

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)
2ND CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 545

By: Kerr of the Senate

and

Braddock, Tyler, Weaver
and Ostrander of the
House

2ND CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to discharging firearms; amending 21 O.S. 1991, Section 701.7, as amended by Section 1, Chapter 161, O.S.L. 1996 (21 O.S. Supp. 1996, Section 701.7), which relates to murder in the first degree; amending definition of felony murder; prohibiting intentional discharge of firearm into a dwelling or building; setting penalties; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 701.7, as amended by Section 1, Chapter 161, O.S.L. 1996 (21 O.S. Supp. 1996, Section 701.7), is amended to read as follows:

Section 701.7 A. A person commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

B. A person also commits the crime of murder in the first degree, regardless of malice, when that person or any other person takes the life of a human being during, or if the death of a human being results from, the commission or attempted commission of murder of another person, shooting or discharge of a firearm or crossbow with intent to kill, intentional discharge of a firearm or other deadly weapon into any dwelling or building as provided

in Section 2 of this act, forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, first degree burglary, first degree arson, unlawful distributing or dispensing of controlled dangerous substances, or trafficking in illegal drugs.

C. A person commits murder in the first degree when the death of a child results from the willful or malicious injuring, torturing, maiming or using of unreasonable force by said person or who shall willfully cause, procure or permit any of said acts to be done upon the child pursuant to Section ~~843~~ 7115 of ~~this title~~ Title 10 of the Oklahoma Statutes.

D. A person commits murder in the first degree when that person unlawfully and with malice aforethought solicits another person or persons to cause the death of a human being in furtherance of unlawfully manufacturing, distributing or dispensing controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, unlawfully possessing with intent to distribute or dispense controlled dangerous substances, or trafficking in illegal drugs.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1289.17A of Title 21, unless there is created a duplication in numbering, reads as follows:

FELONY DISCHARGING FIREARMS

It shall be unlawful for any person to willfully or intentionally discharge any firearm or other deadly weapon at or into any dwelling, or at or into any building used for public or business purposes. Effective July 1, 1997, through June 30, 1998, any violation of the provisions of this section shall be a felony punishable by imprisonment in the custody of the Department of Corrections for a term not less than two (2) years nor more than twenty (20) years. The provisions of this section shall not apply to any law enforcement officer in the performance of any lawful duty.

Effective July 1, 1998, any violation of the provisions of this section shall be a felony punishable as provided for Schedule

B offenses on the state's sentencing matrix unless otherwise rescheduled by the Oklahoma Sentencing Commission.

SECTION 3. This act shall become effective July 1, 1997.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-1611

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