

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)
COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 2580

By: Boyd (Laura)

COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 644, 646 and 647, which relate to assault, assault and battery and aggravated assault and battery; modifying and increasing penalties and fines; providing for minimum sentencing; defining term; prohibiting certain suspended sentences, deferred sentences or probation; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 644, is amended to read as follows:

Section 644. A. Assault shall be punishable by imprisonment in a county jail not exceeding thirty (30) days, or by a fine of not more than Five Hundred Dollars (\$500.00), or both, at the discretion of the court.

B. Assault and battery shall be punishable by imprisonment in a county jail ~~not exceeding ninety (90) days~~ for not more than six (6) months, ~~or~~ and by a fine of not less than Ten Dollars (\$10.00) nor more than Five Hundred Dollars (\$500.00), or by both such imprisonment and fine One Thousand Dollars (\$1,000.00). The minimum sentence of imprisonment provided for in this subsection shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to said statutory provisions. Further, the minimum sentence provided for in this subsection shall be required to be served subsequent to the date of sentencing with the balance of any sentence imposed to be ordered served at the court's discretion.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 646, is amended to read as follows:

Section 646. A. An assault and battery becomes aggravated when committed under any of the following circumstances:

~~(1)~~ 1. When great bodily injury is inflicted upon the person assaulted; or

~~(2)~~ 2. When committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated, as defined in Section 3 of this act.

B. For purposes of this section "great bodily injury" shall include, but is not limited to, any battery resulting in one or more broken bones being suffered by the victim.

SECTION 3. AMENDATORY 21 O.S. 1991, Section 647, is amended to read as follows:

Section 647. Aggravated assault and battery shall be punished by imprisonment in a county jail ~~not exceeding one (1) year for~~ not less than ninety (90) days nor for more than one (1) year, or ~~and by a fine of not more than Five Hundred Dollars (\$500.00), or both such fine and imprisonment~~ Five Thousand Dollars (\$5,000.00). The minimum sentence of imprisonment provided for in this section shall not be subject to statutory provisions for suspended sentences, deferred sentences or probation, provided the court may subject any remaining penalty under the jurisdiction of the court to said statutory provisions.

SECTION 4. This act shall become effective September 1, 1994.

44-2-9167 SD