

SHORT TITLE: Crimes and punishments; removing exception for certain person with certain mental conditions and capacity; emergency.

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

SENATE BILL NO. 1088

By: Williams (Penny)

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 152, which relates to persons capable to committing crimes; deleting language; removing exception for certain person with certain mental conditions or capacity; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 152, is amended to read as follows:

Section 152. All persons are capable of committing crimes, except those belonging to the following classes:

1. Children under the age of seven (7) years.

2. Children over the age of seven (7) years, but under the age of fourteen (14) years, in the absence of proof that at the time of committing the act or neglect charged against them, they knew its wrongfulness.

3. ~~Idiots.~~

4. ~~Lunatics, insane persons, and all~~ All persons of unsound mind, including persons temporarily or partially deprived of reason, upon proof that at the time of committing the act charged against them they were incapable of knowing its wrongfulness.

~~5.~~ 4. Persons who committed the act, or made the omission charged, under an ignorance or mistake of fact which disproves any criminal intent. But ignorance of the law does not excuse from punishment for its violation.

~~6.~~ 5. Persons who committed the act charged without being conscious thereof.

~~7.~~ 6. Persons who committed the act, or make the omission charged, while under involuntary subjection to the power of superiors.

SECTION 2. 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.

45-2-2273

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