviction, shall be guilty of a Schedule VIII felony and shall be ~~sentenced to a term of imprisonment for not less than five (5) years nor more than life~~ punished by imprisonment as provided in Section 13 of this act and a fine of not more than One Hundred Thousand Dollars ($100,000.00). Said sentence, if the offense involved lysergic acid diethylamide (LSD), shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;

2. Any other controlled dangerous substance classified in Schedule I, II, III, or IV, upon conviction, shall be guilty of a Schedule VIII felony and shall be sentenced to a term of imprisonment ~~for not less than two (2) years nor more than life~~ as provided in Section 13 of this act and a fine of not more than Twenty Thousand Dollars ($20,000.00)~~. Said sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense~~;

3. A substance classified in Schedule V, upon conviction, shall be guilty of a Schedule IX felony and shall be sentenced to a term of imprisonment ~~for not more than five (5) years~~ as provided in Section 13 of this act and a fine of not more than One Thousand Dollars ($1,000.00);

4. An imitation controlled substance as defined by Section 2-101 of this title, upon conviction, shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment in the county jail for a period of not more than one (1) year and a fine of not more than One Thousand Dollars ($1,000.00)~~. A person convicted of a second violation of the provisions of this paragraph shall be guilty of a felony and shall be sentenced to a~~

~~term of imprisonment for not more than five (5) years and a fine of not more than Five Thousand Dollars ($5,000.00)~~; or

5. Except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services, it shall be unlawful for any person to manufacture, distribute, or possess with intent to distribute a synthetic controlled substance. Any person convicted of violating the provisions of this paragraph is guilty of a Schedule VIII felony and shall be punished by imprisonment ~~in the State Penitentiary for a term not to exceed life~~ as provided in Section 13 of this act and a fine of not more than Twenty-five Thousand Dollars ($25,000.00). A second or subsequent conviction for the violation of the provisions of this paragraph is a felony punishable by imprisonment ~~in the State Penitentiary for a term not less than ten (10) years and more than life~~ as provided in Section 2 of this act and a fine of not more than One Hundred Thousand Dollars ($100,000.00).

C. Any person convicted of a second or subsequent felony violation of the provisions of this section~~, except for paragraphs 4 and 5 of subsection B of this section or subsection E of this section~~, shall be punished by a term of imprisonment ~~twice that otherwise authorized and by twice the fine otherwise authorized. Convictions for second or subsequent violations of the provisions of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation~~ as provided in Section 2 of this act.

D. Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute or dispense a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age is punishable by twice the fine and by twice the imprisonment otherwise authorized.

E. Any person who violates any provision of this section by distributing or possessing with intent to distribute a controlled dangerous substance to a person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private

elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, shall be punished by:

1. For a first offense, a term of imprisonment as provided in Section 13 of this act, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section ~~and shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence~~, or both such fine and imprisonment; or

2. For a second or subsequent offense, a term of imprisonment ~~not exceeding three times that authorized by the appropriate provision of this section and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence~~ as provided in Section 2 of this act.

F. Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance. Any person violating the provisions of this section with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance, upon conviction, is guilty of a Schedule IV felony and shall be punished by imprisonment ~~in the State Penitentiary for not less than twenty (20) years nor more than life~~ as provided in Section 13 of this act and by a fine of not less than Fifty Thousand Dollars ($50,000.00).

~~Said sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.~~ A person convicted of a second or subsequent violation of the provisions of this subsection shall be ~~required to serve at least ten (10) years of such person's sentence before becoming eligible for parole or any early release from incarceration~~ imprisoned as provided in Section 2 of this act.

Any person convicted of any offense described in this section may, in addition to the fine imposed, be assessed an amount not to

exceed ten percent (10%) of the fine imposed. Such assessment shall be paid into a revolving fund for enforcement of controlled dangerous substances created pursuant to Section 2-506 of this title.

SECTION 292. AMENDATORY 63 O.S. 1991, Section 2-402, as amended by Section 2, Chapter 86, O.S.L. 1992 (63 O.S. Supp. 1992, Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

B. Any person who violates this section with respect to:

1. Any Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206, is guilty of a Schedule IX felony punishable by imprisonment ~~for not less than two (2) years nor more than ten (10) years~~ as provided in Section 13 of this act. A second or subsequent violation of this section with respect to Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206, is a felony punishable by imprisonment ~~for not less than four (4) years nor more than twenty (20) years~~ as provided in Section 2 of this act.

2. Any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is guilty of a misdemeanor punishable by confinement for not more than one (1) year. ~~A second or subsequent violation of this section with respect to any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206, or any preparation excepted from~~

~~the provisions of the Uniform Controlled Dangerous Substances Act is a felony punishable by imprisonment for not less than two (2) nor more than ten (10) years.~~

C. Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, shall be punished by:

1. For a first offense, a term of imprisonment as provided in Section 13 of this act, or by the imposition of a fine ~~or by both,~~ not exceeding twice that authorized by the appropriate provision of this section ~~and shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence~~, or both such fine and imprisonment; or

2. For a second or subsequent offense, a term of imprisonment ~~not exceeding three times that authorized by the appropriate provision of this section and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence~~ as provided in Section 2 of this act.

SECTION 293. AMENDATORY 63 O.S. 1991, Section 2-403, is amended to read as follows:

Section 2-403. A. Any person found guilty of larceny, burglary or theft of controlled dangerous substances is guilty of a Schedule IX felony ~~punishable by imprisonment for a period not to exceed ten (10) years~~. A second or subsequent offense under this subsection is a felony punishable by imprisonment ~~for not less than ten (10) years. Convictions for second or subsequent violations of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation~~ as provided in Section 2 of this act.

B. Any person found guilty of robbery or attempted robbery of controlled dangerous substances from a practitioner, manufacturer, distributor or agent thereof as defined in Section 2-101 of this title is guilty of a Schedule IX felony ~~punishable by imprisonment for a period of not less than five (5) years, and such sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation~~. A second or subsequent offense under this subsection is a felony punishable by ~~life~~ imprisonment~~. Convictions for second or subsequent offenses of this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation~~ as provided in Section 2 of this act.

SECTION 294. AMENDATORY 63 O.S. 1991, Section 2-404, is amended to read as follows:

Section 2-404. A. It shall be unlawful for any person:

1. Who is subject to the requirements of Article III of this act to distribute or dispense a controlled dangerous substance in violation of Section 2-308;

2. Who is a registrant to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration to another registrant or other authorized person;

3. To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or this act;

4. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this act;

5. To refuse any entry into any premises or inspection authorized by this act; or~~,~~

6. To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled dangerous substances in violation of this act for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this act.

B. Any person who violates this section is punishable by a civil fine of not more than One Thousand Dollars ($1,000.00);

provided, that, if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is guilty of a Schedule IX felony punishable by imprisonment ~~for not more than five (5) years~~ as provided in Section 13 of this act, and a fine of not more than Ten Thousand Dollars ($10,000.00), except that if such person is a corporation it shall be subject to a civil penalty of not more than One Hundred Thousand Dollars ($100,000.00).

C. Any person convicted of a second or subsequent felony violation of this section is punishable by a term of imprisonment ~~twice that otherwise authorized and by twice the fine otherwise authorized~~ as provided in Section 2 of this act.

SECTION 295. AMENDATORY 63 O.S. 1991, Section 2-405, is amended to read as follows:

Section 2-405. A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.

B. No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

C. No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act.

D. Any person eighteen (18) years of age or over who violates subsection C of this section by delivering drug paraphernalia to a person under eighteen (18) years of age who is at least three (3) years his junior shall, upon conviction, be guilty of a Schedule IX felony.

E. Any person who violates subsections A, B or C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

SECTION 296. AMENDATORY 63 O.S. 1991, Section 2-406, is amended to read as follows:

Section 2-406. A. It shall be unlawful for any registrant knowingly or intentionally:

1. To distribute, other than by dispensing or as otherwise authorized by this act, a controlled dangerous substance classified in Schedules I or II, in the course of his legitimate business, except pursuant to an order form as required by Section 2-308 of this ~~act~~ title;

2. To use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended or issued to another person;

3. To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge;

4. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act;

5. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

B. Any person who violates this section is guilty of a Schedule IX felony punishable by imprisonment ~~for not more than twenty (20) years~~ as provided in Section 13 of this act or a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment ~~twice that otherwise authorized~~ as provided in Section 2 of this act and by twice the fine otherwise authorized. ~~Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.~~

SECTION 297. AMENDATORY 63 O.S. 1991, Section 2-407, is amended to read as follows:

Section 2-407. A. No person shall obtain or attempt to obtain any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in a manner inconsistent with the provisions of paragraph 1 of subsection B of Section 2-313 of this title, or a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:

1. By fraud, deceit, misrepresentation, or subterfuge;

2. By the forgery or alteration of a prescription or of any written order;

3. By the concealment of a material fact; or

4. By the use of a false name or the giving of a false address.

B. Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

C. Any person who violates this section is guilty of a Schedule IX felony punishable by imprisonment ~~for not more than ten (10) years~~ as provided in Section 13 of this act. A second or subsequent offense under this section is a felony punishable by

imprisonment ~~for not less than four (4) nor more than twenty (20) years~~ as provided in Section 2 of this act.

~~D. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.~~

SECTION 298. AMENDATORY 63 O.S. 1991, Section 2-415, is amended to read as follows:

Section 2-415. A. The provisions of the Trafficking in Illegal Drugs Act, Section 2-414 et seq. of this title, shall apply to persons convicted of violations with respect to the following substances:

1. Marihuana;

2. Cocaine or coca leaves;

3. Heroin;

4. Amphetamine or methamphetamine;

5. Lysergic acid diethylamide (LSD);

6. Phencyclidine (PCP); or

7. Cocaine base, commonly known as "crack" or "rock".

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this state or possess a controlled substance specified in subsection A of this section in the quantities specified in subsection C of this section; or

2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection A of this section in quantities specified in subsection C of this section; or

3. Use or solicit the use of services of a person less than eighteen (18) years of age to distribute or manufacture a controlled dangerous substance specified in subsection A of this section in quantities specified in subsection C of this section.

Violation of this section shall be known as "trafficking in illegal drugs".

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection C of this section shall be punished under the provisions appropriate for the amount of controlled substance represented, regardless of the actual amount.

C. In the case of a violation of the provisions of subsection B of this section, involving:

1. Marihuana:

   a. twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

   b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

2. Cocaine or coca leaves:

   a. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

   b. three hundred (300) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

3. Heroin:

a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

4. Amphetamine or methamphetamine:

a. twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Two Hundred Thousand Dollars ($200,000.00), or

b. two hundred (200) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

5. Lysergic acid diethylamide (LSD):

a. one (1) gram or more of a substance containing a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. ten (10) grams or more of a substance containing a mixture or substance containing a detectable amount of lysergic acid diethylamide (LSD), such violation shall be punishable by a fine of not less than One

Hundred Thousand Dollars ($100,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00);

6. Phencyclidine (PCP):

a. one (1) ounce or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Twenty Thousand Dollars ($20,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. eight (8) ounces or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00); and

7. Cocaine base:

a. five (5) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. fifty (50) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00).

D. Any person who violates the provisions of this section with respect to a controlled substance specified in subsection A of this section in a quantity specified in subsection C of this section shall be guilty of a Schedule IV felony, punishable as provided in Section 13 of this act, in addition to any fines specified by this section~~, be punishable by a term of imprisonment as follows:~~

~~1. Not less than twice the term of imprisonment provided for in Section 2-401 of this title;~~

~~2. If the person has previously been convicted of one violation of this section or has been previously convicted of a felony violation of the Uniform Controlled Dangerous Substances Act arising from separate and distinct transactions, not less than three times the term of imprisonment provided for in Section 2-401 of this title; and~~

~~3. If the person has previously been convicted of two or more violations of this section or any provision of the Uniform Controlled Dangerous Substances Act which constitutes a felony, or a combination of such violations arising out of separate and distinct transactions, life without parole~~. Any person convicted of a second or subsequent violation of this section shall be imprisoned as provided in Section 2 of this act.

The terms of imprisonment specified in this subsection shall not be subject to statutory provisions for ~~suspension, deferral or probation, or~~ state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection F of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection C of Section 138 of Title 57 of the Oklahoma Statutes.

Persons convicted of violations of this section shall not be eligible for appeal bonds.

SECTION 299. AMENDATORY 63 O.S. 1991, Section 2-419, is amended to read as follows:

Section 2-419. A. It shall be unlawful for any individual eighteen (18) or more years of age to solicit, employ, hire, or use an individual under eighteen (18) years of age to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance.

B. A person who violates subsection A of this section shall be guilty of a Schedule VI felony and upon conviction shall be punishable by a term of imprisonment as provided in Section 13 of

this act, or a fine~~, or both,~~ not exceeding twice that authorized by Section 2-401 of ~~Title 63 of the Oklahoma Statutes~~ this title.

C. A person who violates subsection A of this section after a previous conviction pursuant to that subsection which has become final, shall be punishable by a term of imprisonment ~~not exceeding three times that authorized by Section 2-401 of Title 63 of the Oklahoma Statutes~~ as provided in Section 2 of this act.

D. A person who violates subsection A of this section by employing, hiring, or using an individual under fifteen (15) years of age, may be imprisoned ~~for not more than twenty-five (25) years~~ as provided in Section 13 of this act, fined not more than One Hundred Thousand Dollars ($100,000.00), or both~~, in addition to any other punishment authorized by this section~~.

E. It shall not be a defense to this section that a person did not know the age of an individual.

SECTION 300. AMENDATORY 63 O.S. 1991, Section 2-509, is amended to read as follows:

Section 2-509. A. All species of plants from which controlled dangerous substances in Schedules I and II may be derived are hereby declared inimical to health and welfare of the public, and the intent of the Legislature is to control and eradicate these species of the plants in the State of Oklahoma.

B. It shall be unlawful for any person to cultivate or produce, or to knowingly permit the cultivation, production, or wild growing of any species of such plants, on any lands owned or controlled by such person, and it is hereby declared the duty of every such person to destroy all such plants found growing on lands owned or controlled by him.

C. 1. Whenever any peace officer of the state shall receive information that any species of any such plants has been found growing on any private lands in the State of Oklahoma, he shall notify the sheriff and county commissioners of the county wherein such plants are found growing. Within five (5) days of receipt of such notice, the county commissioners shall notify the owner or person in possession of such lands that such plants have been found growing on the said lands and that the same must be

destroyed within fifteen (15) days. When the fifteen (15) days have elapsed, the reporting peace officer shall cause an investigation to be made of the aforesaid lands, and if any such plants be found growing thereon, the commissioners shall cause the same to be destroyed by cutting and burning the same.

2. Whenever any such plants are destroyed by order of the commissioners as provided herein, the cost of the same shall, if the work or labor be furnished by the commissioners, be taxed against the lands whereon the work was performed, and shall be a lien upon such land in all manner and respects as a lien of judgment.

D. Knowingly violating the provisions of subsection B of this section is hereby declared, as to the owner, or person in possession of such lands, to be a Schedule IX felony and punishable as such by a fine of not to exceed Fifty Thousand Dollars ($50,000.00) and imprisonment ~~in the State Penitentiary for not less than two (2) years nor more than life~~ as provided in Section 13 of this act. Any person convicted of a second or subsequent violation of subsection B of this section is punishable by a term of imprisonment ~~twice that otherwise authorized~~ as provided in Section 2 of this act and by twice the fine otherwise authorized. ~~Said sentence shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation, except when the conviction is for a first offense.~~

E. It shall be the duty of any peace officer of the State of Oklahoma who receives information of such plants growing in the State of Oklahoma, to make notice, in writing, to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the future destruction of the annual growth of such plants shall be supervised by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

F. In lieu of the eradication procedures provided for in subsections B and C of this section, all species of plants from which controlled dangerous substances in Schedules I and II of the Uniform Controlled Dangerous Substances Act may be derived~~,~~ may be

disposed of pursuant to the provisions of subsection C of Section 2-505 of this title.

SECTION 301. REPEALER 21 O.S. 1991, Sections 51, 51A, 52 and 62 and 22 O.S. 1991, Sections 927, 928, 982a, 991a-5, 991a-6, 991a-7, 991a-8, 991a-9, 991a-10 and 991a-12, are hereby repealed.

SECTION 302. REPEALER 57 O.S. 1991, Sections 353 and 510.2, are hereby repealed.

SECTION 303. REPEALER 57 O.S. 1991, Sections 570, 571, 572, 573, 574, 574.1, 575 and 576 shall be repealed five (5) years after the effective date of this act to give the Oklahoma Legislature the opportunity to provide adequate facilities and programs to meet the mandates of the Oklahoma Truth in Sentencing Act.

SECTION 304. This act shall become effective upon the enactment by a vote of the people of a constitutional amendment to Section 10 of Article VI of the Oklahoma Constitution that shall abolish the Pardon and Parole Board and establish the Truth in Sentencing Review Board.

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