

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1220

By: Paulk

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 652, as amended by Section 1, Chapter 192, O.S.L. 1992 (21 O.S. Supp. 1994, Section 652), which relates to shooting with intent to kill; modifying certain prohibited activity; amending 21 O.S. 1991, Section 701.7, which relates to murder in the first degree; adding certain crimes to felony murder provision; prohibiting certain conduct regarding weapons; providing a penalty; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 652, as amended by Section 1, Chapter 192, O.S.L. 1992 (21 O.S. Supp. 1994, 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.

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.~~

€. 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.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 701.7, is amended to read as follows:

Section 701.7 A. A person commits murder in the first degree when he 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 when he takes the life of a human being, regardless of malice, in the commission of forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, first degree burglary, first degree arson, intentional discharge of a weapon into a structure, intentional discharge of a weapon from a vehicle, 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 of this title.

D. A person commits murder in the first degree when he 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1272.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any person who intentionally discharges any kind of firearm or other weapon towards a structure or from a vehicle in conscious disregard for the safety of any other person shall be guilty of a felony and upon conviction shall be punished by imprisonment in the state penitentiary for not less than two (2) nor more than twenty (20) years.

SECTION 4. This act shall become effective November 1, 1995.

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