

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2191

By: Graves

AS INTRODUCED

An Act relating to crimes and punishments; defining terms; providing mandatory prison sentence for certain offenders; prohibiting eligibility in programs for certain inmates; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 56 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Serious offense" means any of the following felonies, a felony attempt to commit any of the following felonies or the criminal conspiracy or criminal solicitation of any of the following felonies:

- a. murder,
- b. kidnapping,
- c. robbery with a dangerous weapon,
- d. rape in the first degree,
- e. rape by instrumentation,
- f. use of firearm or other offensive weapon while committing a felony,

- g. arson in the first degree,
- h. burglary with explosives,
- i. burglary in the first or second degree after three or more adjudications for committing either burglary in the first degree or burglary in the second degree,
- j. shooting with intent to kill,
- k. discharging a firearm, crossbow or other weapon from a vehicle pursuant to subsection B of Section 652 of Title 21 of the Oklahoma Statutes,
- l. manslaughter in the first degree,
- m. nonconsensual sodomy,
- n. any dangerous crime against children, or
- o. manufacturing, distributing, dispensing, or possessing with intent to manufacture, distribute, or dispense a controlled dangerous substance; and

2. "Persistent offender" means a person who:

- a. has been convicted in this state of any felony considered a serious offense, and
- b. has been previously convicted of two or more serious offenses, not committed on the same occasion.

B. A persistent offender shall be sentenced to a term of total confinement for life without possibility of parole, or, when authorized by Section 701.9 of Title 21 of the Oklahoma Statutes for the crime of murder in the first degree, sentenced to death notwithstanding the maximum sentence under any other law.

C. Offenders subject to the provisions of this section shall not be eligible for pardon, suspension, deferment or commutation of sentence, probation, preparole conditional supervision, electronic home monitoring, the Prison Population Management Act of 1993, any other type of release programs, any type of work or work release program or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a

correctional officer during such terms of total confinement except in the case of an offender in need of emergency medical treatment.

SECTION 2. This act shall become effective September 1, 1994.

44-2-7931

AJW