STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1213

By: Steidley, Paulk, Toure, Bastin, Kirby, Satterfield, Glover and Braddock of the House

and

Dickerson and Hobson of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to truth in sentencing; creating the Oklahoma Truth in Sentencing Act; providing short title; requiring persons committing a criminal offense on or after a certain date to serve certain percent of imposed sentence; limiting eligibility for credits that reduce the length of sentence; providing for sentencing in accordance with certain ranges of punishment; providing that the power of the court to suspend or defer a sentence is not affected; providing policy; providing for initial matrices and time initial matrices remain in effect; providing for classification and punishment of crimes; providing procedure for development of new matrices; providing conditions under which matrices become effective; prohibiting promulgation by emergency rule, with exception; providing for revisions; providing for publication; defining terms; providing for punishment of crimes as provided by the matrices and in accordance with sentencing enhancers to be used by sentencing courts; providing for application of sentencing matrices; providing for establishment of ranges of punishment; providing for establishment of levels of punishment within the schedules; providing sentencing fields and definitions therefor; establishing a classification system for felony criminal offenses; defining terms; providing schedules; providing offense enhancers; providing limitation on use of enhancer; providing that enhancers are cumulative; requiring the state to give notice of acts or convictions that will be relied on for sentencing enhancement; providing sentencing procedure to be used by the court; providing that the Oklahoma Truth in Sentencing Act shall not abrogate or affect punishment by death in capital cases; amending 21 O.S. 1991, Section 3, which relates to crimes and public offenses; modifying definition; amending 21 O.S. 1991, Section 5, which relates to felonies; modifying definition; amending 21 O.S. 1991, Section 7, which relates to scope of Title 21 of the Oklahoma Statutes; clarifying scope; amending 21 O.S. 1991, Section 9, which relates to punishment for felonies; providing for sentencing; providing for imposition of fines; amending 21 O.S. 1991, Section 11,

which relates to crimes in other titles of law; clarifying language; amending 21 O.S. 1991, Section 54, which relates to persons convicted of crimes who have prior convictions in other jurisdictions; clarifying language; amending 21 O.S. 1991, Section 64, as amended by Section 1, Chapter 51, O.S.L. 1993 (21 O.S. Supp. 1996, Section 64), which relates to fines; providing for imposition of fines; amending 22 O.S. 1991, Sections 857 and 929, which relate to jury deliberation; providing that the jury shall not set sentence for crimes committed after certain date, with exception; providing for resentencing upon remand; amending 22 O.S. 1991, Section 982, as amended by Section 1, Chapter 319, O.S.L. 1992 (22 O.S. Supp. 1996, Section 982), which relates to presentence investigations; providing for presentence investigations if plea other than guilty has been entered; expanding exceptions; providing for contents of presentence investigation reports; providing for notification of proposed findings; providing that party objecting to findings has burden of producing additional evidence; providing evidential burden of state concerning existence of offense enhancers or prior record enhancers; providing for use of forms promulgated by the Oklahoma Sentencing Commission; authorizing term of postimprisonment supervision for offender that is ineligible for deferred or suspended sentence; authorizing conditions; providing for length of term; providing for revocation of probated sentence; providing for term of confinement for acceleration or revocation of probated sentence; providing that term of suspended sentence shall not exceed applicable range of punishment for offense committed; providing for calculation of time credited to offender if suspended sentence is revoked; amending 21 O.S. 1991, Section 42, which relates to attempts to commit crimes; modifying punishment for attempted crime; providing that second and subsequent offenses for certain misdemeanors remain misdemeanors, with exceptions; amending 57 O.S. 1991, Section 95, which relates to transport of convicted person to the Lexington Assessment and Reception Center; requiring that certification of days served in jail after pronouncement of judgment and rendering of sentence be delivered to the Department of Corrections at time person is delivered; amending 57 O.S. 1991, Section 138, as last amended by Section 6, Chapter 360, O.S.L. 1993 (57 O.S. Supp. 1996, Section 138), which relates to earned credits; providing for earned credits for persons convicted of crimes committed on or after a certain date; providing that the combined awarded credits shall not reduce a sentence more than fifteen percent; amending 57 O.S. 1991, Sections 332, 332.7, as last amended by Section 1, Chapter 168, O.S.L. 1996 and 332.8 as last amended by Section 19, Chapter 2, O.S.L. 1994 (57 O.S. Supp. 1996, Sections 332.7 and 332.8), which relate to the Pardon and Parole Board; stating conditions for eligibility for parole consideration; providing that certain persons who are sentenced to postimprisonment supervision and granted parole shall be placed on parole supervision before postimprisonment supervision; providing for consideration of victim impact statements; removing reference to jury sentencing; amending 57 O.S. 1991, Section 365, as amended by Section 7, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996, Section 365), which relates to Preparole Conditional Supervision Programs; changing name to

specialized parole; limiting scope of specialized parole; modifying eligibility requirements; requiring approval by the Governor; requiring the Department of Corrections to modify the Pardon and Parole Board regarding prison capacity and population; amending Sections 5 and 15, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 510.9 and 510.10, which relate to electronic monitoring; limiting use of the Electronic Monitoring Program; providing for use of electronic monitoring; amending 57 O.S. 1991, Section 570, which relates to the Oklahoma Prison Overcrowding Emergency Powers Act; limiting application; providing duties and authority of the Oklahoma Sentencing Commission; providing for review of measures that have fiscal impact on the criminal justice system; providing for fiscal impact statements for such measures; requiring assistance and information from other state entities; providing for contents of statements; requiring that a copy of the fiscal impact statement be attached to each copy of the measure reviewed; amending Sections 1, 2, 3, 4 and 8, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Sections 1501, 1502, 1503, 1504 and 1508), which relate to the Oklahoma Truth in Sentencing Policy Advisory Commission; changing name of Commission; modifying composition of Commission; making all members voting members; modifying duties of Commission; establishing the Oklahoma Community Sentencing Act; defining terms; stating purposes of act; authorizing establishment of community sentencing advisory councils; establishing membership, procedures and duties of advisory councils; providing for contents and submission of local community sentencing system plans; listing services and sentencing options available for community punishment; establishing fees and costs payable pursuant to a community sentence; providing that the community sentencing system is resource limited; requiring performance-based evaluations for programs and services provided pursuant to community sentencing system; providing for payment of medical expenses for offenders sentenced to community punishment; establishing position and duties of local administrators; establishing Community Sentencing Division of Department of Corrections; specifying duties of Division; establishing procedure for community sentencing system budgeting; providing for development and use of community sentence assessment and evaluation test; stating powers of court for imposing community sentence and disciplinary sanctions; prohibiting application of earned credits to community sentences; providing certain credits be given upon revocation of community sentences; stating responsibility of offender sentenced to community punishment; granting immunity from liability for participating in community sentencing system under certain circumstances; establishing Oklahoma Community Sentencing Revolving Fund; providing for establishment of joint legislative committee to oversee implementation of act; establishing authority of court to impose suspended sentence; providing for modification of suspended sentence under certain circumstances; amending 22 O.S. 1991, Section 991a, as last amended by Section 2, of Enrolled House Bill No. 1146 of the 1st Session of the 46th Oklahoma Legislature, which relates to sentencing by the court; modifying powers of court; amending 22 O.S. 1991, Section 991a-2, which relates to night and weekend jail sentencing; modifying circumstances under which

persons can be sentenced to county jail; modifying provisions regarding payment of incarceration costs; amending 22 O.S. 1991, Section 991a-4, as last amended by Section 1, Chapter 187, O.S.L. 1993 (22 O.S. Supp. 1996, Section 991a-4), which relates to Community Service Sentencing Program; authorizing Department of Corrections to enter into certain contracts regarding program; requiring annual report to Governor; President Pro Tempore of Senate and Speaker of the House regarding program; restricting court from sentencing to program after certain date; amending 22 O.S. 1991, Section 976, which relates to sentencing for multiple, offenses; limiting expenditure of state funds upon imposition of certain sentences; amending 22 O.S. 1991, Section 982a, which relates to judicial review of sentencing; modifying certain time periods; amending 22 O.S. 1991, Section 991c, as last amended by Section 2, Chapter 304, O.S.L. 1996 (22 O.S. Supp. 1996, Section 991c), which relates to deferral of sentences; permitting Department of Corrections to provide supervision under certain circumstances; amending 22 O.S. 1991, Section 991b, as amended by Section 2, Chapter 320, O.S.L. 1994 (22 O.S. Supp. 1996, Section 991b), which relates to revocation of suspended sentence; stating hearing procedures; amending 22 O.S. 1991, Section 305.2, as amended by Section 1, Chapter 304, O.S.L. 1996 (22 O.S. Supp. 1996, Section 305.2), which relates to deferred prosecution; modifying provisions regarding payment for services provided under certain agreements; providing for DNA testing of persons convicted of certain crimes; amending 51 O.S. 1991, Section 155, as amended by Section 60, Chapter 290, O.S.L. 1994 (51 O.S. Supp. 1996, Section 155), which relates to exemptions of liability; modifying list of exempt programs; authorizing Department of Corrections to contract for post imprisonment supervision services; amending 57 O.S. 1991, Section 38, as amended by Section 1, Chapter 293, O.S.L. 1992 (57 O.S. Supp. 1996, Section 38), which relates to reimbursement of counties by Department of Corrections; modifying amount of reimbursement; establishing reimbursement rate for Community Sentencing Act; amending 57 O.S. 1991, Section 561, as last amended by Section 1, Chapter 169, O.S.L. 1996 (57 O.S. Supp. 1996, Section 561), which relates to certain contracts for private prisons; modifying requirements applicable to selection of private prison contractors; requiring certain analysis by Department of Corrections; modifying procedures for selection of private prison contractor; modifying references; deleting provisions related to negotiation of contracts; requiring review of proposed contracts by Attorney General and Director of Department of Central Services; prescribing procedures for review and approval; prohibiting execution of contract until certain condition met; imposing requirements for requests for proposals from private prison contractors; requiring criteria; requiring approval of criteria by Board of Corrections; prescribing required content of private prison contracts; requiring certain options with respect to purchase of correctional facilities; requiring demonstration to Department of Corrections; specifying content of required demonstration; specifying terms and conditions to be contained in contracts; requiring Department of Corrections to determine certain average daily costs; requiring communication of information to Board of

Corrections; requiring determination by Board; prescribing procedures for analysis of proposals; providing for selection of contractor; requiring proposed contracts to be subject to review by Legislative and Executive Bond Oversight Commissions; requiring compliance with certain provisions governing issuance of obligations; requiring review and approval of proposed contracts by Attorney General and Director of Department of Central Services; prohibiting execution of contract without certain approval; prescribing time period for review; providing for approval if action not taken; requiring Oklahoma Capitol Improvement Authority to acquire certain property for construction and operation of correctional facilities, if authorized by the Legislature; providing for capacity of correctional facilities authorized; authorizing construction of facilities in phases; providing for approval of site by Board of Corrections; authorizing Oklahoma Capitol Improvement Authority to hold title to certain property until obligations retired or defeased; providing for transfer of title upon occurrence of certain events; authorizing borrowing of money; providing for repayment of obligations; stating legislative intent with respect to repayment; authorizing payment of costs and expenses; providing for use of resources to limit costs and expenses; providing methods for issuance of obligations; providing methods for sale of obligations; providing for marketing of obligations; authorizing purchase of obligations by State Treasurer; providing for use of interest; providing exemption from certain taxes; providing for investment of funds; requiring Oklahoma Department of Corrections to develop site selection criteria; requiring criteria to be approved by Board of Corrections; requiring Department of Corrections to establish process for requesting proposals; requiring identification of qualifying proposals; requiring Board of Corrections to select site for correctional facilities; providing for ownership of plans; providing for use of plans without conditions or obligations; providing for use of plans to construct additional correctional facilities; amending 57 O.S. 1991, Section 563, as last amended by Section 1, Chapter 248, O.S.L. 1996 (57 O.S. Supp. 1996, Section 563), which relates to location of certain correctional facilities; modifying requirements for certain approval; deleting provisions related to certain correctional facilities; amending 61 O.S. 1991, Sections 62, 65 and 130, which relate to construction of certain public works; modifying provisions related to selection of certain consultants; modifying period of time within which certain service providers to respond to notice; modifying entity required to perform independent review; providing for ownership of plans; providing for use of plans without conditions or obligations; providing for use of plans to construct additional correctional facilities; providing for inapplicability of certain provisions governing construction of public works; providing for expedited competitive bid process; requiring notification to Governor, Speaker of House of Representatives and President Pro Tempore of the Senate; authorizing declaration of emergency conditions by Department of Corrections; providing exemption from certain dollar; amending 2 O.S. 1991, Section 6-94, as amended by Section 5, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1996, Section

6-94), 2 O.S. 1991, Section 6-125, 2 O.S. 1991, Section 6-155, 2 O.S. 1991, Section 6-207
2 O.S. 1991, Section 6-194, 2 O.S. 1991, Section 6-206, 2 O.S. 1991, Section 6-208, 2 O.S. 1991, Section 6-262, 2 O.S. 1991, Section 9-34, 2 O.S. 1991, Section 9-35, 2 O.S. 1991, Section 9-36, 2 O.S. 1991, Section 9-37, 2 O.S. 1991, Section 9-132, as amended by Section 1, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 1996, Section 9-132), 2 O.S. 1991, Section 1301-205, 2 O.S. 1991, Section 1301-208, 2 O.S. 1991, Section 1301-214, 2 O.S. 1991, Section 1301-309, 2 O.S. 1991, Section 1301-310, as amended by Section 3, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1996, Section 1301-310), Section 6, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1996, Section 1301-310.3), Section 9, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1996, Section 1301-310.6), and 2 O.S. 1991, Section 1907, which relate to agriculture; modifying felony penalties; amending 3 O.S. 1991, Section 258, 3 O.S. 1991, Section 259, 3 O.S. 1991, Section 281, 3 O.S. 1991, Section 301, and 3 O.S. 1991, Section 321, which relate to aircraft and airports; modifying felony penalties; amending 3A O.S. 1991, Section 203.6, 3A O.S. 1991, Section 208.4, as amended by Section 2, Chapter 254, O.S.L. 1993 (3A O.S. Supp. 1996, Section 208.4), 3A O.S. 1991, Section 208.6, 3A O.S. 1991, Section 208.7, 3A O.S. 1991, Section 208.8, 3A O.S. 1991, Section 208.9, 3A O.S. 1991, Section 208.10, Section 1, Chapter 85, O.S.L. 1993 (3A O.S. Supp. 1996, Section 208.11), Section 4, Chapter 199, O.S.L. 1994 (3A O.S. Supp. 1996, Section 504), and Section 5, Chapter 199, O.S.L. 1994 (3A O.S. Supp. 1996, Section 505), which relate to amusements and sports; modifying felony penalties; amending 4 O.S. 1991, Section 85.11, and 4 O.S. 1991, Section 268, as amended by Section 4, Chapter 36, O.S.L. 1993 (4 O.S. Supp. 1996, Section 268), which relates to animals; modifying felony penalties; amending 6 O.S. 1991, Section 808, 6 O.S. 1991, Section 809, as amended by Section 12, Chapter 183, O.S.L. 1993 (6 O.S. Supp. 1996, Section 809), and 6 O.S. 1991, Section 1414, which relates to banks and trust companies; modifying felony penalties; amending Section 11, Chapter 353, O.S.L. 1995, as amended by Section 20, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7111), and 21 O.S. 1991, Section 843, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 15, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7115), which relate to children; modifying felony penalties; amending 11 O.S. 1991, Section 16-306, and 11 O.S. 1991, Section 39-113, which relate to cities and towns; modifying felony penalties; amending 12 O.S. 1991, Section 65, and 12 O.S. 1991, Section 923, which relate to civil procedure; modifying felony penalties; amending 13 O.S. 1991, Section 176.3, which relates to common carriers; modifying felony penalties; amending 15 O.S. 1991, Section 567, 15 O.S. 1991, Section 761.1, as amended by Section 4, Chapter 235, O.S.L. 1994 (15 O.S. Supp. 1996, Section 761.1), and 15 O.S. 1991, Section 767, which relates to contracts; modifying felony penalties; amending Section 2, Chapter 271, O.S.L. 1992 (17 O.S. Supp. 1996, Section 6.1), 17 O.S. 1991, Section 16, 17 O.S. 1991, Section 158.59, and 17 O.S. 1991, Section 191.11, which relate to the Corporation Commission; modifying felony penalties; amending 18 O.S. 1991, Section 411, 18 O.S. 1991, Section 552.11, 18 O.S. 1991, Section 552.18, 18 O.S. 1991, Section 553.3, which

relate to corporations; modifying felony penalties; amending 19 O.S. 1991, Section 28, 19 O.S. 1991, Section 29, 19 O.S. 1991, Section 90, 19 O.S. 1991, Section 91, 19 O.S. 1991, Section 92, 19 O.S. 1991, Section 112, 19 O.S. 1991, Section 333.1, 19 O.S. 1991, Section 641, and 19 O.S. 1991, Section 686, which relate to counties and county officers; modifying felony penalties; amending 21 O.S. 1991, Section 53, 21 O.S. 1991, Section 175, Section 2, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 187.1), Section 3, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 187.2), 21 O.S. 1991, Section 265, 21 O.S. 1991, Section 266, 21 O.S. 1991, Section 275, 21 O.S. 1991, Section 301, 21 O.S. 1991, Section 303, 21 O.S. 1991, Section 305, 21 O.S. 1991, Section 306, 21 O.S. 1991, Section 307, 21 O.S. 1991, Section 308, 21 O.S. 1991, Section 309, 21 O.S. 1991, Section 320, 21 O.S. 1991, Section 322, Section 4, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 334), 21 O.S. 1991, Section 341, 21 O.S. 1991, Section 349, 21 O.S. 1991, Section 350, 21 O.S. 1991, Section 357, 21 O.S. 1991, Section 359, Section 5, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 360), 21 O.S. 1991, Section 372, 21 O.S. 1991, Section 373, 21 O.S. 1991, Section 374, 21 O.S. 1991, Section 380, 21 O.S. 1991, Section 381, 21 O.S. 1991, Section 382, 21 O.S. 1991, Section 383, 21 O.S. 1991, Section 384, 21 O.S. 1991, Section 399, 21 O.S. 1991, Section 400, 21 O.S. 1991, Section 421, 21 O.S. 1991, Section 422, 21 O.S. 1991, Section 424, 21 O.S. 1991, Section 434, 21 O.S. 1991, Section 436, 21 O.S. 1991, Section 437, 21 O.S. 1991, Section 438, 21 O.S. 1991, Section 440, 21 O.S. 1991, Section 443, as last amended by Section 50, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1996, Section 443), 21 O.S. 1991, Section 444, 21 O.S. 1991, Section 445, 21 O.S. 1991, Section 451, 21 O.S. 1991, Section 453, 21 O.S. 1991, Section 455, as amended by Section 1, Chapter 182, O.S.L. 1993 (21 O.S. Supp. 1996, Section 455), 21 O.S. 1991, Section 456, 21 O.S. 1991, Section 461, 21 O.S. 1991, Section 462, 21 O.S. 1991, Section 463, 21 O.S. 1991, Section 500, 21 O.S. 1991, Section 504, 21 O.S. 1991, Section 521, 21 O.S. 1991, Section 531, 21 O.S. 1991, Section 532, 21 O.S. 1991, Section 539, 21 O.S. 1991, Section 540A, as amended by Section 1, Chapter 110, O.S.L. 1996 (21 O.S. Supp. 1996, Section 540A), 21 O.S. 1991, Section 540B, 21 O.S. 1991, Section 543, 21 O.S. 1991, Section 578, 21 O.S. 1991, Section 579, 21 O.S. 1991, Section 588, 21 O.S. 1991, Section 590, 21 O.S. 1991, Section 644, as amended by Section 2, Chapter 197, O.S.L. 1996 (21 O.S. Supp. 1996, Section 644), 21 O.S. 1991, Section 645, 21 O.S. 1991, Section 649, 21 O.S. 1991, Section 649.1, 21 O.S. 1991, Section 649.2, 21 O.S. 1991, Section 650, 21 O.S. 1991, Section 650.2, as last amended by Section 27, Chapter 247, O.S.L. 1996 (21 O.S. Supp. 1996, Section 650.2), 21 O.S. 1991, Section 650.5, Section 1, Chapter 326, O.S.L. 1993 (21 O.S. Supp. 1996, Section 650.6), 10 O.S. 1991, Section 1149, as renumbered by Section 200, Chapter 352, O.S.L. 1995, and as amended by Section 28, Chapter 247, O.S.L. 1996 (21 O.S. Supp. 1996, Section 650.8), Section 1, Chapter 199, O.S.L. 1996 (21 O.S. Supp. 1996, Section 650.9), 21 O.S. 1991, Section 651, 21 O.S. 1991, Section 652, as amended by Section 1, Chapter 192, O.S.L. 1992 (21 O.S. Supp. 1996, Section 652), 21 O.S. 1991, Section 653, 21 O.S. 1991, Section 662, 21 O.S. 1991, Section 681, 21 O.S. 1991, Section 701.9, 21

O.S. 1991, Section 701.16, 21 O.S. 1991, Section 715, 21 O.S. 1991, Section 722, 21 O.S. 1991, Section 741, 21 O.S. 1991, Section 745, 21 O.S. 1991, Section 759, 21 O.S. 1991, Section 798, 21 O.S. 1991, Section 799, 21 O.S. 1991, Section 800, 21 O.S. 1991, Section 801, 21 O.S. 1991, Section 817, 21 O.S. 1991, Section 818, 21 O.S. 1991, Section 832, 21 O.S. 1991, Section 843.1, 21 O.S. 1991, Section 849, 21 O.S. 1991, Section 850, as amended by Section 1, Chapter 82, O.S.L. 1992 (21 O.S. Supp. 1996, Section 850), 21 O.S. 1991, Section 851, 21 O.S. 1991, Section 852, as last amended by Section 1 of Enrolled House Bill No. 2099 of the 1st Session of the 46th Oklahoma Legislature, 21 O.S. 1991, Section 852.1, 21 O.S. 1991, Section 853, 21 O.S. 1991, Section 856, as last amended by Section 1, Chapter 196, O.S.L. 1996 (21 O.S. Supp. 1996, Section 856), 21 O.S. 1991, Section 856.1, Section 2, Chapter 196, O.S.L. 1996 (21 O.S. Supp. 1996, Section 856.2), 21 O.S. 1991, Section 861, 21 O.S. 1991, Section 867, 21 O.S. 1991, Section 872, 21 O.S. 1991, Section 883, 21 O.S. 1991, Section 884, 21 O.S. 1991, Section 885, 21 O.S. 1991, Section 886, as amended by Section 1, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1996, Section 886), 21 O.S. 1991, Section 888, as amended by Section 2, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1996, Section 888), 21 O.S. 1991, Section 891, 21 O.S. 1991, Section 941, as amended by Section 29, Chapter 328, O.S.L. 1992 (21 O.S. Supp. 1996, Section 941), 21 O.S. 1991, Section 946, 21 O.S. 1991, Section 948, as amended by Section 2, Chapter 305, O.S.L. 1993 (21 O.S. Supp. 1996, Section 948), 21 O.S. 1991, Section 950, 21 O.S. 1991, Section 954, 21 O.S. 1991, Section 982, 21 O.S. 1991, Section 984, 21 O.S. 1991, Section 986, 21 O.S. 1991, Section 987, 21 O.S. 1991, Section 991, 21 O.S. 1991, Section 1021, as amended by Section 1, Chapter 37, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1021), 21 O.S. 1991, Section 1021.2, as amended by Section 2, Chapter 37, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1021.2), 21 O.S. 1991, Section 1021.3, as amended by Section 3, Chapter 37, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1021.3), 21 O.S. 1991, Section 1024.2, 21 O.S. 1991, Section 1031, as amended by Section 3, Chapter 296, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1031), 21 O.S. 1991, Section 1040.51, 21 O.S. 1991, Section 1053, 21 O.S. 1991, Section 1066, 21 O.S. 1991, Section 1068, Section 3, Chapter 186, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1073), 21 O.S. 1991, Section 1081, 21 O.S. 1991, Section 1085, 21 O.S. 1991, Section 1086, 21 O.S. 1991, Section 1087, 21 O.S. 1991, Section 1088, 21 O.S. 1991, Section 1092, 21 O.S. 1991, Section 1115, 21 O.S. 1991, Section 1116, 21 O.S. 1991, Section 1117, 21 O.S. 1991, Section 1118, 21 O.S. 1991, Section 1119, 21 O.S. 1991, Section 1120, 21 O.S. 1991, Section 1122, 21 O.S. 1991, Section 1123, as amended by Section 3, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1996, Section 1123), 21 O.S. 1991, Section 1161, 21 O.S. 1991, Section 1162, 21 O.S. 1991, Section 1163, 21 O.S. 1991, Section 1168.1, 21 O.S. 1991, Section 1168.4, 21 O.S. 1991, Section 1168.6, 21 O.S. 1991, Section 1172, as amended by Section 1, Chapter 283, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1172), Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 1, Chapter 64, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1173), 21 O.S. 1991, Section 1192, 21 O.S. 1991, Section 1192.1, 21 O.S. 1991, Section 1214, 21 O.S. 1991, Section 1217, Section 1, Chapter 195, O.S.L. 1995 (21

O.S. Supp. 1996, Section 1229), Section 8, Chapter 363, O.S.L. 1992, as amended by Section 345, Chapter 145, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1230.8), 21 O.S. 1991, Section 1263, 21 O.S. 1991, Section 1265.2, 21 O.S. 1991, Section 1265.3, 21 O.S. 1991, Section 1265.4, 21 O.S. 1991, Section 1265.5, 21 O.S. 1991, Section 1266, 21 O.S. 1991, Section 1266.5, 21 O.S. 1991, Section 1267.1, 21 O.S. 1991, Section 1267.2, 21 O.S. 1991, Section 1272.2, as amended by Section 28, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1272.2), 21 O.S. 1991, Section 1278, as last amended by Section 32, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1278), Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 5, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1280.1), 21 O.S. 1991, Section 1282, 21 O.S. 1991, Section 1283, as last amended by Section 36, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1283), 21 O.S. 1991, Section 1284, as amended by Section 37, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1284), 21 O.S. 1991, Section 1287, as amended by Section 38, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1287), 21 O.S. 1991, Section 1289.17, as amended by Section 54, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1289.17), 21 O.S. 1991, Section 1289.18, 21 O.S. 1991, Section 1289.20, 21 O.S. 1991, Section 1289.21, Section 2, Chapter 216, O.S.L. 1992 (21 O.S. Supp. 1996, Section 1289.26), Section 21, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1290.21), 21 O.S. 1991, Section 1302, 21 O.S. 1991, Section 1303, 21 O.S. 1991, Section 1304, 21 O.S. 1991, Section 1312, 21 O.S. 1991, Section 1320.4, 21 O.S. 1991, Section 1320.5, 21 O.S. 1991, Section 1320.10, 21 O.S. 1991, Section 1321.7, 21 O.S. 1991, Section 1321.8, 21 O.S. 1991, Section 1327, 21 O.S. 1991, Section 1368, as amended by Section 29, Chapter 344, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1368), 21 O.S. 1991, Section 1401, as amended by Section 1, Chapter 145, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1401), 21 O.S. 1991, Section 1402, 21 O.S. 1991, Section 1403, 21 O.S. 1991, Section 1404, Section 2, Chapter 145, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1405), 21 O.S. 1991, Section 1411, 21 O.S. 1991, Section 1412, 21 O.S. 1991, Section 1414, 21 O.S. 1991, Section 1415, 21 O.S. 1991, Section 1416, 21 O.S. 1991, Section 1436, 21 O.S. 1991, Section 1441, 21 O.S. 1991, Section 1442, 21 O.S. 1991, Section 1462, as amended by Section 1, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1462, 21 O.S. 1991, Section 1463, 21 O.S. 1991, Section 1483, 21 O.S. 1991, Section 1488, 21 O.S. 1991, Section 1503, as amended by Section 2, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1503, 21 O.S. 1991, Section 1506, 21 O.S. 1991, Section 1521, as amended by Section 3, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1521), 21 O.S. 1991, Section 1531, 21 O.S. 1991, Section 1532, 21 O.S. 1991, Section 1541.2, as amended by Section 4, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1541.2), 21 O.S. 1991, Section 1541.3, as last amended by Section 2, Chapter 288, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1541.3), 21 O.S. 1991, Section 1542, 21 O.S. 1991, Section 1543, 21 O.S. 1991, Section 1544, 21 O.S. 1991, Section 1550, 21 O.S. 1991, Section 1550.33, 21 O.S. 1991, Section 1550.41, as amended by Section 1, Chapter 116, O.S.L. 1992 (21 O.S. Supp. 1996, Section 1550.41), 21 O.S. 1991, Section 1621, 21 O.S. 1991, Section 1632, 21 O.S. 1991, Section 1635, 21 O.S. 1991,

Section 1662, Section 29, Chapter 349, O.S.L. 1993, as amended by Section 1, Chapter 1, 2nd Extraordinary Session, O.S.L. 1994 (21 O.S. Supp. 1996, Section 1663), 21 O.S. 1991, Section 1680.2, 21 O.S. 1991, Section 1681, 21 O.S. 1991, Section 1685, 21 O.S. 1991, Section 1694, 21 O.S. 1991, Section 1695, 21 O.S. 1991, Section 1696, 21 O.S. 1991, Section 1697, 21 O.S. 1991, Section 1699.1, 21 O.S. 1991, Section 1705, as amended by Section 6, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1705), 21 O.S. 1991, Section 1707, 21 O.S. 1991, Section 1708, 21 O.S. 1991, Section 1713, 21 O.S. 1991, Section 1716, 21 O.S. 1991, Section 1719, 21 O.S. 1991, Section 1719.1, as last amended by Section 3, Chapter 288, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1719.1), Section 6, Chapter 36, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1719.2), 21 O.S. 1991, Section 1720, 21 O.S. 1991, Section 1721, 21 O.S. 1991, Section 1722, as last amended by Section 4, Chapter 288, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1722), 21 O.S. 1991, Section 1723, 21 O.S. 1991, Section 1724, 21 O.S. 1991, Section 1726, 21 O.S. 1991, Section 1727, 21 O.S. 1991, Section 1728, 21 O.S. 1991, Section 1731, as amended by Section 9, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1731), 21 O.S. 1991, Section 1751, 21 O.S. 1991, Section 1752, Section 1, Chapter 139, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1752.1), 21 O.S. 1991, Section 1753, 21 O.S. 1991, Section 1753.8, as last amended by Section 1, Chapter 77, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1753.8), 21 O.S. 1991, Section 1755, 21 O.S. 1991, Section 1760, 21 O.S. 1991, Section 1765, 21 O.S. 1991, Section 1767.1, 21 O.S. 1991, Section 1767.2, 21 O.S. 1991, Section 1777, 21 O.S. 1991, Section 1778, 21 O.S. 1991, Section 1785, 21 O.S. 1991, Section 1786, 21 O.S. 1991, Section 1834, 21 O.S. 1991, Section 1834.2, 21 O.S. 1991, Section 1837, 21 O.S. 1991, Section 1861, 21 O.S. 1991, Section 1903, 21 O.S. 1991, Section 1904, 21 O.S. 1991, Section 1953, 21 O.S. 1991, Section 1955, 21 O.S. 1991, Section 1958, 21 O.S. 1991, Section 1976, 21 O.S. 1991, Section 1977, 21 O.S. 1991, Section 1978, 21 O.S. 1991, Section 1979, and 21 O.S. 1991, Section 1980, which relate to crimes and punishments; modifying felony penalties; amending 22 O.S. 1991, Section 17, as amended by Section 1, Chapter 201, O.S.L. 1995 (22 O.S. Supp. 1996, Section 17), 22 O.S. 1991, Section 107, 22 O.S. 1991, Section 1110, 22 O.S. 1991, Section 1263, 22 O.S. 1991, Section 1264, and 22 O.S. 1991, Section 1404, which relate to criminal procedure; modifying felony penalties; amending 26 O.S. 1991, Section 16-101, which relates to elections; modifying felony penalties; amending 29 O.S. 1991, Section 3-201, which relates to game and fish; modifying felony penalties; amending 34 O.S. 1991, Section 23, which relates to initiative and referendum; modifying felony penalties; amending 36 O.S. 1991, Section 311.1, as amended by Section 36, Chapter 270, O.S.L. 1993 (36 O.S. Supp. 1996, Section 311.1), 36 O.S. 1991, Section 317, 36 O.S. 1991, Section 935, 36 O.S. 1991, Section 1425, as last amended by Section 4, Chapter 246, O.S.L. 1996 (36 O.S. Supp. 1996, Section 1425), Section 8, Chapter 178, O.S.L. 1992 (36 O.S. Supp. 1996, Section 1658.2), Section 37, Chapter 76, O.S.L. 1992 (36 O.S. Supp. 1996, Section 2737.1), and Section 21, Chapter 108, O.S.L. 1993 (36 O.S. Supp. 1996, Section 6621), which relate to insurance; modifying felony penalties; amending 37 O.S. 1991, Section 538 and 37 O.S. 1991, Section 587,

which relate to intoxicating liquors; modifying felony penalties; amending 40 O.S. 1991, Section 4-508, as last amended by Section 20, Chapter 340, O.S.L. 1995 (40 O.S. Supp. 1996, Section 4-508), 40 O.S. 1991, Section 169, 40 O.S. 1991, Section 182, 40 O.S. 1991, Section 196.13, which relates to labor; modifying felony penalties; amending 41 O.S. 1991, Section 25, which relates to landlord and tenant; modifying felony penalties; amending 42 O.S. 1991, Section 142.4, 42 O.S. 1991, Section 144.2, and 42 O.S. 1991, Section 153, which relates to liens; modifying felony penalties; amending 43 O.S. 1991, Section 14, 43 O.S. 1991, Section 123, 43 O.S. 1991, Section 124, and 43 O.S. 1991, Section 527, as amended by Section 2, Chapter 132, O.S.L. 1994 (43 O.S. Supp. 1996, Section 527), which relate to marriage and family; modifying felony penalties; amending 44 O.S. 1991, Section 210, which relates to militia; modifying felony penalties; amending 45 O.S. 1991, Section 807, which relates to mines and mining; modifying felony penalties; amending 43A O.S. 1991, Section 2-217, 43A O.S. 1991, Section 2-219, 43A O.S. 1991, Section 3-601, as amended by Section 52, Chapter 354, O.S.L. 1996 (43A O.S. Supp. 1996, Section 3-601), and 43A O.S. 1991, Section 11-113, as amended by Section 13, Chapter 251, O.S.L. 1995 (43A O.S. Supp. 1996, Section 11-113), which relate to mental health; modifying felony penalties; amending 47 O.S. 1991, Section 4-102, 47 O.S. 1991, Section 4-103, 47 O.S. 1991, Section 4-107, 47 O.S. 1991, Section 4-108, 47 O.S. 1991, Section 4-109, 47 O.S. 1991, Section 4-110, 47 O.S. 1991, Section 6-301, 47 O.S. 1991, Section 10-102, as amended by Section 5, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1996, Section 10-102), Section 6, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1996, Section 10-102.1), 47 O.S. 1991, Section 11-207, as amended by Section 3, Chapter 127, O.S.L. 1993 (47 O.S. Supp. 1996, Section 11-207), 47 O.S. 1991, Section 11-902, as last amended by Section 3, Chapter 313, O.S.L. 1995 (47 O.S. Supp. 1996, Section 11-902), 47 O.S. 1991, Section 11-904, 47 O.S. 1991, Section 11-1111, 47 O.S. 1991, Section 17-102, 47 O.S. 1991, Section 1151, as last amended by Section 1, Chapter 228, O.S.L. 1995 (47 O.S. Supp. 1996, Section 1151), and 47 O.S. 1991, Section 1503, which relate to motor vehicles; modifying felony penalties; amending 51 O.S. 1991, Section 36.5, and 51 O.S. 1991, Section 36.6, which relate to officers; modifying felony penalties; amending
52 O.S. 1991, Section 47.6, as amended by Section 1, Chapter 271, O.S.L. 1992 (52 O.S. Supp. 1996, Section 47.6), 52 O.S. 1991, Section 108, 52 O.S. 1991, Section 109, 52 O.S. 1991, Section 114, 52 O.S. 1991, Section 115, 52 O.S. 1991, Section 117, 52 O.S. 1991, Section 118, and 52 O.S. 1991, Section 235, which relate to oil and gas; modifying felony penalties; amending 56 O.S. 1991, Section 26.18, 56 O.S. 1991, Section 183, as last amended by Section 2, Chapter 170, O.S.L. 1995 (56 O.S. Supp. 1996, Section 183), 56 O.S. 1991, Section 185, 56 O.S. 1991, Section 243, as last amended by Section 1, Chapter 88, O.S.L. 1996 (56 O.S. Supp. 1996, Section 243), and 56 O.S. 1991, Section 1006, which relate to poor persons; modifying felony penalties; amending 57 O.S. 1991, Section 13, 57 O.S. 1991, Section 21, as last amended by Section 48, Chapter 274, O.S.L. 1995 (57 O.S. Supp. 1996, Section 21), and 57 O.S. 1991, Section 222, as amended by Section 1, Chapter 160, O.S.L. 1992 (57

O.S. Supp. 1996, Section 222), which relate to prisons and reformatories; modifying felony penalties; amending 59 O.S. 1991, Section 15.26, as amended by Section 26, Chapter 272, O.S.L. 1992 (59 O.S. Supp. 1996, Section 15.26), 59 O.S. 1991, Section 353.25, as amended by Section 17, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 1996, Section 353.25), 59 O.S. 1991, Section 396.25, 59 O.S. 1991, Section 475.20, as amended by Section 17, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1996, Section 475.20), 59 O.S. 1991, Section 638, as amended by Section 19, Chapter 230, O.S.L. 1993 (59 O.S. Supp. 1996, Section 638), 59 O.S. 1991, Section 1322, as amended by Section 4, Chapter 170, O.S.L. 1993 (59 O.S. Supp. 1996, Section 1322), 59 O.S. 1991, Section 1335, 59 O.S. 1991, Section 1512, as amended by Section 5, Chapter 280, O.S.L. 1992 (59 O.S. Supp. 1996, Section 1512), 59 O.S. 1991, Section 1529, and 59 O.S. 1991, Section 1750.11, which relate to professions and occupations; modifying felony penalties; amending 61 O.S. 1991, Section 114, 61 O.S. 1991, Section 115, and 61 O.S. 1991, Section 116, as amended by Section 4, Chapter 239, O.S.L. 1992 (61 O.S. Supp. 1996, Section 116), which relate to public buildings and public works; modifying felony penalties; amending 62 O.S. 1991, Section 81, 62 O.S. 1991, Section 89.11, as amended by Section 4, Chapter 227, O.S.L. 1994 (62 O.S. Supp. 1996, Section 89.11), and 62 O.S. 1991, Section 604, which relate to public finance; modifying felony penalties; amending 63 O.S. 1991, Section 1-333, 63 O.S. 1991, Section 1-519, 63 O.S. 1991, Section 1-731, 63 O.S. 1991, Section 1-732, 63 O.S. 1991, Section 1-733, 63 O.S. 1991, Section 1-734, 63 O.S. 1991, Section 2-312.1, 63 O.S. 1991, Section 2-328, 63 O.S. 1991, Section 2-401, as last amended by Section 2, Chapter 307, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2-401), 63 O.S. 1991, Section 2-402, as last amended by Section 3, Chapter 147, O.S.L. 1995 (63 O.S. Supp. 1996, Section 2-402), 63 O.S. 1991, Section 2-404, 63 O.S. 1991, Section 2-405, 63 O.S. 1991, Section 2-406, 63 O.S. 1991, Section 2-407, as amended by Section 9, Chapter 306, O.S.L. 1996 (63 O.S. Supp. 1996, Section 2-407), 63 O.S. 1991, Section 2-415, as amended by Section 1, Chapter 21, O.S.L. 1993 (63 O.S. Supp. 1996, Section 2-415), and 63 O.S. 1991, Section 2-509, as amended by Section 2, Chapter 335, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2-509), which relate to public health and safety; modifying felony penalties; amending 64 O.S. 1991, Section 64, 64 O.S. 1991, Section 88, 64 O.S. 1991, Section 111, 64 O.S. 1991, Section 112, 64 O.S. 1991, Section 114, 64 O.S. 1991, Section 115, 64 O.S. 1991, Section 123, 64 O.S. 1991, Section 132, 64 O.S. 1991, Section 157, 64 O.S. 1991, Section 251, and 64 O.S. 1991, Section 459, which relate to public lands; modifying felony penalties; amending 66 O.S. 1991, Section 304, which relates to railroads; modifying felony penalties; amending 67 O.S. 1991, Section 83, which relates to records; modifying felony penalties; amending 68 O.S. 1991, Section 103, 68 O.S. 1991, Section 218.1, 68 O.S. 1991, Section 240.1, 68 O.S. 1991, Section 241, 68 O.S. 1991, Section 244, 68 O.S. 1991, Section 246, 68 O.S. 1991, Section 317, Section 4, Chapter 339, O.S.L. 1992 (68 O.S. Supp. 1996, Section 349), Section 10, Chapter 339, O.S.L. 1992 (68 O.S. Supp. 1996, Section 426), 68 O.S. 1991, Section 450.8, 68 O.S. 1991, Section 450.9, 68 O.S. 1991, Section 1361, as last amended by Section 5, Chapter 88, O.S.L. 1996 (68 O.S. Supp. 1996, Section

1361), 68 O.S. 1991, Section 1364, 68 O.S. 1991, Section 1625, 68 O.S. 1991, Section 2376, 68 O.S. 1991, Section 2861, as amended by Section 1, Chapter 117, O.S.L. 1995 (68 O.S. Supp. 1996, Section 2861), 68 O.S. 1991, Section 2900, 68 O.S. 1991, Section 2920, and 68 O.S. 1991, Section 2945, which relate to revenue and taxation; modifying felony penalties; amending 69 O.S. 1991, Section 310, 69 O.S. 1991, Section 1213, as amended by Section 4, Chapter 127, O.S.L. 1993 (68 O.S. Supp. 1996, Section 1213), 69 O.S. 1991, Section 1705, as last amended by Section 3, Chapter 303, O.S.L. 1993 (69 O.S. Supp. 1996, Section 1705), and 69 O.S. 1991, Section 1802, which relates to roads, bridges and ferries; modifying felony penalties; amending 70 O.S. 1991, Section 16-122, as last amended by Section 12, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1996, Section 16-122), 70 O.S. 1991, Section 16-123, as last amended by Section 13, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1996, Section 16-123), 70 O.S. 1991, Section 17-110, 70 O.S. 1991, Section 23-106, 70 O.S. 1991, Section 3909, as last amended by Section 13, Chapter 290, O.S.L. 1996 (70 O.S. Supp. 1996, Section 3909), and 70 O.S. 1991, Section 4306, which relate to schools; modifying felony penalties; amending 71 O.S. 1991, Section 407, 71 O.S. 1991, Section 460, 71 O.S. 1991, Section 658, and 71 O.S. 1991, Section 823, which relate to securities; modifying felony penalties; amending 73 O.S. 1991, Section 162, which relates to the state capital and Capitol building; modifying felony penalties; amending 74 O.S. 1991, Section 71, 74 O.S. 1991, Section 85.45h, 74 O.S. 1991, Section 85.47h, 74 O.S. 1991, Section 215, 74 O.S. 1991, Section 217, 74 O.S. 1991, Section 316, and 74 O.S. 1991, Section 3404, which relate to state government; modifying felony penalties; amending 79 O.S. 1991, Section 27, and 79 O.S. 1991, Section 103, which relate to trusts and pools; modifying felony penalties; amending 82 O.S. 1991, Section 674, 82 O.S. 1991, Section 867, 82 O.S. 1991, Section 1086.3, and 82 O.S. 1991, Section 1281, which relate to waters and water rights; modifying felony penalties; amending 84 O.S. 1991, Section 55, as amended by Section 1, Chapter 107, O.S.L. 1996 (84 O.S. Supp. 1996, Section 55), which relates to wills and succession; modifying felony penalties; providing initial matrices; repealing 21 O.S. 1991, Sections 51, 51A and 52, which relate to second and subsequent offenses; repealing 21 O.S. 1991, Section 62, which relates to imprisonment for crimes for which no maximum duration of imprisonment is declared; repealing 22 O.S. 1991, Sections 860, 926, 927 and 928, which relate to jury sentencing; repealing 22 O.S. 1991, Sections 991a-5, 991a-6, 991a-7, 991a-8, 991a-9, 991a-10, 991a-11, as amended by Section 2, Chapter 235, O.S.L. 1993, and 991a-12 (22 O.S. Supp. 1996, Section 991a-11), which relate to the Elderly and Incapacitated Victim's Protection Program; repealing Sections 13 and 15, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Sections 1513 and 1515), which relate to the Oklahoma Truth in Sentencing Policy Advisory Commission; repealing 22 O.S. 1991, Section 991a, as last amended by Section 2, Chapter 188, O.S.L. 1994, and 991a, as last amended by Section 1, Chapter 40, O.S.L. 1994 (22 O.S. Supp. 1996, Section 991a, which are duplicate sections of law; repealing on a certain date 22 O.S. 1991, Section 991a-4, as last amended by Section 67 of this act, which relates to the Community Service Sentencing Program;

repealing 57 O.S. 1991, Section 353, which relates to minimum and maximum terms of confinement; repealing 57 O.S. 1991, Section 574.1, as amended by Section 11, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 574.1), which relates to assessment of conduct and record by the Pardon and Parole Board; repealing Sections 4 and 5, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 610 and 611), which relate to the Prison Population Management Act of 1993; repealing 63 O.S. 1991, Section 2-419, which relates to the Trafficking in Illegal Drugs Act; providing for codification; providing for noncodification; providing effective dates; and declaring an emergency.

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

SECTION 1. This act shall be known and may be cited as the "Oklahoma Truth in Sentencing Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 12 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. A person committing a felony offense on or after July 1, 1998, and convicted of the offense shall be required to serve a minimum amount of the sentence of incarceration or community punishment imposed. A person convicted of crimes in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 shall serve not less than eighty-five percent (85%) of the sentence of imprisonment imposed within the Department of Corrections unless eligible for parole pursuant to subsection B of Section 332.7 of Title 57 of the Oklahoma Statutes. A person convicted of crimes in the other schedules shall serve not less than seventy-five percent (75%) of the sentence of imprisonment imposed within the Department of Corrections unless eligible for parole pursuant to subsection B of Section 332.7 of Title 57 of the Oklahoma Statutes. The person shall not be eligible for earned credits which have the effect of reducing the length of sentence of imprisonment by more than fifteen percent (15%).

B. Any person committing a criminal offense on or after July 1, 1998, and sentenced by a court, shall be sentenced in accordance with the ranges of punishments established by the matrices provided for in Sections 598 through 601 of this act.

C. This section shall not affect the power of the court to suspend or defer a sentence, if authorized by law.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 13 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. The policy of this state is to sentence persons convicted of felonies pursuant to sentencing matrices. The initial matrices shall be as provided in Sections 598 through 601 of this act. These matrices shall remain in effect until such time as new matrices are established pursuant to subsection B of this section.

B. Beginning July 1, 1998, felonies shall be classified pursuant to Section 6 of this act, except for Schedule A, and shall be punished as provided by the sentencing matrices in accordance with the application of any sentencing enhancers established by the Oklahoma Truth in Sentencing Act.

1. Beginning 1999 and each year thereafter, by December 1 the Department of Corrections shall submit to the Oklahoma Sentencing Commission or successor agency a report of projected financial and bed space impact that will include an assessment of any need for additional resources for bed space under current sentencing ranges.

2. By January 15 of the year following receipt of the assessment of need by the Department of Corrections, the Commission or successor agency shall certify to the Governor and the Legislature whether or not changes are needed in either the matrices or in correctional facility capacity to ensure that offenders serve the minimum percentage amount of incarceration required by the Truth in Sentencing Act. This report shall include fiscal impact statements of the cost of any proposed change in correctional capacity, and an alternative matrix and fiscal impact therefor.

3. The Commission or successor agency, by rule, shall promulgate one or more adjusted matrices to take effect July 1 of the year that certification is made to the Legislature pursuant to paragraph 2 of this subsection, in the event the Legislature does not provide the resources appropriate for the additional capacity

needed by the Department of Corrections or other sources of revenue do not become available.

4. A new matrix, if necessary, shall be promulgated in accordance with the Administrative Procedures Act, except as provided in this section. The Commission or successor agency shall not adopt a new matrix by emergency rule except as provided in paragraph 5 of this subsection. Any permanent rule adopting a new matrix shall be submitted to the Governor within a sufficient time so that, if approved by the Governor, the rule shall be submitted to the Legislature by April 1 of the year in which the Commission or successor agency wishes to implement the matrix. If the Legislature does not either disapprove the matrix before the sine die adjournment of the legislative session in which the rule was submitted or provide total funding for needed resources, the matrix shall become effective on July 1 of the same year. If the Governor disapproves the rule or the Legislature provides partial funding for needed resources, the Commission or successor agency, by rule, shall promulgate a revised adjusted matrix.

5. If the revised adjusted matrix cannot be promulgated and submitted to the Legislature by April 1, the Commission or successor agency may promulgate the revised adjusted matrix by emergency rule.

6. Any matrix adopted by the Commission or successor agency, which is not disapproved, shall be published as an appendix to Title 21 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 14 of Title 21, unless there is created a duplication in numbering, reads as follows:

The following definitions apply to the Oklahoma Truth in Sentencing Act:

1. "Commission" means the Oklahoma Sentencing Commission;

2. "Community punishment" or "community sentence" means a sentence pursuant to the Oklahoma Community Corrections Act;

3. "Confinement" means an offender is sentenced to a placement where the offender is controlled, restrained, or confined to a certain location, for a definite period of time as

may be authorized by law for the commission of the criminal offense;

4. "Drug crime matrix" means the sentencing matrix for all felony drug offenses as provided by the Oklahoma Statutes;

5. "Intoxicant crimes involving a vehicle matrix" means the sentencing matrix for all felony offenses relating to operating or being in actual physical control of a motor vehicle while under the influence of intoxicants or with impaired ability as provided by the Oklahoma Statutes;

6. "Life imprisonment" means imprisonment for a period of not less than eighteen (18) years nor more than sixty (60) years;

7. "Main matrix" means the sentencing matrix for all felonies except the drug crimes, sex crimes, and intoxicant crimes involving a vehicle, as provided by the Oklahoma Statutes;

8. "Offense enhancer" means the sentence enhancers based on the circumstances of the commission of the current offense of conviction provided for in Section 7 of this act;

9. "Prior record enhancer" means the sentence enhancers based on the prior criminal convictions of an offender provided for in Section 7 of this act;

10. "Prison" means a correctional facility contracted for, operated, or leased by the Oklahoma Department of Corrections;

11. "Range of confinement" means the range within which a sentencing court may impose a term of confinement as provided for by the applicable matrix;

12. "Range of punishment" means the possible punishment for the commission of a criminal offense. The range of punishment may include a term of confinement, a fine, a term of postimprisonment supervision, removal from office, and other conditions authorized by the Oklahoma Statutes;

13. "Schedule" means the classification of a criminal offense as provided in Section 6 of this act;

14. "Sentence" means the total obligation of the offender for the commission of a criminal offense as determined by the sentencing court, including any term of confinement in a prison or jail, any term of community punishment, any term of supervision,

any fine, and any terms or conditions as authorized by Section 991a of Title 22 of the Oklahoma Statutes;

15. "Sentencing level" or "level" means the level of sentencing pursuant to the applicable matrix;

16. "Sentencing matrix" means one of the sentencing matrices established as provided in Section 3 of this act;

17. "Sex crimes matrix" means the sentencing matrix for all felony sex offenses provided for by the Oklahoma Statutes; and

18. "Postimprisonment supervision" means the period of supervision imposed by the court to follow the period of incarceration within the Department of Corrections.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 15 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. On and after July 1, 1998, criminal offenses shall be punished as provided by the sentencing matrices and in accordance with the application of any sentencing enhancers authorized by the Oklahoma Truth in Sentencing Act.

B. For purposes of sentencing:

1. The main matrix shall be applied in felony cases for crimes that are classified pursuant to Section 6 of this act as a Schedule A, Schedule B, Schedule C, Schedule D, Schedule D-1, Schedule D-2, Schedule E, Schedule F, Schedule G, or Schedule H crime committed on or after July 1, 1998;

2. The sentencing matrix entitled "Intoxicant Crimes Involving a Vehicle Matrix" shall be applied in cases which are intoxicant crimes involving a vehicle that are classified as Schedule I-1, I-2, or Schedule I-3 crimes committed on or after July 1, 1998;

3. The sentencing matrix entitled "Drug Crimes Matrix" shall be applied in cases involving controlled dangerous substance offenses that are classified as Schedule N-1, Schedule N-2, Schedule N-3, Schedule N-4, or Schedule N-5 crimes committed on or after July 1, 1998; and

4. The sentencing matrix entitled "Sex Crimes Matrix" shall be applied in cases involving sexual offenses that are classified

as Schedule S-1, Schedule S-2, Schedule S-3, or Schedule S-4 crimes.

C. The ranges of punishment for each level in the schedules shall be established as provided in Section 6 of this act. Provided, however, Schedule A shall be subject to the criminal provisions of Sections 701.7 through 701.16 of Title 21 of the Oklahoma Statutes.

D. A sentencing matrix is a crime severity and criminal history classification tool. The sentencing matrix determines crime severity of the current offense of conviction according to sentencing level. The sentencing level classifies the severity of the circumstances of the offense and the criminal history of the offender.

E. A sentencing matrix, except for Schedule A, defines the possible terms of confinement or community punishment.

F. A sentencing matrix does not establish fines or other conditions of a sentence. Fines for the commission of a criminal offense shall be as provided by law and conditions of sentence dispositions are provided for by Section 991a of Title 22 of the Oklahoma Statutes.

G. The sentences provided for in the matrices shall be:

1. Field 1 - Sentencing to the Department of Corrections;

2. Field 2 - Sentencing to either the Department of Corrections or community punishment, at the option of the court. If the sentence is to community punishment, sentencing shall be pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 46 of this act;

3. Field 3 - Sentencing to community punishment pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 46 of this act; or

4. Field 4 - Sentencing to community punishment pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 46 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 16 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established a classification system for all felony criminal offenses provided for in the Oklahoma Statutes that places the offenses into schedules on the basis of the severity of the offense and other factors of the commission of the crime. The Oklahoma Truth in Sentencing Policy Advisory Commission may recommend changes for the schedules to the Legislature. All felonies provided for by the Oklahoma Statutes shall be classified in the following schedules:

1. "Schedule A" is reserved for the crime of murder in the first degree as defined by Section 701.7 of Title 21 of the Oklahoma Statutes, and is not subject to the application of the sentencing matrices of the Oklahoma Truth in Sentencing Act;

2. "Schedule B" means a violent offense which is committed with intent to kill or with reckless disregard for human life;

3. "Schedule C" means a violent offense which is inherently dangerous to others and causes a substantial risk of death or serious bodily injury to a person;

4. "Schedule D" means a violent offense which creates a significant risk of death or serious bodily injury to a person;

5. "Schedule D-1" means a violent offense which creates a risk of death or bodily injury to a person;

6. "Schedule D-2" means a violent offense committed without the use of a weapon which does not create a risk of death or serious bodily injury or which is committed against a victim acting in an official capacity;

7. "Schedule E" means a nonviolent offense which creates a risk of injury to a person or a risk of harm to property;

8. "Schedule F" means a nonviolent offense which inflicts societal injury or which creates a risk of societal injury;

9. "Schedule G" means a nonviolent offense, the commission of which resulted in or was intended to result in a gain or benefit for the offender and other miscellaneous felony offenses;

10. "Schedule H" means a nonviolent offense, the commission of which does not create a major risk of harm to a person or to property and is defined as a felony offense;

11. "Schedule I-1" means an offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or any other intoxicating substance and causing an accident that results in great bodily injury to another;

12. "Schedule I-2" means an offense of driving or operating a motor vehicle while under the influence of alcohol or any other intoxicating substance and being involved in a personal injury accident after former conviction for the same offense;

13. "Schedule I-3" means an offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance after former conviction for the same offense;

14. "Schedule N-1" means an offense of manufacturing or attempting to manufacture a controlled dangerous substance, or a synthetic of the controlled dangerous substance;

15. "Schedule N-2" means an offense of trafficking in a specified Schedule I or Schedule II controlled dangerous substance, or a synthetic of the controlled dangerous substance, including marihuana, cocaine or coca leaves, heroin, amphetamine or methamphetamine, lysergic acid diethylamide, phencyclidine, or cocaine base in a statutorily defined amount;

16. "Schedule N-3" means an offense of distributing, dispensing, transporting with the intent to distribute or dispense, or possessing with the intent to distribute a controlled dangerous substance or a synthetic of the controlled dangerous substance, a counterfeit controlled dangerous substance, or imitation controlled substance;

17. "Schedule N-4" means any offense which constitutes a felony violation of the Uniform Controlled Dangerous Substances Act committed by a practitioner or a registrant;

18. "Schedule N-5" means an offense of knowingly and intentionally possessing a controlled dangerous substance or a synthetic of the controlled dangerous substance, which is a Schedule I or Schedule II controlled substance, except marihuana, and those substances listed in subsection D of Section 2-206 of

Title 63 of the Oklahoma Statutes or other offenses which are a felony violation of the Uniform Controlled Dangerous Substances Act or other drug laws of the State of Oklahoma;

19. "Schedule S-1" means a Schedule S-2 sexual offense the commission of which involved the presence of aggravating circumstances established by the state by clear and convincing evidence. An offender convicted of an S-2 offense may be sentenced as an S-1 offender if the state has alleged and proven, by clear and convincing evidence, that one or more of the following aggravating factors exist:

a. the S-2 offense was forcibly committed upon a victim thirteen (13) years of age or younger or upon a victim sixty-five (65) years of age or older,

b. the S-2 offense was committed with the use of a dangerous weapon,

c. the S-2 offense was committed by two or more offenders participating in the commission of the offense,

d. the S-2 offense was forcibly committed by an offender against a victim who is disabled by reason of mental or physical illness or impairment,

e. the commission of the S-2 offense resulted in serious bodily injury to the victim. "Serious bodily injury" means bodily injury which involved unconsciousness, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty, or

f. the commission of the S-2 offense involved torture of the victim or evidenced a depravity of mind toward the victim or created a substantial risk of death;

20. "Schedule S-2" means a sexual offense including: forcible sodomy, as provided for in Section 888 of Title 21 of the Oklahoma Statutes; first degree rape, as provided for in Sections 1111, 1114, and 1115 of Title 21 of the Oklahoma Statutes; and first

degree rape by instrumentation, as provided for in Section 1114 of Title 21 of the Oklahoma Statutes;

21. "Schedule S-3" means a sexual offense involving offensive sexual contact but not involving serious bodily injury or an obscene or offensive sexual offense; and

22. "Schedule S-4" means a sexual offense involving offensive or obscene sexual conduct, without sexual contact or any other sexual offense defined as a felony.

B. Punishment for each schedule of offenses provided for in subsection A of this section shall be as provided in the sentencing matrices.

C. 1. SCHEDULE A

Killing of person engaged in performance of official duties, if first degree murder (2 O.S. § 6-206).

Homicide - murder in the first degree, malice aforethought (21 O.S. § 701.7(A), penalty contained in 21 O.S. § 701.9(A)).

Homicide - felony murder, first degree (21 O.S. § 701.7(B), penalty contained in 21 O.S. § 701.9(A)).

Homicide - murder of a child, first degree (21 O.S. § 701.7(C), penalty contained in 21 O.S. § 701.9(A)).

Homicide - murder by soliciting another to murder in furtherance of drug activity, first degree (21 O.S. § 701.7(D), penalty contained in 21 O.S. § 701.9(A)).

Homicide - murder in the first degree committed during riot (21 O.S. § 1312(1)).

2. SCHEDULE B

Killing of person engaged in performance of official duties, if second degree murder (2 O.S. § 6-206).

Attempt to kill by administering poison (21 O.S. § 651).

Intentionally and wrongfully shooting another or discharging any kind of firearm with intent to kill (21 O.S. § 652(A)).

Using a vehicle to facilitate the intentional discharge of a firearm, crossbow or other weapon in conscious disregard for the safety of others (21 O.S. § 652(B)).

Assault and battery with the intent to kill (21 O.S. § 652(C)).

Assault with intent to kill, not covered by 21 O.S. § 652 (21 O.S. 653).

Murder in the second degree - depraved heart murder (21 O.S. § 701.8, penalty contained in 21 O.S. § 701.9(B)).

Murder in the second degree - all other felonies not enumerated in 21 O.S. § 701.7 (21 O.S. § 701.8, penalty contained in 21 O.S. § 701.9(B)).

Solicitation for murder in the first degree (21 O.S. § 701.16).

Kidnapping for purpose of extortion (21 O.S. § 745(A)).

Wiring or equipping of vehicles or structures with explosives with the intent to cause bodily injury or death (21 O.S. § 849).

Murder in the second degree committed during riot; arson in the first degree committed during riot, arson resulting in personal injury committed during riot (21 O.S. § 1312(1)).

Arson in the first degree, inhabited building (21 O.S. § 1401).

Endangering human life during commission of arson (21 O.S. § 1405).

Arson resulting in personal injury (21 O.S. § 1405).

Bombs and explosives - placing any gunpowder, dynamite, bomb, any explosive substance, or incendiary device in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure with unlawful intent to destroy, throw down, or injure, in whole or in part, such property of another, if personal injury results or conspiring, aiding, counseling, or procuring the destruction of any building or structure, public or private, or any car, aircraft, motor or other vehicle, vessel, or structure, if personal injury results (21 O.S. § 1767.1(A)(1), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - placing any gunpowder, dynamite, bomb, or any explosive substance, in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure with unlawful intent to destroy, throw down, or injure, the whole or part thereof, under circumstances that, if such intent were accomplished, human life or safety would be

endangered, if personal injury results (21 O.S. § 1767.1(A)(2), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - every person who maliciously, by the explosion of gunpowder, dynamite, or any explosive substance, destroys, throws down, or injures any property of another, or by which explosion an injury is caused to the person of another, if personal injury results (21 O.S. § 1767.1(A)(3), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person, or group of persons who willfully manufacture, sell, transport, or possess a bomb or simulated bomb or other explosive including an incendiary device or the component parts of an explosive or incendiary device with knowledge or intent that it will be used to unlawfully kill, injure or intimidate any person or unlawfully damage any real or personal property, if personal injury results (21 O.S. § 1767.1(A)(4), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - placing any foul, poisonous, offensive or injurious substance or compound or simulated bomb in, upon, under against or near to any building, car, aircraft, motor or other vehicle, vessel or structure with intent to wrongfully injure, molest or coerce another or to injure or damage the property of another, if personal injury results (21 O.S. § 1767.1(A)(5), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person or group of persons who maliciously injures, damages or attempts to damage by any explosive, including any incendiary device, any person, persons, or property, whether real or personal, if personal injury results (21 O.S. § 1767.1(A)(6), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - using the telephone or other instrument to willfully make any threat or maliciously convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive or simulated bomb, including an incendiary device, if personal injury results (21 O.S. § 1767.1(A)(7), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person who manufactures, possesses, sells or delivers an explosive or simulated bomb or mails or sends an explosive or simulated bomb to another person, if personal injury results (21 O.S. § 1767.1(A)(8), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any explosive or simulated bomb, if personal injury results (21 O.S. § 1767.1(A)(9), penalty contained in 21 O.S. § 1767.2).

Violation of any provision of Oklahoma Explosives and Blasting Regulations Act, if committed with the knowledge or intent that any explosive or blasting agent involved was used to kill, injure or intimidate any person or unlawfully to damage any real or personal property; or if knowledge or intent and personal injury results; or if death results (63 O.S. § 124.8(B)).

3. SCHEDULE C

Interference with persons engaged in official duties with a deadly or dangerous weapon (2 O.S. § 6-206).

Willful or malicious abuse or neglect of a child or permitting such acts, if abuse is sexual abuse or if abuse is willful or malicious torture or maiming (10 O.S. § 7115).

Accessory to murder (21 O.S. § 175(5)).

Assault and battery with a deadly weapon (21 O.S. § 652(C)).

Manslaughter in the first degree (21 O.S. § 711, penalty contained in 21 O.S. § 715).

Intoxicated physician, manslaughter in the first degree (21 O.S. § 712, penalty contained in 21 O.S. § 715).

Willful killing of an unborn quick child, manslaughter in the first degree (21 O.S. § 713, penalty contained in 21 O.S. § 715).

Destruction of unborn child, abortion, manslaughter in the first degree (21 O.S. § 714, penalty contained in 21 O.S. § 715).

Maiming (21 O.S. § 751, penalty contained in 21 O.S. § 759).

Robbery or attempted robbery with a dangerous weapon or imitation firearm (21 O.S. § 801).

Abuse, neglect, or financial exploitation by a caretaker of any person entrusted to his or her care (21 O.S. § 843.1(A), penalty contained in 21 O.S. § 843.1(B)).

Burglary with explosives (21 O.S. § 1441).

Maiming committed during riot (21 O.S. § 1312(1)).

Committing felony is possession or control of firearm with removed, defaced, etc., serial number (21 O.S. § 1550(A)).

Bombs and explosives - placing any gunpowder, dynamite, bomb, any explosive substance, or incendiary device in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure with unlawful intent to destroy, throw down, or injure, in whole or in part, such property of another, if no personal injury results, or conspiring, aiding, counseling, or procuring the destruction of any building or structure, public or private, or any car, aircraft, motor or other vehicle, vessel, or structure, if no personal injury results (21 O.S. § 1767.1(A)(1), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - placing any gunpowder, dynamite, bomb or any explosive substance, in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure with unlawful intent to destroy, throw down, or injure, the whole or part thereof, under circumstances that, if such intent were accomplished, human life or safety would be endangered, if no personal injury results (21 O.S. § 1767.1(A)(2), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - every person who maliciously, by the explosion of gunpowder, dynamite, or any explosive substance, destroys, throws down, or injures any property of another, or by which explosion an injury is caused to the person of another, if no personal injury results (21 O.S. § 1767.1(A)(3), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person, or group of persons who willfully manufacture, sell, transport, or possess a bomb or simulated bomb or other explosive including an incendiary device or the component parts of an explosive or incendiary device with knowledge or intent that it will be used to unlawfully kill,

injure or intimidate any person or unlawfully damage any real or personal property, if no personal injury results (21 O.S. § 1767.1(A)(4), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - placing any foul, poisonous, offensive or injurious substance or compound or simulated bomb in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure with intent to wrongfully injure, molest or coerce another or to injure or damage the property of another, if no personal injury results (21 O.S. § 1767.1(A)(5), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person or group of persons who maliciously injures, damages or attempts to damage by any explosive, including any incendiary device, any person, persons, or property, whether real or personal, if no personal injury results (21 O.S. § 1767.1(A)(6), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - using the telephone or other instrument to willfully make any threat or maliciously convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive or simulated bomb, including an incendiary device, if no personal injury results (21 O.S. § 1767.1(A)(7), penalty contained in 21 O.S. § 1767.2).

Bombs and explosives - any person who manufactures, possesses, sells or delivers an explosive or simulated bomb or mails or sends an explosive or simulated bomb to another person, if no personal injury results (21 O.S. § 1767.1(A)(8), penalty contained in 21 O.S. § 1767.2)

Bombs and explosives - any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any explosive or simulated bomb, if no personal injury results (21 O.S. § 1767.1(A)(9), penalty contained in 21 O.S. § 1767.2).

Seizure of bus by force or violence (21 O.S. § 1903(A)).

Seizure or assault and battery of bus driver, etc., while using a dangerous or deadly weapon (21 O.S. § 1903(C)).

Discharge or hurl missile into or within a bus, terminal or other transportation facility (21 O.S. § 1903(E)).

Performing or inducing an abortion upon a pregnant woman after her unborn child has become viable unless such abortion is necessary to prevent the death of the pregnant woman or to prevent impairment of her health (63 O.S. § 1-732(A)).

Performing or inducing an abortion upon oneself (63 O.S. § 1-733).

No person shall purposely take the life of a child born as a result of an abortion or attempted abortion which is alive when partially or totally removed from the uterus of the pregnant woman (63 O.S. § 1-734(A)).

No person shall purposely take the life of a viable child who is alive while inside the uterus of the pregnant woman and may be removed alive therefrom without any significant danger to her life or health (63 O.S. § 1-734(B)).

Any person who performs, induces, or participates in the performance or inducing of an abortion shall take all reasonable measures to preserve the life of a child who is alive when partially or totally removed from the uterus of the pregnant woman, so long as such measures do not create significant health or death risks to the mother (63 O.S. § 1-734(C)).

Violation of any provision of Oklahoma Explosives and Blasting Regulations Act, if committed without knowledge or intent that any explosive or blasting agent involved was used to kill, injure or intimidate any person or unlawfully to damage any real or personal property (63 O.S. § 124.8(B)).

4. SCHEDULE D

Interference with persons engaged in official duties with a deadly or dangerous weapon (2 O.S. § 6-206).

Willful or malicious abuse or neglect of a child or willful or malicious injury, or use of unreasonable force upon a child or permitting such acts (10 O.S. § 7115).

Eluding police officer in motor vehicle resulting in accident with great bodily injury to others (21 O.S. § 540A(B)).

Willfully avoiding, or failing to stop at roadblocks (21 O.S. § 540(B).

Domestic abuse subsequent offense (21 O.S. § 644(C)).

Assault, battery, or assault and battery with any sharp or dangerous weapon with intent to injure (21 O.S. § 645; see also: §§ 641 - 643).

Shooting with intent to injure (21 O.S. § 645; see also: §§ 641 - 643).

Assault and battery with a motor vehicle (21 O.S. § 645; see also: §§ 641 - 643).

Assault and battery by other means or force as is likely to produce death (21 O.S. § 652(C)).

Maiming oneself (21 O.S. § 751, penalty contained in 21 O.S. § 759).

Robbery by force or fear, first degree (21 O.S. § 797, penalty contained in 21 O.S. § 798).

Conjoint robbery - robbery by two or more persons (21 O.S. § 800).

Willfully poisoning food, drink, or medication with intent to cause injury (21 O.S. § 832(A)(1)).

Willfully poisoning or placing any Schedule I - V drug (as defined in 63 O.S. §§ 2-203 through 2-212) or any other object or substance which is harmful to human life in any spring, well, or water reservoir (21 O.S. § 832(A)(2)).

Assaults by masked or disguised person with a dangerous weapon (21 O.S. § 1303).

Robbery committed during riot; arson in the second degree committed during riot (21 O.S. § 1312(1)).

Arson in the second degree, unoccupied or uninhabited building (21 O.S. § 1402).

Burglary in the first degree (21 O.S. § 1431, penalty contained in 21 O.S. § 1436).

Assault and battery on bus driver, attendant, guard, or passenger with intent to seize bus (21 O.S. § 1903(B)).

Boarding a bus with a dangerous or deadly concealed weapon (21 O.S. § 1903(D)).

Throwing or dropping object on or at moving vehicles (47 O.S. § 11-1111).

Performing or inducing an abortion upon a pregnant woman by a person that is not a licensed physician (63 O.S. § 1-731(A)).

Performing or inducing an abortion upon a pregnant woman subsequent to the end of the first trimester unless performed in a hospital (63 O.S. § 1-731(B)).

5. SCHEDULE D-1

Interference with persons engaged in official duties (2 O.S. § 6-206).

Aggravated assault and battery upon a peace officer (21 O.S. § 650(A)).

Aggravated assault and battery upon a DOC employee by person in DOC custody (21 O.S. § 650.2(A)).

Aggravated assault and battery upon a DHS employee by person in custody of DHS (21 O.S. § 650.2(B)).

Aggravated assault upon emergency medical technician or other emergency medical care provider (21 O.S. § 650.5)

Battery upon emergency medical technician or other emergency medical care provider (21 O.S. § 650.5).

Assault and battery upon emergency medical technician or other emergency medical care provider (21 O.S. § 650.5).

Battery or assault and battery upon officer, witness, or juror of state district, appellate, or Workers' Compensation court, or within 6 months of the officer, witness, or juror's service (21 O.S. § 650.6(B)).

Aggravated assault and battery upon an employee of a state facility for delinquent children (21 O.S. § 650.8(A), penalty contained in 21 O.S. § 9).

Putting body wastes or fluids upon government employee or contractor (21 O.S. § 650.9).

Assault and battery in resisting the execution of legal process (21 O.S. § 652(C)).

Assaults with intent to commit a felony (21 O.S. § 681).

Manslaughter in the second degree (21 O.S. § 716, penalty contained in 21 O.S. § 722).

Owner of known mischievous animal which kills a person (21 O.S. § 717, penalty contained in 21 O.S. § 722).

Kidnapping (21 O.S. § 741).

Second degree robbery, robbery accomplished in any manner other than by force or fear (21 O.S. § 797, penalty contained in 21 O.S. § 799).

Hate crimes, malicious assault or battery with the intent to intimidate or harass because of a person's race, color, religion, ancestry, national origin, or disability, felony upon second or subsequent conviction (21 O.S. § 859(A)(1), penalty contained in 21 O.S. §§ 850(D), 850(F)).

Hate crimes, maliciously damage, destroy, vandalize or deface any real or personal property of another person, with the intent to intimidate or harass because of a person's race, color, religion, ancestry, national origin, or disability, felony upon second or subsequent conviction (21 O.S. § 850(A)(2), penalty contained in 21 O.S. §§ 850(D), 850(F)).

Hate crimes, maliciously threaten, by word or act, to do any act prohibited by 21 O.S. § 850(A)(1) or (A)(2) with the intent to intimidate or harass because of a person's race, color, religion, ancestry, national origin, or disability if there is reasonable cause to believe that such act will occur, felony upon second or subsequent conviction (21 O.S. § 850(A)(3), penalty contained in 21 O.S. §§ 850(D), 850(F)).

Hate crimes, maliciously making or transmitting, causing or allowing to be transmitted any telephone or electronic message with the specific intent to incite or produce, and which is likely to incite or produce, imminent violence which is directed at another because of that person's race, color, religion, ancestry, national origin, or disability, felony upon second or subsequent conviction (21 O.S. § 850(B), penalty contained in 21 O.S. §§ 850(D), 850(F)).

Hate crimes, maliciously broadcasting or causing to be broadcast, publishing or causing to be published, or distributing

or causing to be distributed any message or material with the specific intent to incite or produce, and which is likely to incite or produce, imminent violence which is directed at another because of that person's race, color, religion, ancestry, national origin, or disability, felony upon second or subsequent conviction (21 O.S. § 850(C), penalty contained in 21 O.S. §§ 850(D), 850(F)).

Carrying a weapon with intent to injure another (21 O.S. § 1278).

Use of firearm or other offensive weapon while committing or attempting to commit a felony (21 O.S. § 1287).

Willfully pointing firearms at another (21 O.S. § 1289.16, penalty contained in 21 O.S. § 1289.17).

Use or attempted use of restricted bullets (21 O.S. § 1289.21).

Committing or attempting to commit felony while wearing body armor (21 O.S. § 1289.26).

Committing or attempting to commit felony while wearing body armor (21 O.S. § 1289.26).

Arson in the fourth degree, attempted arson or causing arson (21 O.S. § 1404).

Second degree robbery committed during riot; manslaughter in the second degree committed during riot; arson in the fourth degree committed during riot (21 O.S. § 1312(1)).

Discharging firearm or weapon at train or rail-mounted work equipment (21 O.S. § 1752.1(B)).

Person or persons commanding employee of railroad to enter steam boiler, firebox or smoke chamber when same is under steam pressure when such command results in employee's accidental death (40 O.S. § 183, penalty contained in 21 O.S. § 722; see also: 21 O.S. § 716).

Mistreatment of patient by officer or employee of Department of Mental Health and Substance Abuse Services (43A O.S. § 2-219).

Violation of rules and regulations regarding methadone programs (43A O.S. § 3-601(B), penalty contained in 21 O.S. § 9).

Failure to stop at scene of an accident involving death (47 O.S. § 10-102.1).

Interfering with official traffic control device or any railroad sign or signal which results in personal injury to or death of any person (47 O.S. § 11-207(B)).

Threat or violence, or attempted interference or obstruction of duties of any Director of Conservation or Field Supervisors or any agent or employee of the Corporation Commission accompanied by the use or attempted use of firearms (52 O.S. § 114).

6. SCHEDULE D-2

Battery or assault and battery upon a police officer or other peace officer (21 O.S. § 649(B)).

Killing a police dog or police horse during the commission of a misdemeanor or felony (21 O.S. § 649.2).

Assault on member or body of National Guard who has been called into service (44 O.S. § 210).

Failure to stop at scene of an accident causing a nonfatal injury (47 O.S. § 10-102(b)).

7. SCHEDULE E

Sale or transport of adulterated poultry products for use as human food (2 O.S. § 6-259(A)(2)(a), penalty contained in 2 O.S. § 6-262).

Willful burning of forest, grass, or woodlands not authorized by owner or agent (2 O.S. § 1301-205).

Willful burning of forest, grass, woods, wild lands, or marshes (2 O.S. § 1301-208).

Illegal possession of incendiary device with the intent to burn (2 O.S. § 1301-214).

Possession of an aircraft without the consent of the owner (3 O.S. § 321(A)).

Willfully and knowingly injuring or destroying or attempting to injure or destroy any pipeline transportation system (17 O.S. § 6.1(C)).

Assisting disposing, receiving, possessing, or exchanging money or property during kidnapping for extortion (21 O.S. § 745(B)).

Willfully aiding suicide (21 O.S. § 813, penalty contained in 21 O.S. § 817).

Knowingly furnishing weapons or drugs to person intending to commit suicide (21 O.S. § 814, penalty contained in 21 O.S. 817).

Willfully aiding in attempted suicide (21 O.S. § 815, penalty contained in 21 O.S. § 818).

Desertion of children under the age of 10 (21 O.S. § 851).

Willful omission to provide for a child by parent or guardian, felony after second or subsequent conviction (21 O.S. § 852(A)).

Willful delinquency of child support payments if no payment made for a period of one year, after September 1, 1993, or if the amount of delinquency exceeds $5,000 (21 O.S. § 852(A)).

Leaving the state to avoid providing necessary food, clothing, shelter, court-ordered monetary support, or medical attendance for child (21 O.S. § 852(B)).

Child endangerment-knowingly permitting physical or sexual abuse (21 O.S. § 852.1(A), penalty contained in 21 O.S. § 852.1(C)).

Desertion or abandonment of wife or minor child or children under age 15 (21 O.S. § 853).

Gangs, knowingly causing or soliciting a minor to participate in gang, second and subsequent conviction (21 O.S. § 856(E)).

Causing, aiding, abetting, or encouraging a minor to participate in certain drug related crimes (21 O.S. § 856.1(1) through § 856.1(5)).

Neglect of minor who has been adjudicated delinquent, in need of supervision or deprived (21 O.S. § 858.2, penalty contained in 21 O.S. § 856 or § 858.1).

Child stealing (21 O.S. § 891).

Stalking, when temporary restraining order, protective order emergency ex parte order or injunction in effect prohibiting the behavior set forth in 21 O.S. § 1173(A) (21 O.S. § 1173(B)(1)).

Stalking, when said person is on probation or parole, a condition of which prohibits behavior set forth in 21 O.S. § 1173(A) (21 O.S. *' 1173(B)(2)).

Stalking, when said person, within 10 years preceding the violation of 21 O.S. § 1173(A), completed the execution of sentence or conviction of a crime involving the use or threat of violence against the same party or a member of the immediate family of such party (21 O.S. § 1173(B)(3)).

Stalking, after second conviction (21 O.S. § 1173(C)).

Stalking, committed within 10 years of prior conviction under subsection A or B (21 O.S. § 1173(D)).

Spread of infectious diseases (21 O.S. § 1192).

Interfering with firemen in performance of duties (21 O.S. § 1217).

Administration of certain substances or performance of certain procedures to alter the appearance of exhibition livestock (21 O.S. *' 1229).

Unlawful hazardous waste transportation (21 O.S. § 1230.3, penalty contained in 1230.8(1)).

Unlawful waste management, hazardous waste (21 O.S. § 1230.4, penalty contained in 230.8(2)(b)).

Unlawful misrepresentation of waste, hazardous waste (21 O.S. § 1230.5, penalty contained in 1230.8(3)(b)).

Unlawful disposal of hazardous waste (21 O.S. § 1230.6, penalty contained in 230.8(4)).

Unlawful concealment of hazardous waste (21 O.S. § 1230.7, penalty contained in 1230.8(5)).

Carrying weapons or firearms into establishments where beer or intoxicating beverages are consumed (21 O.S. § 1272.1, penalty contained in 21 O.S. § 1272.2).

Possession of firearm or weapon on school property or in school bus or vehicle (21 O.S. § 1280.1(A), penalty contained in 21 O.S. § 1280.1(D)).

Carrying or using slingshot (21 O.S. § 1282).

Convicted felons carrying or possessing firearms (21 O.S. § 1283(A), penalty contained in 21 O.S. § 1284).

Person supervised by DOC possessing firearms (21 O.S. § 1283(B), penalty contained in 21 O.S. § 1284).

Delinquent minor possessing firearms (21 O.S. § 1283(C), penalty contained in 21 O.S. § 1284).

Unlawful for any person supervised by DOC to have in possession or immediate control in residence or in passenger vehicle any pistol, shotgun, or rifle, while subject to supervision, probation, parole or inmate status (21 O.S. § 1283(D), penalty contained in 21 O.S. § 1284).

Person previously adjudicated as a delinquent for offense which would have been felony if committed by an adult, to have in possession or control imitation or homemade pistol, machine gun, sawed off shotgun or rifle, or any other deadly or dangerous firearm (21 O.S. § 1283(E), penalty contained in 21 O.S. § 1284).

Person with concealed handgun license who knowingly allows a convicted felon or adjudicated delinquent possess or have control of any pistol (21 O.S. § 1283(F), penalty contained in 21 O.S. § 1284).

Convicted or adjudicated person violating provisions (21 O.S. § 1283(G), penalty contained in 21 O.S. § 1284).

Possession of sawed-off shotgun or rifle (21 O.S. § 1289.18).

Manufacture, importation, advertisement or sale of restricted bullets (21 O.S. § 1289.20).

Knowingly or intentionally carrying a concealed handgun pursuant to a concealed handgun license authorized and issued pursuant to Oklahoma Self Defense Act which is either stolen or belongs to another person (21 O.S. § 1290.21(B)).

Trespass of masked person demanding entry to premises (21 O.S. § 1302.

Arson in the third degree committed during riot (21 O.S. § 1312(1)).

Possession of explosives by convicted felons (21 O.S. § 1368(A)).

Arson in the third degree, burning vehicles or lands or with intent to defraud insurer (21 O.S. § 1403).

Burglary in the second degree (21 O.S. § 1435, 21 O.S. § 1436).

Grand larceny (21 O.S. §§ 1701- 1704(1) and (2)).

Grand larceny from house or vessel (21 O.S. § 1707).

Grand larceny at night time from person (21 O.S. § 1708).

Larceny of an automobile, motor vehicle, aircraft, etc. (21 O.S. § 1720).

Larceny from house (21 O.S. §§ 1723 and 1724).

Death from displacing of railroad equipment (21 O.S. § 1752).

Interference with railroad property resulting in personal injury (21 O.S. § 1752.1(B)).

Removing or masking a train light signal, false light or signal (21 O.S. § 1778).

Owning, operating, or conducting a chop shop (47 O.S. § 1503(A)(1)).

Transporting a motor vehicle to or from a chop shop (47 O.S. § 1503(A)(2)).

Selling, transferring, or receiving a vehicle from a chop shop (47 O.S. § 1503(A)(3)).

Knowingly altering or defacing a vehicle identification number (47 O.S. § 1503(B)).

Buying, selling, disposing of, or possessing any vehicle with knowledge that the identification number has been altered (47 O.S. § 1503(C)(1)).

Committing any of the violations in subsection A, B or C of § 1503 of Title 47 or taking a substantial step toward the commission of any of the offenses (47 O.S. § 1503(D)).

Committing solicitation with the intent that a violation of subsection A, B or C of Section 1503 of Title 47 occurs (47 O.S. § 1503(F)).

Aiding or abetting before or during the commission of a violation of subsection A, B or C of § 1503 of Title 47 (47 O.S. § 1503 (G)).

8. SCHEDULE F

Bribery of agriculture inspectors or other officers authorized to act by the Board of Agriculture (2 O.S. § 6-194).

Acceptance of bribe by an official authorized to act by the Board of Agriculture (2 O.S. § 6-194).

Testifying falsely under oath in any proceeding before the Commission (3A O.S. § 203.6(C), penalty contained in 21 O.S. § 500(3).

Giving, offering, or accepting bribe by any person having duties in relation to any race (3A O.S. § 208.8(A)(1), penalty contained in 3A O.S. § 208.8(B)).

Banks prohibited from making political contributions - willful violation (6 O.S. § 808(A), penalty contained in 6 O.S. § 808(B)).

Bank, banker or bank official giving preference to any depositor or creditor by pledging assets of bank as collateral security or transferring assets of insolvent bank in consideration of any deposit in such bank (6 O.S. § 809).

Bank or trust company lending to any officer, director or employee any funds held in trust (6 O.S. § 1011, penalty contained in 6 O.S. § 1414(A)(2)).

Solicitation, acceptance, or agreement to accept gratuity, compensation or personal benefit by affiliate of bank or trust company, or officer or director or employee of trust company (6 O.S. § 1405(A)(1), penalty contained in 6 O.S. § 1414(A)(2)).

Affiliate of bank or trust company, or officer or director or employee of trust company having an interest in proceeds of a loan or of a purchase or sale made by the bank (6 O.S. § 1405(A)(2), penalty contained in 6 O.S. § 1414(A)(2)).

Affiliate of bank or trust company, or officer or director or employee of trust company having an interest in any purchase at less than face value (6 O.S. § 1405(A)(3), penalty contained in 6 O.S. § 1414(A)(2)).

Receipt of deposit by bank after notice of insolvency (6 O.S. § 1406, penalty contained in 6 O.S. § 1414(A)(2)).

Serving as director or officer of bank after having previously been convicted of a banking law violation, or a felony involving dishonesty or a breach of trust (6 O.S. § 1407(1), penalty contained in 6 O.S. § 1414(A)(2)).

Serving as director or officer of bank while indebted to bank for more than 30 days upon judgment that has become final (6 O.S. § 1407(2), penalty contained in 6 O.S. § 1414(A)(2)).

Serving as Commissioner, Deputy Commissioner, Administrative Assistant or Assistant Banking Commissioner after previous conviction of banking law violation, or felony involving dishonesty or breach of trust (6 O.S. § 1408, penalty contained in 6 O.S. § 1414(A)(2)).

Unlawful concealment of bank or trust company transactions (6 O.S. § 1409, penalty contained in 6 O.S. § 1414(A)(2)).

Officer, Director, employee, or agent of bank or trust company maintaining or authorizing maintenance of bank account in a manner inconsistent with the Banking Code (6 O.S. § 1410(1), penalty contained in 6 O.S. § 1414(A)(2)).

Officer, Director, employee, or agent of bank or trust company making any false or misleading statement or entry or omit any statement or entry that should be made in any bank account, report or statement of the institution with the intent to deceive (6 O.S. § 1410(2), penalty contained in 6 O.S. § 1414(A)(2)).

Obstruct or endeavor to obstruct examination of institution by officer or employee of Department (6 O.S. § 1410(3), penalty contained in 6 O.S. § 1414(A)(2)).

Unlawful reimbursement or payment of penalty or judgment of another person by a bank or trust company (6 O.S. § 1411, penalty contained in 6 O.S. § 1414(A)(2)).

Embezzlement or misapplication of funds under the control of a bank or trust company by any officer, director, shareholder or employee with the intent to deceive, injure, cheat, wrong, or defraud any person (6 O.S. § 1412, penalty contained in 6 O.S. § 1414(A)(2)).

Falsely swearing or signing a false affidavit that one is qualified for municipal office (11 O.S. § 16-306(C), penalty contained in 21 O.S. § 9).

Use of money in a district fund in manner other than as provided (11 O.S. § 39-113(B)).

Any person making a false affidavit as to the value of any real estate or any officer administering or accepting such affidavit knowing it to be false (12 O.S. § 65, penalty contained in 21 O.S. § 505).

Any person willfully swearing falsely in making an affidavit in forma pauperis (12 O.S. § 923, penalty contained in 21 O.S. § 500).

Any person who enters into or assists in making contract for the sale of future delivery of cotton, grain, stocks, or other commodities, that is not carried out or discharged upon the floor of a board of trade or exchange (15 O.S. § 564, penalty contained in 15 O.S. § 567).

Making a false statement in an application for a closing out sale (15 O.S. § 767(D), penalty contained in 21 O.S. § 9).

Any person or committee who diverts funds collected for chambers of commerce or similar associations from the purposes for which they were solicited or collected (18 O.S. § 411).

Any election officer or commissioner who shall knowingly and willfully fail or refuse to perform the duties required (19 O.S. § 28, penalty contained in 21 O.S. § 9).

Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any proposition in election (19 O.S. § 29).

Refusal of any inspector, judge or clerk, or other person to extend and enforce the right granted by the act (19 O.S. § 90, penalty contained in 21 O.S. § 9).

Any election officer who shall knowingly or willfully fail and refuse to perform the duties required of him (19 O.S. § 91, penalty contained in 21 O.S. § 9).

Any person or corporation offering money, or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing city, town, or place in election for county seat (19 O.S. § 92).

Any county treasurer violating any provisions of the County Depositories Act (19 O.S. § 112).

Any county commissioner who knowingly or willfully fails or refuses to comply with the duties set forth in § 333 (19 O.S. § 333, penalty contained in 19 O.S. § 333.1; see also: 21 O.S. § 9).

Embezzlement by county treasurer, or other officer (19 O.S. § 641).

Failure by county treasurer to comply with duties as official depository (19 O.S. § 681, penalty contained in 19 O.S. § 686).

Failure by county officers, boards or commissioners to comply with regulations requiring them to deposit moneys in the official depository (19 O.S. § 682, penalty contained in 19 O.S. § 686).

Attempt to conceal death of child after prior felony conviction (21 O.S. § 53).

Knowing and willful violation of limitation on individual or family campaign contributions in which aggregate contribution is $5,000 in excess of limitations set by 21 O.S. § 1871.1(A) (21 O.S. *' 187.1(C)).

Any person who knowingly and willingly violates this section relating to corporate campaign contributions in which the aggregate amount contributed exceeds $5,000 (21 O.S. § 187.2(E)).

Bribing or offering to bribe an executive or administrative officer (21 O.S. § 265; see also: 21 O.S. § 279).

Asking or receiving bribes by executive or administrative officer (21 O.S. § 266; see also: 21 O.S. § 279).

Any public officer taking a reward for making appointment or deputation (21 O.S. § 275).

Willfully preventing meetings of Legislature (21 O.S. § 301; see also: 21 O.S. § 312).

Willfully and by force or fraud compelling adjournment of Legislature (21 O.S. § 303; see also: 21 O.S. § 312).

Willfully compelling Legislature to perform or omit act (21 O.S. § 305; see also: 21 O.S. § 312).

Fraudulently altering drafts of bills or resolutions (21 O.S. § 306; see also: 21 O.S. § 312).

Altering engrossed copy or enrollment of bill (21 O.S. § 307; see also: 21 O.S. § 312).

Willful bribery of or influencing members of the Legislature (21 O.S. § 308; see also: 21 O.S. § 312).

Soliciting bribes or trading votes by member of either house of the Legislature (21 O.S. § 309; see also: 21 O.S. § 312).

Bribery of member of state Legislature (21 O.S. § 318, penalty contained in 21 O.S. § 320).

Member of the Legislature soliciting or securing employment with a state department or institution (21 O.S. § 321, penalty contained in 21 O.S. § 322).

Retaining or employing a lobbyist for compensation contingent upon influencing official action or legislation (21 O.S. § 334).

Embezzlement and false accounts by public officers (21 O.S. § 341).

Willfully injuring,, burning or destroying public buildings or improvements (21 O.S. § 349).

Seizing or taking away arms, ammunition, military stores or supplies from fort, magazine, arsenal, armory, or arsenal yard or encampment or entering such place with intent to do so (21 O.S. § 350).

Member of governing body furnishing public supplies for consideration, contract or purchase (21 O.S. § 355, penalty contained in 21 O.S. § 357; see also: 21 O.S. § 357).

Making, presenting or causing to be presented false, fictitious or fraudulent claims upon or against the State (21 O.S. § 358, penalty contained in 21 O.S. § 359).

Willfully coercing political participation of state employees or retaliating against state employees for either exercising his or her rights or for not participating in permitted political activities (21 O.S. § 360).

Bribery committed by fiduciary (21 O.S. § 380(A)).

Bribery of a fiduciary (21 O.S. § 380(B)).

Bribing officers (21 O.S. § 381).

Officers receiving bribes or soliciting offers (21 O.S. § 382).

Bribing jurors, referees, arbitrators, umpires, or assessors etc. (21 O.S. § 383).

Jurors, referees, arbitrators, umpires, or assessors, etc. receiving bribes (21 O.S. § 384).

Conspiracy outside state against peace of the state (21 O.S. § 422; see also: 21 O.S. § 423).

Conspiracy against the state (21 O.S. § 424).

Attempt to escape from penitentiary (21 O.S. § 434).

Attempt to escape from prison other than penitentiary (21 O.S. § 436).

Assisting felony prisoner to escape (21 O.S. § 437(1)).

Carrying into prison things to aid escape (21 O.S. § 438(1)).

Harboring criminals and fugitives (21 O.S. § 440).

Escape from penal institution, while in county or city jail or juvenile detention facility awaiting felony charges or trial (21 O.S. § 443(A)).

Escape from penal institution by inmate in custody of DOC, while actually confined, while under house arrest program, while on preparole, or as trustee (21 O.S. § 443(B)).

Unauthorized entry into penal institution, jail, etc. (21 O.S. § 445).

Offering false evidence (21 O.S. § 451).

Preparing false evidence (21 O.S. § 453).

Willfully preventing witness from testifying (21 O.S. § 455(A)).

Intimidating state's witness (21 O.S. § 455(B)).

Bribing of witness-subornation of perjury (21 O.S. § 456).

Larceny or destruction of records by clerk or officer (21 O.S. § 461).

Larceny or destruction of records by non-officers (21 O.S. § 462).

Offering forged or false instruments for the record (21 O.S. § 463).

Perjury, when committed during felony trial (21 O.S. § 500 (First); see also: §§ 491-499).

Perjury, when committed in any other trial or court proceeding (21 O.S. § 500 (Second); see also: §§ 491-499).

Perjury, in all other proceedings (21 O.S. § 500 (Third); see also: §§ 491-499).

Subornation of perjury and attempted subornation of perjury, when committed during a felony trial (21 O.S. § 504, penalty contained in 21 O.S. § 505; see also: 21 O.S. § 500 (First)).

Subornation of perjury and attempted subornation of perjury, when committed in any other trial or court proceeding (21 O.S. § 504, penalty contained in 21 O.S. § 505; see also: 21 O.S. § 500 (Second).

Subornation of perjury and attempted subornation of perjury, at all other proceedings (21 O.S. § 504, penalty contained in 21 O.S. § 505; see also: 21 O.S. § 500 (Third)).

Rescuing, attempting to rescue or aiding another in a rescue or attempted rescue of a felony prisoner from lawful custody (21 O.S. § 521(1)).

Any officer who mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to this office (21 O.S. § 531(1)).

Embezzlement by officer (21 O.S. § 531(2)).

Officer willfully or carelessly allowing escapes (21 O.S. § 532(1)).

Officer receiving gratuity or reward or any security or promise to procure, assist connive at or permit escape (21 O.S. § 532(2)).

Officer committing any unlawful act to hinder justice (21 O.S. § 532(3)).

Resisting execution of process in time of insurrection (21 O.S. § 539).

Compounding crimes, when crime compounded is punishable by death or life imprisonment (21 O.S. § 543(1)).

Compounding crimes, when crime compounded is punishable for less than life imprisonment (21 O.S. § 543(2)).

Recording, listening or observing grand or petit jury proceedings while jury is deliberating or voting (21 O.S. § 588).

Harboring runaway child, subsequent offense (21 O.S. § 856.2).

Trafficking in children, second or subsequent offense (21 O.S. §§ 865-867).

Advocating or teaching criminal syndicalism or sabotage-printing, publishing or organizing society membership (21 O.S. § 1263).

Destroying or interfering with property with intent to hinder defense preparation or prosecution of war (21 O.S. § 1265.2).

Intentionally causing defects in articles used in defense preparation or prosecution of war (21 O.S. § 1265.3).

Attempt of 21 O.S. §§ 1265.2 or 1265.3, sabotage of defense or war effort (21 O.S. § 1265.4).

Conspiracies to violate the sabotage prevention act (21 O.S. § 1265.5).

Advocating overthrow of government by force (21 O.S. § 1266).

Unlawful acts relating to Communism, including overthrow, attempt or conspiracy to overthrow the government (21 O.S. §§ 1266.4, penalty contained in 21 O.S. § 1266.5).

Organizing or assisting to organize groups advocating or encouraging overthrow of government (21 O.S. § 1267.1).

Failure of organization advocating or encouraging overthrow of government to register (21 O.S. § 1267.2).

Riot (21 O.S. § 1311, penalty contained in 21 O.S. § 1320.4).

Riot for purpose of obstructing justice or execution of laws (21 O.S. § 1312(2)).

Riot while carrying firearm or weapon (21 O.S. § 1312(3)).

Encouraging, soliciting, or directing riot (21 O.S. § 1312(4)).

Incitement to riot (21 O.S. § 1320.2, penalty contained in 21 O.S. § 1320.4).

Riot, unlawful assembly (21 O.S. § 1320.3, penalty contained in 21 O.S. § 1320.5).

Teaching, demonstrating, training or practicing with or being instructed in the use of firearms, explosives or incendiary devices in furtherance of riot or civil disorder (21 O.S. § 1320.10).

Maliciously destroying real or personal property during a state of emergency (21 O.S. § 1321.7(a), penalty contained in 21 O.S. § 1321.7(b)).

Guilty of an offense committed by another person under the Riot Control Act under enumerated circumstances (21 O.S. § 1321.7(d), penalty contained in 21 O.S. § 1321.7(b)).

Riot during state of emergency (21 O.S. § 1321.8(a), penalty contained in 21 O.S. 1321.8(c)).

Guilty of offense under 21 O.S. § 1321.8, committed by another person under enumerated circumstances (21 O.S. § 1321.8(e), penalty contained in 21 O.S. § 1321.8(c)).

Advocating of unlawfulness, criminal syndicalism, sabotage upon public school grounds (21 O.S. § 1327).

Advocating of sabotage, sedition or treason upon public school grounds (21 O.S. § 1327).

Embezzlement by officer, director etc. of corporation (21 O.S. § 1452, penalty contained in 21 O.S. § 1462).

Embezzlement by carrier, contractor or other person (21 O.S. § 1453, penalty contained in 21 O.S. § 1462).

Diversion of state funds (21 O.S. § 1463).

Aiding or assisting in resisting execution of process during time of riot or insurrection or one who aids or attempts to rescue or escape from lawful custody (22 O.S. § 107).

Jumping bail (22 O.S. § 1110).

Sale of seized liquor by an officer (22 O.S. § 1263).

False affidavit by an officer regarding seized property (22 O.S. § 1264).

Voting illegally (voting twice or when ineligible) (26 O.S. § 16-102, penalty contained in 26 O.S. § 16-101).

False swearing (26 O.S. § 16-103, penalty contained in 26 O.S. § 16-101).

Unauthorized registration of voters (26 O.S. § 16-103.1, penalty contained in 26 O.S. § 16-101).

False notarization on affidavit of absent voter (26 O.S. § 16-104, penalty contained in 26 O.S. § 16-101).

Fraud in election proceedings (26 O.S. § 16-105, penalty contained in 26 O.S. § 16-101).

Offering, soliciting, or accepting bribes to influence votes (26 O.S. § 16-106, penalty contained in 26 O.S. § 16-101).

Offering or giving bribe for withdrawal of candidacy (26 O.S. § 16-107, penalty contained in 26 O.S. § 16-101).

Acceptance of bribe for withdrawal of candidacy (26 O.S. § 16-108, penalty contained in 26 O.S. § 16-101).

Coercion to prevent person from registering to vote or voting (26 O.S. § 16-109, penalty contained in 26 O.S. § 16-101).

Game warden who solicits or accepts any bribe or money, etc. in connection with official duties (29 O.S. § 3-201(E)).

Falsely signing, signing twice, falsely making or willfully destroying an initiative petition (34 O.S. § 23).

Any person who under oath testifies falsely or makes any false affidavit during the course of any examination, investigation, or hearing before Insurance Commissioner (36 O.S. § 317, penalty contained in 21 O.S. § 500).

Willfully making false or fraudulent statements in any verified report or declaration under oath (36 O.S. § 2737.1, penalty contained in 21 O.S. § 500).

Sales representative who diverts or appropriates funds belonging to insurers (36 O.S. § 6621(B), penalty contained in 21 O.S. § 1462).

Knowingly making false answer or false statement to Oklahoma Employment Security Commission (40 O.S. § 3-308, penalty contained in 40 O.S. § 4-506).

Oklahoma Employment Security Commission, disclosure of confidential information (40 O.S. § 4-508).

Hiring armed guards without written permit from Governor (40 O.S. § 169).

Knowingly making or receiving, directly or indirectly, a kickback (40 O.S. § 196.13(A)).

Any parent or person who violates an order of any court of this state, granting the custody of the child under 18 with the intent to deprive the lawful custodian of the child (43 O.S. § 527).

False oath or affirmation by public officer or employee (51 O.S. § 36.5).

Violation of oath or affirmation by advocating the overthrow of government by force, violence or other unlawful means (51 O.S. § 36.6).

Perjury before the Corporation Commission (52 O.S. § 108).

Verifying false documents under oath before the Corporation Commission (52 O.S. § 109).

Bribing an official of the Corporation Commission to gain influence (52 O.S. § 117).

Accepting bribe by any member of the Commission or other designated officials (52 O.S. § 118).

Escaping from prison (57 O.S. § 13).

Bringing weapons, contraband, money, controlled substance, or intoxicating beverage into jail or state penal institution (57 O.S. *' 21(A)).

Inmate in possession of any gun, knife, bomb, other dangerous substance, intoxicating beverage, low-point beer, or money (57 O.S. *' 21(B)).

Inmate in possession of any such item who has committed 2 or more felonies and was within 10 years of completion of sentence (57 O.S. *' 21(C)).

Knowing falsification of a report or statement bearing on an examination, investigation or audit under this act (59 O.S. § 15.26).

Willfully making any false representations in procuring or attempting to procure registration under this act (59 O.S. § 353.25, penalty contained in 21 O.S. § 500).

Embezzling, abstracting, or willfully misapplying any of the money or credit of the Board (59 O.S. § 396.25).

Practicing land surveying without a license or other violation of § 475.1 et seq. - second offense (59 O.S. § 475.20).

Any person making any willfully false oath or affirmation whenever oath or affirmation is required by Oklahoma Osteopathic Medicine Act (59 O.S. § 638(B), penalty contained in 21 O.S. § 500).

Willful misstatement in affidavit as to undertaking by bondsman (59 O.S. § 1322, penalty contained in 21 O.S. § 500).

Knowingly making a false statement in an application to the council (59 O.S. § 1750.11(B)).

State commissioner or employee signing false or illegal voucher against monies deposited as in this act (62 O.S. § 81).

Willful interference with the inspections authorized by 62 O.S. § 89.11(C) or the deliberate falsification or destruction of transaction records (62 O.S. § 89.11(D)).

Any person who, with intent to defraud, uses on a public security any facsimile seal, or any reproduction of it, of this state or any of its departments, agencies, or other instrumentalities or any of its political subdivisions or districts (62 O.S. § 604(b), penalty contained in 21 O.S. § 9).

Willfully concealing, defacing, or altering a directive of another without a declarants consent (63 O.S. § 3101.11(C)).

Appraiser receiving commission or bribe for recommendation of loan or willfully placing false estimate of value on property with the intent to defraud the state (64 O.S. § 111).

Offering to pay a commission or to convey property or to pay a bribe to any appraiser or other employee of the Commissioners of the Land Office (64 O.S. § 112).

Embezzlement by any employee of the Commissioners of the Land Office (64 O.S. § 114).

Destroying, forging, falsifying, or stealing any of the records of the Commissioners of the Land Office (64 O.S. § 115).

Making or executing any sworn statement or affidavit containing false information in connection with a loan, lease, sale, or contract made by the Commissioners of the Land Office (64 O.S. § 157).

Executing any written instrument, petition, or affidavit before the Commission (64 O.S. § 251, penalty contained in 21 O.S. § 500).

Unlawful for any member, officer, or employee of the Department of Transportation to transact with the Department, either directly or indirectly, any business for profit (66 O.S. § 304(B)).

Obstructing copying of any record, book, paper, taxroll, assessment or other file or matter of record (67 O.S. § 83).

Knowingly making false answer to any question put by the Tax Commission or any of its members, touching the business, property, assets or effects of any person, firm, association or corporation, or the valuation, or the income or profits, or who makes any false affidavit concerning any list, schedule, statement, report or return, or for any other purpose, filed with the Tax Commission or that is required by this Code (68 O.S. § 103).

Knowingly making false answers to questions from the Tax Commission (68 O.S. § 244).

Any person who signs affidavit attesting to the name, mailing address, and telephone number of the purchaser as it appears on a retail fireworks license when such person knows that it is not true (68 O.S. § 1625(d), penalty contained in 21 O.S. § 500).

Failure to file a state income tax return with the intent to defraud or evade (68 O.S. § 2376(A), penalty contained in 68 O.S. § 240.1).

Filing a state income tax return that is materially false with the intent to defraud or evade (68 O.S. § 2376(B), penalty contained in 68 O.S. § 240.1).

Unlawful for any member of the county board of equalization to sell or contract to sell or to lease or to represent any person, firm, or corporation in the sale or lease of any machinery, supplies, or equipment (68 O.S. § 2861(G), penalty contained in 68 O.S. § 2861(H)).

Unlawful for any member of the county board of equalization to serve as employee, official or attorney for any county or city or use his position to further his own interests (68 O.S. § 2861(G), penalty contained in 68 O.S. § 2861(H)).

Unlawful for any taxpayer or interested party to employ any member of the county board of equalization in any matter coming before the board (68 O.S. § 2861(G), penalty contained in 68 O.S. § 2861(H)).

Any person who makes oath to any false or fraudulent homestead exemption application (68 O.S. § 2900, penalty contained in 21 O.S. *' 500).

Knowingly and willfully making, issuing, and delivering any tax receipt required to be issued by fraudulently making the receipt or its duplicate different with the intent to defraud the state (68 O.S. § 2920).

False or fraudulent list of taxable personal property under oath (68 O.S. § 2945(A), penalty contained in 21 O.S. § 500).

Conflict of interest or any violation of this provision by any official or employee of the Transportation Commission, governing body or other governmental instrumentality, or officer or employee of such person retained by the Commission (69 O.S. § 310(b)).

Any employee of the Department, Director or Commission who, in the course of such employment, knowingly accepts, approves or recommends for approval or payment any material, service, job, project or structure, or any part thereof, which does not meet the specifications thereof, or is to his knowledge otherwise more deficient in quality, quantity or design than was provided for in the plans, purchase orders or any minimum standard provided by any state agency or official (69 O.S. § 310(c)).

Unlawfully transacting business by an officer or employee of the authority for profit of such officer or employee (69 O.S. § 1705(o)).

Promising, offering, or accepting a bribe by any member of the State Board of Education in regard to the selection of textbooks (70 O.S. § 16-122).

Soliciting or receiving bribes by a member of the State Board of Education or the Textbook Commission regarding textbook selection (70 O.S. § 16-123).

Any person who shall knowingly make any false statement or who shall falsify or permit to be falsified any record or records of this retirement system in any attempt to defraud such system as a result of such act (70 O.S. § 17-110, penalty contained in 21 O.S. § 9).

Employing any device, scheme, or artifice to defraud by someone receiving consideration from another for advising as to the value of securities (71 O.S. § 102(a)(1), penalty contained in 71 O.S. § 407(a)).

Taking of rebates by officer of Office of Public Affairs (74 O.S. § 71).

Knowingly and with the intent to defraud obtain, retain, attempt to obtain or retain, or aid another in obtaining or retaining certification as a minority business enterprise (74 O.S. § 85.45h(A)(1), penalty contained in 74 O.S. § 85.45h(B)).

Making a false statement with the intent to defraud to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a minority business enterprise (74 O.S. § 85.45h(A)(2), penalty contained in 74 O.S. § 85.45h(B)).

Obstructing, impeding, or attempting to obstruct or impede one who is investigating the qualifications of a business entity which has requested certification as a minority business enterprise (74 O.S. § 85.45h(A)(3), penalty contained in 74 O.S. § 85.45h(B)).

Fraudulently obtaining, attempting to obtain, or aiding another in obtaining public monies to which the person is not entitled (74 O.S. § 85.45h(A)(4), penalty contained in 74 O.S. § 85.45h(B)).

False swearing upon one's oath (74 O.S. § 215, penalty contained in 21 O.S. § 500).

Receiving compensation for service by a state auditor, inspector, deputy, or employee other than that provided (74 O.S. § 217).

Neglect of service by a state auditor, inspector, deputy, or employee (74 O.S. § 217).

Knowingly making a false report concerning the financial condition of any office or institution required or authorized to be examined by a state auditor, inspector, deputy, or employee (74 O.S. § 217).

False swearing before State Fire Marshal or assistant fire marshal (74 O.S. § 316).

Knowingly making or receiving, either directly or indirectly, a kickback (74 O.S. § 3404).

Making of profit by any officer of any district organized under this act or misrepresenting any material fact concerning a

proposed project to any property owner when procuring signatures to a petition (82 O.S. § 674).

Unlawful for any officer or employee to have any interest in any contract (82 O.S. § 867).

Unlawful for any member, officer, or employee of the Water Resources Board to transact with the Board any business for the profit of such member, officer, or employee (82 O.S. § 1086.3).

Unlawful for director and employees to have any financial interest in any contract entered into by the district (82 O.S. § 1281).

Falsely executing written declaration as witness or misrepresenting identity with intent to defraud in relation to self-proved wills (84 O.S. § 55).

9. SCHEDULE G

Forgery of official certificate (2 O.S. § 6-191(a), penalty contained in 2 O.S. § 6-207(a)).

Alteration or defacement of official mark or certificate (2 O.S. § 6-191(b)(2), penalty contained in 2 O.S. § 6-207).

Knowingly possess a counterfeit certificate (2 O.S. § 6-191(4), penalty contained in 2 O.S. § 6-207(a)).

Knowingly make false statement in certificate (2 O.S. § 6-191(5), penalty contained in 2 O.S. § 6-207(a)).

Knowingly misrepresent article (2 O.S. § 6-191(6), penalty contained in 2 O.S. § 6-207(a)).

Willfully make false statement in report required by the State Board of Agriculture (2 O.S. § 6-208(c)(1)).

Sale of article with false or misleading label (2 O.S. § 6-258(c), penalty contained in 2 O.S. § 6-262).

Making of official mark or label without authorization from the Board (2 O.S. § 6-259(B), penalty contained in 2 O.S. § 6-262).

Forgery of official device, mark, or certificate (2 O.S. § 6-259(C)(1), penalty contained in 2 O.S. § 6-262).

Use or alter, detach, deface or destroy any official device, mark or certificate or simulation thereof without authorization (2 O.S. § 6-259(C)(2), penalty contained in 2 O.S. § 6-262).

Fail to use, detach, destroy or deface any official device, mark, brand, or certificate contrary to regulations (2 O.S. § 6-259(C)(3), penalty contained in 2 O.S. § 6-262).

Knowingly possess official device or carcass bearing a counterfeit official mark (2 O.S. § 6-259(C)(4), penalty contained in 2 O.S. § 6-262).

Knowingly make false statement in official or unofficial certificate (2 O.S. § 6-259(C)(5), penalty contained in 2 O.S. § 6-262).

Knowingly misrepresent an inspected article (2 O.S. § 6-259(C)(6), penalty contained in 2 O.S. § 6-262).

Issuance of warehouse receipt for commodities that are not in store at time of issuance of receipt, or issuance of fraudulent scale ticket, or removal of commodities from store without return and cancellation of all outstanding receipts by warehouseman, employee or manager of a public warehouse (2 O.S. § 9-34(A)).

Issuance of receipt without knowledge of placement in store by any warehouseman, or manager or other employee of a public warehouse (2 O.S. § 9-35).

Penalty for misrepresentation as to designation as a licensed public warehouse under act (2 O.S. § 9-36).

Removal of pine timber or products from state lands (2 O.S. § 1301-309).

Intentional cutting down of trees on another's property valued at more than $200 without permission (2 O.S. § 1301-310(A)).

Fraudulent sale of timber (2 O.S. § 1301-310.3).

Use of false identification or false declaration of ownership of timber (2 O.S. § 1301-310.6(1)).

Operation of an aircraft not registered with the FAA or a foreign country (3 O.S. § 258(A), penalty contained in 3 O.S. § 258(E)).

Knowingly supplying false information in regard to ownership of an aircraft operated in this state (3 O.S. § 258(B), penalty contained in 3 O.S. § 258(E)).

Giving wrong information for the purpose of concealing or hiding the identity of aircraft (3 O.S. § 258(C), penalty contained in 3 O.S. § 258(E)).

Destroy, remove, cover, alter, or deface the registration number assigned by the FAA of any aircraft in this state (3 O.S. § 259(A)).

Removal of an identification plate or decal from an aircraft with the intent to conceal or misrepresent the identity of the aircraft (3 O.S. § 259(B)).

Sale, buy, possession, or disposition of an aircraft with knowledge that the I.D. number of the aircraft has been removed or falsified with the intent to misrepresent the I.D. of the aircraft (3 O.S. § 259(D)).

Conducting a race or race meeting without a license (3A O.S. § 208.4(A))

Knowingly entering for competition any horse under any name other than its true name (3A O.S. § 208.6(A), penalty contained in 3A O.S. § 208.6(C)).

Entering a horse for competition under a name which the horse has not been registered under (3A O.S. § 208.6(B), penalty contained in 3A O.S. § 208.6(C)).

Passing or cashing any altered or fraudulent pari-mutuel ticket (3A O.S. § 208.8(A)(2), penalty contained in 3A O.S. § 208.8(B)).

Unauthorized sale of any racetrack admission ticket (3A O.S. § 208.8(A)(3), penalty contained in 3A O.S. § 208.8(B)).

Unlawful compensation for wagering (3A O.S. § 208.9).

Falsifying, concealing, or covering up prior racing record, pedigree, identity, or ownership of a registered animal (3A O.S. § 208.10).

Owning or operating any amusement game that knowingly obtains money through deception (3A O.S. § 502(A); see also: 3A O.S. § 502(A)).

Knowingly or intentionally contract or provide space for any game violating the Amusement and Carnival Games Act (3A O.S. § 502(B); see also: 3A O.S. § 502(A)).

Unlawfully taking up or concealing an estray or failing to comply with provisions of Sections 85.1 through 85.12 of Title 4 (4 O.S. § 85.11, penalty contained in 21 O.S. § 1716).

Fraudulent branding, branding over, or obliterating a previous brand (4 O.S. § 268(A)).

Libel and slander for purpose of injuring any banking institution (6 O.S. § 1413, penalty contained in 6 O.S. § 1414(A)(2)).

Maintenance or operation of a bucket shop (15 O.S. § 565, penalty contained in 15 O.S. § 567).

Any violation of the Consumer Protection Act if the violation is a second offense or if the value of item is $500 or more (15 O.S. §§ 752 - 761.1(E), penalty contained in 15 O.S. § 761.1(E)).

Violation of the Home Repair Fraud Act if second offense or the value of item is $500 or more (15 O.S. §§ 765.1 - 765.3, penalty contained in 15 O.S. § 761.1(E)).

Any person who conceals, destroys or mutilates or attempts to conceal, destroy or mutilate any records, books, or files of any corporations transacting business for the purpose of defeating, hindering or delaying any investigation, prosecution or suit at law or equity (17 O. S. § 16).

Any knowing and willful violation of Control of Rural Electric Cooperatives Act, 17 O.S. § 158.50 et seq. (17 O.S. § 158.59(A); see: 17 O.S. § 158.50 et seq.).

Any person using name of or a name deceptively similar to any other person, charitable organization, professional fund raiser, professional solicitor or governmental agency or subdivision to solicit or accept contributions, money, or property under false pretense, representation or promise (18 O.S. § 552.11(B)).

Any person who solicits or attempts to solicit any contribution for a charitable organization or for a charitable purpose by means of a knowingly false or misleading statement or representation, advertisement or promise (18 O.S. § 552.18).

Any person, organization, group, association, partnership, corporation, or combination thereof, who conducts or carries on any drive for, or to solicit or invite, contributions of funds for

the purpose of or under the guise or representation or promise of being able to secure old age or other assistance for any person, or of securing for such person or persons higher or additional assistance (18 O.S. § 553.1, penalty contained in 18 O.S. § 553.3; see also: 18 O.S. § 553.2).

Mutilation, defiling, treating with indignity or destroying U.S. flag (21 O.S. § 372, penalty contained in 21 O.S. § 373).

Displaying red flag or emblem of disloyalty or anarchy (21 O.S. § 374).

Bribery of athletic officials, participants, coaches, players, etc. (21 O.S. § 399; see also: 21 O.S. § 401).

Acceptance of bribe by athletic officials, participants, coaches, players, etc. (21 O.S. § 400).

Conspiracy to commit felony (21 O.S. § 421, see also: 21 O.S. § 423).

Inheritance - intercepting by fraudulent production of an infant (21 O.S. § 578).

Substituting a child (21 O.S. § 579).

Willful failure by state government entity to maintain financial and business records (21 O.S. § 590(B)).

Knowingly and willfully torturing, tormenting, beating, mutilating, injuring, disabling, or otherwise mistreating a police dog or horse while in the commission of a misdemeanor or felony (21 O.S. § 649.1(A), penalty contained in 21 O.S. § 649.1(D)).

Knowingly and willfully interfering with the lawful performance of any police dog or police horse while in the commission of a misdemeanor or felony (21 O.S. § 649.1(A), penalty contained in 21 O.S. § 649.1(D)).

Dueling resulting in no death or wounding (21 O.S. § 662).

Contributing to delinquency of a minor, felony if second or subsequent conviction (21 O.S. § 856(B)).

Gangs - Person eighteen (18) years or older knowingly and willfully cause, aid, abet, or encourage a minor to participate in committing an act that would be a felony if committed by an adult (21 O.S. § 856(C)).

Gangs - Knowingly or willfully causing, aiding or abetting, encouraging, soliciting or recruiting a minor to participate, join or associate with any criminal street gang or gang member for the purpose of committing any criminal act (21 O.S. § 856(D)).

Adultery (21 O.S. § 871, penalty contained in 21 O.S. § 872).

Bigamy (21 O.S. § 882, penalty contained in 21 O.S. § 883).

Person knowingly marrying a bigamist (21 O.S. § 884).

Opening, conducting or carrying on gambling game or dealing for those engaged in gambling (21 O.S. § 941).

Illegal use or aid in use of building for gambling that is public nuisance (21 O.S. § 946).

Officers gambling or encouraging gambling (21 O.S. § 948).

Officers receiving consideration for protecting or aiding gambling violators to avoid arrest or conviction (21 O.S. § 950).

Dealing, playing, or practicing confidence game/three-card monte (21 O.S. § 954).

Commercial gambling (21 O.S. § 982).

Dealing in gambling devices (21 O.S. § 984).

Installing communication facilities for gamblers (21 O.S. § 986(B)).

Dissemination of gambling information (21 O.S. § 987(A), penalty contained in 21 O.S. § 987(B)).

Conspiracy to violate commercial gambling act (21 O.S. § 988, if felony).

Betting or letting premises for betting on races (21 O.S. § 991(A)(2) through (A)(6), penalty contained in 21 O.S. § 991(B)).

Prizes and Gifts - unlawful practices (21 O.S. § 996.3, penalty contained in 15 O.S. § 761.1(E)).

Preparing or drawing lottery (21 O.S. § 1053).

Selling plan as lottery (21 O.S. § 1066, penalty contained in 21 O.S. § 1068).

Promoting pyramid promotional scheme (21 O.S. § 1073).

Pawnbroker refusing to exhibit stolen goods to owner of goods or peace officer (21 O.S. § 1092).

Unlawful removal of dead body, damage to casket or burial vault (21 O.S. § 1161).

Purchasing a dead body (21 O.S. § 1162).

Unlawful interference with places of burial (21 O.S. § 1163).

Buying, selling, or bartering for profit of human skeletal remains or associated burial furniture (21 O.S. § 1168.1, penalty contained in 21 O.S. § 1168.6(B)).

Knowingly disturbing human skeletal remains or burial furniture (21 O.S. § 1168.4(C) and (D), penalty contained in 21 O.S. § 1168.6(B)).

Obscene phone call (21 O.S. § 1172).

Operating radios receiving police frequencies for illegal purposes (21 O.S. § 1214).

Mailing threatening or intimidating letters (21 O.S. § 1304).

Delivering a fraudulent bill of lading (21 O.S. § 1411).

Duplicate receipts of vouchers issued (21 O.S. § 1414).

Selling goods without consent of holder of bill of lading (21 O.S. § 1415).

Unlawful delivery of goods, non-negotiable instrument (21 O.S. § 1416).

Prior burglary felon - possession of burglary tools (21 O.S. § 1442).

Extortion (21 O.S. §§ 1481-1483).

Attempted extortion (21 O.S. §§ 1481-1483).

Obtaining signature by extortion (21 O.S. § 1485).

Threatening letters (21 O.S. § 1486).

Blackmail (21 O.S. § 1488).

Defrauding hotels, inns, restaurants, etc. (21 O.S. § 1503).

Mock auction (21 O.S. § 1506).

Motor vehicle lease or rental payment by false or bogus check with intent to cheat and defraud (21 O.S. § 1521).

Marriage by impersonator, falsely impersonating bail or surety, or falsely executing a document for benefit (21 O.S. § 1531(1)(2)(3)).

False impersonating (21 O.S. § 1531(4)).

Receiving money or property intended for individual impersonated, impersonating another to gain property (21 O.S. § 1532, if felony).

Obtaining or attempting to obtain property by trick or deception or by false statements or pretense, fraud, confidence game, if value of money, property or valuable thing is $500.00 or more (21 O.S. § 1541.1, penalty contained in 21 O.S. § 1541.2)).

Making, drawing, uttering, or delivering 2 or more false or bogus checks, drafts, or orders in pursuance of a common scheme or plan to cheat or defraud, if value of money, property or valuable thing is $500.00 or more (21 O.S. § 1541.3).

Obtaining property or signature under false pretenses (21 O.S. § 1542).

Obtaining signature for property for charitable purposes by false pretenses (21 O.S. § 1543).

False negotiable paper obtained or made (21 O.S. § 1544).

Taking credit or debit card receiving taken credit or debit card (21 O.S. § 1550.22, penalty contained in 21 O.S. § 1550.33(a)).

Receiving, holding, or concealing lost or mislaid card (21 O.S. § 1550.23, penalty contained in 21 O.S. § 1550.33(a)).

Selling or buying credit or debit card (21 O.S. § 1550.24, penalty contained in 21 O.S. § 1550.33(a)).

Controlling credit or debit care as security for debt (21 O.S. § 1550.25, penalty contained in 21 O.S. § 1550.33(a)).

Receiving taken or retained card upon giving consideration (21 O.S. § 1550.26, penalty contained in 21 O.S. § 1550.33(a)).

False making or embossing of credit or debit card (21 O.S. § 1550.27, penalty contained in 21 O.S. § 1550.33(a)).

Signing of card or possession of signed or unsigned card with intent to defraud (21 O.S. § 1550.28(a), penalty contained in 21 O.S. § 1550.33(a)).

Possession of signed or unsigned card (21 O.S. § 1550.28(b), penalty contained in 21 O.S. § 1550.33(a)).

Using forged or revoked card with intent to defraud (21 O.S. § 1550.29, penalty contained in 21 O.S. § 1550.33(a)).

Failure to furnish money, goods or services represented to have been furnished (21 O.S. § 1550.30, penalty contained in 21 O.S. § 1550.33(a)).

Possessing incomplete cards with intent to complete (21 O.S. § 1550.31, penalty contained in 21 O.S. § 1550.33(b)).

Receiving of money, goods, or services in violation of § 1550.29, forged or revoked card (21 O.S. § 1550.32, penalty contained in 21 O.S. § 1550.33(a)).

Fraud - use or manufacture of altered identification card document, etc. (21 O.S. § 1550.41(C)).

Forgery in the first degree - forgery of wills, deeds and certain other documents (21 O.S. § 1561, punishment contained in 21 O.S. § 1621(1)).

Forgery in the first degree - forgery of public securities (21 O.S. § 1562, punishment contained in 21 O.S. § 1621(1)).

Forgery in the second degree - forgery of public and corporate seals (21 O.S. § 1571, punishment contained in 21 O.S. § 1621(2)).

Forgery in the second degree - forgery, altering, destroying or corrupting records (21 O.S. § 1572, punishment contained in 21 O.S. *' 1621(2)).

Forgery in the second degree - making false entries in records (21 O.S. § 1573, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - making false certificate of acknowledgment of conveyance of real property (21 O.S. § 1574, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - sale, exchange or delivery of forged notes, checks, bills, drafts, etc. (21 O.S. § 1577, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - sale, exchange or delivery of forged notes, checks, bills, drafts etc. (21 O.S. § 1577, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - possession of forged evidences of debt, i.e. notes, drafts etc. (21 O.S. § 1578, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - possession of other forged instruments (21 O.S. § 1579, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - issuing spurious or false certificates of stock, forgery in the second degree (21 O.S. § 1580, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - reissuing canceled certificates of stock, forgery in the second degree (21 O.S. § 1581, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - issuing, pledging etc., false evidences of debt by officers etc., of corporation, forgery in the second degree (21 O.S. § 1582, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - counterfeiting coin, forgery in the Second Degree (21 O.S. § 1583, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - counterfeiting coin for exportation (21 O.S. § 1584, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - forged process of court or title to property, etc. (21 O.S. § 1585, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - making false entries in public book, forgery in the second degree (21 O.S. §§ 1586 and 1621(2)).

Forgery in the second degree - forging tickets of passage (21 O.S. § 1587, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - postage stamps, forging (21 O.S. § 1588, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - false entries in corporation books (21 O.S. § 1589, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - officer or employee of corporation making false entries in books (21 O.S. § 1590, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - possession of counterfeit coin (21 O.S. § 1591, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - uttering forged instruments or coin (21 O.S. § 1592, penalty contained in 21 O.S. § 1621(2)).

Forgery in the second degree - falsely obtaining signature (21 O.S. § 1593, penalty contained in 21 O.S. § 1621(2)).

Fraudulently uttering one's signature as that of another with same name (21 O.S. § 1622).

Fraudulently uttering one's endorsement as another's (21 O.S. § 1623).

Erasure and obliterations of instruments with intent to defraud (21 O.S. § 1624).

Signing fictitious names as officers of corporations (21 O.S. § 1626).

Fraud in procuring organization of stock company (21 O.S. § 1632).

Destroying or falsifying corporate books (21 O.S. § 1635).

False claim or proof of loss in insurance (21 O.S. § 1662).

Workers' compensation fraud (21 O.S. § 1663).

Damage, destroy or remove an animal facility, property, or animal without consent of owner (21 O.S. § 1680.2(A)(1), penalty contained in 21 O.S. § 1680.2(B)).

Acquire or control animal facility, animal or property of another with intent to deprive owner (21 O.S. § 1680.2(A)(2), penalty contained in 21 O.S. § 1680.2(B)).

Enter animal facility not open to public with intent to violate any provision of § 1680.1 (21 O.S. § 1680.2(A)(3), penalty contained in 21 O.S. § 1680.2(B)).

Enter animal facility with intent to violate any provision of § 1680.1 (21 O.S. § 1680.2(A)(4), penalty contained in 21 O.S. § 1680.2(B)).

Remain concealed in animal facility with intent to violate any provision of § 1680.1 (21 O.S. § 1680.2(A)(5), penalty contained in 21 O.S. § 1680.2(B)).

Enter or remain on animal facility when person has notice that entry is forbidden (21 O.S. § 1680.2(A)(6), penalty contained in 21 O.S. § 1680.2(B)).

Release of animals with intent to deprive owner of such animals or animal facility (21 O.S. § 1680.2(A)(7), penalty contained in 21 O.S. § 1680.2(B)).

Poisoning cattle, animals (21 O.S. § 1681).

Cruelty to animals (21 O.S. § 1685).

Instigating or encouraging dogfight (21 O.S. § 1694, penalty contained in 21 O.S. § 1699.1(A)).

Keeping place, equipment or facilities for dogfighting (21 O.S. § 1695, penalty contained in 21 O.S. § 1699.1(A)).

Servicing or facilitating dogfight (21 O.S. § 1696, penalty contained in 21 O.S. § 1699.1(A)).

Owning, possessing, keeping, or training dog for fighting (21 O.S. § 1697, penalty contained in 21 O.S. § 1699.1(A)).

Grand larceny of lost property (21 O.S. § 1702).

Grand larceny, if value of property is $500.00 or more (21 O.S. § 1705).

Larceny of written instrument - degree and punishment determined by amount instrument is written for (21 O.S. § 1709, if felony).

Larceny of passage ticket - valued at price of ticket degree and punishment determined by amount ticket sold for (21 O.S. § 1710, if felony).

Larceny of securities not yet issued or delivered, degree and punishment determined by amount security is worth (21 O.S. § 1711).

Larceny of severed fixture, degree and punishment determined by amount fixture is worth (21 O.S. § 1712).

Buying, receiving, withholding or concealing stolen property (21 O.S. § 1713).

Bringing stolen property into state (21 O.S. § 1715).

Larceny of domestic animals (21 O.S. § 1716).

Larceny of dogs (21 O.S. §§ 1717 and 1718, if felony).

Larceny of domestic fowls - receiving stolen fowls (21 O.S. § 1719, if felony).

Larceny of certain fish and game (21 O.S. § 1719.1).

Larceny of exotic livestock (21 O.S. § 1719.2).

Tapping pipeline (21 O.S. § 1721).

Taking oil, gas, gasoline or any product thereof, when value is more than $500.00 (21 O.S. § 1722(2)).

Taking oil, gas, gasoline or any product thereof, when value is less than $50.00 but more than $500.00 (21 O.S. § 1722(2)).

Possession of more than one pound of mercury without written evidence of title (21 O.S. § 1726).

Stealing or removing copper (21 O.S. § 1727).

Possessing, receiving, or transporting stolen copper (21 O.S. § 1728).

Larceny of merchandise from a retailer or wholesaler, if value of goods or property is $500.00 or more (21 O.S. § 1731(5)).

Larceny of trade secrets (21 O.S. § 1732).

Injuries to railroads (21 O.S. § 1751).

Interference with railroad property resulting in property damage or destruction or monetary loss (21 O.S. § 1752.1(B)).

Injuries to highways (21 O.S. § 1753).

Injuries to toll house or gate (21 O.S. § 1755).

Malicious injury or destruction of property (21 O.S. § 1760(A)(2)).

Injuring house of worship or its contents (21 O.S. § 1765).

Removing or injuring piles securing any bank or dam (21 O.S. § 1777).

Injuring written instruments the false making of which would be forgery (21 O.S. § 1779).

Injuring work of literature or art in a public place (21 O.S. § 1785).

Injuries to pipes and wires (21 O.S. § 1786).

Concealing property subject to mortgage or conditional sale contracts (21 O.S. § 1834).

Disposing of property subject to mortgage or conditional sale contracts (21 O.S. § 1834).

Removal of property subject to mortgage or conditional sale contracts (21 O.S. § 1834).

Selling or removing motor vehicle while under security agreement (21 O.S. § 1834).

Selling property subject to mortgage or conditional sale contracts (21 O.S. § 1834).

Misappropriation of funds as embezzlement, embezzlement by trustee re: floor plan (21 O.S. § 1834.2).

Placing hard or solid substances in grain or inflammable or explosive substances in cotton (21 O.S. § 1837).

Failure of telephone solicitor to give name of organization or failure of charitable nonprofit organization to comply with the Oklahoma Solicitation of Charitable Contributions Act (21 O.S. § 1861).

Unauthorized removal of baggage, cargo, etc., from bus or terminal (21 O.S. § 1904).

Unauthorized gain or attempt to gain access to and damage etc., a computer, computer system or computer network (21 O.S. § 1953(A)(1), penalty contained in 21 O.S. § 1955(A)).

Use of computer, computer system, or computer network in order to defraud or extort money, property or services by false pretense (21 O.S. § 1953(A)(2), penalty contained in 21 O.S. § 1955(A)).

Exceed limits of authorization and damage, alter, destroy, etc., a computer, computer system or computer network (21 O.S. § 1953(A)(3), penalty contained in 21 O.S. § 1955(A)).

Unauthorized disruption of computer services or denying or causing denial of computer services to authorized user (21 O.S. § 1953(A)(6), penalty contained in 21 O.S. § 1955(A)).

Provide or assist in providing access to a computer, computer system or computer network in violation of § 1953 (21 O.S. § 1953(A)(7), penalty contained in 21 O.S. § 1955(A)).

Access to computers or storing data for the purpose of violating provisions of the Oklahoma Statutes (21 O.S. § 1958).

Unlawful reproduction of sound recording or audiovisual work for sale (21 O.S. § 1976(A), penalty contained in 21 O.S. § 1976(C)).

Unlawful reproduction of sound recording or audiovisual work for sale (21 O.S. § 1976(A), penalty contained in 21 O.S. § 1976(D)).

Unlawful sale or offer for sale of sound recordings (21 O.S. § 1977(A), penalty contained in 21 O.S. § 1977(C)).

Unlawful sale or offer for sale of sound recordings (21 O.S. § 1977(A), penalty contained in 21 O.S. § 1977(D)).

Unlawful transfer of article or sound recording or performance for unauthorized sale (21 O.S. § 1978(A), penalty contained in 21 O.S. § 1977(D)).

Unlawful transfer of article or sound recording or performance for authorized sale (21 O.S. § 1978(A), penalty contained in 21 O.S. § 1978(D)).

Advertisement, rental, sale, resale, distribution or circulation of article without actual true name of manufacturer (21 O.S. § 1979(A), penalty contained in 21 O.S. § 1979(C)).

Advertisement, rental, sale, resale, distribution or circulation of article without actual true name of manufacturer (21 O.S. § 1979(A), penalty contained in 21 O.S. § 1979(D)).

Counterfeit labels (21 O.S. § 1980(A), penalty contained in 21 O.S. § 1980(C)).

Counterfeit labels (21 O.S. § 1980(A), penalty contained in 21 O.S. § 1980(D)).

Person who contracts for sale of rights arising from a criminal act without providing for forfeiture of proceeds (22 O.S. § 17).

Person employed by or associated with any enterprise that participates in pattern of racketeering activity or collection of unlawful debt; investment of funds (22 O.S. § 1403(A), penalty contained in 22 O.S. § 1404).

No person shall maintain an interest in or control of any enterprise or real property through a pattern of racketeering activity or collection of unlawful debt (22 O.S. § 1403(B), penalty contained in 22 O.S. § 1404).

Conspiracy to violate any of the provisions of 22 O.S. § 1403(A), (B), or (C) (22 O.S. § 1403(C) penalty contained in 22 O.S. § 1404).

Conspiracy to violate any of the provisions of 22 O.S. § 1403(A), (B), or (C) (22 O.S. § 1403(D), penalty contained in 22 O.S. § 1404).

Fraudulent or false statement filed with Insurance Commissioner by the insurer (36 O.S. § 311.1(A)).

Employee, officer, etc. of insurer who knowingly files or causes to be filed a fraudulent statement (36 O.S. § 311.1(A)).

Withholding or giving false or misleading information to Insurance Board, etc. (36 O.S. § 935).

Any person who acts as insurance agent when his/her license has been suspended, revoked or surrendered (36 O.S. § 1425(K)(5)(b)).

Any individual who willfully violates Article 16A of the Insurance Code (36 O.S. § 1658.2(d)).

Any insurer who willfully violates Article 16A of the Insurance Code (36 O.S. § 1658.2(d)).

Any officer, director, or employee of an insurance holding company system who willfully and knowingly makes or causes to be made any false statements or reports OR false filings with intent to deceive the Insurance Commissioner (36 O.S. § 1658.2(e)).

Any person who files a false or fraudulent return in connection with any tax imposed by the Alcoholic Beverage Control Act or willfully evades or attempts to evade any tax herein imposed (37 O.S. § 538(B)).

Knowingly engaging in any activity or performing any transaction or act for which a license is required under the ABC Act (37 O.S. § 538(C); see also: 37 O.S. § 537).

Knowingly sell, furnish or give alcoholic beverage to person under 21 (37 O.S. § 538(F)).

Knowingly sell, furnish or give alcoholic beverage to insane, mentally deficient or intoxicated person (37 O.S. § 538(G)).

Imitation or counterfeit ABC stamp or possession of any mold, dies, engraving, or other articles, things or machines used or capable of being used to counterfeit stamps (37 O.S. § 587).

Removal of crops to defraud landlord (41 O.S. § 25, penalty contained in 21 O.S. § 1462).

Original contractor falsifying statement regarding liens on labor or material to any owner of a dwelling (42 O.S. § 142.4, penalty contained in 21 O.S. § 9).

Any person knowingly and willfully appropriating such trust funds to a use not permitted by 42 O.S. § 144.2(A) (42 O.S. §

144.2(C), penalty contained in 42 O.S. § 153; see also: 42 O.S. § 144.2(A)).

Willfully and knowingly appropriating funds from trust set up for payment of lienable claims for use other than payment of lienable claims (42 O.S. § 153(2); see also: 42 O.S. § 144.2(A)).

Any officer or employee of Department of Mental Health and Substance Abuse Services contracting with the Department or any of its institutions (43A O.S. § 2-217).

Interest in contracts by officers or employees of the district (45 O.S. § 807).

Unauthorized use of a vehicle or implement of husbandry (47 O.S. § 4-102).

Receiving, possessing, concealing, selling, or disposing of a stolen or converted vehicle (47 O.S. § 4-103).

Destroying, removing, covering, altering, or defacing a distinguishing number of any vehicle of this state (47 O.S. § 4-107(a)).

Buying, receiving, possessing, selling, or disposing of a vehicle or engine knowing that the ID number has been removed or falsified with the intent to conceal identity (47 O.S. § 4-107(c)).

Knowingly making a false statement of material fact in a certificate of title or any assignment thereof or possessing a vehicle known to be stolen (47 O.S. § 4-108).

Altering or forging a certificate of title (47 O.S. § 4-109).

Violating any of the provisions of subsection (B) of § 4-110 (47 O.S. § 4-110(B)).

Removing or altering a manufactured home registration receipt (47 O.S. § 1151(B)(3)).

Unlawfully lending or selling the certificates of title to a manufactured home (47 O.S. § 1151(B)(1)).

Altering or changing a certificate of title issued for a manufactured home (47 O.S. § 1151(B)(2)).

Conspiring to violate the provisions of the Oklahoma Oil and Gas Conservation Act (52 O.S. § 84 et seq.) (52 O.S. § 115).

Misappropriation of gas by any person or agent of a corporation, directly or indirectly (52 O.S. § 235).

Knowingly withholding an allowance or aiding a fraudulent claim in an application for emergency relief or general assistance (56 O.S. § 26.18).

Obtaining assistance and/or funds through fraud (56 O.S. § 185).

Obtaining or attempting to obtain food stamps or coupons through fraud (56 O.S. § 243(A)).

Trafficking in food stamps (56 O.S. § 243(B)).

Making a false claim by commission or omission (56 O.S. § 1005(A)(1), penalty contained in 56 O.S. § 1006).

Making a false statement for use in obtaining a good or service (56 O.S. § 1005(A)(2), penalty contained in 56 O.S. § 1006).

Making a false statement for use in obtaining a good or service under the Medicaid Program (56 O.S. § 1005(A)(3), penalty contained in 56 O.S. § 1006).

Making a false statement for use in qualifying to be a Medicaid provider (56 O.S. § 1005(A)(4), penalty contained in 56 O.S. § 1006).

Charging any recipient rates in excess of those established under the Medicaid Program (56 O.S. § 1005(A)(5), penalty contained in 56 O.S. § 1006).

Soliciting or accepting any benefit in connection with goods or services payable by the Medicaid Program (56 O.S. § 1005(A)(6), penalty contained in 56 O.S. § 1006).

Failure to maintain or destroying records under the Medicaid Program (56 O.S. § 1005(A)(7), penalty contained in 56 O.S. § 1006; see also: 21 O.S. § 9).

Use of prisoners assigned to public works project on any property other than public property, except private property for public use (57 O.S. § 222, penalty contained in 21 O.S. § 9).

Selling or pledging property to a pawnbroker using false or altered I.D. or a false declaration of ownership (59 O.S. § 1512(C)(2)).

Operating as a dealer of precious metal or gems or employee of dealer without first obtaining a license from the Administrator of the Department of Consumer Credit specifically authorizing the person to act in such capacity (59 O.S. § 1523).

Willful violation of any provision of the Precious Metal or Gem Dealer Licensing Act (59 O.S. § 1529).

Conflict of interest in awarding or supervising the execution of a public construction contract by chief administrative officer and members of the governing body of the awarding public agency (61 O.S. § 114, penalty contained in 21 O.S § 9).

Collusion among bidders (61 O.S. § 115).

Disclosure of terms of bids, or any solicitation, receipt, or possession of information which is to be contained in a bid notice of a public agency for use in preparation of a bid in advance of public knowledge (61 O.S. § 116).

Any person who with intent to defraud uses on a public security a facsimile signature, or any reproduction of it, of any authorized officer (62 O.S. § 604(a), penalty contained in 21 O.S. § 9).

Taking, using, operating, or having within one's possession a vessel without the owner's consent and with the intent to deprive (63 O.S. § 4209).

Knowingly receiving, possessing, selling, or disposing of stolen or converted vessel or motor (63 O.S. § 4209.1).

Removing or falsifying identification number of vessel or motor (63 O.S. § 4209.2(B)).

Buying, receiving, possessing, or disposing of a vessel or motor knowing that the I.D. number has been falsified or removed with the intent to conceal or misrepresent (63 O.S. § 4209.2(D)).

Making false statement in appreciation for certificate of title or assignment thereof for a stolen vessel or motor (63 O.S. § 4209.3).

Altering or forging a certificate of title or assignment thereof (63 O.S. § 4209.4).

Operation of a vessel by a person age 16 or older in reckless disregard of the safety of others where death of a person ensues

within one year as a proximate result of injury received (63 O.S. § 4210.1).

Any person who shall execute or make any sworn statement or affidavit containing false information in connection with any loan to be made from funds held by the Commissioners of the Land Office (64 O.S. § 64).

Destroying or injuring timber or improvements without written authority (64 O.S. § 88).

Any person violating provisions setting forth requirements for cash journal, checks and drafts, etc. (64 O.S. § 123).

Failure to comply with the provisions of 64 O.S. § 121 (64 O.S. § 132).

Violating any terms or provisions of the Mineral Leases and Prospecting Permits Act (64 O.S. § 459).

Knowingly giving a false or bogus check of $50 or more or multiple false checks whose sum is $50 or more in payment of taxes (68 O.S. § 218.1(A)).

Giving two or more false or bogus checks with total sum of $50 or greater, in remittance of any taxes, fees, penalties or interest levied pursuant to any state tax law (68 O.S. § 218.1(B)).

Failure or refusal to file any tax report or return with the intent to defraud or evade the payment of taxes (68 O.S. § 240.1(A)).

Making a false or fraudulent report or return with the intent to defeat or evade the payment of the taxes (68 O.S. § 241).

Knowingly verify any false report or false return or other matter which is false (68 O.S. § 246).

Unlawful sale, use, or manufacture of stamps, impressions, etc. (68 O.S. § 317(a)).

Contraband cigarettes, second or subsequent violation (68 O.S. § 349(D)).

Second or subsequent violation of shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband tobacco products (68 O.S. § 426(C)).

Any dealer manufacturing, distributing, producing, shipping, transporting, importing, or possessing any controlled dangerous substance without affixing the appropriate stamp (68 O.S. § 450.8(B)).

Willful removal, etc. of stamp after it has already been used or knowingly or willfully buying or selling washed, restored, or altered stamp (68 O.S. § 450.9(A), penalty contained in 68 O.S. § 450.9(C).

Reuse of tax stamp (68 O.S. § 450.9(B), penalty contained in 68 O.S. § 450.9(C)).

Any vendor who willfully or intentionally fails to remit the tax after the tax levied by Article 4A of the Oklahoma Tax Code was collected from the consumer and appropriates the tax to his own use is guilty of embezzlement (68 O.S. § 1361(e), penalty contained in 21 O.S. § 1454).

Violation of any provision of the Oklahoma Highway Code declared to constitute a felony (69 O.S. § 1802).

Any person found guilty of violating any of the provisions of the section relating to the Oklahoma Educational Television Authority (70 O.S. § 23-106).

Any person who alters or destroys records needed for the performance of an audit or causes or directs a subordinate to do such acts (70 O.S. § 3909(e)).

Willful violation of provisions of § 4306(a) relating to gifts, devises and bequests - College or university-related foundation funds (70 O.S. § 4306(a), penalty contained in 70 O.S. § 4306(b).

Engaging in an act, practice, or course of business which operates or would operate as a fraud or deceit by someone receiving consideration from another for advising as to the value of securities (71 O.S. § 102(a)(2), penalty contained in 71 O.S. § 407(a)).

Entering into, extending, or renewing any investment advisory contract that does not provide in writing that: 1) the investment advisor shall not be compensated on the basis of capital gains or capital appreciation of the funds of the client, 2) no assignment

of the contract may be made by the adviser without the consent of the other party, and 3) that the investment advisor, if a partnership, shall notify the other party to the contract of any change in membership of the partnership within a reasonable time (71 O.S. § 102(b), penalty contained in 71 O.S. § 407(a)).

Unlawful possession by an investment advisor of any funds or securities of a client if the administrator prohibits custody or the investment advisor fails to notify the administrator that he has custody (71 O.S. § 102(c), penalty contained in 71 O.S. § 407(a)).

Unlawfully transacting business in this state as a broker-dealer or agent unless so registered (71 O.S. § 102(a), penalty contained in 71 O.S. § 407(a)).

Unlawfully employing an agent that is not so registered (71 O.S. § 201(b), penalty contained in 71 O.S. § 407(a)).

Transacting business in this state as an investment advisor or an investment advisor representative unless so registered (71 O.S. § 201(c), penalty contained in 71 O.S. § 407(a)).

Unlawful to sell security unless registered (71 O.S. § 301, penalty contained in 71 O.S. § 407(a)).

Investment certificate issuer to issue investment certificate while insolvent (71 O.S. § 307(k)(1), penalty contained in 71 O.S. § 407(a)).

Unlawful use of any prospectus, pamphlet, circular, form letter, advertisement, or other sales literature in connection with the offer or sale of any security unless it has been filed with and approved by the Administrator (71 O.S. § 402, penalty contained in 71 O.S. § 407(a)).

Making or causing to be made in any document filed with the Administrator any statement which is false or misleading (71 O.S. § 403, penalty contained in 71 O.S. § 407(a)).

Willfully making any representation inconsistent with Section 404(a) to any prospective purchaser, customer, or client (71 O.S. § 404(B), penalty contained in 71 O.S. § 407(a)).

Making a takeover offer or acquiring any equity securities pursuant to the offer unless the offer is effective under the

provisions of the Oklahoma Take-over Disclosure Act of 1985 (71 O.S. § 453(A), penalty contained in 71 O.S. § 460).

Unlawful for any offeror or target company or any controlling person of an offeror or target company to engage in any fraudulent, deceptive, or manipulative acts in connection with a takeover offer (71 O.S. § 455, penalty contained in 71 O.S. § 460).

Offering or disposing of any interest in subdivided land located in this state or to offer or dispose in this state of any subdivided land located without this state unless it is registered under the Oklahoma Subdivided Land Sales Code or is exempt (71 O.S. § 621(A), penalty contained in 71 O.S. § 658(A)).

Unlawful for any subdivider or registrant of subdivided lands to offer or dispose of any of the registered subdivided land if the subdivider or registrant is in violation of the Oklahoma Subdivided Land Sales Code (71 O.S. § 621(B), penalty contained in 71 O.S. § 658(A)).

Disposing of an interest in subdivided lands unless a current public offering statement is delivered to the purchaser at the expense of the subdivider or his agent at least 48 hours prior to any sale unless the purchaser is afforded reasonable opportunity to examine and is permitted to retain the public offering statement (71 O.S. § 626(A), penalty contained in 71 O.S. § 658(A)).

Transacting business in this state as an agent without obtaining a real estate broker's or sales associate's license from the state of residence (71 O.S. § 631(A), penalty contained in 71 O.S. § 658(A)).

Unlawful for any subdivider or agent in connection with the offer or disposition to employ any device, scheme, or artifice to defraud (71 O.S. § 641(1), penalty contained in 71 O.S. § 658(A)).

Unlawful for any subdivider or agent in connection with the offer or disposition in this state of any subdivided land to make any untrue statement of a material fact or omit to state a fact necessary to make the statement not misleading (71 O.S. § 641(2), penalty contained in 71 O.S. § 658(A)).

Unlawful for any subdivider or agent in connection with the offer or disposition in this state of any subdivided land to engage in any act, practice, or course of business which operates as a fraud or deceit (71 O.S. § 641(3), penalty contained in 71 O.S. § 658(A)).

Unlawful for any person in connection with the offer or disposition of subdivided land to publish, circulate, or use advertising concerning the subdivided land which contains any untrue statement, omission, or pictorial representation that is misleading (71 O.S. § 653(A)(1), penalty contained in 71 O.S. § 658(A)).

Unlawful for any person in connection with the offer or disposition of subdivided land to publish, circulate, or use advertising concerning the subdivided land which contains any statement which differs materially from the information contained in a registration application or public offering statement (71 O.S. § 653(A)(2), penalty contained in 71 O.S. § 658(A)).

Filing of any false or misleading document under the Oklahoma Subdivided Land Sales Code or making a false or misleading statement in any proceeding under the Code (71 O.S. § 654, penalty contained in 71 O.S. § 658(A)).

Offering or selling any business opportunity unless the business opportunity is registered under the provisions of the Oklahoma Business Opportunity Sales Act (71 O.S. § 806, penalty contained in 71 O.S. § 823(A)).

Unlawfully selling or offering any business opportunity required to be registered unless a written disclosure document is delivered to each purchaser at least 10 business days prior to the execution of any contract or agreement (71 O.S. § 808(A), penalty contained in 71 O.S. § 823(A)).

Offering or selling a business opportunity unless the business opportunity contract or agreement is in writing and a copy of the contract is given to the purchaser at the time of signing (71 O.S. § 809(A), penalty contained in 71 O.S. § 823(A)).

Unlawful use or disclosure of information filed with or obtained by the Administrator of the Oklahoma Business Opportunity

Sales Act (71 O.S. § 812(B), penalty contained in 71 O.S. § 823(A)).

Unlawful for any person in connection with the offer or sale of any business opportunity directly or indirectly to employ any device, scheme, or artifice to defraud (71 O.S. § 819(1), penalty contained in 71 O.S. § 823(A)).

Unlawful for any person in connection with the offer or sale of any business opportunity directly or indirectly to make any untrue statement of a material fact or to omit to state a material fact necessary to make the statements not misleading (71 O.S. § 819(2), penalty contained in 71 O.S. § 823(A)).

Unlawful for any person in connection with the offer or sale of any business opportunity directly or indirectly to engage in any act, practice, or course of business which operates as a fraud or deceit (71 O.S. § 819(3), penalty contained in 71 O.S. § 823(A)).

Making or filing any false or misleading statements with the Administrator or in any proceeding pursuant to the Oklahoma Business Opportunity Sales Act (71 O.S. § 820, penalty contained in 71 O.S. § 823(A)).

Publishing, circulating, or using any advertising which contains an untrue statement of a material fact or omits to make material statements (71 O.S. § 822, penalty contained in 71 O.S. § 823(A)).

Any person who controls or materially aids a person liable under Sections 822 and 823 is jointly and severally liable to the same extent as the person committing the violation (71 O.S. § 825, penalty contained in 71 O.S. § 823(A)).

Transaction of business with the Oklahoma Capitol Improvement Authority for profit by members or employees (73 O.S. § 162(a), penalty contained in 73 O.S. § 162(c)).

Assigning any contract awarded pursuant to the Oklahoma Minority Business Enterprise Assistance Act to any other business enterprise without approval (74 O.S. § 85.45h(A)(5), penalty contained in 74 O.S. § 85.45h(B)).

Making or causing to be made any false statement or report in any application or in any document furnished to the Small Business Surety Bond Guaranty Program Administrator (74 O.S. § 85.47h(A), penalty contained in 74 O.S. § 85.47h(B)).

Making or causing to be made any false statement or report for the purpose of influencing the action of the Small Business Surety Bond Guaranty Program Administrator (74 O.S. § 85.47h(B), penalty contained in 74 O.S. § 85.47h(C)).

Conspiracy in restraint of trade (79 O.S. § 3, penalty contained in 79 O.S. § 27).

Unlawfully pooling bridge or highway contracts by a bridge or other contractor (79 O.S. § 101, penalty contained in 79 O.S. § 103).

10. SCHEDULE H

Removal of permanent mark, tag or brand from diseased animals (2 O.S. § 6-94(D)).

Removal of livestock valued at over $1,000 from a quarantined area (2 O.S. § 6-125).

Unlawful shipment or transport of livestock without health certificate or permit (2 O.S. § 6-151(a), penalty contained in 2 O.S. § 6-155).

Unlawful shipment or transport of livestock originating from quarantined area (2 O.S. § 6-151(b), penalty contained in 2 O.S. § 6-155).

Sale or transport of adulterated or misbranded articles capable for human consumption (2 O.S. § 6-190(c), penalty contained in 2 O.S. § 6-207(a)).

Intend or cause articles intended for human consumption to become altered or misbranded (2 O.S. § 6-190(d), penalty contained in 2 O.S. § 6-207(a)).

Sale or transport of carcasses not intended for human consumption unless identified as required by regulations (2 O.S. § 6-197, penalty contained in 2 O.S. § 6-207(a)).

Sale or transport of dead, dying, or disabled animals unless proscribed by Board (2 O.S. § 6-200, penalty contained in 2 O.S. § 6-207(a)).

Slaughtering poultry or processing any poultry products capable of use as human food in noncompliance with the requirements of the Oklahoma Poultry Products Inspection Act (2 O.S. § 6-259(A)(1), penalty contained in 2 O.S. § 6-262).

Any act intended to cause poultry products to be adulterated or misbranded (2 O.S. § 6-259(A)(3), penalty contained in 2 O.S. § 6-262).

Sell, transport, offer for sale, or receive for transportation, any slaughtered poultry from which blood, feathers, feet, head, or viscera have not been removed in accordance with promulgated regulations (2 O.S. § 6-259(A)(4), penalty contained in 2 O.S. § 6-262).

Use to his own advantage, or reveal information acquired under the Oklahoma Poultry Products Inspection Act any information which is entitled to protection as a trade secret (2 O.S. § 6-259(A)(5), penalty contained in 2 O.S. § 6-262).

Deposit of encumbered commodities without notice to warehouse (2 O.S. § 9-37).

Knowingly operate a livestock auction market without a bond in place (2 O.S. § 9-132(D)(3)).

Production of alcohol for use as motor fuel without permit (2 O.S. § 1902, penalty contained in 2 O.S. § 1907)

Installation of nonconforming fuel tank, bladder, drum, or other container (3 O.S. § 281(A)).

Knowingly possess aircraft with nonconforming fuel tank, bladder, drum or other container (3 O.S. § 281(B)).

Use of any device other than an ordinary whip to affect a horse's speed (3A O.S. § 208.7(A)(1), penalty contained in 3A O.S. § 208.7(C)).

Sponging the nostrils or windpipe of a horse for the purpose of affecting its speed (3A O.S. § 208.7(A)(2), penalty contained in 3A O.S. § 208.7(C)).

Possession of a device other than an ordinary whip used for the purpose of affecting a horse's speed (3A O.S. § 208.7(A)(3), penalty contained in 3A O.S. § 208.7(C)).

Possession of any such devices with the intent to sell, give away, or exchange (3A O.S. § 208.7(A)(4), penalty contained in 3A O.S. § 208.7(C)).

Administration of any drug to a horse prior or during competition which is not permitted by rule of Commission (3A O.S. § 208.11(B)).

Knowingly entering a horse into a competition to which any unauthorized drug has been admitted or violating any provision of this section relating to the administration of drugs or medications to horse prior to or during a race (3A O.S. § 208.11(C)).

Use or advertisement of word "Trust" or "Trust Company" in unauthorized manner (6 O.S. § 1402, penalty contained in 6 O.S. § 1414(A)(2)).

Use of words "Safe deposit" or Safety deposit" in unauthorized manner (6 O.S. § 1403, penalty contained in 6 O.S. § 1414(A)(2)).

Bank advertising with confusingly similar name (6 O.S. § 1417(B), penalty contained in 6 O.S. § 1414(A)(2)).

Bank having full legal name, not a confusingly similar name, using a shortened name for purposes of advertising within Oklahoma if that shortened name is confusingly similar (6 O.S. § 1417(C), penalty contained in 6 O.S. § 1414(A)(2)).

Unlawful for bank which acquires another bank or financial institution to continue to use the former name of the acquired institution for more than 6 months after the date of acquisition (6 O.S. § 1417(D), penalty contained in 6 O.S. § 1414(A)(2)).

Unlawful for any person which is not a bank to use or advertise a confusingly similar name within the State of Oklahoma (6 O.S. § 1417(E), penalty contained in 6 O.S. § 1414(A)(2)).

Unauthorized release of data and information by an employee of the central registry (10 O.S. § 7111(G)).

Any person who willfully intercepts, endeavors to intercept or procures any other person to intercept or endeavor to intercept any wire, oral or electronic communication (13 O.S. § 176.3(1)).

Any person who willfully uses, endeavors to use or procures any other person to use or endeavor to use any electronic,

mechanical or other device to intercept any oral communication (13 O.S. § 176.3(2)).

Any person who willfully discloses, or endeavors to disclose to any other person the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the Security of Communications Act (13 O.S. § 176.3(3)).

Any person who willfully uses or endeavors to use the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the Security of Communications Act (13 O.S. § 176.3(4)).

Any person who willfully and maliciously, without legal authority, removes, injures or obstructs any telephone or telegraph line, or any part or appurtenances or apparatus connected thereto, or severs any wires thereof (13 O.S. § 176.3(5)).

Any person who sends through the mail or carries any electronic, mechanical, or other device with the intention of rendering the device primarily useful for the purpose of illegal interception of wire, oral or electronic communications in violation of the Security of Communications Act (13 O.S. § 176.3(6)).

Any person who manufactures, assembles, possesses or sells any electronic, mechanical, or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of any wire, oral or electronic communication in violation of the Security of Communications Act (13 O.S. § 176.3(7)).

Any person who willfully uses any communication facility in committing or causing or facilitating the commission of any act or acts constituting one or more of the felonies enumerated in 13 O.S. *' 176.7 (13 O.S. § 176.3(8); see also: 13 O.S. § 176.7).

Any person who willfully and knowingly violates any rule, regulation, restriction, condition, or order made or imposed by the Corporation Commission (17 O.S. § 158.59(B); see also: 17 O.S. § 158.50 et seq.).

Willful and knowing violation or omission of duty required by Securities of Public Utilities Act (17 O.S. § 191.11; see also: 17 O.S. § 191.1 et seq.).

Escape or attempt to escape from arrest or detention (21 O.S. § 444(C)).

Embezzlement by trustee or collector (21 O.S. § 1454, penalty contained in 21 O.S. § 1462).

Embezzlement by bailee (21 O.S. § 1455, penalty contained in 21 O.S. § 1462).

Embezzlement by clerk or servant 21 O.S. § 1456, penalty contained in 21 O.S. § 1462).

Embezzlement, failure to return certain rented or leased property (21 O.S. § 1464, penalty contained in 21 O.S. § 1462).

Obtaining or attempting to obtain property by trick or deception or by false statements or pretense, fraud, confidence game, if value of money, property or valuable thing is $50.00 or more but less than $500.00 (21 O.S. § 1541.1, penalty contained in 21 O.S. § 1541.2)).

Making, drawing, uttering, or delivering 2 or more false or bogus checks, drafts, or orders in pursuance of a common scheme or plan to cheat or defraud, if value of money, property or valuable thing is $50.00 or more but less than $500.00 (21 O.S. § 1541.3).

Grand larceny, if value of property is $50.00 or more but less than $500.00 (21 O.S. § 1705).

Larceny of merchandise from a retailer or wholesaler if value of goods or services is not more than $50.00, but defendant has at least two prior convictions (21 O.S. § 1731(3)).

Larceny of merchandise from a retailer or wholesaler if value of goods or property is $50.00 or more but less than $500.00 (21 O.S. § 1731(4)).

Any person who operates a whiskey still with intent to produce alcoholic beverages or any person who shall carry on the business of a distiller without having a distiller's license (37 O.S. § 538(A)).

Knowingly sell, furnish or give alcoholic beverage to an insane, mentally deficient or intoxicated person (37 O.S. § 538(G)).

Repairing or cleaning a railroad steam boiler, firebox or smoke chamber when same is under steam pressure (40 O.S. § 181, penalty contained in 40 O.S. § 182).

Penalty for performing an unlawful marriage (43 O.S. § 14).

Remarriage and/or cohabitation within 6 months from the date of divorce decree within this state any person other than former spouse (43 O.S. § 123, penalty contained in 43 O.S. § 124; see also: 21 O.S. §§ 872, 883).

Fraudulent conduct regarding an advanced directive (43A O.S. § 11-113(D), penalty contained in 21 O.S. § 9).

Unlawful making of Oklahoma license or ID card (47 O.S. § 6-301(2)(a), penalty contained in 47 O.S. § 6-301(4)).

Displaying or knowingly possessing any state counterfeit license (47 O.S. § 6-301(2)(b), penalty contained in 47 O.S. § 6-301(4)).

Displaying a license bearing a fictitious or forged name or signature (47 O.S. § 6-301(2)(c), penalty contained in 47 O.S. § 6-301(4)).

Displaying a license with an incorrect photograph (47 O.S. § 6-301(2)(d), penalty contained in 47 O.S. § 6-301(4)).

Displaying a license or ID not issued to person, for the purpose of committing a fraud (47 O.S. § 6-301(2)(e), penalty contained in 47 O.S. § 6-301(4)).

Using a false or fictitious name in any application for a license (47 O.S. § 6-301(2)(f), penalty contained in 47 O.S. § 6-301(4)).

Unlawful issuance of license by employee or authorized person (47 O.S. § 6-301(3), penalty contained in 47 O.S. § 6-301(4)).

Buying, selling, or disposing of any manufactured home with unpaid registration fees or excise taxes (47 O.S. § 1151(B)(4)).

Purchasing identification, registration receipt, decal, or excise tax receipt on an assigned certificate of title (47 O.S. § 1151(B)(5)).

Knowingly injuring or destroying any Hazardous Liquid Transportation System (52 O.S. § 47.6(D)).

Publication or use for commercial or political purposes by any person, firm or corporation any list or names obtained through access to records of recipients of public assistance (56 O.S. § 183(C)).

Incurring forfeiture or failing to comply with personal recognizance (59 O.S. § 1335).

Defacing, damaging, destroying, or removing any traffic control device, road, sign, signboard, guide sign, or signpost (69 O.S. § 1213(b)).

Cremating the body of a dead person without a license and permit (63 O.S. § 1-333, penalty contained in 21 O.S. § 9).

Unlawful for any infected person to marry or expose to another through sexual intercourse or venereal disease (63 O.S. § 1-519, penalty contained in 21 O.S. § 9).

Falsifying or forging the advance directive of another (63 O.S. § 3101.11(D)).

Requiring or prohibiting the execution of an advance directive as a condition for being insured (63 O.S. § 3101.11(E)).

Coercing or fraudulently inducing another to execute an advance directive or revocation (63 O.S. § 3101.11(F)).

11. SCHEDULE I-1

Causing an accident resulting in great bodily injury to any person while operating a motor vehicle in violation of subsection (A) of Section 11-902 of Title 47 (47 O.S. § 11-904(B)).

12. SCHEDULE I-2

Second and subsequent violation of the provisions of subsection (A) of Section 11-904 of Title 47 (47 O.S. § 11-904(A)).

13. SCHEDULE I-3

Operation of an aircraft with breath alcohol concentration 0.04 or more within 2 hours of arrest (3 O.S. § 301(A)(1), penalty contained in 3 O.S. § 301(D)).

Operation of an aircraft under the influence of any intoxicant (3 O.S. § 301(A)(2), penalty contained in 3 O.S. § 301(D)).

Driving, operating, or in actual physical control of a motor vehicle with a breath alcohol content of ten-hundredths or more (47 O.S. § 11-902(A)(1), penalty contained in 47 O.S. § 11-902(C)).

Driving, operating, or in actual physical control of a motor vehicle while under the influence of alcohol (47 O.S. § 11-902(A)(2), penalty contained in 47 O.S. § 11-902(C)).

Driving, operating, or in actual physical control of a motor vehicle while under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle (47 O.S. § 11-902(A)(3), penalty contained in 47 O.S. § 11-902(C); see also: 63 O.S. § 2-101 et seq.).

Driving, operating, or in actual physical control of a motor vehicle while under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle (47 O.S. § 11-902(A)(4), penalty contained in 47 O.S. § 11-902(C)).

14. SCHEDULE N-1

Manufacturing CDS, attempting to manufacture CDS (63 O.S. § 2-401(F)).

15. SCHEDULE N-2 - Group A - Amount 1

Trafficking cocaine (powder), 28 grams to 299 grams (63 O.S. § 2-415(C)(2)(a), (D)(1)).

Trafficking cocaine (powder), 28 grams to 299 grams, second violation (63 O.S. § 2-415(C)(2)(a), (D)(2)).

Trafficking heroin 10 grams to 27 grams (63 O.S. § 2-415(C)(3)(a), (D)(1)).

Trafficking heroin 10 grams to 27 grams, second violation (63 O.S. § 2-415(C)(3)(a), (D)(2)).

Trafficking lysergic acid diethylamide (LSD) 50 to 1000 dosage units (63 O.S. § 2-415(C)(5)(a), (D)(1)).

Trafficking lysergic acid diethylamide (LSD) 50 to 1000 dosage units, second violation (63 O.S. § 2-415(C)(5)(a), (D)(2)).

Trafficking cocaine base (aka: crack) 5 to 49 grams (63 O.S. § 2-415(C)(7)(a), (D)(1)).

Trafficking cocaine base (aka: crack) 5 to 49 grams, second violation (63 O.S. § 2-415(C)(7)(a), (D)(2)).

16. SCHEDULE N-2 - Group A - Amount 2

Trafficking cocaine (powder) 300 grams or more (63 O.S. § 2-415(C)(2)(b), (D)(1)).

Trafficking cocaine (powder) 300 grams or more, second violation (63 O.S. § 2-415(C)(2)(b), (D)(2)).

Trafficking heroin 28 grams or more (63 O.S. § 2-415(C)(3)(b), (D)(1)).

Trafficking heroin 28 grams or more, second violation (63 O.S. § 2-415(C)(3)(b), (D)(2)).

Trafficking lysergic acid diethylamide (LSD) 1000 dosage units or more (63 O.S. § 2-415(C)(5)(b), (D)(1)).

Trafficking lysergic acid diethylamide (LSD) 1000 dosage units or more, second violation (63 O.S. § 2-415(C)(5)(b), (D)(2)).

Trafficking cocaine base (aka: crack) 50 grams or more (63 O.S. § 2-415(C)(7)(b), (D)(1)).

Trafficking cocaine base (aka: crack) 50 grams or more, second violation (63 O.S. § 2-415(C)(7)(b), (D)(2)).

17. SCHEDULE N-2 - Group B - Amount 1

Trafficking marihuana 1000 lbs or more, second violation (63 O.S. § 2-415(C)(1)(a), (D)(2)).

Trafficking amphetamine or methamphetamine 20 grams to 199 grams (63 O.S. § 2-415(C)(4)(a), (D)(1)).

Trafficking marihuana 25 lbs to 999 lbs (63 O.S. § 2-415(C)(1)(a), (D)(1)).

Trafficking amphetamine or methamphetamine 20 grams to 199 grams, second violation (63 O.S. § 2-415(C)(4)(a), (D)(2)).

Trafficking phencyclidine (PCP) 1 oz to 7.99 oz (63 O.S. § 2-415(C)(6)(a), (D)(1)).

Trafficking phencyclidine (PCP) 1 oz to 7.99 oz, second violation (63 O.S. § 2-415(C)(6)(a), (D)(2)).

18. SCHEDULE N-2 - Group B - Amount 2

Trafficking marihuana 1000 pounds or more (63 O.S. § 2-415(C)(1)(b), (D)(1)).

Trafficking marihuana 25 pounds to 999 pounds (63 O.S. § 2-415(C)(1)(b), (D)(2)).

Trafficking amphetamine or methamphetamine 200 grams or more (63 O.S. § 2-415(C)(4)(b), (D)(1)).

Trafficking amphetamine or methamphetamine 200 grams or more, second violation (63 O.S. § 2-415(C)(4)(b), (D)(2)).

Trafficking phencyclidine (PCP) 8 ounces or more (63 O.S. § 2-415(C)(6)(b), (D)(1)).

Trafficking phencyclidine (PCP) 8 ounces or more, second violation (63 O.S. § 2-415(C)(6)(b), (D)(2)).

19. SCHEDULE N-3

Distribution, possession with intent to distribute, etc. (63 O.S. § 2-401(B)(1)).

Possession or purchasing CDS in presence of child under 12 (63 O.S. § 2-402(C)).

Possession or purchasing CDS in presence of child under 12, second offense (63 O.S. § 2-402(C)).

Delivering paraphernalia to person 3 or more years younger than offender (63 O.S. § 2-405(D)).

Cultivation (63 O.S. § 2-509(B)).

Cultivation, second or subsequent (63 O.S. § 2-509(D)).

20. SCHEDULE N-3 - Group A

Possession with intent to distribute, etc. imitation CDS, second (63 O.S. § 2-401(B)(4)).

Synthetic CDS: manufacture, distribute, possession with intent to distribute (63 O.S. § 2-401(B)(5)).

Synthetic CDS: manufacture, distribute, possession with intent to distribute, second and subsequent (63 O.S. § 2-401(B)(5)).

Possession or purchasing CDS in presence of child under 12 Schedule I or II (except marihuana and subsection D of Section 2-206) (63 O.S. § 2-402(C)(1), (B)(1)).

21. SCHEDULE N-3 - Group B

Possession with intent to distribute, etc. Schedule I (other, excluding marihuana) (63 O.S. § 2-401(B)(2)).

Possession with intent to distribute, etc. Schedule II (other, including subsection D) (63 O.S. § 2-401(B)(2)).

Possession with intent to distribute, etc. Schedule III (63 O.S. § 2-401(B)(2)).

Possession with intent to distribute, etc. Schedule IV (63 O.S. § 2-401(B)(2)).

Possession with intent to distribute, etc. imitation CDS, second (63 O.S. § 2-401(B)(4)).

Synthetic CDS: Manufacture, distribute, possession with intent to distribute (63 O.S. § 2-401(B)(5)).

Synthetic CDS: Manufacture, distribute, possession with intent to distribute, second and subsequent (63 O.S. § 2-401(B)(5)).

Possession with intent to distribute, etc. Schedule I (other, excluding marihuana), second and subsequent (63 O.S. § 2-401(C), (B)(2)).

Possession with intent to distribute, etc. Schedule II (other, including subsection D), second and subsequent (63 O.S. § 2-401(C), (B)(2)).

Possession with intent to distribute, etc. Schedule III, second and subsequent (63 O.S. § 2-401(C), (B)(2)).

Possession with intent to distribute, etc. Schedule IV, second and subsequent (63 O.S. § 2-401(C), (B)(2)).

Possession with intent to distribute (63 O.S. § 2-401(E)(1), (B)(2)).

Possession with intent to distribute (63 O.S. § 2-401(E)(1), (B)(2)).

Possession with intent to distribute (63 O.S. § 2-401(E)(2), (B)(2)).

Possession or purchasing CDS in presence of child under 12 - second offense (63 O.S. § 2-402(C)).

Possession or purchasing CDS in presence of child under 12 - Schedule II, IV (excluding marihuana and subsection D of Section 2-206) (63 O.S. § 2-402(C)(1), (B)(2)).

22. SCHEDULE N-3 - Group C

Possession with intent to distribute, etc., Schedule V and marihuana (63 O.S. § 2-401(B)(3)).

Possession with intent to distribute, etc., imitation CDS, second violation (63 O.S. § 2-401(B)(4)).

Synthetic CDS: Manufacture, distribute, possession with intent to distribute, second and subsequent (63 O.S. § 2-401(B)(5)).

Synthetic CDS: Manufacture, distribute, possession with intent to distribute, second and subsequent (63 O.S. § 2-401(B)(5)).

Possession with intent to distribute, etc., Schedule V and marihuana, second and subsequent (63 O.S. § 2-401(C), (B)(3)).

Possession or purchasing CDS in presence of child under 12 - Schedule V and marihuana (63 O.S. § 2-402(C)(1), (B)(2)).

23. SCHEDULE N-4

Illegal RX of hormones (63 O.S. § 2-312.1)).

Violating Precursor Substances Act, second offense (63 O.S. § 2-328(D)).

Violating Precursor Substances Act (by one required to have permit) (63 O.S. § 2-328(F)).

Registrant crimes (63 O.S. § 2-406(B), (A)).

Registrant crimes, second or subsequent (63 O.S. § 2-406(C), (A)).

24. SCHEDULE N-5

Possession Schedule I or II (except marihuana and subsection D of Section 2-206) (63 O.S. § 2-402(B)(1)).

Possession Schedule I or II (except marihuana and subsection D of Section 2-206), AFC (63 O.S. § 2-402(B)(1)).

Maintaining a place where CDS is kept (63 O.S. § 2-404(B)).

Maintaining a place where CDS is kept, second or subsequent (63 O.S. § 2-404(B)).

Obtaining CDS by fraud (63 O.S. § 2-407(A)(1)).

Obtaining CDS by forged RX (63 O.S. § 2-407(A)(2)).

Obtaining CDS by misrepresenting a material fact (63 O.S. § 2-407(A)(3)).

Obtaining CDS by giving a false name or false address (63 O.S. § 2-407(A)(4)).

Obtaining CDS by fraud, second or subsequent (63 O.S. § 2-407(C),(A)(1)).

Obtaining CDS by forged RX, second or subsequent (63 O.S. § 2-407(C),(A)(2)).

Obtaining CDS by misrepresenting a material fact, second or subsequent (63 O.S. § 2-407(C),(A)(3)).

Obtaining CDS by giving a false name or false address, second or subsequent (63 O.S. § 2-407(C),(A)(4)).

Maintaining a place where CDS is kept, second or subsequent (63 O.S. § 2-509)).

25. SCHEDULE S-1

Aggravated forcible sodomy (21 O.S. § 888).

Aggravated first degree rape (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated anal rape - first degree (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated first degree rape by force or fear (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated first degree rape of person under 14 years (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated first degree rape of person of unsound mind (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated first degree rape of person under 14 years (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated first degree rape by instrumentation resulting in bodily harm (21 O.S. § 1111, penalty contained in 1115; see also: 21 O.S. § 1114).

Aggravated first degree rape by instrumentation, person under 14 years (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated rape (21 O.S. § 1111, penalty contained in 21 O.S. § 1115; see also: 21 O.S. § 1114).

Aggravated rape by instrumentation (21 O.S. § 1111.1).

Aggravated rape committed during riot (21 O.S. § 1312(1)).

26. SCHEDULE S-2

Sexual abuse by a caretaker of any person entrusted to his or her care (21 O.S. § 843.1(A), penalty contained in 21 O.S. § 843.1(B)).

Forcible sodomy (21 O.S. § 888, penalty contained in 21 O.S. § 888(A); see: (21 O.S. § 888(B)(1)); (21 O.S. § 888(B)(2); (21 O.S. *' 888(B)(3)).

First degree rape (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

Anal rape - first degree (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

First degree rape by force or fear (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

First degree rape of person under 14 years (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

First degree rape of person of unsound mind (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

First degree rape of person under 14 years (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

First degree rape by instrumentation resulting in bodily harm (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

First degree rape by instrumentation, person under 14 years (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

Rape (21 O.S. § 1111, penalty contained in 21 O.S. § 1115); see also: (21 O.S. § 1114).

Rape by instrumentation (21 O.S. § 1111.1).

First degree rape committed during riot (21 O.S. § 1312(1)).

27. SCHEDULE S-3

Incest (21 O.S. § 885).

Crime against nature, bestiality, sodomy (21 O.S. § 886).

Procuring a child under 18 years of age for prostitution, lewdness, or other indecent act (21 O.S. § 1087(A)).

Inducing, keeping, detaining or restraining a child under 18 years of age for prostitution (21 O.S. § 1088(A), penalty contained in 21 O.S. § 1088(B)).

Seduction under promise to marry (21 O.S. § 1120).

Marriage after seduction, abandonment (21 O.S. § 1122).

Lewd or indecent liberties with a child under 16 years (21 O.S. § 1123).

Lewd or indecent proposals or acts to a child under 16 years (21 O.S. § 1123(A)(1)-(5)).

Sexual battery (21 O.S. § 1123(B)).

Second degree rape (21 O.S. § 1111, penalty contained in 21 O.S. § 1116); see also: (21 O.S. § 1114).

Second degree rape by instrumentation, no bodily harm (21 O.S. § 1111, penalty contained in 21 O.S. § 1116); see also: (21 O.S. § 1114(B)).

Compelling a woman to marry (21 O.S. § 1117).

Intent to compel a woman to marry (21 O.S. § 1118).

Second degree rape committed during riot (21 O.S. § 1312(1)).

28. SCHEDULE S-4

Indecent exposure, indecent exhibitions, obscene or indecent writings, pictures, etc. (21 O.S. § 1021(A)).

Sexual solicitation of minors - soliciting or aiding minor to perform obscenity (21 O.S. § 1021(B)(1)).

Inducing minor to perform obscene conduct (21 O.S. § 1021(B)(2)).

Lewd exhibition of a child, causing minors to participate or engage in obscene or indecent writing or pictures and/or possessing or distributing such materials (21 O.S. § 1021.2).

Guardians/parents consenting to participation of minors in obscene writings or pictures (21 O.S. § 1021.3).

Purchase, procurement, or possession of obscene material (21 O.S. § 1024.2).

Knowingly engaging in prostitution while HIV infected (21 O.S. § 1031(B)).

Child prostitution (21 O.S. § 1031(C)).

Buying, selling, or trafficking pictures, movies of sexual intercourse or unnatural copulation (21 O.S. § 1040.51).

Pandering, procuring, persuading, encouraging, tricking etc., a female to become inmate of house of prostitution (21 O.S. § 1081).

Restraining female in house of prostitution (21 O.S. § 1085).

Allowing pandering on premises (21 O.S. § 1086).

Owner, proprietor permitting procuring a child under 18 years for prostitution, lewdness, or other indecent act (21 O.S. § 1087(B)).

Owner, proprietor permitting premises to be used to induce, keep, detain, or restrain child under 18 years for prostitution (21 O.S. § 1088(B)(2)).

Abduction of person under 15 years for purpose of marriage or concubinage, or crime of moral turpitude (21 O.S. § 1119).

Knowingly engaging in conduct reasonably likely to transfer HIV, exposing others to HIV (21 O.S. § 1192.1).

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 17 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. The sentencing ranges in the matrices shall be enhanced in accordance with the following provisions based on the circumstances of the commission of the offense, however the enhancement provision shall not apply to conduct which is an element of the offense. The following shall be offense enhancers:

1. If the offender committed the current offense with the use of a firearm within the immediate possession and control of the offender then the sentencing range shall be enhanced by two levels on the sentencing matrices;

2. If the victim of the offense is over sixty-two (62) years, under twelve (12) years, or is disabled by reason of mental or physical illness to such extent that the victim lacks the ability to effectively protect the victim's property or person, then the sentencing range shall be enhanced by two levels on the sentencing matrices;

3. If the property involved in a theft, embezzlement or fraud crime is of great value, then the punishment for committing that crime shall be enhanced. If the commission of the crime involved

the use of drug proceeds then the punishment for committing the crime shall be enhanced by the amount of drug proceeds involved. The "amount involved" is a calculation of the value of the property involved in the crime, the amount of money that was stolen, embezzled or obtained by fraud, or the amount of drug proceeds which is utilized.

a. If the amount involved is greater than Two Thousand Five Hundred Dollars ($2,500.00) but less than Ten Thousand Dollars ($10,000.00) then the sentencing range shall be enhanced two levels on the sentencing matrices.

b. If the amount involved is greater than Ten Thousand Dollars ($10,000.00) but less than One Hundred Thousand Dollars ($100,000.00) then the sentencing range shall be enhanced by five levels on the sentencing matrices.

c. If the amount involved is greater than One Hundred Thousand Dollars ($100,000.00) but less than Five Hundred Thousand Dollars ($500,000.00) then the sentencing range shall be enhanced by seven levels on the sentencing matrices.

d. If the amount involved is greater than Five Hundred Thousand Dollars ($500,000.00) then the sentencing range shall be enhanced to the highest level on the sentencing matrices;

4. If in the commission of the crimes, the offender tortured or maimed the victim then the sentencing range shall be enhanced two levels on the sentencing matrices;

5. If the offender committed a Schedule N-2 or N-3 offense of trafficking, distributing, dispensing, purchasing, transporting with the intent to distribute, or possessing with the intent to distribute a controlled dangerous substance, or a synthetic of the controlled dangerous substance, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public or private college or university, or other institution of higher education, recreation

center or public park, including state parks and recreation areas, or public housing project, or in the presence of any child under twelve (12) years of age, then the sentencing range shall be enhanced by one level on the sentencing matrices; and

6. If the offender committed a Schedule N-2 or N-3 offense of trafficking, distributing, dispensing, purchasing, transporting with the intent to distribute, or possessing with the intent to distribute a controlled dangerous substance, or a synthetic of the controlled dangerous substance, by using or soliciting the services of a person less than eighteen (18) years of age, the sentencing range shall be enhanced by one level on the sentencing matrices, if the offender was at least eighteen (18) years of age at the time of the offense.

B. Every person who, having been previously convicted of an offense, commits any crime after such conviction, shall be punishable, upon conviction of a subsequently committed crime, by the following prior record enhancers:

1. If the prior offense is murder in the first degree or any other offense which is a Schedule A, Schedule N-1, or Schedule S-1 crime then the sentencing range shall be enhanced by six levels on the sentencing matrices;

2. If the prior offense is a Schedule B, Schedule N-2, or Schedule S-2 crime, then the sentencing range shall be enhanced by four levels on the sentencing matrices;

3. If the prior offense is a Schedule C crime, then the sentencing range shall be enhanced by two levels on the sentencing matrices;

4. If the prior offense is a Schedule D, Schedule D-1, Schedule N-3, Schedule N-4, or Schedule S-3 crime, then the sentencing range shall be enhanced by one level on the sentencing matrices; and

5. If the prior offense is a Schedule D-2, Schedule E, Schedule F, Schedule G, Schedule H, Schedule I-1, Schedule I-2, Schedule I-3, Schedule N-5, or Schedule S-4 crime, then the sentencing range shall be enhanced by one level on the sentencing matrices.

C. 1. If the person has been previously convicted of two or more felonies which do not arise out of the same transaction, occurrence, or series of events closely related in time and location, the sentencing range shall be enhanced based on each prior conviction, unless the prior convictions were concurrent sentences.

2. If the person has been previously convicted of two or more felonies which the defendant proved arose out of the same transaction, occurrence, or series of events closely related in time and location, the enhanced range of sentence for the current offense shall be determined on the schedule of punishment for the highest scheduled prior offense arising from that transaction.

3. If the person has been previously convicted of two or more felonies which did not arise out of the same transaction, occurrence, or series of events closely related in time and location but were concurrent sentences, the sentencing range shall be enhanced based on the maximum prior conviction plus one level.

D. No person shall be sentenced with a prior record enhancer when a period of ten (10) years has elapsed between the date of full completion of the sentence for the prior conviction and the date of the commission of the offense sought to be enhanced. For the purpose of this subsection, the date of full completion of the prior sentence shall be computed as though said sentence had been served in full, and no methods of sentence reduction shall apply towards calculating this time period. Provided however, that the ten-year limitation on a prior conviction shall be tolled by an intervening conviction.

E. Unless otherwise provided by law, the enhancements provided by the Oklahoma Truth in Sentencing Act are cumulative, in that all applicable level increases are added together to produce the applicable sentencing range.

F. The state is required to provide notice of specific acts or prior convictions upon which the state will rely at sentencing for enhancement. Unless otherwise ordered by the court, the notice shall be filed by the state not less than thirty (30) days

prior to the entry of a plea of guilty or nolo contendere or a trial on the merits.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990a-1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When sentencing an offender for a crime committed on or after July 1, 1998, a court shall utilize the sentencing procedures provided for in this section.

B. When considering any presentence investigation conducted, the court shall consider the findings of any alleged offense enhancers provided for by subsection A of Section 7 of this act or any alleged prior record enhancers provided for by subsection B of Section 7 of this act, if the findings have been established by clear and convincing evidence.

C. The court shall determine the sentence based on the utilization of the following procedures on the applicable sentencing matrix:

1. First, the court shall determine the schedule of the current offense of conviction on the applicable matrix;

2. Second, the court shall determine the midpoint within the range for the first level of the schedule. The court shall use the midpoint value plus or minus an amount not to exceed twenty percent (20%) of the midpoint value to determine the amount of time to be assessed at level 1;

3. Third, the court shall proceed to the appropriate level of punishment based on the finding of any offense enhancers or prior record enhancers determined by subsection A of this section; and

4. Fourth, the court may deviate from the sentence arrived at pursuant to paragraphs 2 and 3 of this subsection if the sentence pronounced is within the range allowed for the applicable level. The court must articulate a reason for the deviation in the record. A deviation in sentencing shall be subject to appeal by either the state or the defendant.

D. 1. For Field 2, 3 or 4, when the offender is sentenced to community punishment, the sentencing court shall pronounce at the sentencing hearing the terms and conditions of the sentence.

2. For Field 1 or 2, when the offender is sentenced to a term of imprisonment within the Department of Corrections, the sentencing court shall pronounce at the sentencing hearing the terms and conditions of the sentence.

E. The court in determining the appropriate terms and conditions of a sentence shall consider those terms and conditions authorized in subsection B of Section 46 of this act and punishments authorized for a community sentence. The terms and conditions of a deferred sentence, suspended sentence, split sentence, or postimprisonment supervision shall be provided for in the Uniform Judgment and Sentence form or shall comply with Section 991b of Title 22 of the Oklahoma Statutes.

F. Prior to entering the sentence, the court shall consider, but shall not be required to state for the record, the following factors:

1. The prior criminal record of the offender with more weight given to convictions for crimes of violence, crimes against persons, and to those of the same nature as the current offense;

2. Whether the victim in the present case was physically harmed;

3. The restitution for bodily injury or property damage to the victim in the present case;

4. The culpability of the offender as indicated by factors such as the role of the offender in the offense, motive, and profit received;

5. Whether a suspended or deferred sentence will provide appropriate punishment of the offense;

6. The educational background and literacy, or any condition of chemical dependency, of the person being sentenced, together with sentencing options which would correct any deficiencies;

7. The demeanor of the offender; and

8. Any other evidence relevant to sentencing the offender.

G. The court shall impose the sentence. When a court enters a sentence in any criminal case in this state, the sentence shall be imposed pursuant to the Uniform Judgment and Sentence form, as promulgated by the Oklahoma Court of Criminal Appeals pursuant to

its rulemaking authority, which shall include the findings of the sentencing court at the time of sentencing. An offender profile and offense profile form shall be developed by the Oklahoma Sentencing Commission to ensure uniform data collection of offenders and offenses throughout the State of Oklahoma. District attorneys shall be required to submit additional profile data about the offender on a form promulgated by the Oklahoma Sentencing Commission to the Oklahoma Sentencing Commission and the Department of Corrections within twenty (20) days of judgment and sentence.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 701.17 of Title 21, unless there is created a duplication in numbering, reads as follows:

Nothing in the Oklahoma Truth in Sentencing Act shall abrogate or affect the punishment by death in all crimes punishable by death before July 1, 1998, or made punishable by death on or after July 1, 1998.

SECTION 10. AMENDATORY 21 O.S. 1991, Section 3, is amended to read as follows:

Section 3. A crime or public offense is an act or omission forbidden by law, and to which is annexed, upon conviction, ~~either~~ one or more of the following punishments:

1. Death;

2. Imprisonment with or without postimprisonment supervision;

3. Community punishment, as defined by Section 4 of this act;

4. Fine;

~~4.~~ 5. Removal from office; or~~,~~

~~5.~~ 6. Disqualification to hold and enjoy any office of honor, trust, or profit, under this state.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 5, is amended to read as follows:

Section 5. A felony is a crime which is, or may be, punishable with death, ~~or~~ by imprisonment in the penitentiary with or without postimprisonment supervision, by a sentence to community punishment, or by a fine.

SECTION 12. AMENDATORY 21 O.S. 1991, Section 7, is amended to read as follows:

Section 7. This ~~chapter~~ title specifies the classes of persons who are deemed capable of crimes, and liable to punishment therefor~~; and~~. This title defines the nature of ~~the~~ various crimes~~; and~~, prescribes the kind ~~and measure~~ of punishment to be inflicted for each, prescribes the measure of punishment for misdemeanors, and prescribes how the measure of punishment for felony offenses is to be determined. The manner of prosecuting and convicting criminals is regulated by the code of criminal procedure.

SECTION 13. AMENDATORY 21 O.S. 1991, Section 9, is amended to read as follows:

Section 9. A. For offenses committed on or after July 1, 1998, every offense declared to be a felony shall be punished according to the applicable sentencing level. If a specific fine is provided for by law, the fine may be imposed as provided in subsection C of Section 64 of this title.

~~Except~~ B. For offenses committed before July 1, 1998, except in cases where a different punishment is prescribed by this ~~chapter~~ title, or by some existing provision of law, every offense declared to be a felony is punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

SECTION 14. AMENDATORY 21 O.S. 1991, Section 11, is amended to read as follows:

Section 11. A. If there be in any other ~~chapter~~ provision of the laws of this state a provision making any specific act or omission criminal and providing for the punishment therefor, and there be in this ~~penal code~~ title any provision or section making the same act or omission a criminal offense or prescribing or providing for the punishment therefor, that offense and the punishment thereof, shall be governed by the special provisions made in relation thereto, and not by the provisions of this ~~penal code~~ title. But an act or omission which is made punishable in

different ways by different provisions of this ~~code~~ title may be punished under ~~either~~ any of such provisions, except that in cases specified in ~~Sections 51 and~~ Section 7 of this act or Section 54 of this title, the punishments therein prescribed are substituted for those prescribed for a first offense, but in no case can ~~it~~ a criminal act or omission be punished under more than one section of law; and an acquittal or conviction and sentence under ~~either~~ one section of law, bars the prosecution for the same act or omission under any other section of law.

B. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of the laws of this state which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

SECTION 15. AMENDATORY 21 O.S. 1991, Section 54, is amended to read as follows:

Section 54. Every person who has been convicted in any other state, government or country of an offense which, if committed within this state, would be punishable by the laws of this state by imprisonment in the penitentiary, is punishable for any subsequent crime committed within this state, in the manner prescribed in ~~the last three sections~~ Section 7 of this act, and to the same extent as if such first conviction had taken place in a court of this state.

SECTION 16. AMENDATORY 21 O.S. 1991, Section 64, as amended by Section 1, Chapter 51, O.S.L. 1993 (21 O.S. Supp. 1996, Section 64), is amended to read as follows:

Section 64. A. Upon a conviction for any misdemeanor punishable by imprisonment in any jail, in relation to which no fine is ~~herein~~ prescribed by law, the court ~~or a jury~~ may impose a fine on the offender not exceeding One Thousand Dollars ($1,000.00) in addition to the imprisonment prescribed.

B. Upon a conviction for any felony punishable by imprisonment in any jail or prison or by a sentence of community

punishment, in relation to which no fine is ~~herein~~ prescribed by law, the court ~~or a jury~~ may impose a fine on the offender not exceeding Ten Thousand Dollars ($10,000.00) in addition to the imprisonment or community punishment prescribed.

C. Except as otherwise provided by law, upon a conviction for any felony punishable by imprisonment in any jail or prison or by a sentence of community punishment, in relation to which a fine is specifically provided by law, the court may impose the imprisonment or community punishment, the fine, or both the imprisonment or community punishment and the fine.

SECTION 17. AMENDATORY 22 O.S. 1991, Section 857, is amended to read as follows:

Section 857. After hearing the charge, the jury may either decide in court, or may retire for deliberation. The jury shall determine whether the defendant is guilty or not guilty, but shall not determine the sentence for persons convicted of crimes committed on or after July 1, 1998, unless the trial is for the offense of first degree murder. If they do not agree without retiring, one or more officers must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor do so themselves, unless it be by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

SECTION 18. AMENDATORY 22 O.S. 1991, Section 929, is amended to read as follows:

Section 929. A. Upon any appeal of a conviction by the defendant in a noncapital criminal case, the appellate court, if it finds prejudicial error in the sentencing proceeding only, may set aside the sentence rendered and remand the case to the trial court in the jurisdiction in which the defendant was originally sentenced for resentencing. No error in the sentencing proceeding shall result in the reversal of the conviction in a criminal case unless the error directly affected the determination of guilt.

B. When a criminal case is remanded for vacation of a sentence, the court ~~may:~~

~~1. Set~~ shall set the case for a nonjury sentencing proceeding~~; or~~

~~2. If the defendant or the prosecutor so requests in writing, impanel a new sentencing jury.~~

~~C. If a written request for a jury trial is filed within twenty (20) days of the date of the appellate court order, the trial court shall impanel a new jury for the purpose of conducting a new sentencing proceeding.~~

~~1. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding. Additional relevant evidence may be admitted including testimony of witnesses who testified at the previous trial.~~

~~2. The provisions of this section are procedural and shall apply retroactively to any defendant sentenced in this state~~.

~~D.~~ C. This section shall not be construed to amend or be in conflict with the provisions of Section 701.10 or 701.10a of Title 21 of the Oklahoma Statutes relating to sentencing and resentencing in death penalty cases~~; Section 860 of Title 22 of the Oklahoma Statutes relating to the trial procedure for defendants prosecuted for second or subsequent offense; or the provisions of Sections 926 and 927 of Title 22 of the Oklahoma Statutes relating to assessment of punishment in the original trial proceedings~~.

SECTION 19. AMENDATORY 22 O.S. 1991, Section 982, as amended by Section 1, Chapter 319, O.S.L. 1992 (22 O.S. Supp. 1996, Section 982), is amended to read as follows:

Section 982. A. Whenever a person is convicted of a felony or has entered a plea other than not guilty except when the death sentence or sentence to life without the possibility of parole is imposed, the court ~~shall~~ may, before imposing sentence to commit any felon to ~~incarceration by~~ the custody or supervision of the Department of Corrections, order a presentence investigation to be made by the Department. The court may order the defendant to pay a fee to the Department of Corrections not to exceed Two Hundred Fifty Dollars ($250.00) for the presentence investigation, if in

the opinion of the court the defendant has the ability to pay such fee.

B. The ~~Department shall inquire into~~ presentence investigation report shall include a summary of the circumstances of the offense. This information shall include the voluntary statement of the victim concerning the offense~~,~~ and the amount of ~~the~~ any loss of the victim~~, and the criminal record,~~. The presentence investigation reports shall include the criminal history of the offender. The criminal history shall list the schedule, if applicable, for: each prior adult felony conviction, each prior adult misdemeanor conviction, each prior juvenile adjudication, each prior sentence to probation, and each prior deferred or suspended sentence. The presentence investigation report shall also include the social history and present condition of the convicted person. ~~The Department shall make a report of such investigation to the court, including a recommendation as to appropriate sentence, and specifically a recommendation for or against probation.~~ Such reports must be presented to the judge so requesting, within a reasonable time, and upon the failure to so present the same, the judge may proceed with sentencing. Whenever, in the opinion of the court or the Department, it is desirable, the investigation shall include a physical and mental examination of the convicted person.

C. ~~The presentence investigation reports so received by the court shall not be referred to, or be considered, in any appeal proceedings.~~ Before imposing sentence, the court shall advise the defendant or his counsel and the district attorney of the factual contents and the conclusions and proposed findings of any presentence investigation or psychiatric examination and afford fair opportunity, if the defendant or the prosecution so requests, to controvert them. If either the defendant or the district attorney desires, such hearing shall be ordered by the court within a reasonable time providing either party an opportunity to offer evidence proving or disproving any proposed finding contained in such report~~, which shall be a hearing in mitigation or aggravation of punishment~~. The party objecting to the findings

contained in the presentence investigation report shall have the burden of producing additional evidence with regard to the existence or nonexistence of the offense enhancers or prior record enhancers. The state must establish and the court must determine by clear and convincing evidence the existence of any offense enhancers or prior record enhancers.

D. ~~If the district attorney and the defendant desire to waive such presentence investigation and report, both shall execute a suitable waiver subject to approval of the court, whereupon the judge shall proceed with the sentencing.~~ The order of the court directing a presentence investigation shall be in accordance with forms promulgated by the Oklahoma Sentencing Commission.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991c-1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. For persons sentenced to the custody of the Department of Corrections, a term of postimprisonment supervision may be imposed for an offender who is not sentenced to a deferred sentence or a suspended sentence. The term of postimprisonment supervision may be with or without any of the conditions authorized by subsection B of Section 46 of this act. For a Schedule A, Schedule B, Schedule C, Schedule D, Schedule I-1, Schedule N-1, Schedule N-2, Schedule N-3, Group A and Group B, Schedule S-1, or Schedule S-2 crime, the term of supervision shall not exceed five (5) years. For a Schedule D-1, Schedule D-2, Schedule E, Schedule F, Schedule G, Schedule I-2, Schedule N-3 - Group C, Schedule N-4, Schedule S-3, or Schedule S-4 crime, the term of supervision shall not exceed four (4) years. For a Schedule H, Schedule I-3, or Schedule N-5 crime, the term of supervision shall not exceed three (3) years.

B. 1. Whenever a sentence of postimprisonment supervision has been imposed, the supervision of said person may not be revoked, in whole or in part, for any cause unless a motion setting forth the grounds for such revocation and establishing violation of the conditions of supervision is filed by the district attorney with the clerk of the sentencing court. The

motion establishing a violation shall be considered by the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the motion, unless waived by both the state and the defendant. The state shall prove a violation of the conditions of postimprisonment supervision by a preponderance of the evidence.

2. If one of the grounds for revocation is the failure of the defendant to make restitution as ordered, the Department of Corrections shall forward to the district attorney all information pertaining to the defendant's failure to make timely restitution as ordered by the court, and said district attorney shall file a petition setting forth the grounds for revocation.

3. The defendant ordered to make restitution can petition the court at any time for remission or a change in the terms of the order of restitution if he undergoes a change of condition which materially affects his ability to comply with the court's order.

4. At the hearing, if one of the grounds for the motion for revocation is the defendant's failure to make timely restitution as ordered by the court, the court will hear evidence and, if it appears to the satisfaction of the court from such evidence that the terms of the order of restitution create a manifest hardship on the defendant or his immediate family, the court may cancel all or any part of the amount still due, or modify the terms or method of payment.

C. The court may revoke all of the postimprisonment supervision or a portion of the postimprisonment supervision and leave the remaining part not revoked for the remainder of the term of the sentence. The person whose supervision is being considered for revocation at said hearing shall have the right to be represented by counsel, to present competent evidence in his own behalf and to be confronted by the witnesses against him. Any order of the court revoking postimprisonment supervision, in whole or in part, shall be subject to review on appeal, as in other appeals of criminal cases. Provided, however, that if the crime for which the postimprisonment supervision is given was a felony, the defendant may be allowed bail pending appeal. If the reason

for revocation is that the defendant committed a felony, the defendant shall not be allowed bail pending appeal.

D. The term of confinement for violation of a sentence of postimprisonment supervision shall not exceed the maximum amount of the term of supervision to which the person was sentenced.

E. For purposes of calculating the amount of time which may be revoked for an offender on a term of postimprisonment supervision, the offender shall be given credit for each day of the sentence completed prior to the filing of an application to revoke postimprisonment supervision.

SECTION 21. AMENDATORY 21 O.S. 1991, Section 42, is amended to read as follows:

Section 42. Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in ~~the penitentiary for four (4) year or more,~~ a facility of the Department of Corrections or by imprisonment in a county jail, the person guilty of such attempt is punishable by ~~imprisonment in the penitentiary, or in a county jail, as the case may be, for a term not exceeding one-half (1/2) the longest term of imprisonment prescribed upon a conviction for the offense so attempted~~ the range of punishment for the completed crime as provided by the Oklahoma Truth in Sentencing Act, unless specifically stated otherwise.

2. ~~If the offense so attempted be punishable by imprisonment in the penitentiary for any time less than four (4) years, the person guilty of such attempt is punishable by imprisonment in a county jail for not more than one (1) year.~~

~~3.~~ If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted.

~~4.~~ 3. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine, not exceeding one-half (1/2) the longest term of imprisonment and the fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction for the offense so attempted.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise provided by law, for any crime listed in subsection B of this section that is originally a misdemeanor and that, prior to July 1, 1998, would be a felony for a second or subsequent offense, the crime shall remain a misdemeanor for second and subsequent offenses committed on or after July 1, 1998.

B. This section shall apply to the following crimes:

1. Violation of the Consumer Protection Act, as provided for in Section 761.1 of Title 15 of the Oklahoma Statutes;

2. Administration of certain substances or performance of certain surgical procedures to alter appearance of livestock, as provided for in Section 1229 of Title 21 of the Oklahoma Statutes;

3. Unlawful reproduction for sale of sound recording or audiovisual work, as provided for in Section 1976 of Title 21 of the Oklahoma Statutes;

4. Unlawful sale or offer for sale of sound recording, as provided for in Section 1977 of Title 21 of the Oklahoma Statutes;

5. Unlawful transfer of article or sound recording or performance for unauthorized sale, as provided for in Section 1978 of Title 21 of the Oklahoma Statutes;

6. Advertisement, rental, sale, resale, distribution or circulation of article without actual true name of manufacturer, as provided for in Section 1979 of Title 21 of the Oklahoma Statutes;

7. Counterfeit labels, as provided for in Section 1980 of Title 21 of the Oklahoma Statutes;

8. Possession of marihuana, as provided for in Section 2-402 of Title 63 of the Oklahoma Statutes;

9. Violating tax code by shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband cigarettes, as provided for in Section 349 of Title 68 of the Oklahoma Statutes;

10. Violating tax code by shipping, transporting, receiving, possessing, selling, distributing, or purchasing contraband tobacco products, as provided for in Section 426 of Title 68 of the Oklahoma Statutes; and

11. Violating sales tax code by improper permit to do business, as provided for in Section 1364 of Title 68 of the Oklahoma Statutes.

SECTION 23. AMENDATORY 57 O.S. 1991, Section 95, is amended to read as follows:

Section 95. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the sheriff of the county where said person is sentenced, or the designated representative of the sheriff, to the Lexington Assessment and Reception Center. The sheriff shall deliver such person together with a certified copy of the judgment and sentence of the court ordering such imprisonment <u>and a certificate setting forth the number of days served in the county jail after the pronouncement of judgment and rendering of sentence for the offenses committed</u> to the Department of Corrections at such center and the Department shall give the sheriff a receipt for each prisoner received. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

SECTION 24. AMENDATORY 57 O.S. 1991, Section 138, as last amended by Section 6, Chapter 360, O.S.L. 1993 (57 O.S. Supp. 1996, Section 138), is amended to read as follows:

Section 138. A. <u>All persons convicted of crimes committed on or after July 1, 1998, whether their sentences are for incarceration, in whole or in part, or are for a suspended sentence which is subsequently revoked, shall receive only those</u>

earned credits pursuant to and limited by subparagraph b of paragraph 2 of subsection E of this section and paragraph 2 of subsection H of this section.

B. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority.

~~B.~~ C. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one (1) of four (4) class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment review committee shall consider all aspects of the policy and procedure developed by the Department, including but not limited to, the criteria for awarding credits required by this subsection.

~~C.~~ D. If an inmate who has been assessed to be capable of benefiting from education programs refuses assignment to an education program, the inmate shall remain in class level 1 until such time as the inmate accepts an educational assignment.

~~D.~~ E. 1. Class levels shall be as follows:

a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status, inmates refusing job, education, or program assignments, inmates removed from job, education, or program assignments due to misconduct or nonperformance, or inmates subject to disciplinary action.

b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.

c. Class level 3 shall include an inmate who has been incarcerated at least four (4) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.

d. Class level 4 shall include an inmate who has been incarcerated at least ten (10) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Class level corresponding credits for inmates who were sentenced for crimes committed prior to July 1, 1998, are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month; and

b. Class level corresponding credits for inmates who are sentenced for crimes committed on or after July 1, 1998, are as follows:

Class 1 - 0 Credits per month;

Class 2 - 3 Credits per month;

Class 3 - 5 Credits per month;

Class 4 - 10 Credits per month.

Provided, however, for inmates who are sentenced for crimes committed on or after July 1, 1998, the combined credits for all purposes cannot exceed fifteen percent (15%) of the sentence.

Each inmate shall receive the above specified monthly credits for the class to which he is assigned.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level;

b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level;

c. cooperative behavior toward facility staff and other inmates;

d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.

b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.

c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what

is expected, with only occasional performance above or below expectations.

d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

~~E.~~ F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three (3) members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

~~F.~~ G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate classified by the Department of Corrections as being physically or mentally disabled for work or placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence

of incarceration shall be deducted from his term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection ~~D~~ E of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center.

~~G. Additional~~ H. 1. For inmates who were sentenced for crimes committed prior to July 1, 1998, additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent General Education Diploma ..... 90 credits;

Certification of Completion of Vocational Training ..... 80 credits;

Successful completion of Alcohol/Chemical Abuse Treatment Program of not less than four (4) months continuous participation ..... 70 credits;

Successful completion of other Educational Accomplishments or other programs not specified in this subsection 10 - 30 credits;

2. For inmates who are sentenced for crimes committed on or after July 1, 1998, additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent General Education Diploma ... 45 credits;

Certification of Completion of Vocational Training ... 40 credits;

Successful completion of Alcohol/Chemical Abuse Treatment Program of not less than four (4) months continuous participation .... 35 credits;

Successful completion of other Educational Accomplishments or other programs not specified in this subsection ..... 5 - 15 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits. No inmate shall receive more than ninety (90) achievement credits per calendar year. The combined awarded credits for both earned credits and achievement credits for all purposes for inmates sentenced for crimes committed on or after July 1, 1998, shall not reduce a sentence more than fifteen percent (15%).

~~H.~~ I. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and

2. Provided to the inmate.

~~I.~~ J. As of ~~the effective date of this act~~ November 1, 1988, all inmates currently under the custody of the Department of Corrections shall receive their assignments and all credits from that date forward shall be calculated ~~pursuant to this act~~ as provided in this section.

SECTION 25. AMENDATORY 57 O.S. 1991, Section 332, is amended to read as follows:

Section 332. The Governor shall have power to grant, after conviction, reprieves, commutations, paroles and pardons for all offenses, except cases of impeachment, upon such conditions and such restrictions and limitations as ~~he~~ may ~~deem~~ be deemed proper by the Governor, subject, however, to the regulations ~~hereinbefore~~ prescribed by law and the provisions of Section 10 of Article VI of the Oklahoma Constitution.

SECTION 26. AMENDATORY 57 O.S. 1991, Section 332.7, as last amended by Section 1, Chapter 168, O.S.L. 1996 (57 O.S. Supp. 1996, Section 332.7), is amended to read as follows:

Section 332.7 A. ~~Upon completion of~~ For a crime committed prior to July 1, 1998, any person in the custody of the Department of Corrections shall be eligible for consideration for parole who has:

1. Completed serving one-third (1/3) of the sentence ~~of any person in the custody of the Department of Corrections, such person shall be eligible for consideration for a parole, and it~~;

2. Reached at least sixty (60) years of age and also has served at least fifty percent (50%) of the time of imprisonment that would have been imposed for that offense pursuant to the applicable Truth in Sentencing matrix; provided, however, no inmate serving a sentence for crimes listed in Schedules A, S-1, S-2 or S-3 or serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph;

3. For an offense that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3, served eighty-five percent (85%) of the midpoint of the time of imprisonment that would have been imposed for that offense pursuant to the applicable matrix; or

4. For an offense that is listed in any other schedule, served seventy-five percent (75%) of the midpoint of the time of imprisonment that would have been imposed for that offense pursuant to the applicable matrix.

B. 1. Any inmate who has parole consideration dates calculated pursuant to Section A of this section shall be considered at the earliest such date. Any inmate who has been considered for parole and was denied shall not be reconsidered for parole within one (1) year, except by the direction of the Pardon and Parole Board.

2. The Department of Corrections and the Pardon and Parole Board shall promulgate rules for the implementation of subsection A of this section. The rules shall include, but not be limited to, procedures for reconsideration of persons denied parole under

this section and procedure for determining what sentence the person would have received under the applicable matrix.

C. For persons in the custody of the Department of Corrections for a felony committed prior to July 1, 1998, the Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.

D. For a crime committed on or after July 1, 1998:

1. Any person convicted of a crime in Schedule A, B, C, D, D-1, S-1, S-2 or S-3 shall be eligible for parole consideration after serving eighty-five percent (85%) of the sentence of imprisonment imposed unless the sentence has been discharged by accumulated credits pursuant to Section 138 of this title;

2. Any person convicted of a crime in any other schedule shall be eligible for parole consideration after serving seventy-five percent (75%) of the sentence of imprisonment imposed subject to the accumulation of credits pursuant to Section 138 of this title; or

3. A person who is sixty (60) years of age or older, who has not been sentenced to life without parole or death and who has not been convicted of a crime listed in Schedule A, S-1, S-2 or S-3, shall be eligible for parole consideration after the person has served at least fifty percent (50%) of any imposed sentence of incarceration.

E. It shall be the duty of the Pardon and Parole Board to cause an examination to be made at the penal institution where the

person is assigned, and to make inquiry into the conduct and the record of the said person during his custody in the Department of Corrections, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole. However, the Pardon and Parole Board shall not be required to consider for parole any person who has completed ~~one-third (1/3) of his sentence~~ the time period provided for in this subsection if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections. The Pardon and Parole Board shall adopt policies and procedures governing parole consideration for such persons.

~~B. The Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.~~

~~C.~~ F. Any person in the custody of the Department of Corrections who is convicted of an offense not designated as a violent offense by Section 571 of Title 57 of the Oklahoma Statutes and who is not a citizen of the United States and is or becomes subject of a final order of deportation issued by the United States Department of Justice shall be considered for parole to the custody of the United States Immigration and Naturalization Service for continuation of deportation proceedings at any time subsequent to processing through the Lexington Assessment and Reception Center.

~~D.~~ G. Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board.

~~E.~~ H. No person who is appearing out of the normal processing procedure shall be eligible for consideration for parole without the concurrence of at least three (3) members of the Pardon and Parole Board.

I. Any person convicted of a crime committed on or after July 1, 1998, who was sentenced to postimprisonment supervision and who is granted parole while incarcerated, shall be placed under parole supervision before beginning postimprisonment supervision.

J. If a person is sentenced to consecutive sentences pursuant to the Oklahoma Community Corrections Act of county jail incarceration that requires the person to be incarcerated more than eighteen (18) months, the person shall be eligible for parole consideration after serving at least eighteen (18) months of the confinement. The local administrator for community punishment shall notify the Pardon and Parole Board of any persons who qualify for parole pursuant to this subsection.

SECTION 27. AMENDATORY 57 O.S. 1991, Section 332.8, as last amended by Section 19, Chapter 2, O.S.L. 1994 (57 O.S. Supp. 1996, Section 332.8), is amended to read as follows:

Section 332.8 No recommendations to the Governor for parole shall be made in relation to any inmate in a penal institution in the State of Oklahoma unless the Pardon and Parole Board considers the victim impact statements ~~if presented to the jury, or the judge in the event a jury was waived, at the time of sentencing~~ provided for in Section 984.1 of Title 22 of the Oklahoma Statutes, if submitted, and, in every appropriate case, as a condition of parole, monetary restitution of economic loss as defined by Section 991f of Title 22 of the Oklahoma Statutes, incurred by a victim of the crime for which the inmate was

imprisoned. In every case, the Pardon and Parole Board shall first consider the number of previous felony convictions and the type of criminal violations leading to any such felony convictions, then shall consider either suitable employment or a suitable residence, and finally shall mandate participation in education programs to achieve the proficiency level established in Section 510.7 of this title or, at the discretion of the Board require the attainment of a general education diploma, as a condition for release on parole. The probation and parole officer shall render every reasonable assistance to any person making application for parole, in helping to obtain suitable employment or enrollment in an education program or a suitable residence. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of eligibility for parole, shall have his or her eligibility for parole revoked. Any such inmate shall be returned to confinement in the custody of the Department of Corrections.

SECTION 28. AMENDATORY 57 O.S. 1991, Section 365, as amended by Section 7, Chapter 125, O.S.L. 1993 (57 O.S. Supp. 1996, Section 365), is amended to read as follows:

Section 365. A. ~~Whenever the population of the prison system is certified by the State Board of Corrections as exceeding ninety-five percent (95%) of its capacity, as defined in Section 571 of this title, the Department of Corrections and the Pardon and Parole Board shall implement a Preparole Conditional Supervision Program until such time as the population is reduced to ninety-two and one-half percent (92 1/2%) of capacity, for persons~~ Persons in the custody of the Department of Corrections sentenced for crimes committed prior to July 1, 1998, who meet the following guidelines may be considered by the Pardon and Parole Board for a specialized parole:

1. ~~Only inmates who are otherwise eligible for parole, pursuant to Sections 332.7 and 332.8 of this title, shall be eligible to participate in this program~~

a. who are within one (1) year of projected release date and are serving a sentence for a crime listed in Schedule A, B, C, D or D-1 on the main sentencing matrix or S-1, S-2 or S-3 on the sex crimes matrix;

~~2. An inmate shall serve at least fifteen percent (15%) of his sentence of incarceration and be within one (1) year of his regularly scheduled parole consideration date or be within twenty-one (21) months of his projected release date, prior to being eligible for this program~~ or

b. who are within two (2) years of projected release date and are serving a sentence for an offense that is in a different schedule of the main matrix or is on the drug crimes or intoxicant crimes involving a vehicle matrix; and

~~3. Only inmates who have attained the proficiency level established by Section 3 of this act, unless exempted by said section, or who comply with education requirements as provided in subsection C of Section 4 of this act shall be eligible for participation in this program~~ 2. Who have completed at least one of the following:

a. general education diploma, or

b. adult literacy program, or

c. residential substance abuse program, or

d. participation in a prison public works program for ninety (90) consecutive days, or

e. a vocational-technical education program, or

f. other educational or rehabilitation program available in the department; and

3. Who are not incarcerated for an offense for which parole is prohibited pursuant to law.

B. Upon an inmate becoming eligible for ~~this program~~ specialized parole it shall be the duty of the Pardon and Parole Board, with or without application being made, to cause an examination to be made of the criminal record of the inmate and to make inquiry into the conduct and the record of ~~said~~ the inmate

during ~~his~~ confinement in the custody of the Department of Corrections.

C. Upon a favorable ~~recommendation~~ finding by the Pardon and Parole Board, the Board shall recommend to the Governor that the inmate be placed on specialized parole. If approved by the Governor, notification shall be made to the Department of Corrections that said inmate has been ~~recommended to be~~ placed ~~in this program~~ on specialized parole.

D. Prior to the placement of an inmate on ~~Preparole Conditional Supervision~~ specialized parole, the ~~Department~~ Pardon and Parole Board shall provide written notification to the sheriff and district attorney of the county in which any person on ~~Preparole Conditional Supervision~~ specialized parole is to be placed and to the chief law enforcement officer of any incorporated city or town in which said person is to be placed of the placement of the person on ~~Preparole Conditional Supervision~~ specialized parole within the county or incorporated city or town. The ~~Department~~ Board also shall provide written notification of the placement of the person on ~~Preparole Conditional Supervision~~ specialized parole within the county or incorporated city or town to any victim of the crime for which the inmate was convicted by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The ~~Department of Corrections~~ Board shall not give the address of the inmate to any victim of the crime for which the inmate was convicted.

~~E. Should an inmate violate any rule or condition during the period of community supervision, the inmate shall be subject to disciplinary proceedings as established by the Department of Corrections.~~

~~F. Any inmate who escapes from this program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.~~

~~G. Any inmate who fails to satisfactorily attend and make satisfactory progress in the educational program in which the inmate has been required to participate as a condition of eligibility for this program shall have his or her eligibility for~~

~~this program revoked. Any such inmate shall be returned to confinement in the custody of the Department of Corrections.~~

SECTION 29. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 365A of Title 57, unless there is created a duplication in numbering, reads as follows:

The Department of Corrections shall notify the Pardon and Parole Board on a weekly basis regarding the current capacity and population of the Department of Corrections.

SECTION 30. AMENDATORY Section 5, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 510.9), is amended to read as follows:

Section 510.9 A. There is hereby created the Electronic Monitoring Program for inmates in the custody of the Department of Corrections who are sentenced for a nonviolent offense as defined by Section 571 of ~~Title 57 of the Oklahoma Statutes~~ this title. No inmate shall be placed on this program after the effective date of this act.

B. All eligible inmates assigned to the Electronic Monitoring Program shall first be processed and received through the Lexington Assessment and Reception Center. The Director of the Department of Corrections shall exercise his discretion in selecting eligible inmates for assignment to the Electronic Monitoring Program; provided, however, the following inmates shall not be eligible for assignment to the program:

1. Inmates convicted of a violent offense within the previous ten (10) years;

2. Inmates convicted of any violation of the provisions of the Trafficking in Illegal Drugs Act, Section 2-414 et seq. of Title 63 of the Oklahoma Statutes;

3. Inmates denied parole within the previous twelve (12) months pursuant to Section 332.7 of ~~Title 57 of the Oklahoma Statutes~~ this title;

4. Inmates convicted pursuant to Section 11-902 of Title 47 of the Oklahoma Statutes who are not receptive to substance abuse treatment and follow-up treatment;

5. Inmates removed from the Electronic Monitoring Program or any other alternative to incarceration authorized by law for violation of any rule, regulation or condition of the program and reassigned to imprisonment in a correctional facility;

6. Inmates deemed by the Department to be a security risk or threat to the public; or

7. Inmates requiring educational, medical or other services or programs not available in a community setting as determined by the Department.

In addition, any inmate removed from the Electronic Monitoring Program for violation of any rule, regulation or condition of the program and reassigned to imprisonment in a correctional facility shall not be eligible for consideration for the ~~Preparole Conditional Supervision~~ Specialized Parole Program~~, pursuant to Section 365 of Title 57 of the Oklahoma Statutes,~~ until after the expiration of at least twelve (12) consecutive months of imprisonment at a correctional facility.

C. Every eligible inmate assigned to the Electronic Monitoring Program shall remain in such program until one of the following conditions has been met:

1. The inmate discharges the term of the sentence;

2. The inmate is removed from the Electronic Monitoring Program for violation of any rule, regulation or condition of the program and reassigned to imprisonment in a correctional facility;

3. The inmate is assigned by the Department to another alternative to incarceration authorized by law, except inmates assigned to the Electronic Monitoring Program shall not be considered for the ~~Preparole Conditional Supervision~~ Specialized Parole Program, ~~Section 365 of Title 57 of the Oklahoma Statutes,~~ except as provided in subsection B of this section; or

4. The inmate is paroled by the Governor pursuant to Section 332.7 of ~~Title 57 of the Oklahoma Statutes~~ this title.

D. After an inmate has been assigned to the Electronic Monitoring Program, failure to be granted parole pursuant to Section 332.7 of ~~Title 57 of the Oklahoma Statutes~~ this title, shall not be cause for removal from the program, provided the

inmate has not violated the rules, regulations or conditions of the program. The inmate may remain assigned to the program, if otherwise eligible, until the completion of the sentence.

E. The Electronic Monitoring Program shall require active supervision of the inmate in a community setting by a correctional officer or other employee of the Department of Corrections with monitoring by an electronic bracelet or other device approved by the Department under such rules, regulations and conditions as may be established by the Department. If an inmate violates any rule, regulation or condition of the program, the Department may take necessary disciplinary action consistent with the rules established pursuant to this act, including reassignment to a higher level of security or removing the inmate from the program with reassignment to imprisonment in a correctional facility. Any inmate who escapes from the Electronic Monitoring Program shall be subject to the provisions of Section 443 of Title 21 of the Oklahoma Statutes.

F. Upon an inmate assigned to the Electronic Monitoring Program becoming eligible for parole consideration, pursuant to Section 332.7 of ~~Title 57 of the Oklahoma Statutes~~ this title, the Department of Corrections shall deliver the inmate, in person, to a correctional facility for interview, together with any Department records necessary for the Pardon and Parole Board's investigation. Inmates assigned to the Electronic Monitoring Program shall not be allowed to waive consideration or recommendation for parole.

G. Prior to any eligible inmate assigned to the Electronic Monitoring Program being placed in a community setting, the Department of Corrections shall deliver a written notification to the sheriff and district attorney of the county, and the chief law enforcement officer of any incorporated city or town in which the inmate is to be monitored and supervised under the program. The district attorney shall disseminate such information to victims of the crime for which the inmate is serving sentence, if any, when the victims are known to live in the same city, town or county.

H. An inmate assigned to the Electronic Monitoring Program may be required to pay the Department of Corrections for all or part of any monitoring equipment or fee, substance abuse treatment program or follow-up treatment expense, supervision cost, or other costs while assigned to the program. The Department shall determine whether the inmate has the ability to pay all or part of such fee or costs.

I. The Department of Corrections shall promulgate and adopt rules, regulation and procedures necessary to implement the Electronic Monitoring Program, including but not limited to methods of monitoring and supervision, disciplinary action, reassignment to higher and lower security levels, removal from the program, and costs of monitoring and supervision to be paid by the inmate, if any.

SECTION 31. AMENDATORY Section 15, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 510.10), is amended to read as follows:

Section 510.10 The Department of Corrections is hereby authorized to use electronic monitoring devices, as defined by Section ~~14~~ 46 of this act, for any inmate ~~sentenced to the custody of the Department, when such inmate is assigned, as provided by law, to an alternative to incarceration or~~ approved for placement under the provisions of the ~~Preparole Conditional Supervision~~ Specialized Parole Program~~, Section 365 of Title 57 of the Oklahoma Statutes~~ or for any person granted parole, or as disciplinary sanction as authorized by law.

~~The electronic monitoring of an inmate pursuant to this section shall be in addition to active supervision required by law and shall be considered a level of security and confinement for the inmate within the assigned program. The provisions of this section shall not be construed to alter, amend or modify the criteria for eligibility for any alternative to incarceration program authorized by law or any of the provisions of the Electronic Monitoring Program, pursuant to Section 5 of this act.~~

The Department shall promulgate and adopt rules, regulations and procedures necessary to implement the provisions of this section.

SECTION 32. AMENDATORY 57 O.S. 1991, Section 570, is amended to read as follows:

Section 570. ~~This act~~ Sections 570 through 576 of this title shall be known and may be cited as the "Oklahoma Prison Overcrowding Emergency Powers Act". The provisions of the Oklahoma Prison Overcrowding Emergency Powers Act shall apply only to persons sentenced for crimes committed before July 1, 1998.

SECTION 33. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1516 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Sentencing Commission, established by Section 1501 of Title 22 of the Oklahoma Statutes shall monitor, review, and analyze the implementation of the Oklahoma Truth in Sentencing Act, and provide fiscal impact statements and reports to the Legislature concerning the continued implementation of the Oklahoma Truth in Sentencing Act. The Commission is vested with authority to collect data and reports from governmental entities within the State of Oklahoma relating to all matters concerning the charging, pleading, sentencing, and release of persons charged, convicted, or placed on probation for criminal offenses within this state. Governmental entities shall respond promptly to all reasonable requests of the Commission for data required to meet this directive. The Commission shall publish an annual report reflecting the implementation of the Oklahoma Truth in Sentencing Act. The Oklahoma Sentencing Commission shall prepare a fiscal impact statement on any changes to schedules or penalties of criminal sentencing proposed in legislation.

B. The Oklahoma Sentencing Commission shall review each bill or joint resolution which impacts the Oklahoma criminal justice system introduced in the Oklahoma Legislature. The Commission shall prepare a fiscal impact statement, as established by joint legislative rules. The Commission shall direct other state

entities including, but not limited to, the Department of Corrections, the Oklahoma District Attorneys Council, the Office of the Oklahoma Attorney General, the Oklahoma State Bureau of Investigation, the Administrative Office of the Oklahoma Courts, the Oklahoma Court of Criminal Appeals, the Oklahoma Indigent Defense System, and county indigent defenders, to provide assistance and information in the preparation of the fiscal impact statement. The entities directed by the Commission shall provide the information described in this subsection within the time set by the requesting agency. The fiscal impact statement shall include, but is not limited to:

1. A report on the fiscal impact the proposal will have on facility, maintenance, personnel, and other relevant costs;

2. Information obtained from the Department of Corrections, including but not limited to:

a. a projection of offender population and costs related to the population, and

b. a projection of staffing for the Department of Corrections and costs related to the staff; and

3. Any other information relevant to the fiscal impact the proposed legislation will have on the Oklahoma criminal justice system.

C. A copy of the fiscal impact statement shall be attached to each copy of a bill or joint resolution reviewed by any committee of either house of the Legislature and to each copy of a bill or joint resolution that impacts the criminal justice system that is reviewed by the entire membership of either house of the Oklahoma Legislature.

SECTION 34. AMENDATORY Section 1, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Section 1501), is amended to read as follows:

Section 1501. A. There is hereby created the "Oklahoma ~~Truth In~~ Sentencing ~~Policy Advisory~~ Commission". As used in ~~this act~~ Section 1501 through 1515 of this title, the term "Commission" means the Oklahoma ~~Truth In~~ Sentencing ~~Policy Advisory~~ Commission.

B. ~~Sentences established for violations of the state's criminal laws should be based on the established purposes of our criminal justice and corrections systems. The Commission shall evaluate crimes, sentencing laws and policies in relation to both the stated purposes of the criminal justice and corrections systems, the criminal justice and corrections systems resources, and the availability of sentencing options.~~ The Commission ~~shall~~ may make recommendations to the Legislature for the modification of crimes, recodifications of crimes, modification of sentencing laws and policies, and for the addition, deletion or expansion of sentencing options ~~as necessary to achieve policy goals within existing criminal justice and corrections systems resources~~. The Commission shall promulgate adjusted matrices as necessary pursuant to Section 3 of this act.

C. As used in ~~this act~~ Sections 1501 through 1515 of this title "criminal justice and corrections system" includes all activities and agencies, whether state or local, public or private, pertaining to the prevention, prosecution and defense of offenses, or to the disposition of offenders under the criminal laws of this state. The "criminal justice and corrections systems" includes police, public prosecutors, defense counsel, courts, correction agencies, mental health agencies, and all public and private agencies providing services in connection with those elements, whether voluntarily, contractually or by order of a court.

SECTION 35. AMENDATORY Section 2, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Section 1502), is amended to read as follows:

Section 1502. A. The Commission shall consist of ~~fifteen (15)~~ eleven (11) members as follows:

1. The Chief Justice of the Oklahoma Supreme Court shall appoint a sitting ~~or former~~ Justice of the Oklahoma Supreme Court who shall serve an initial term of four (4) years;

2. The Director of the Administrative Office of the Courts shall appoint an indigent defender, who shall serve an initial term of three (3) years;

3. ~~The Director of the Department of Corrections or a designee of the Director;~~

~~4. The Chairman of the Pardon and Parole Board, or another parole board member serving as the designee of the Chairman;~~

~~5. The Chief Judge of the Court of Criminal Appeals or another judge on the Court of Criminal Appeals, serving as the designee of the Chief Judge;~~

~~6. A judge appointed by the Oklahoma Judicial Conference, who shall serve an initial term of two (2) years;~~

~~7. A sheriff to be appointed by the Oklahoma Sheriffs Association who shall serve an initial term of three (3) years;~~

~~8.~~ One member ~~of the public at large~~, to be appointed by the Governor, ~~who is not currently licensed to practice law in the state~~, who shall serve an initial term of one (1) year;

~~9. One member~~ 4. Two members of the House of Representatives, one of whom shall be a Republican and one of whom shall be a Democrat, to be appointed by the Speaker of the House of Representatives ~~who~~ each of whom shall serve an initial term of two (2) years;

~~10. One member~~ 5. Two members of the Senate, one of whom shall be a Republican and one of whom shall be a Democrat, to be appointed by the President Pro Tempore of the Senate ~~who~~ each of whom shall serve an initial term of two (2) years;

~~11. The President Pro Tempore of the Senate shall appoint a representative from the Criminal Justice Systems Task Force Committee who is recommended by that organization and who shall serve an initial term of five (5) years;~~

~~12. The Speaker of the House of Representatives shall appoint a representative from the Crime Victims Compensation Board who is recommended by that organization and who shall serve an initial term of one (1) year;~~

~~13. The Chief Justice of the Oklahoma Supreme Court shall appoint the criminal defense attorney that is recommended by the President of the Trial Lawyers Association who shall serve an initial term of five (5) years;~~

~~14.~~ 6. A district attorney appointed by the District Attorneys Council who shall serve an initial term of five (5) years; provided any person appointed pursuant to this paragraph who is no longer serving as a district attorney shall not continue to serve on the Commission; and

~~15.~~ 7. The Attorney General~~, or an Assistant Attorney General to be appointed by the Attorney General, who shall serve an initial term of three (3) years~~;

8. The Director of State Finance; and

9. A defense attorney appointed by the Oklahoma Bar Association, who shall serve an initial term of five (5) years.

B. All members of the Commission shall be voting members.

SECTION 36. AMENDATORY Section 3, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Section 1503), is amended to read as follows:

Section 1503. Following the initial term of a member, the Commission members shall serve staggered terms of five (5) years or until a member ceases to hold the office or position that qualified the member for the appointment and until a successor is appointed and qualified. ~~The following members shall be voting members:~~

~~1. The member appointed by the Governor;~~

~~2. The member of the House of Representatives;~~

~~3. The member of the Senate;~~

~~4. The member appointed by the District Attorneys Council;~~

~~5. The member appointed by the Director of the Administrative Office of the Courts;~~

~~6. The member appointed by the Chief Justice of the Supreme Court; and~~

~~7. The Chief Judge of the Court of Criminal Appeals or his designee.~~

~~All other members shall be nonvoting members.~~ Vacancies occurring before the expiration of a term shall be filled for the unexpired term in the manner provided for the members first appointed.

The Commission members shall receive no salary for serving on the Commission. All Commission members who are not members of the

Legislature shall receive necessary travel expenses in accordance with the provisions of the State Travel Reimbursement Act by the employing agency. Members of the Commission not employed by the state or its political subdivisions shall be reimbursed for travel expenses in accordance with the provisions of the State Travel Reimbursement Act by the appointing authority's employing agency. Legislative members shall be reimbursed pursuant to Section 456 of Title 74 of the Oklahoma Statutes.

SECTION 37. AMENDATORY Section 4, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Section 1504), is amended to read as follows:

Section 1504. The Commission shall have its initial meeting no later than September 1, 1994, at the call of the Chairman. The Chairman shall serve a term of one (1) year and shall be appointed by the President Pro Tempore of the Senate for the initial term and thereafter the appointing authority shall alternate between the Speaker of the House of Representatives and the President Pro Tempore of the Senate. The Commission may hold meetings at the call of the Chairman ~~or by any four members serving on the Commission~~, upon such notice and in such manner as may be fixed by the rules of the Commission. A majority of the ~~voting~~ members serving on the Commission shall constitute a quorum.

SECTION 38. AMENDATORY Section 8, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Section 1508), is amended to read as follows:

Section 1508. A. ~~The Commission shall have four primary duties and other secondary duties essential to accomplishing the primary duties.~~ The Commission may establish subcommittees or advisory committees composed of Commission members to accomplish duties imposed by this section.

B. It is the legislative intent that the Commission attach priority to accomplish the following primary duties:

1. The ~~classification of criminal offenses as described in Section 10 of this act and the formulation of sentencing structures as described in Section 11 of this act~~ promulgation of

adjusted matrices, as necessary, pursuant to Section 3 of this act; and

2. The formulation of proposals and recommendations as described in ~~Sections 12 and 13 of this act~~ Section 1512 of this title~~;~~.

~~3. The modification or~~ C. In addition, the Commission may make recommendations to the Legislature for the recodification of the Penal Code of the State of Oklahoma ~~as necessary to classify criminal offenses and formulate sentencing structures pursuant to the provisions of this act; and~~

~~4. The development of recommendations for a Truth in Sentencing Act which will adequately reflect the offense committed, reasonably safeguard society as a whole, provide an opportunity for rehabilitation of the offender, assure incarceration of the most violent offenders, and truthfully present the punishment actually to be exacted~~.

~~C. Once the primary duties of the Commission have been accomplished, the~~ D. The Commission shall have the continuing duty to monitor and review the criminal justice and corrections systems in this state to ensure that sentencing remains uniform and consistent, and that the goals and policies established by the state are being implemented by sentencing practices, and it shall recommend methods by which this ongoing work may be accomplished and by which the correctional population simulation model shall continue to be used by the state.

~~D. Upon~~ E. After the adoption of ~~a system for the classification of offenses formulated pursuant to Section 10 of this act~~ the Oklahoma Truth in Sentencing Act, the Commission shall review all proposed legislation which creates a new criminal offense, changes the classification of an offense, or changes the range of punishment for a particular classification, and shall make recommendations to the Legislature.

~~E.~~ 1. In the case of a new criminal offense, the Commission shall ~~determine whether the proposal places the offense in the correct~~ review the proposed classification for the crime, based upon the considerations and principles set out in Section ~~10~~ 1510

of this ~~act~~ title. If the proposal does not assign the offense to a classification, it shall be the duty of the Commission to recommend the proper classification placement.

~~F.~~ 2. In the case of proposed changes in the classification of an offense or changes in the range of punishment for a classification, the Commission shall determine whether such a proposed change is consistent with the considerations and principles set out in Section ~~10~~ 1510 of this ~~act~~ title~~, and shall report its findings to the Legislature~~.

~~G.~~ F. The Commission shall meet within ten (10) days after the last day for filing bills in the Legislature for the purpose of reviewing bills as described in ~~subsections D, E and F of this section~~ this subsection. The Commission shall include in its report on a bill an analysis based on an application of the correctional population simulation model to the provisions of the bill.

~~H. The Commission shall report its initial findings and recommendations to the First Session of the 45th Legislature (1995). The report shall describe the status of the Commission's work, and shall include any completed policy recommendations.~~

~~I. The final recommendations for the classification and ranges of punishments for felonies and misdemeanors, required by Section 10 of this act, and sentencing criteria established pursuant to Section 11 of this act, shall be submitted to the President Pro Tempore of the Senate, the Speaker of the House Representatives and the Governor prior to the convening of the Second Session of the 45th Legislature (1996).~~

SHORT TITLE

SECTION 39. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

Sections 39 through 63 of this act shall be known and may be cited as the "Oklahoma Community Sentencing Act".

DEFINITIONS

SECTION 40. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Community Sentencing Act:

1. "Local community sentencing system" means a partnership between the state and one or more county governments which uses public and private entities to deliver a continuum of sanctions to the sentencing court for punishment under the authority of a community sentence or pursuant to any other provisions of law;

2. "Community sentence" or "community punishment" means a punishment authorized by law for a criminal offense which is specifically designed and imposed by the sentencing judge to hold the offender accountable for his or her criminal conduct and address his or her primary treatment or rehabilitation need. A community sentence is completed by the offender in a local community sentencing system and may include, but shall not be limited to, any combination of:

a. fines, restitution, reimbursements, or other monetary sanctions,

b. medical, mental health or substance abuse treatment,

c. employment, training or work, with or without compensation,

d. education,

e. supervision, surveillance, curfew, house arrest, electronic monitoring, or

f. confinement in the county jail;

3. "Continuum of sanctions" means a variety of coercive measures and treatment options ranked by degrees of public safety, punitive effect, and cost benefit which are available to the sentencing judge as punishment for criminal conduct;

4. "Community sentencing advisory council" or "advisory council" means a group of citizens and elected officials specified by law or appointed by the Chief Judge of the Judicial District which monitors and assists the state in the administration of a local community sentencing system;

5. "Incentive" means a court-ordered reduction in the terms or conditions of a community sentence which is given for exceptional performance or progress by the offender;

6. "Disciplinary sanction" means a court-ordered punishment in response to a violation of a community sentence which increases in intensity or duration with each successive violation;

7. "Division" means the Community Sentencing Division within the Department of Corrections which is the state administration agency for the Oklahoma Community Sentencing Act, the statewide community sentencing system, and all local community sentencing systems; and

8. "Statewide community sentencing system" means a network of local community sentencing systems serving the state judicial system and offering support services to each other through reciprocal and interlocal agreements and interagency cooperation.

PURPOSE OF THE ACT

SECTION 41. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The purposes of the Oklahoma Community Sentencing Act are to:

1. Establish a statewide community sentencing system;

2. Improve public safety while felony offenders are punished under a court-ordered community sentence;

3. Provide a continuum of sanctions for felony offenders sentenced within the community;

4. Increase the availability of punishment and treatment options to eligible felony offenders through public/private partnerships, reciprocal and interlocal governmental agreements, and interagency cooperation; and

5. Operate effectively within the allocation of state and local resources for the criminal justice system.

B. The statewide community sentencing system shall punish felony offenders as provided by the applicable state sentencing matrix and as otherwise allowed by law.

MANDATORY LOCAL SYSTEM

SECTION 42. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.4 of Title 22, unless there is created a duplication in numbering, reads as follows:

On or before September 1, 1997, the Chief Judge of the Judicial District shall establish the geographic boundaries of a community sentencing system which shall be the boundaries of each county, unless the Chief Judge establishes one or more multicounty community sentencing systems consisting of two or more contiguous counties within said judicial district; provided, however, the sheriff of each affected county and each district attorney operating within each of the subject counties shall consent to such county's membership in any proposed multicounty community sentencing system. After September 1, 1997, multicounty community sentencing systems may be established by the Chief Judge of a Judicial District with the consent of the sheriff of each affected county, each district attorney operating within the subject counties, and the Community Sentencing Division within the Department of Corrections.

ADVISORY COUNCIL

SECTION 43. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.5 of Title 22, unless there is related a duplication in numbering, reads as follows:

A. On or before September 30, 1997, a community sentencing advisory council shall be established for each community sentencing system.

B. Single county advisory councils shall have membership as follows:

1. The Chief Judge of the Judicial District or a judge having duties within the county appointed by the Chief Judge of the Judicial District;

2. The district attorney for the county or an assistant district attorney appointed by the district attorney;

3. The county sheriff or a deputy sheriff appointed by the sheriff;

4. A county commissioner appointed by the board of county commissioners for the county; and

5. Three or more citizens elected by the other designated members.

C. Multicounty advisory councils shall have membership as follows:

1. The Chief Judge of the Judicial District, or a judge having duties within the jurisdiction appointed by the Chief Judge of the Judicial District;

2. A district attorney or an assistant district attorney appointed by a majority vote of all district attorneys participating in the multicounty system;

3. A county sheriff or a deputy sheriff appointed by a majority vote of all sheriffs participating in the multicounty system;

4. A county commissioner appointed by a majority vote of all county commissioners of the counties participating in the multicounty system; and

5. Three or more citizens from each of the counties participating in the multicounty system elected by the other designated members.

D. In the event the required advisory council has not been established as provided by subsection A of this section for any county or as provided in Section 42 of this act, the Chief Judge of the Judicial District shall appoint five or more persons to serve as the advisory council in addition to a designated judge. All membership appointments required by this subsection shall be made on or before October 1, 1997. Every advisory council shall have a judge who shall be either the Chief Judge of the Judicial District or a judge having duties within the jurisdiction appointed by the Chief Judge. The Chief Judge making the appointments of an advisory council pursuant to the provisions of this subsection shall decide whether the advisory council shall be a single county advisory council or a multicounty advisory

council. If a Chief Judge of a Judicial District will not serve as a member of an advisory council or make any of the required appointments, the Chief Justice of the Supreme Court shall direct another judge of the jurisdiction to make the appointments or serve as the designated judge.

E. Once an advisory council has been established, it shall notify the Community Sentencing Division within the Department of Corrections of its membership, and thereafter the jurisdiction shall be eligible to receive technical assistance from the state in establishing the required local community sentencing system.

F. Each member of an advisory council shall reside in or have employment duties in the jurisdiction to be served by the council. Members serving on an advisory council who are elected officials shall have a term of office on the advisory council concurrent with the term of the elected office, except when the person resigns or is otherwise removed as provided by the rules promulgated for the council or as authorized by law. All other members of the advisory council shall have staggered terms of office not exceeding a three-year term. Advisory council members may be reappointed upon the expiration of their terms. The Chief Judge of the Judicial District shall have the authority to remove any advisory council member within the jurisdiction of the court district at any time for violation of the rules governing the local advisory council.

G. Each advisory council member shall have one vote, and a majority of voting members shall constitute a quorum. No vacancy shall impair the right of the remaining members to exercise all the duties of the advisory council. Any vacancy occurring in the membership of an advisory council shall be filled for the unexpired term of office in the same manner as the original selection.

H. The designated judge shall convene the initial meeting of the advisory council within fifteen (15) days following the establishment of the council. At the initial meeting of the advisory council, the membership shall elect a chair from its members who shall preside at all meetings of the council and

perform such other duties as may be required by law. An advisory council may elect another member as vice-chair who shall perform duties of the chair during any period of absence or upon the refusal or inability of the chair to act, a secretary who shall keep minutes of all meetings, and other officers as necessary.

I. Each advisory council shall adopt written rules concerning meeting times, places, dates, conduct for disclosing and handling conflicts of interest, procedures for soliciting bids for services and recommending service providers, procedures for removal and replacement of members for failure to attend a required number of meetings, and any other provision necessary to implement the provisions of the Oklahoma Community Sentencing Act. The written rules promulgated by an advisory council shall not be subject to the Administrative Procedures Act; provided, however, the rules shall be filed with the clerk of the district court or courts of the jurisdiction to be served by the community sentencing system. The rules may be amended by a majority vote of the advisory council members after a thirty-day written notice detailing the change or addition has been filed with the court clerk where the original rules are filed.

J. Each advisory council shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

ADVISORY COUNCIL DUTIES

SECTION 44. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.6 of Title 22, unless there is created a duplication in numbering, reads as follows:

Each community sentencing advisory council created pursuant to the provisions of Sections 42 and 43 of this act shall have the duty to:

1. Assist the state in planning and budgeting correctional resources;

2. Promulgate rules for the advisory council which are consistent with the provisions of this act;

3. Prepare a detailed plan each fiscal year with an accompanying budget for the local community sentencing system;

4. Identify local resources available to serve the court for felony offenders sentenced to the community;

5. Recommend selection of qualified service providers to deliver services to felony offenders sentenced to the community;

6. Assist in monitoring the local community sentencing system to ensure the system functions within the approved budget and plan;

7. Request bids for qualified services to support the local community sentencing system plan as provided in Section 45 of this act;

8. Recommend interlocal governmental agreements for qualified services where services are not available within the jurisdiction or where services may be delivered in a more cost-effective manner by another jurisdiction;

9. Form multicounty systems as may be necessary to conserve state or local resources or to implement an appropriate range of services to the court;

10. Review and select services for cost-effectiveness and performance-based evaluation;

11. Solicit various sources of funding and resources for the local community sentencing system;

12. Assist in developing public/private partnerships in the local jurisdiction, reciprocal agreements, and interagency cooperation to provide appropriate services and support to the system; and

13. Perform other functions necessary to promote local involvement and implement the provisions of this act.

LOCAL SYSTEM PLAN

SECTION 45. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.7 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. A detailed plan for each local community sentencing system shall be submitted each fiscal year to the Community Sentencing

Division within the Department of Corrections pursuant to the rules promulgated for such purpose. The initial plan shall be submitted on or before February 1, 1998. The designated judge of the advisory council shall review the range of services proposed in the plan and declare in writing that the proposed services meet the needs of the local jurisdiction. The judge shall forward the plan to the Division for state approval and appropriate funding. Each local community sentencing system plan shall include, but not be limited to:

1. Identification of existing resources, including cash, professional services, in-kind resources, property, or other sources of resources;

2. Additional resources needed, identified by type and amount;

3. Projected number of offenders to be served by each provider and the projected total number of offenders to be served by the local system;

4. Types and priority groups of offenders to be served for purposes of budgeting and targeting specific use of selected service providers;

5. Established disciplinary sanctions for noncriminal conduct against participating offenders and applicable costs;

6. Local policy statements;

7. Methods for allocating resources to support the services included in the plan;

8. Reciprocal agreements for out-of-jurisdiction services or methods for complying with requests for reciprocal agreements;

9. Performance-based program evaluation methods and criteria or minimal program standards;

10. Record keeping and provisions for audits or reviews;

11. Administrative structure of the local system and list of specific service providers participating in the system, including detailed qualifications of staff and program administrators; and

12. Extent of community participation and support for the local system.

B. A local community sentencing system plan may be modified or expanded as provided by the rules promulgated for that purpose by the Community Sentencing Division within the Department of Corrections.

C. A community sentencing system shall be operational when the plan is approved by the Community Sentencing Division and is receiving funding. The Division, upon receipt of a proposed local system plan, shall have not more than forty-five (45) days to evaluate the plan and to notify the advisory council of any modification. All modifications shall be completed by May 1 each year. Failure of the Division to request or finalize a modification within the times specified in this subsection shall constitute final approval of the plan for purposes of state funding and provider service agreements. The service agreements shall be finalized by June 30 of each year for each local community sentencing system.

D. A local administrator as provided in Section 51 of this act shall assist the local advisory council in gathering and keeping accurate information about the jurisdiction to support the planning process. For the previous two (2) years, the information pertaining to the jurisdiction shall include, but not be limited to:

1. The number and rate of arrests, number of felony convictions, admissions to probation, number of offenders sentenced to post-imprisonment supervision, number of offenders sentenced to county jail, average length of sentence served in county jail, number of offenders sentenced to the custody of the Department of Corrections, and average length of sentence served in the custody of the Department of Corrections;

2. Current jail conditions, staff, capacity, and jail population data by offender-type including, but not limited to, misdemeanor, felony, trusty, post-trial detainee, pretrial detainee, disciplinary sanction or juvenile;

3. A listing of services and programs available in the community, including costs, space availability, the number of

offenders participating, the average length of participation and performance-based data;

4. Range of community punishments previously used by the courts for offenders within the jurisdiction, including methods and use of disciplinary sanctions for noncriminal behavior of offenders participating in the program and opportunities for incentives;

5. A listing of educational, vocational-technical, health, mental health, substance abuse treatment, medical, and social services available to offenders or to be made available within a twelve-month period;

6. Restrictive residential facilities or other restrictive housing options available or to be made available within a twelve-month period; and

7. Approved local system plans and budgets.

MANDATORY SERVICES

SECTION 46. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.8 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. A community sentencing system established pursuant to the provisions of the Oklahoma Community Sentencing Act shall include those services and punishments enumerated and funded in the annual plan submitted and approved by the Community Sentencing Division within the Department of Corrections and any other services or punishments subsequently added and approved by the Division during a plan year. Each community sentencing system shall be required to provide an appropriate range of services and punishments making a continuum of sanctions for the court. Said options may be utilized for offenders sentenced pursuant to the applicable state sentencing matrix or otherwise as provided by law for criminal sentences. Each local system shall be required to have available to the court all of the following services:

1. Community service with or without compensation;

2. Substance abuse treatment and drug testing;

3. Varying levels of supervision;

4. Education and literacy;

5. Employment opportunities and job skills training; and

6. Enforced collections.

B. The court may order an offender to any one or more of the following for a community sentence, suspended sentence, or deferred sentence:

1. Full or partial restitution to the victim according to a schedule of payments established by the sentencing court, with or without interest at the rate of twelve percent (12%) per annum;

2. Reimbursement to any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims as a result of the criminal act for which the defendant is convicted, with or without interest accruing thereon at the rate of twelve percent (12%) per annum;

3. A term of community work or service without compensation, with a specified date for completion and according to a schedule consistent with the employment and family responsibilities of the person convicted;

4. Payment of a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, which provides restitution payments by convicted defendants to victims of crimes committed within this state wherein such victim has incurred a financial loss;

5. Payment of a reasonable sum to the Crime Victims Compensation Board, created by Section 142.2 et seq. of Title 21 of the Oklahoma Statutes, for the benefit of crime victims;

6. Confinement in the county jail for a period not to exceed one (1) year as authorized in Section 991a-2 of Title 22 of the Oklahoma Statutes;

7. Reimbursement to the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which the person is being sentenced;

8. Repayment of the reward or part of the reward paid by a certified local crime stoppers program, the State Crime Stoppers Program, or the Oklahoma Reward System. In determining whether

the defendant shall repay the reward or part of the reward, the court shall consider the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the crime stoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. "Certified local crime stoppers program" means a crime stoppers program certified by the Office of the Attorney General pursuant to Section 991g of Title 22 of the Oklahoma Statutes. The "Oklahoma Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes;

9. Reimbursement to the Oklahoma State Bureau of Investigation for costs incurred by that agency during its investigation of the crime for which the defendant pleads guilty, nolo contendere or is convicted, including compensation for laboratory, technical, or investigative services performed by the Bureau if the costs incurred by the Bureau during the investigation of the defendant's case may be determined with reasonable certainty;

10. Payment of court costs incurred in the case for which the defendant is convicted;

11. Substance abuse education or treatment, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes or as ordered by the court;

12. Placement in a victims impact panel program or victim/offender reconciliation program and payment of a fee to the program of not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program to offset the cost of participation by the defendant;

13. Installation of an ignition interlock device approved by the Department of Public Safety at the defendant's own expense. The device shall be installed upon every motor vehicle operated by the defendant, and the court shall require that a notation of this restriction be affixed to the defendant's driver license. The restriction shall remain on the driver license not exceeding two

(2) years to be determined by the court. The restriction may be modified or removed only by order of the court and notice of any modification order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without a device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater;

14. Confinement by electronic monitoring administered and supervised by the Department of Corrections or a community corrections provider, and payment of a monitoring fee to the supervising authority, not to exceed Seventy-five Dollars ($75.00) per month. Any fees collected pursuant to this paragraph shall be deposited with the appropriate supervising authority. Any willful violation of an order of the court for the payment of the monitoring fee shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "electronic monitoring" means confinement of the defendant within a specified location or locations with supervision by means of an electronic device approved by the Department of Corrections which is designed to detect if the defendant is in the court-ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person;

15. One or more courses of treatment, education or rehabilitation for any conditions, behaviors, deficiencies or disorders which may contribute to criminal conduct, including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual

behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education, or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization;

16. Periodic testing for alcohol, intoxicating substance, or controlled dangerous substances by a qualified laboratory;

17. Payment of a fee, costs for treatment, education, supervision, participation in a program, or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs;

18. Supervision by a Department of Corrections employee, a private supervision provider, or other person designated by the court;

19. Positive behavior modeling by a trained mentor;

20. Confinement in a restrictive housing facility available in the community;

21. Confinement in the county jail at night or during weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or for work release;

22. Employment or employment-related activities;

23. Mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court;

24. Day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system;

25. Blood testing as required by Section 73 of this act;

26. Repair or restoration of property damaged by the defendant's conduct, if the court determines the defendant possesses sufficient skill to repair or restore the property and the victim consents to the repairing or restoring of the property;

27. Restoration of damaged property in-kind or payment of out-of-pocket expenses to the victim, if the court is able to determine the actual out-of-pocket expenses suffered by the victim;

28. Attendance in a victim-offender mediation program if the victim agrees to participate and the offender is deemed appropriate for participation;

29. Any other provision specifically ordered by the court;

30. In the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems; and

31. In the case of a sex offender, require the person to participate in a treatment program, if available. The treatment program must be approved by the person who has supervisory authority over the defendant. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay. For purposes of this provision, "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

FEES AND COSTS

SECTION 47. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.9 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Any offender sentenced to a community sentence pursuant to the applicable state sentencing matrix which requires supervision, or otherwise as authorized by law for a suspended or deferred sentence with supervision, shall be required to pay a supervision

fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars ($40.00) per month, based upon the offender's ability to pay. In hardship cases the supervising agency may expressly waive all or part of the fee. No supervising agency participating in a local community sentencing system shall deny any offender services for the sole reason that the offender is indigent. Fees collected for supervision services performed by the Department of Corrections shall be paid directly to the Department to be deposited in the Department of Corrections Revolving Fund.

B. In addition to any supervision fee required, offenders participating in a local community sentencing system shall be required to pay a user fee for administrative services from the local system which shall not exceed Twenty Dollars ($20.00) per month to be set by the local administrator. User fees when collected shall be deposited with the Community Sentencing Division within the Department of Corrections and credited to the local community sentencing system for support and expansion of the local community corrections system.

C. In addition to any supervision fee or user fee authorized by this section, the court shall assess court costs, and may assess program costs, restitution, and fines to be paid by the offender as the punishment imposed, subject to the person's ability to pay.

RESOURCE-LIMITED SYSTEM

SECTION 48. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.10 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. It is the responsibility of the advisory council, the sentencing judge, and the local administrator to ensure that the expenditure of funds within the local community sentencing system is appropriately made within the range of services offered to the court and for the risk/needs of individual offenders sentenced to community punishment. It is further the responsibility of the local system and sentencing court to keep an awareness of the

local correctional resources and to utilize those resources in the most efficient manner when punishing offenders.

B. The sentencing judge when administering the provisions of the Oklahoma Community Sentencing Act shall, whenever possible, balance the needs for public safety and costs by providing appropriate punishment and the most cost-effective treatment specifically targeted for the offender's needs.

C. The state and local systems are resource limited. The statewide system and each local system is required to monitor and prioritize expenditures and to operate within available resources.

D. The Community Sentencing Division within the Department of Corrections shall not fund any community corrections system beyond the approved budget amounts in any fiscal year, except as otherwise specifically provided by law.

PERFORMANCE-BASED EVALUATIONS

SECTION 49. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.11 of Title 22, unless there is created a duplication in numbering, reads as follows:

Each service provider shall be required to have a performance-based evaluation within two (2) years of participating in a local community sentencing system. The initial performance-based evaluation of a program or service shall be made two (2) years from the date a program or service is first designated in the local system plan, provided the program or service continues to be included in the local system plan during a second or subsequent plan year. After an initial evaluation, the program or service shall be reviewed annually when the program or service continues to be designated as part of the local system plan. The Community Sentencing Division within the Department of Corrections may establish other criteria for evaluating programs and services, and shall establish procedures by rule for review of the evaluations prior to any renewal of service provider agreements or selection of new service providers.

MEDICAL EXPENDITURE/OFFENDER STATUS

SECTION 50. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.12 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Any person sentenced to a community punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall not be deemed an inmate, nor shall the person be considered to be in the custody of the Department of Corrections, nor shall the person require processing through the Lexington Reception and Assessment Center. Persons sentenced to community punishment pursuant to the applicable state sentencing matrix or otherwise as authorized by law, shall be in community custody within the county.

B. Except as otherwise specifically provided by law, persons sentenced to a community punishment shall not have medical or dental expenses paid by the Department of Corrections or reimbursed by the Community Sentencing Division. Each local community sentencing system shall be required to budget for minor required medical or dental expenses for persons participating in the local system. The local system shall request a medical or dental co-payment for any medical or dental services delivered to offenders sentenced to a community punishment.

C. The local administrator may request the Community Sentencing Division within the Department of Corrections to provide emergency medical assistance to a local community sentencing system or to an individual offender when the emergency is beyond the budget of the local system. When a request for emergency medical services is made, the Division shall negotiate the necessary medical assistance through an appropriate state agency on a case-by-case basis.

D. Any felony offender requiring extensive medical treatment or services relating to confinement, which is a court-ordered part of a community sentence pursuant to the authority of the applicable state sentencing matrix, may be transferred to the Department of Corrections for appropriate treatment upon order of the court. The offender shall be returned to the local system

following the necessary medical treatment or upon completion of the sentence.

E. 1. The state will pay all required medical expenses while a person is incarcerated in the county jail, provided the state has the obligation to pay for the term of incarceration pursuant to the provisions of this act. For persons sentenced under the authority of Field 2 or Field 3 punishment levels of the matrices, the state will pay required medical expenses for a maximum of one (1) year while incarcerated in the county jail. If the sentencing judge under the authority of Field 2 or Field 3 punishment levels orders any term of imprisonment less than one (1) year, the state will pay required medical expenses for up to a total of one (1) year for incarceration and disciplinary jail sanctions combined.

2. The state will pay up to a maximum of thirty (30) days on required medical expenses while a person is incarcerated in the county jail pursuant to Field 4 punishment levels of the state's sentencing matrix, and this shall be only for required medical expenses occurring during periods of disciplinary sanction in the county jail.

LOCAL ADMINISTRATOR

SECTION 51. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.13 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Each local community sentencing system shall operate under the supervision of a local administrator who shall be employed by the Community Sentencing Division within the Department of Corrections. The local administrator shall have the duty to:

1. Administer the day-to-day operation of the local community sentencing system within the approved budget and plan and according to the provisions of the Oklahoma Community Sentencing Act and any rules promulgated by the Division;

2. Assist the advisory council in the jurisdiction in identifying resources and preparing the annual plan and supporting budget;

3. Provide the court with a listing of available services within the approved local community sentencing system for purposes of imposing a community sentence;

4. Carry out court orders pursuant to the provisions of this act as provided in the offender's judgment and sentence;

5. Assign offenders to specific service providers who are participating in the local system according to the conditions of the community sentence;

6. Report to the judge all completions and violations of court orders for community sentences or community punishments;

7. Keep accurate records for the local system and coordinate those records for monitoring by the Community Sentencing Division;

8. Monitor the local service providers to assure appropriate delivery of services to both the offender and the local system;

9. Coordinate and assist staff to support the advisory council and the sentencing court;

10. Ensure that restitution, reimbursements, fines, costs, and other payments and fees are deposited with the appropriate entity;

11. Report to the Community Sentencing Division within the Department of Corrections any complaints or service delivery problems;

12. Ensure criminal disposition reports on community sentences are made to appropriate state and federal agencies; and

13. Perform other functions as specified by the Community Sentencing Division within the Department of Corrections for purposes of implementing the provisions of this act.

B. The local administrator shall supervise all existing county employees when a county has a preexisting community program operated by county employees and that program and preexisting staff are qualified to carry out the provisions of this act, and the local board of county commissioners agrees to continue to fund the county employees and significant portions of the preexisting program. The Division shall promulgate rules for continuing an existing program.

C. When a service provider is selected to be part of the local community sentencing system, the employees of that service provider shall not become employees of the county, the local community sentencing system, or the state by virtue of any contractual agreement or payments from the state.

STATE AGENCY

SECTION 52. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.14 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created within the Department of Corrections the "Community Sentencing Division". The purpose of the agency shall be to implement and administer the Oklahoma Community Sentencing Act and any provisions of law relating to the operation and management of a statewide community sentencing system.

B. The Community Sentencing Division shall employ an executive management staff consisting of a deputy director and such other employees as authorized by the Legislature and subject to appropriations, who shall be unclassified state employees. In addition to the executive management staff, there shall be an appropriate number of local community sentencing system administrators as authorized by the Legislature and subject to appropriations, who shall be unclassified state employees of the Division. The deputy director of the Division shall report directly to the Director of the Department of Corrections. The Legislature shall provide the Department of Corrections sufficient funds for administrative support to the Division, and the Division shall have a separate legislative appropriation for the implementation and operation of the statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act. The Director of the Department of Corrections shall hire and set the salary of the executive management staff. The deputy director of the Division shall hire the local administrators.

DUTIES OF THE STATE AGENCY

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.15 of Title 22, unless there is created a duplication in numbering, reads as follows:

The Community Sentencing Division within the Department of Corrections shall have the duty to:

1. Administer a statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act and other provisions of law;

2. Establish statewide goals and standards for the statewide community sentencing system and the local community sentencing systems;

3. Promulgate rules pursuant to the Administrative Procedures Act for the implementation and operation of the Oklahoma Community Sentencing Act;

4. Provide technical assistance and administrative support to each local community sentencing system. The technical assistance shall include, but not be limited to, information on:

a. corrections system design,

b. administration,

c. development, monitoring, and evaluating of programs and services,

d. program identification and specifications,

e. offender risk management,

f. supervision of offenders,

g. planning and budgeting,

h. grant applications, and

i. preparation and submission of documents, data, budgets, and system plans;

5. Coordinate with other state agencies for services and technical assistance to each local community sentencing system;

6. Apply for and accept money and other assets to be utilized for support of a statewide community sentencing system and to allocate and disburse agency funds to local community sentencing systems through an approved plan by an appropriate funding method;

7. Review, analyze and fund local system plans within budgetary limitations;

8. Contract with local service providers for services to the local system;

9. Identify and solicit other funding sources and resources to support the statewide community sentencing system;

10. Request post audits of state funds;

11. Monitor and coordinate approved local systems;

12. Provide performance-based evaluations for all service providers of the statewide system;

13. Report annually by January 15 to the Legislature and Governor on the statewide system. The report shall provide an evaluation of the effectiveness of the Oklahoma Community Sentencing Act in terms of public safety, appropriate range of community punishments, cost-effectiveness, performance-based effectiveness in reducing recidivism, utilization by the judiciary, resource allocation, and reduced state and local institutional receptions, if any; and

14. Disseminate information to local administrators and approved community sentencing systems concerning corrections issues including, but not limited to:

a. punishment options,

b. disciplinary sanctions,

c. resource allocation,

d. administration,

e. legal issues,

f. supervision and risk management,

g. treatment methodology and services,

h. education and vocational services,

i. service and program monitoring and evaluation methods,

j. grants and funding assistance,

k. data and record keeping, and

l. offender characteristics.

STATE FUNDING

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.16 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Each fiscal year the Community Sentencing Division within the Department of Corrections shall establish a statewide community sentencing system budget to meet legislative appropriations for that purpose. The statewide community sentencing budget shall provide goals and funding priorities for community punishment and treatment within the applicable state sentencing matrices and as otherwise provided by law. The statewide community sentencing system shall be composed of local community sentencing system plans as approved by the Division. A funding formula shall be developed for allocation of state funds to each local system for day-to-day operation during a fiscal year. The Division and each of the local community sentencing systems are required to operate within the appropriated funds. The state shall require each local community sentencing system to identify resources other than state funds as part of the funding formula. The Division shall establish procedures for disbursement of state funds to service providers, and shall disburse state funds in a timely manner.

B. 1. For a local community sentencing system to remain eligible for maximum state funding, a local community sentencing system shall:

a. demonstrate fiscal responsibility by operating the local system within the approved plan and budget,

b. require performance-based selection of service providers participating in the annual system plan,

c. offer a continuum of sanctions for felony offenders sentenced to the local community sentencing system and appropriately assign offenders for services, and

d. comply with the rules promulgated by the Community Sentencing Division within the Department of Corrections and the provisions of this act.

2. State funding may be reduced to any jurisdiction in a subsequent plan year where there is a:

a. demonstrated misuse of services or funds,

b. significant lack of innovation or performance-based effectiveness of the system, or

c. demonstrated failure to appropriately target offenders for services.

C. The Community Sentencing Division within the Department of Corrections shall review and evaluate all community sentencing system plans and budget requests when plans are submitted for approval and funding. The Division is directed to automatically approve all plans complying with the provisions of the Oklahoma Community Sentencing Act which require no state funding.

D. When state funding is required to implement a local community sentencing system plan, the Community Sentencing Division shall approve the plan only to the extent that the jurisdiction's share of the total state appropriations will support the implementation of the local system plan.

E. All state funding shall be subject to appropriations by the Legislature. When any county resources have been committed in support of an approved community sentencing system plan, those resources shall not be withdrawn by any county official during a plan year without penalty as provided by the rules promulgated for this act.

F. Except as provided in subsection H of Section 991a-2 of Title 22 of the Oklahoma Statutes, state funds from the Community Sentencing Division disbursed for approved sentencing systems shall be used for operation and administrative expenses and shall not be used to construct, renovate, remodel, expand or improve any jail, residential treatment facility, restrictive housing facility, or any other structure, nor shall these funds be used to replace funding or other resources from the federal, state, county or city government committed in support of the detailed system plan during the plan year.

G. Any funds accruing to the benefit of an approved community sentencing system shall be deposited in the Oklahoma Community

Sentencing Revolving Fund created as provided in Section 62 of this act, and shall be credited to the local jurisdiction making such deposit. The Community Sentencing Division within the Department of Corrections is authorized to apply for and accept grants, gifts, bequests and other lawful money from nonprofit private organizations, for-profit organizations, political subdivisions of this state, the United States, and private citizens.

H. Requests for capital expenditures in support of the local community sentencing system shall be made as provided by the rules promulgated by the Community Sentencing Division within the Department of Corrections.

I. For purposes of calculating state funding for local community sentencing systems budgets for various punishment levels of the state's sentencing matrices, supervision, treatment, and education shall be the first funding priority.

ASSESSMENT AND EVALUATION

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.17 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. On or before January 1, 1998, the following state agencies shall each develop and report to the Community Sentencing Division within the Department of Corrections their respective assessment and evaluation test for areas under their authority and expertise and the appropriate scoring method for such test:

1. The Department of Corrections;

2. The Office of Juvenile Affairs;

3. The Department of Mental Health and Substance Abuse Services;

4. The State Department of Health;

5. The State Department of Education; and

6. The Oklahoma Department of Vocational and Technical Education.

B. The Community Sentencing Division within the Department of Corrections shall develop and assemble the various tests into one

standardized test for use by all local community sentencing systems in making the required assessment and evaluation for a community sentence. The Administration Office of the Courts shall assist in promulgating instructions and forms necessary for the courts' use of the required assessment. The state agencies enumerated in subsection A of this section shall provide technical assistance necessary to implement and monitor the Oklahoma Community Sentencing Act, and shall offer services to local community corrections systems, subject to availability of funding.

C. All participating state agencies and local advisory councils are directed to promulgate rules necessary to implement the provisions of this act. When promulgating the rules, participating state agencies and local advisory councils shall coordinate their rules to the extent possible to enhance the statewide community sentencing system and statewide goals established for the criminal justice system.

USE OF ASSESSMENT

SECTION 56. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.18 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. On and after July 1, 1998, in lieu of a presentence investigation provided in Section 982 of Title 22 of the Oklahoma Statutes, for each community sentence case the judge shall, prior to making a determination of punishment and imposing any community punishment or service authorized by law, or imposing any other sentence authorized by law which would receive services from the local system, order an assessment and evaluation of the defendant to assist the court in determining the offender's primary treatment need, appropriate community punishment, and potential risk to public safety if the offender is sentenced in the community.

B. The assessment and evaluation shall be utilized by the court prior to determining any punishment for the offense. The purpose of the assessment shall be to identify the extent of the

defendant's deficiencies and needs, the potential risk to public safety, and the appropriateness of various community punishments.

C. The defendant shall be required to complete a standardized assessment and evaluation test which shall be scored by an appropriately trained person designated by the court or pursuant to a service agreement with the local community sentencing system. Any defendant lacking sufficient skills to read, comprehend or otherwise complete the assessment and evaluation test shall have appropriate assistance or may have an oral assessment and evaluation based upon the standardized test form.

D. The failure or refusal of the defendant to be assessed and evaluated shall not prohibit the court from sentencing the defendant.

JUDICIAL AUTHORITY

FOR COMMUNITY SENTENCE

SECTION 57. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.19 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When ordering a community sentence or community punishment pursuant to the applicable state sentencing matrix or as otherwise provided by law, the court shall impose the punishment appropriate for the offense as authorized by law, and may order a community service to address an identified offender treatment need. The local community sentencing system administrator shall have authority for all offender placements within the local community sentencing system.

B. Persons convicted of or pleading guilty or nolo contendere to a misdemeanor offense or a combination of misdemeanor and felony offenses may receive services from a local community sentencing system when the county agrees in writing to pay the Community Sentencing Division within the Department of Corrections for the actual costs of services used for misdemeanor cases; provided, however, this provision shall not preclude any felony offender from receiving services as required by law. The community sentencing advisory council as provided in Sections 43

and 44 of this act shall recommend to the local administrator whether or not any programs or services will be offered for misdemeanor cases. The Community Sentencing Division shall have the responsibility for entering into the written agreement with the county for the required payments since no state funds shall be used to pay for misdemeanor offenses.

C. Any time during the term of a community sentence, the court imposing the sentence may modify any previous provision as provided in this section upon motion of the district attorney, the defense attorney, or the offender. The authority to modify a community sentence shall not apply to any person who:

1. Is incarcerated in any state correctional facility;

2. Is subject to a suspended sentence or portion thereof;

3. Is subject to a delayed sentence; or

4. Is subject to the provisions of Section 996 et seq. of Title 22 of the Oklahoma Statutes.

D. Upon consideration of a properly filed motion to modify a community sentence pursuant to the provisions of this section, the staff of the approved community sentencing system in which the offender is ordered to participate, the sheriff, the district attorney, the service provider, or any agency or person providing supervision of the offender shall provide the court with any reports and other information available and relating to the offender, and to the reason for the motion to modify the sentence. The court shall consider any reports and information submitted prior to modifying the sentence.

E. If the court considers a motion to modify a community sentence, a hearing shall be held in open court. The notice of the hearing shall be given to the offender, the offender's legal counsel, and the district attorney of the county in which the offender was convicted not less than ten (10) days prior to the hearing. A copy of any reports to be presented to the court shall accompany the notice of hearing.

F. Following the hearing, the court shall enter the appropriate order authorized by law. The court may modify any community sentence by imposing any other punishment allowed by law

for the offense and appropriate for the circumstances as determined by the discretion of the judge; provided, however, no punishment shall be imposed which is greater than the maximum punishment allowed by law for the original offense. The court shall give the offender day-for-day credit on any modified sentence for any community time served, whether or not any term of incarceration was imposed. The court may decline to modify a community sentence and impose either a disciplinary sanction or an incentive as provided in Section 58 of this act.

G. The court shall not be limited on the number of modifications a sentence may have within the term of the community sentence.

H. The Department of Corrections shall establish rules for revoking a community sentence to a Department of Corrections penal institution. The maximum term of any imprisonment given on a revocation of a community sentence to the custody of the Department of Corrections shall not exceed the prescribed term of incarceration for the offense as provided in the state's sentencing matrices. When a community sentence is revoked to state imprisonment, the court shall give a day-for-day credit for all time served in the community.

I. For purposes of the Oklahoma Community Sentencing Act and the state's sentencing matrices for Fields 2, 3 and 4 punishment levels, any offender convicted and sentenced for a first time community sentence shall have their criminal record expunged upon a successful completion of the community sentence. When the local administrator of the community corrections system where the offender has served the sentence has filed the final documentation of completion of the community sentence, the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged from the record and the charge dismissed of record. For subsequent offenses for which the person is convicted, the effect of this provision shall be to treat the first expungement as a prior conviction when applying any applicable enhancements.

JUDICIAL AUTHORITY

DISCIPLINARY SANCTIONS/INCENTIVES

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.20 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Upon proper motion to the court to modify a community sentence as provided in Section 57 of this act, the judge shall have authority to impose disciplinary sanctions. An order for a disciplinary sanction shall not modify the terms of the original sentence and shall be used to gain compliance with the original court order. The Community Sentencing Division within the Department of Corrections shall establish maximum funding of disciplinary sanctions for targeted offenses within the state's sentencing matrices. Disciplinary sanctions ordered in excess of the established funding priorities shall not be reimbursed by the state. The court may order any community punishment available in the jurisdiction deemed appropriate by the judge for the circumstance including, but not limited to, a term of imprisonment not to exceed five (5) days per disciplinary order in either:

1. The county jail;
2. A residential treatment facility;
3. A restrictive housing facility; or
4. A halfway house.

The sheriff shall deliver the offender to the designated place of confinement, provided the place of confinement has an agreement for confinement services with the local community sentencing system. The offender shall be given day-for-day credit for any terms of incarceration served in the county jail or other restrictive facility when the sentence must be modified or revoked.

B. The court may, through a standing court order, provide for specific disciplinary sanctions and incentives which may be utilized by the local administrator upon notification to the court.

C. The court shall have authority to offer incentives to offenders to encourage proper conduct in the community and for compliance with the court orders. The court shall use its

discretion in ordering appropriate incentives. Incentives shall be considered a modification to the original sentence and may be ordered after the motion to modify has been heard.

D. When any offender is disciplined by the court as authorized by this section and is to be imprisoned in the county jail or other restrictive facility, the sheriff or facility administrator shall receive compensation as provided by their agreement with the local community sentencing system, or the sheriff or facility administrator shall be paid directly for the services by the offender when ordered to pay for the confinement as part of the disciplinary sanction. In no event shall any compensation for disciplinary confinement exceed the maximum amount provided for county jail confinement in subsection B of Section 38 of Title 57 of the Oklahoma Statutes, or the amount provided by a service agreement with a private provider included in the local system plan.

E. The Department of Corrections is prohibited from accepting offenders into state correctional facilities for disciplinary sanctions and is prohibited from contracting to pay for any offender imprisoned in the county jail for disciplinary sanctions or when sentenced to another restrictive facility as a disciplinary sanction; provided, however, the Department shall pay for any parolee or inmate serving a community assignment pursuant to law when that person must be imprisoned in the county jail for a disciplinary sanction authorized by the Department of Corrections.

JUDICIAL AUTHORITY

EARNED CREDITS

SECTION 59. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.21 of Title 22, unless there is created a duplication in numbering, reads as follows:

Any law directing earned credits during periods of imprisonment or otherwise, including Sections 20, 58.3, 138, 138.1 and 224 of Title 57 of the Oklahoma Statutes and Section 615 of Title 69 of the Oklahoma Statutes, shall not be applicable to

persons sentenced to a community sentence pursuant to the provisions of this act. Day-for-day credits shall be given to offenders who have community sentences revoked to county jail or state prison and also shall be given when a community sentence is modified.

OFFENDER RESPONSIBILITY

SECTION 60. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.22 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Any offender ordered to participate in an approved local community sentencing system shall be advised of the conditions of the specific program or service to which he or she is assigned.

B. Offenders shall not be ordered to participate in any service or program within any community sentencing system established pursuant to the Oklahoma Community Sentencing Act which requires the offender to use private transportation to reach the service location when the one-way-trip driving distance is more than sixty (60) miles from the residence of the offender, except by written consent of the offender.

C. Prior to completing a community punishment pursuant to the requirements of the state's sentencing matrix or any other provisions of law, the offender may, in special circumstances, request a reciprocal assignment in another jurisdiction to complete the terms and conditions of the community punishment. Each approved community sentencing system shall have entered into a reciprocal agreement for services with the other jurisdiction, and shall have the approval of the receiving jurisdiction and a court order from the court having jurisdiction of the offender before any transfer of the person, case, and services shall be made.

D. Upon completion of any court-ordered provision, pursuant to a community sentence or any provision of law, the administrator of the local system shall file a statement with the court defining the provision which has been successfully completed. When all court-ordered provisions have been successfully completed the

defendant shall be deemed to have completed the community punishment and shall be released.

E. The provisions of the Oklahoma Community Sentencing Act shall not confer any rights upon the defendant to avoid a term of imprisonment prescribed by law for the offense, nor grant any additional rights to appeal for failure to be offered any specific punishment or treatment option in any community sentence.

F. A community sentence pursuant to the state's sentencing matrix or any other provisions of law shall not require programs or services for more than three (3) years.

IMMUNITY FROM LIABILITY

SECTION 61. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.23 of Title 22, unless there is created a duplication in numbering, reads as follows:

All state and local government agencies, community service agencies, nonprofit organizations, education or vocational-technical entities, and other providers participating in an approved community sentencing system or contracting to provide services to the system pursuant to the provisions of this act are hereby granted immunity from liability for acts of any offender participating in a community sentencing system pursuant to the provisions of the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes, and for torts committed by or against any offender participating in an approved community sentencing system to the extent specified in Sections 227 and 228 of Title 57 of the Oklahoma Statutes or as provided in the Governmental Tort Claims Act, Section 151 et seq. of Title 51 of the Oklahoma Statutes.

REVOLVING FUND

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.24 of Title 57, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Community Sentencing Division within the Department of

Corrections to be designated the "Oklahoma Community Sentencing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds appropriated to it by the Legislature, grants, gifts, bequests and any other lawful money received for the benefit of the statewide community sentencing system. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Division for state funding to approved community sentencing systems established pursuant to the provisions of the Oklahoma Community Sentencing Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

IMPLEMENTATION/LEGISLATIVE OVERSIGHT

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 450.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall establish a joint legislative committee to provide appropriate planning, implementation, and oversight for the Oklahoma Community Sentencing Act and the criminal justice system.

SUSPENDED SENTENCE

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 990 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this act:

1. "Probation" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is released by the court with a fully suspended sentence and no conditional requirements, except periodic supervision which may be waived by the court or is subject to a deferred sentence;

2. "Suspended sentence" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is released by the court subject to conditional requirements and supervision;

3. "Split sentence" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is sentenced to a term of imprisonment for which the court orders only a portion of the imprisonment term to be actually served with the balance suspended and subject to conditional requirements and supervision;

4. "Delayed sentence" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is sentenced to a term of imprisonment for which the date to begin serving the imprisonment term is suspended up to twelve (12) months, and the defendant is released by the court subject to conditional requirements which must be completed by the date set to begin serving the term of imprisonment; and

5. "Supervision" means a court-ordered conditional requirement of a sentence which provides active monitoring through varying types and numbers of contacts by an agency, a person designated by the court, or by an electronic device as specified in the court order for a convicted offender receiving a sentence of probation, a suspended sentence, a split sentence, or a delayed sentence.

B. At the time of sentencing, when a defendant is convicted of a crime and no death penalty or sentence of life without parole is imposed, the court shall have authority to suspend the punishment, in whole or in part, except where the law specifically prohibits probation or a suspended sentence. The court may, after imposing the punishment for the offense, suspend that punishment by ordering a sentence to probation, a suspended sentence with conditional requirements, a split sentence, or a delayed sentence. The courts' authority to suspend the punishment for an offense shall include any prescribed provisions, fines, term of imprisonment, or any combination of prescribed punishments. The

court, in addition, may order the convicted defendant at the time of sentencing, or at any time during the term of the suspended sentence, to complete any one or more conditional requirements available in the local community sentencing system. Provided, however, no corporal punishment shall be allowed. The authority for a suspended sentence shall not apply to defendants who have been convicted of two or more prior offenses listed in Schedule A, B, C, D, S-1, S-2 or S-3.

C. 1. The requirement for supervision shall be initiated upon an order from the court. Supervision shall not exceed two (2) years, except as otherwise provided in this section. Supervision services may be provided by:

a. the Department of Corrections,

b. a qualified provider for the local community sentencing system, or

c. a qualified person designated by the court.

When the court does not specify the supervising agency or person, supervision shall be provided by the Department of Corrections. In the case of a person convicted of a sex offense, supervision shall not be limited to two (2) years but shall not extend beyond the length of the sentence imposed. Provided further, any supervision authorized by this section may be extended for a period not to exceed the expiration of the maximum term of the sentence upon a finding by the court after notice and hearing that the best interests of the public and the defendant will be served by an extended period of supervision; provided, however, the county may be required to reimburse the supervising agency for the extended supervision for any periods beyond the provisions of this section.

2. The type of supervision shall be initially specified by the court and may later be modified as provided in this section as the offender demonstrates compliance with the court-ordered conditions. Types of supervision may include low-level supervision, standard supervision, high-level supervision, intensive supervision, or electronic monitoring. For purposes of this paragraph:

a. "low-level supervision" means occasional contacts with the offender by the monitoring agency or person,

b. "standard supervision" means scheduled and unscheduled personal or other contacts by the monitoring person with the offender,

c. "high-level supervision" means a predetermined schedule of personal or other contacts by the monitoring person with the offender,

d. "intensive supervision" means multiple weekly personal contacts by the monitoring person with the offender and unscheduled contacts by the monitoring person with the offender at varying times and places, and

e. "electronic monitoring" means supervision or surveillance of the offender by means of an electronic device approved by the Department of Corrections or the community sentencing system, which is designed to detect if the offender is in the court-ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person.

3. When the court orders supervision as a conditional requirement of a sentence, the court shall make payment of a supervision fee a required condition of the sentence. The supervising agency shall establish the fee in an amount not to exceed Forty Dollars ($40.00) per month based upon the offender's ability to pay. In hardship cases, the supervising agency shall expressly waive all or part of the fee. No supervisory agency shall deny any offender services for the sole reason that the offender is indigent.

4. During any period of supervision, the agency or person designated to monitor a defendant shall be responsible for seeing that the defendant pays the restitution, repayments, reimbursements, fees, fines, and costs ordered by the court and that the defendant performs the conditions and completes the

programs required by the terms of the sentence. The designated monitoring agency or person shall ensure that all payments made by the defendant are forwarded to the appropriate person or entity in a timely manner.

D. 1. During any period of a suspended sentence or a split sentence, when the defendant is not benefiting from the prescribed conditions as ordered by the court, or when the defendant has violated any condition of the sentence not constituting a criminal offense, or when the defendant has successfully completed any condition of a sentence, the following persons may file a motion with the court for a modification of the conditions of the sentence:

a. the defendant or defense attorney,

b. the district attorney, or

c. the supervisory agency or person with the consent of the defendant and the district attorney.

2. The person requesting the motion shall provide the court with any reports and other information relating to the defendant available from the sheriff, the supervisory agency or person, or the treatment provider. The court shall consider any reports and information when modifying any conditions of a suspended or split sentence.

3. If the court considers a modification of any conditions of the sentence, a hearing shall be made in open court. The clerk of the court having jurisdiction shall give notice of the hearing and provide a copy of any reports and information to the defendant, the defense attorney, the district attorney, and to any other parties to the motion. The notice shall be given not less than three (3) days prior to the hearing of the motion.

4. Following the hearing, the court shall enter the appropriate modification to the conditions of the sentence, if any. The court may modify and impose any condition which is appropriate for the circumstances; provided, no corporal punishment shall be imposed and no condition shall be imposed which when taken in its entirety is greater than the original prescribed sentence which is subject to the suspension. The

defendant may be ordered to serve a temporary period of incarceration in the county jail not to exceed five (5) days as a disciplinary sanction for failure to comply with the conditions of the sentence after proper notice and hearing. The defendant shall be given day-for-day credit on the sentence for any period of incarceration served in the county jail as a disciplinary sanction. The cost of any county jail incarceration as a disciplinary sanction shall be not more than the maximum amount provided in subsection B of Section 38 of Title 57 of the Oklahoma Statutes and shall be paid by:

a. the defendant,

b. the county, if the offense is not eligible for state payment for disciplinary sanctions and the defendant is unable to pay, or

c. the local community sentencing system established pursuant to the Oklahoma Community Sentencing Act when a contract with the county sheriff has been entered into for disciplinary sanctions and the defendant is unable to pay the cost.

5. The court shall not be limited in the number of modifications a suspended or split sentence may have; provided, the authority to modify the conditions of a suspended or split sentence pursuant to the provisions of this subsection shall not be construed to alter the authority of the district attorney to file for revocation of a suspended sentence either in whole or part as provided by Section 991b of Title 22 of the Oklahoma Statutes.

E. Any community punishment available to the court through the local community sentencing system may be imposed as a conditional requirement for a felony suspended or split sentence or for a delayed sentence.

F. 1. When the court determines the defendant to be eligible and appropriate for a delayed sentence as defined by this section, the court shall proceed to state on the record the term of incarceration appropriate for the offense pursuant to the applicable state sentencing matrix and the date the term of

imprisonment shall begin to be served. The district attorney shall have the right to state any objections to a delayed sentence on the record but the decision of the judge shall be final. After the term of incarceration has been pronounced and the date to begin serving the incarceration has been ordered, the court may offer to the defendant the opportunity to complete certain specific conditions before the date to begin serving that sentence. The delayed sentence shall provide that in exchange for completing the court-ordered conditions before the date set to begin serving the term of imprisonment, the court shall either modify the sentence or withdraw the order imposing the term of incarceration. The maximum term a sentence may be delayed is twelve (12) months.

2. The court shall not have authority to commit the defendant to the custody of the Department of Corrections as a condition of the delayed sentence pursuant to the provisions of this section; provided, however, the court may commit the person to the county jail subject to available funding to pay the sheriff.

3. The court shall have no authority to order a delayed sentence pursuant to the provisions of this section without the defendant voluntarily agreeing to complete the required conditions.

4. On the date set for the execution of the sentence, the court shall either require the term of incarceration to begin to be served if the defendant has failed to complete the conditions required by the court, or the court shall either modify the sentence or withdraw the order imposing the term of incarceration if the offender has successfully completed the conditions required by the court.

SECTION 65. AMENDATORY 22 O.S. 1991, Section 991a, as last amended by Section 2 of Enrolled House Bill No. 1146 of the 1st Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 991a. A. ~~Except as otherwise provided in the Elderly and Incapacitated Victims Protection Program, Section 991a-5 et seq. of this title, when~~ When a defendant is convicted of a crime

and no death sentence is imposed, the court shall, pursuant to any applicable state sentencing matrix, any requirement for a presentence investigation, or any requirement for an assessment and evaluation, either:

~~1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following:~~

~~a. to provide restitution to the victim according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, if he is able to pay such restitution without imposing manifest hardship on the defendant or his immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,~~

~~b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which such person was convicted, which reimbursement shall be made directly to the state agency, with interest accruing thereon at the rate of twelve percent (12%) per annum,~~

~~c. to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted,~~

~~d. to pay a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, and which provides restitution payments by convicted defendants to victims of crimes committed~~

~~within the State of Oklahoma wherein such victim has incurred a financial loss,~~

~~e. to confinement in the county jail for a period not to exceed six (6) months,~~

~~f. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which he is being sentenced, or~~

~~g. to repay the reward or part of the reward paid by a certified local crimestoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment, and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the certified local crimestoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. "Certified local crimestoppers program" means a crimestoppers program certified by the Office of the Attorney General pursuant to Section 991g of this title. The "Oklahoma General Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes.~~

~~However, any such order for restitution, community service, payment to a certified local crimestoppers program, payment to the Oklahoma Reward System, or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence;~~

~~2. Impose a fine prescribed by law for the offense, with or without probation or commitment and with or without restitution or~~

~~service as provided for in this section, Section 991a-4 of this title or Section 227 of Title 57 of the Oklahoma Statutes;~~

~~3. Commit such person for confinement provided for by law with or without restitution as provided for in this section;~~

~~4. In the case of nonviolent felony offenses, sentence such person to the Community Service Sentencing Program created pursuant to Section 991a-4 of this title;~~

~~5. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:~~

~~a. to participate in an alcohol and drug substance abuse course or treatment program, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes,~~

~~b. to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee,~~

~~c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,~~

~~d. to install an ignition interlock device, at the person's own expense, approved by the Department of Public Safety, upon every motor vehicle operated by~~

~~such person and to require that a notation of this restriction be affixed to the person's driver's license at the time of reinstatement of the license. Said restriction shall remain on the driver's license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of said order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or~~

~~c. beginning January 1, 1993, to submit to electronically monitored home detention administered and supervised by the Department of Corrections, and to pay to the Department a monitoring fee, not to exceed Seventy-five Dollars ($75.00) a month, to the Department of Corrections, if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court;~~

~~6. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including~~

~~but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems;~~

~~7. In addition to the other sentencing powers of the court, in the case of a person convicted of any crime related to domestic abuse, as defined in Section 60.1 of this title, the court may require the defendant to undergo the treatment or participate in the counseling services necessary to bring about the cessation of domestic abuse against the victim. The defendant may be required to pay all or part of the cost of the treatment or counseling services; or~~

~~8. In addition to the other sentencing powers of the court, the court, in the case of a sex offender, shall require the person to participate in a treatment program designed specifically for the treatment of sex offenders, if available. The treatment program must be approved by the probation officer who has supervisory authority over the defendant if the defendant is placed on probation, or the court if the court retains supervisory authority over the defendant. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay.~~

~~Provided, for the purposes of this section, the term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.~~

~~B. Notwithstanding any other provision of law, any person who is found guilty of a violation of any provision of Section 761 or 11-902 of Title 47 of the Oklahoma Statutes or any person pleading guilty or nolo contendere for a violation of any provision of such sections shall be ordered to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five~~

~~Dollars ($75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. If a person is sentenced to the custody of the Department of Corrections and the court has received a written evaluation report pursuant to this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection.~~

~~As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any person who does not meet the requirements for a qualified practitioner as defined herein, but who has been~~

~~previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met within two (2) years from the effective date of this act.~~

~~C. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to defendants being sentenced upon their third or subsequent to their third conviction of a felony or, beginning January 1, 1993, to defendants being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this subsection. In the case of a person being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, the court may sentence the person pursuant to the provisions of paragraph 1 of subsection A of this section if the court orders the person to submit to electronically monitored home detention administered and supervised by the Department of Corrections pursuant to subparagraph c of paragraph 5 of subsection A of this section.~~

~~D. When sentencing a person convicted of a crime, the judge shall consider any victim impact statements if submitted to the jury, or the judge in the event a jury is waived.~~

~~E. Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, is released by the court subject to conditions imposed by the court and subject to the supervision of the Department of Corrections. Such supervision shall be initiated upon an order of probation from the court, and shall not exceed two (2) years, except as otherwise provided by law. In the case of a person convicted of a sex offense, supervision shall not be limited to two (2) years. Provided further any supervision provided for in~~

~~this section may be extended for a period not to exceed the expiration of the maximum term or terms of the sentence upon a determination by the Division of Probation and Parole of the Department of Corrections that the best interests of the public and the releasee will be served by an extended period of supervision.~~

~~F. The Department of Corrections, or such other agency as the court may designate, shall be responsible for the monitoring and administration of the restitution and service programs provided for by subparagraphs a, c, and d of paragraph 1 of subsection A of this section, and shall ensure that restitution payments are forwarded to the victim and that service assignments are properly performed.~~

~~G. 1. The Division of Probation and Parole of the Department of Corrections is hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs.~~

~~2. Any offender eligible to participate in the Program pursuant to this act shall be eligible to participate in a county Program; provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections.~~

~~3. The Division shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Division for a contract for a county-funded Program for a specific period of time. The Department shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Division.~~

~~4. The Division is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate~~

~~staffing, development of community resources, sponsorship, supervision and any other requirements set forth in this act.~~

~~5. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department and the costs of each Program.~~

~~H. As used in this section:~~

~~1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater; and~~

~~2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location.~~

~~I. A person convicted of an offense as provided in Section 650, 650.2, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 832, 885, 888, 1114, subsection B of Section 1021, 1021.2, 1021.3, 1087, 1088, 1123, 1173 or 1192.1 of Title 21 of the Oklahoma Statutes or a person convicted of any felony who has a prior conviction for an offense listed in this subsection shall submit to deoxyribonucleic acid testing for law enforcement identification purposes in accordance with Section 150.27a of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI DNA Offender Database. Submission to testing shall be required within thirty (30) days of sentencing for those defendants who do not become subject to the custody of the Department of Corrections, and submission to testing shall be done in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes, for those defendants who enter the custody of the Department of Corrections as a result of sentencing. Convicted individuals who have previously~~

~~submitted to DNA testing under this section and for whom a valid sample is on file in the OSBI DNA Offender Database at the time of their sentencing shall not be required to submit to additional testing.~~

~~Any person convicted of an offense as provided in this section who is in custody after July 1, 1996, shall provide a blood sample prior to release. Every person who is convicted of an offense as provided in this subsection whose sentence does not include a term of confinement shall provide a blood sample as a condition of the sentence.~~

~~J. Samples of blood for DNA testing required by subsection I of this section shall be taken by employees or contractors of the Department of Corrections. Said individuals shall be properly trained to collect blood samples. Persons collecting blood for DNA testing pursuant to this section shall be immune from civil liabilities arising from this activity. The Department of Corrections shall ensure the collection of samples are mailed to the Oklahoma State Bureau of Investigation within ten (10) days of the time the subject appears for testing or within ten (10) days of the date the subject comes into the custody of the Department of Corrections. The Department shall use sample kits provided by the OSBI and procedures promulgated by the OSBI. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay to the Department of Corrections a fee of Fifteen Dollars ($15.00). Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections revolving account~~

1. Impose the fine prescribed by law for the offense;

2. Commit such person for a term of imprisonment in the custody of the Department of Corrections with or without a period of postimprisonment supervision as defined by Section 4 of this act, or commit such person for a term of imprisonment in the county jail as authorized by law for the offense;

3. Impose the fine and commit the person for imprisonment as prescribed by law for the offense; or

4. Impose a community sentence as authorized by law.

B. In addition to paragraph 1, 2 or 3 of subsection A of this section, the court may impose:

1. Restitution, reimbursement, repayment, or a combination of restitution, reimbursement, or repayment to be paid to the victims or other entities as reparations to the community and state; and

2. Other prescribed provisions for the offense.

C. In addition to the provisions of this section, the court may impose a suspended, split or delayed sentence as provided in Section 64 of this act, a deferred judgment as provided in Section 991c of Title 22 of the Oklahoma Statutes, night or weekend jail as provided by Section 991a-2 of Title 22 of the Oklahoma Statutes, postimprisonment supervision as defined by Section 4 of this act or make any other disposition of a criminal case as authorized by law or required by the state's sentencing matrix.

D. In all criminal cases, the judge shall impose court costs and consider any victim's impact statements presented to the court.

NIGHT AND WEEKEND JAIL

SECTION 66. AMENDATORY 22 O.S. 1991, Section 991a-2, is amended to read as follows:

Section 991a-2. A. Any person who has been convicted of a ~~nonviolent~~ felony offense in ~~the~~ this state may be sentenced, at the discretion of the judge, to incarceration in the county jail for a period of one or more nights or weekends with the remaining portion of each week being spent under ~~probation, in lieu of any other kind of imprisonment prescribed~~ supervision. County jail imprisonment pursuant to the provisions of this section for felony offenders shall be:

1. Prescribed by law for the particular felony offense pursuant to the state's sentencing matrix;

2. Authorized by Section 991a-4 of this title; or

3. A condition of a split sentence, a delayed sentence, or a deferred judgment.

B. Any person who has been convicted of a felony offense may be sentenced, at the discretion of the judge, to incarceration in the county jail for a term not to exceed one (1) year as the

prescribed community punishment according to the state's sentencing matrix. In addition to incarceration, the court may impose any fine, cost, or other punishment provision allowed by law; provided, however, the punishment when taken in its entirety with the jail term shall not impose a greater punishment than allowed by law for the offense.

C. Any person incarcerated in the county jail pursuant to the provisions of subsection A or B of this section may be assigned work duties as ~~may be~~ ordered or approved by the judge. The sentencing court may require a person incarcerated pursuant to the provisions of this ~~act~~ section to pay the county~~,~~ for food and maintenance for each day of incarceration~~, an amount equal to the maximum amount prescribed by law to be paid by the county to the sheriff for such expenses~~. The cost of incarceration shall be as provided in subsection B of Section 38 of Title 57 of the Oklahoma Statutes and shall be paid to the state. ~~If the judge does not so order, the Department of Corrections shall reimburse the county for the cost of feeding and care of the person during such periods of incarceration.~~

D. The State of Oklahoma, through the Community Sentencing Division within the Department of Corrections, shall reimburse the county for the actual ~~costs~~ cost paid for any emergency medical care for physical injury or illness of a person incarcerated ~~hereunder~~ for a felony offense pursuant to the provisions of subsection A or B of this section; provided the injury or illness is directly related to the incarceration and the county is required by law to provide such care for county inmates in the jail.

E. Any person incarcerated pursuant to the provisions of this section shall not be considered to be in the custody of the Department of Corrections nor an inmate of the Department, and the person shall not be processed through the Lexington Reception and Assessment Center. The person shall be deemed to be in the custody of the county.

F. When the court sentences a person to incarceration pursuant to the provisions of this section in conjunction with a

community sentence, split sentence, or delayed sentence, the court shall have the authority to modify the sentence as provided in Sections 58 and 65 of this act.

G. For the purposes of subsection A of this section, weekend incarceration shall commence at 6 p.m. on Friday and continue until ~~8~~ 7 a.m. on the following Monday, and incarceration overnight shall commence at 6 p.m. on one day and continue until ~~8~~ 7 a.m. of the next day. Provided, that the sentencing judge may modify ~~said~~ the incarceration times if the circumstances of the particular case require such action. ~~Persons who have been sentenced to incarceration in the county jail under the provisions of this section will not have to be processed through the Lexington Assessment and Reception Center prior to incarceration.~~

H. The daily costs for incarceration of felony offenders pursuant to the provisions of this section shall be paid as authorized by Section 991a-4 of this title or from the local community sentencing system budget to the sheriff, except when the court orders costs to be paid by the defendant. The state shall provide funds to the local community sentencing system as follows:

1. For persons in the Field 2 and Field 3 punishment levels of the state's sentencing matrix, up to one (1) year in the county jail for incarceration and disciplinary sanctions combined at the daily rate specified in subsection B of Section 38 of Title 57 of the Oklahoma Statutes; and

2. For persons sentenced under the authority of Field 4 punishment level of the state's sentencing matrix, up to thirty (30) days for disciplinary sanctions only. The county shall pay for jail services for offenders sentenced by the court in Field 4 punishment level.

CURRENT CSSP

SECTION 67. AMENDATORY 22 O.S. 1991, Section 991a-4, as last amended by Section 1, Chapter 187, O.S.L. 1993 (22 O.S. Supp. 1996, Section 991a-4) is amended to read as follows:

Section 991a-4. A. There is hereby created the "Community Service Sentencing Program". The purpose of the program shall be to provide an alternative to incarceration for nonviolent felony

offenders who would normally be sentenced to incarceration in a state institution.

B. Any eligible offender may be sentenced, at the discretion of the judge, to a Community Service Sentencing Program pursuant to the provisions of this section. For purposes of this section, "eligible offender" shall mean any person who:

1. Is not participating in the Delayed Sentencing Program for Young Adults pursuant to the provisions of Section 996 through 996.3 of this title;

2. Has not previously been convicted of two or more felonies;

3. Has been convicted of a nonviolent felony offense which shall be defined as any felony offense except assault and battery with a dangerous weapon, aggravated assault and battery on a law officer, poisoning with intent to kill, shooting with intent to kill, assault with intent to kill, assault with intent to commit a felony, murder in the first degree, murder in the second degree, manslaughter in the first degree, manslaughter in the second degree, kidnapping, burglary in the first degree, kidnapping for extortion, maiming, robbery, child beating, wiring any equipment, vehicle, or structure with explosives, forcible sodomy, rape in the first degree or rape by instrumentation, lewd or indecent proposition or lewd or indecent act with a child under sixteen (16) years of age, use of a firearm or offensive weapon to commit or attempt to commit a felony, pointing firearms, rioting or arson in the first degree;

4. Has properly completed and executed all necessary documents; and

5. Is not otherwise ineligible by law or court rule.

C. <u>The Department of Corrections is authorized, subject to funds available through appropriation by the Legislature, to contract with counties for administration of county Community Service Sentencing Programs. County-funded programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department. The Department shall establish criteria and specifications for contracts with counties for such program. A county may apply to the Department for a contract for</u>

a county-funded program for a specified period of time. The Department shall be responsible for ensuring that any contracting county complies in full with the specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Department. The Department is authorized to provide technical assistance to any county in establishing a program, regardless of whether the county enters into a contract pursuant to this section. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirement set forth in this section. The Department shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives on the number of such programs, the number of participating offenders, the success rates of each program according to criteria established by the Department and the cost of each program.

D. The Department of Corrections shall administer the Program, except in counties with a population of five hundred fifty thousand (550,000) or more persons that operate an existing program. The Department shall conduct a presentence investigation pursuant to the provisions of Section 982 of this title if the court determines the offender is to be assigned to the Program. As part of such presentence investigation, the Department shall interview the offender and advise him of the requirements and conditions of the Program. The Department shall recommend an assignment of the offender to any one or combination of the following areas:

1. Community service, with or without compensation;

2. Education, vocational-technical education or literacy programs;

3. Substance abuse treatment programs;

4. Periodic testing for the presence of controlled substances;

5. Psychological counseling or psychiatric treatment;

6. Medical treatment;

7. Restitution, to be paid either to the victim of the offense or to the Crime Victims Compensation Revolving Fund created pursuant to the provisions of Section 142.17 of Title 21 of the Oklahoma Statutes;

8. Confinement in a county jail for a period not to exceed one (1) year, night or weekend incarceration pursuant to the provisions of Section 991a-2 of this title or incarceration by the Department of Corrections; provided, the Department of Corrections shall reimburse a county which does not receive payments from any other source for the cost of the necessary expenses of such persons during periods of such incarceration in an amount not to exceed Twenty Dollars ($20.00) per day and any county receiving such payments in an amount not to exceed Ten Dollars ($10.00) per day. The Department shall reimburse the county for the actual cost paid for any emergency medical care for physical injury or illness of such persons if the county is required by law to provide such care for inmates in the jail. The reimbursements provided by this section shall not exceed the cost that would have accrued to the state for the feeding, care or medical care of the persons had they been incarcerated with the Department. Except as otherwise provided by law, all provisions of the Oklahoma Corrections Act of 1967, Section 501 et seq. of Title 57 of the Oklahoma Statutes, shall apply to such persons, including but not limited to any provisions requiring payment by such persons of the costs of incarceration; or

9. Probation or conditional probation.

~~D.~~ E. In counties with a population of five hundred fifty thousand (550,000) or more persons that operate an existing program, the Department of Corrections is hereby authorized to reimburse the county sheriff, pursuant to paragraph 8 of subsection ~~C~~ D of this section, the cost of necessary expenses for confinement in the county jail for any eligible offender as defined in subsection B of this section. Such reimbursement shall be subject to appropriation by the Legislature. The Department may promulgate rules and procedures for submitting claims for reimbursements.

~~E.~~ F. The judge shall consider the criminal history of the offender, the nature of the offender's criminal conduct, the employment and family history of the offender and any other factors he deems relevant when sentencing persons to the Program. Following the presentence investigations and recommendation, the judge shall impose sentence. The judge may accept the recommendation, with or without modifications thereto, or may reject the recommendation and impose any sentence allowed by law.

~~F.~~ G. The provisions of Sections 20, 58.3, 138, 138.1 and 224 of Title 57 of the Oklahoma Statutes and Section 615 of Title 69 of the Oklahoma Statutes and any other provisions of law relating to earned credits for certain acts or service shall not apply to persons participating in the Program. The judge may establish a schedule of earned credits as part of the sentence.

~~G.~~ H. The ~~Division~~ Department shall establish a list of federal, state and local government agencies, community service agencies, nonprofit organizations, educational programs and other treatment programs willing to participate in the program to which offenders may be referred. The ~~Division~~ Department shall periodically contact agencies, organizations and programs to which offenders are assigned to determine if offenders have reported and performed satisfactorily. Any such agency or program shall immediately notify the ~~Division~~ Department if an offender fails to fulfill any requirement of the Program. The ~~Division~~ Department or the sentencing judge may require additional documentation of the offender's work performance.

~~H.~~ I. The ~~Division~~ Department shall ensure that the sentencing judge and prosecuting attorney are notified in writing when an offender has successfully completed the assigned community service hours or other requirements of the Program or has failed to complete the requirements and provide any other relevant information required by the sentencing judge or prosecuting attorney.

~~I.~~ J. All state and local government agencies, community service agencies, nonprofit organizations, educational programs and other treatment programs participating in the Program are

hereby immune from liability for any offender participating in the Program under the Workers' Compensation Act, Section 1 et seq. of Title 85 of the Oklahoma Statutes, and for torts committed by or against any offender participating in the Program to the extent specified in Sections 227 and 228 of Title 57 of the Oklahoma Statutes.

~~J.~~ K. Any offender participating in the Program shall be advised of the provisions of this section and shall, in writing, acknowledge that he has been advised of and understands the provisions of the Program.

L. The court shall not be authorized to sentence any offender to this program after June 30, 1998.

CONCURRENT SENTENCES

SECTION 68. AMENDATORY 22 O.S. 1991, Section 976, is amended to read as follows:

Section 976. If the defendant has been convicted of two or more offenses, before judgment on either, the judgment may be that the imprisonment upon any one may commence at the expiration of the imprisonment upon any other of the offenses. Provided, that the sentencing judge shall, at all times, have the discretion to enter a sentence concurrent with any other sentence.

When imposing any consecutive community sentence pursuant to the provisions of this section, or when imposing a consecutive suspended or split sentence against a defendant convicted of two or more felony offenses or a combination of felony offenses and misdemeanor offenses with conditions to be served in the local community sentencing system, no state funds shall be expended beyond the limitations of the provisions of this act.

JUDICIAL REVIEW

SECTION 69. AMENDATORY 22 O.S. 1991, Section 982a, is amended to read as follows:

Section 982a. A. Any time within ~~one hundred twenty (120) days~~ twelve (12) months after a sentence is imposed for incarceration in a state correctional institution pursuant to the applicable state sentencing matrix or within ~~one hundred twenty (120) days~~ twelve (12) months after ~~probation~~ a sentence to

probation, a suspended sentence or a split sentence has been revoked to a term of incarceration in a state correctional institution, the court imposing sentence or revocation ~~of probation~~ may modify ~~such~~ any unserved portion of the sentence by directing that another penalty be imposed, if the court is satisfied that the best interests of the public will not be jeopardized. ~~This section shall not apply to convicted felons who have been in confinement in any state prison system for any previous felony conviction during the ten-year period preceding the date that the sentence this section applies to was imposed.~~

B. The Department of Corrections shall provide the court imposing a sentence to state incarceration or revocation of ~~probation~~ a sentence to probation, a suspended sentence or a split sentence to a term of state incarceration with the report by the Lexington Assessment and Reception Center and any other information the Department can supply on ~~an~~ the inmate. The court shall consider such reports when modifying the sentence ~~or revocation of probation~~. C. If the court considers modification of the sentence ~~or revocation of probation~~, a hearing shall be made in open court. The clerk of the court imposing sentence or revocation ~~of probation~~ shall give notice of the hearing and provide a copy of the report by the Lexington Assessment and Reception Center to the inmate, the inmate's legal counsel and the district attorney of the county in which the inmate was convicted not less than twenty-one (21) days prior to the hearing.

D. If an appeal is taken which results in a modification of the sentence ~~or revocation of probation of~~ for the defendant, such sentence may be further modified in the manner hereinbefore described within ~~one hundred twenty (120) days~~ twelve (12) months after the receipt by the clerk of the district court of the mandate from the Supreme Court or the Court of Criminal Appeals.

DEFERRED SENTENCE

SECTION 70. AMENDATORY 22 O.S. 1991, Section 991c, as last amended by Section 2, Chapter 304, O.S.L. 1996 (22 O.S. Supp. 1996, Section 991c), is amended to read as follows:

Section 991c. A. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the specific conditions prescribed by the court not to exceed a five-year period. The court shall first consider restitution among the various conditions it may prescribe. The court may also consider ordering the defendant to:

1. Engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the defendant;

2. County jail confinement for a period not to exceed ninety (90) days or the maximum amount of jail time provided for the offense, if it is less than ninety (90) days; provided however, the state shall not pay for any confinement ordered pursuant to the provisions of this section;

3. Pay an amount as reimbursement for reasonable attorney fee, to be paid into the court fund, if a court-appointed attorney has been provided to defendant;

4. Be supervised in the community for a period not to exceed two (2) years. As a condition of any supervision, the defendant shall be required to pay a supervision fee of Forty Dollars ($40.00) per month. The supervision fee shall be waived in whole or part by the supervisory agency when the accused is indigent. No person shall be denied supervision based solely on the person's inability to pay a fee;

5. Pay into the court fund a monthly amount not exceeding Forty Dollars ($40.00) per month during any period during which the proceedings are deferred when the defendant is not to be supervised in the community. The total amount to be paid into the court fund shall be established by the court and shall not exceed the amount of the maximum fine authorized by law for the offense; ~~or~~

6. Make other reparations to the community or victim as required and deemed appropriate by the court;

7. Order any remedies for which provision is made in subsection B of Section 46 of this act;

8. Pay court costs; or

9. Any combination of the above provisions.

B. In addition to any conditions ~~of supervision~~ provided for in subsection A of this section, the court shall, in the case of a person before the court for the offense of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol and another intoxicating substance, or who is before the court for the offense of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require the person to participate in an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars ($75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its determination of conditions for deferred sentence. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this subsection for any treatment program or alcohol and drug substance abuse service in which the person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering

participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep the report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol abuse treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any person who does not meet the requirements for a qualified practitioner as defined herein, but who has been previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met by September 1, 1995. The court may also require the person to participate in one or both of the following:

1. An alcohol and drug substance abuse course, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

2. A victims impact panel program, if such a program is offered in the county where the judgment is rendered. The defendant shall be required to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the victims impact panel program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

C. Upon completion of the conditions of the deferred judgment, and upon a finding by the court that the conditions have been met and all fines, fees, and monetary assessments have been paid as ordered, the defendant shall be discharged without a court judgment of guilt, and the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged from the record and the charge shall be dismissed with prejudice to any further action. The procedure to expunge the defendant's record shall be as follows:

1. All references to the defendant's name shall be deleted from the docket sheet;

2. The public index of the filing of the charge shall be expunged by deletion, mark-out or obliteration;

3. Upon expungement, the court clerk shall keep a separate confidential index of case numbers and names of defendants which have been obliterated pursuant to the provisions of this section;

4. No information concerning the confidential file shall be revealed or released, except upon written order of a judge of the district court; and

5. Defendants qualifying under Section 18 of this title may petition the court to have the filing of the indictment and the dismissal expunged from the public index and docket sheet. This section shall not be mutually exclusive of Section 18 of this title.

D. Upon order of the court, the provisions of subsection C of this section shall be retroactive.

E. Upon violation of any condition of the deferred judgment, the court may enter a judgment of guilt and proceed as provided in Section 991a of this title or may modify any condition imposed. Provided, however, if the deferred judgment is for a felony offense, and the defendant commits another felony offense, the defendant shall not be allowed bail pending appeal.

F. The deferred judgment procedure described in this section shall only apply to defendants not having been previously convicted of a felony offense.

G. The deferred judgment procedure described in this section shall not apply to defendants who plead guilty or nolo contendere to a sex offense. The term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

H. The Department of Corrections may provide supervision for deferred judgments by contract with the local community sentencing system, and any conditional requirements imposed shall be subject to availability of funding in the local community sentencing system.

REVOCATION OF SUSPENDED

SECTION 71. AMENDATORY 22 O.S. 1991, Section 991b, as amended by Section 2, Chapter 320, O.S.L. 1994 (22 O.S. Supp. 1996, Section 991b), is amended to read as follows:

Section 991b. ~~Whenever a~~ A. Any sentence which has been suspended by the court after conviction of a person for any crime~~, the suspended sentence of said person may not be revoked, in whole or in part, for any cause unless a~~ may be revoked, in whole or part, for any cause as authorized by the provisions of this section.

B. A petition setting forth the grounds for ~~such~~ revocation ~~is~~ shall be filed by the district attorney with the clerk of the sentencing court ~~and competent~~. Competent evidence justifying the revocation of ~~said~~ the suspended sentence ~~is~~ shall be presented to the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant.

C. At the hearing for revocation of a suspended sentence, the court shall take testimony and review evidence presented, and if it appears to the satisfaction of the court that grounds for a revocation exist, the court shall revoke the suspended sentence.

D. 1. Where one of the grounds for revocation is the failure of the defendant to make restitution as ordered, the Department of Corrections shall forward to the district attorney all information pertaining to the defendant's failure to make timely restitution

as ordered by the court, and said district attorney shall file a petition setting forth the grounds for revocation.

2. The defendant ordered to make restitution can petition the court at any time for remission or a change in the terms of the order of restitution if he or she undergoes a change of condition which materially affects ~~his~~ the ability of the defendant to comply with the court's order.

3. At the hearing, if one of the grounds for the petition for revocation is the defendant's failure to make timely restitution as ordered by the court, the court will hear evidence and if it appears to the satisfaction of the court from such evidence that the terms of the order of restitution create a manifest hardship on the defendant or ~~his~~ the immediate family of the defendant, the court may cancel all or any part of the amount still due, or modify the terms or method of payment.

E. The court may revoke a portion of the sentence and leave the remaining part not revoked, but suspended for the remainder of the term of the sentence, and under the provisions applying to it. The person whose suspended sentence is being considered for revocation at said hearing shall have the right to be represented by counsel, to present competent evidence in his or her own behalf and to be confronted by the witnesses against ~~him~~ the defendant. Any order of the court revoking such suspended sentence, in whole or in part, shall be subject to review on appeal, as in other appeals of criminal cases. Provided, however, that if the crime for which the suspended sentence is given was a felony, ~~he~~ the defendant may be allowed bail pending appeal. If the reason for revocation be that the defendant committed a felony, ~~he~~ the defendant shall not be allowed bail pending appeal.

DA DEFERRED PROSECUTION

SECTION 72. AMENDATORY 22 O.S. 1991, Section 305.2, as amended by Section 1, Chapter 304, O.S.L. 1996 (22 O.S. Supp. 1996, Section 305.2), is amended to read as follows:

Section 305.2 If an accused qualifies for the deferred prosecution program, the accused and the State of Oklahoma, through its district attorney, may execute an agreement whereby

the accused agrees to waive any rights to a speedy accusation, a speedy trial, and any statute of limitations, and agrees to fulfill such conditions as the accused and the State of Oklahoma may agree including, but not limited to, restitution and community services. The services provided in a deferred prosecution agreement shall be contracted by the district attorney with the local community sentencing system and paid by the offender. The Department of Corrections may provide supervision for a deferred prosecution agreement by contract with the local community sentencing system.

The accused person, as consideration for entering a deferred prosecution agreement, consents and agrees to a full and complete photographic record of property which was to be used as evidence. Such photographic record shall be competent evidence of such property and admissible in any criminal action or proceeding as the best evidence.

Return of property after the photographic record is made shall be as follows:

1. Property, except that which is prohibited by law, shall be returned to its owner after proper verification of title;

2. The return to the owner shall be without prejudice to the state or to any person who may have a claim against the property; and

3. When a return is made to the owner, the owner shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the person in charge of the property at the police department or sheriff's office.

As additional consideration for the agreement, the State of Oklahoma shall agree not to file an information if the accused satisfactorily completes the conditions of the agreement.

The agreement between the accused and the State of Oklahoma may include provisions whereby the accused agrees to be supervised in the community. If the accused is required to be supervised pursuant to the terms of the agreement, the person shall be required to pay a supervision fee to be established by the supervisory agency. The supervision fee shall be paid to the

supervisory agency as required by the rules of the supervisory agency. The supervisory agency shall monitor the person for compliance with the conditions of the agreement of the parties. The supervisory agency shall report to the district attorney on the progress of the accused, and shall report immediately if the accused fails to report or participate as required by the agreement.

The agreement between the parties may require the accused to participate or consult with local service providers, including the Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Employment Security Commission, federal services agencies, other state or local agencies, colleges, universities, vocational-technical schools, and private or charitable service organizations. When the accused is required to participate or consult with any service provider, a program fee may be required, unless the fee would impose an unnecessary hardship on the person. The program fee shall be established by the service provider based upon a sliding scale. Any state agency called upon for assistance in a deferred prosecution program by any district attorney shall render such services and assistance ~~as~~ subject to funds available. Any supervision fee or program fee authorized by this section may be waived in whole or part when the accused is indigent. No person who is otherwise qualified for a deferred prosecution program shall be denied services or supervision based solely on the person's inability to pay a fee or fees.

The agreement between the parties may require the accused to pay a victim compensation assessment pursuant to the provisions of Section 142.18 of Title 21 of the Oklahoma Statutes. The amount of such assessment shall be agreed to by the parties and shall be within the amounts specified in Section 142.18 of Title 21 of the Oklahoma Statutes for the offense charged.

DNA TESTING

SECTION 73. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 588 of Title 57,

unless there is created a duplication in numbering, reads as follows:

On or after July 1, 1996, every person convicted of an offense as provided in Section 650, 650.2, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 832, 885, 888, subsection B of Section 1021, 1021.2, 1021.3, 1087, 1088, 1114, 1123, 1173 or 1192.1 of Title 21 of the Oklahoma Statutes or a person convicted of any felony who has a prior conviction for an offense listed in this subsection shall submit to deoxyribonucleic acid (DNA) testing for law enforcement identification purposes in accordance with Section 150.27a of Title 74 of the Oklahoma Statutes and the rules promulgated by the Oklahoma State Bureau of Investigation for the OSBI DNA Offender Database. Submission to testing shall be required within thirty (30) days of sentencing for any defendant convicted of an offense specified in this section who is not sentenced to the custody of the Department of Corrections. Submission to testing shall be done in accordance with Section 530.1 of Title 57 of the Oklahoma Statutes for any defendant who is sentenced to the custody of the Department of Corrections. Convicted individuals who have previously submitted to DNA testing pursuant to the provisions of this section and for whom a valid sample is on file in the OSBI DNA Offender Database at the time of sentencing shall not be required to submit to an additional test.

Every person convicted of an offense specified in this section who is in the custody of the Department of Corrections on or after July 1, 1996, shall provide a blood sample prior to release. Every person who is convicted of an offense specified in this section who is not sentenced to a term of imprisonment in the custody of the Department shall provide a blood sample as a condition of a suspended sentence or when sentenced to a community corrections punishment as an alternative to incarceration.

Samples of blood for DNA testing required by this section shall be taken by employees or contractors of the Department of Corrections designated by the Director of the Department of Corrections. The employees shall be properly trained to collect blood samples. Persons collecting blood for DNA testing pursuant

to the provisions of this section shall be immune from civil liability arising from this activity. The Department of Corrections shall collect the samples and mail them to the Oklahoma State Bureau of Investigation within ten (10) days of the time the person appears for testing or within ten (10) days of the date the person comes into the custody of the Department of Corrections. The Department shall use sample kits provided by the Oklahoma State Bureau of Investigation and procedures promulgated by the Oklahoma State Bureau of Investigation. Persons subject to DNA testing who are not received at the Lexington Assessment and Reception Center shall be required to pay a fee of Fifteen Dollars ($15.00) to the Department of Corrections. Any fees collected pursuant to this section shall be deposited in the Department of Corrections Revolving Fund.

TORT CLAIMS ACT

SECTION 74. AMENDATORY 51 O.S. 1991, Section 155, as amended by Section 60, Chapter 290, O.S.L. 1994 (51 O.S. Supp. 1996, Section 155), is amended to read as follows:

Section 155. The state or a political subdivision shall not be liable if a loss or claim results from:

1. Legislative functions;

2. Judicial, quasi-judicial, or prosecutorial functions;

3. Execution or enforcement of the lawful orders of any court;

4. Adoption or enforcement of or failure to adopt or enforce a law, whether valid or invalid, including, but not limited to, any statute, charter provision, ordinance, resolution, rule, regulation or written policy;

5. Performance of or the failure to exercise or perform any act or service which is in the discretion of the state or political subdivision or its employees;

6. Civil disobedience, riot, insurrection or rebellion or the failure to provide, or the method of providing, police, law enforcement or fire protection;

7. Any claim based on the theory of attractive nuisance;

8. Snow or ice conditions or temporary or natural conditions on any public way or other public place due to weather conditions, unless the condition is affirmatively caused by the negligent act of the state or a political subdivision;

9. Entry upon any property where that entry is expressly or implied authorized by law;

10. Natural conditions of property of the state or political subdivision;

11. Assessment or collection of taxes or special assessments, license or registration fees, or other fees or charges imposed by law;

12. Licensing powers or functions including, but not limited to, the issuance, denial, suspension or revocation of or failure or refusal to issue, deny, suspend or revoke any permit, license, certificate, approval, order or similar authority;

13. Inspection powers or functions, including failure to make an inspection, review or approval, or making an inadequate or negligent inspection, review or approval of any property, real or personal, to determine whether the property complies with or violates any law or contains a hazard to health or safety, or fails to conform to a recognized standard;

14. Any loss to any person covered by any workers' compensation act or any employer's liability act;

15. Absence, condition, location or malfunction of any traffic or road sign, signal or warning device unless the absence, condition, location or malfunction is not corrected by the state or political subdivision responsible within a reasonable time after actual or constructive notice or the removal or destruction of such signs, signals or warning devices by third parties, action of weather elements or as a result of traffic collision except on failure of the state or political subdivision to correct the same within a reasonable time after actual or constructive notice. Nothing herein shall give rise to liability arising from the failure of the state or any political subdivision to initially place any of the above signs, signals or warning devices. The signs, signals and warning devices referred to herein are those

used in connection with hazards normally connected with the use of roadways or public ways and do not apply to the duty to warn of special defects such as excavations or roadway obstructions;

16. Any claim which is limited or barred by any other law;

17. Misrepresentation, if unintentional;

18. An act or omission of an independent contractor or consultant or his employees, agents, subcontractors or suppliers or of a person other than an employee of the state or political subdivision at the time the act or omission occurred;

19. Theft by a third person of money in the custody of an employee unless the loss was sustained because of the negligence or wrongful act or omission of the employee;

20. Participation in or practice for any interscholastic or other athletic contest sponsored or conducted by or on the property of the state or a political subdivision;

21. Participation in any activity approved by a local board of education and held within a building or on the grounds of the school district served by that local board of education before or after normal school hours or on weekends;

22. Any court-ordered or Department of Corrections approved work release program; provided, however, this provision shall not apply to claims from individuals not in the custody of the Department of Corrections based on accidents involving motor vehicles owned or operated by the Department of Corrections;

23. The activities of the National Guard, the militia or other military organization administered by the Military Department of the state when on duty pursuant to the lawful orders of competent authority:

a. in an effort to quell a riot,

b. in response to a natural disaster or military attack, or

c. if participating in a military mentor program ordered by the court;

24. Provision, equipping, operation or maintenance of any prison, jail or correctional facility, or injuries resulting from the parole or escape of a prisoner or injuries by a prisoner to

any other prisoner; provided, however, this provision shall not apply to claims from individuals not in the custody of the Department of Corrections based on accidents involving motor vehicles owned or operated by the Department of Corrections;

25. Provision, equipping, operation or maintenance of any juvenile detention facility, or injuries resulting from the escape of a juvenile detainee, or injuries by a juvenile detainee to any other juvenile detainee;

26. Any claim or action based on the theory of manufacturer's products liability or breach of warranty, either expressed or implied;

27. Any claim or action based on the theory of indemnification or subrogation;

28. Any claim based upon an act or omission of an employee in the placement of children;

29. Acts or omissions done in conformance with then current recognized standards;

30. Maintenance of the state highway system or any portion thereof unless the claimant presents evidence which establishes either that the state failed to warn of the unsafe condition or that the loss would not have occurred but for a negligent affirmative act of the state; ~~or~~

31. Any confirmation of the existence or nonexistence of any effective financing statement on file in the office of the Secretary of State made in good faith by an employee of the office of the Secretary of State as required by the provisions of Section 9-307.6 of Title 12A of the Oklahoma Statutes; or

32. Any court-ordered community sentence.

POSTRELEASE SERVICES

SECTION 75. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 987.26 of Title 22, unless there is created a duplication in numbering, reads as follows:

For purposes of the Oklahoma Community Sentencing Act, any inmate being released to the community pursuant to a court order for a period of postimprisonment supervision following a term of

incarceration in a state correctional facility may utilize services within a local community sentencing system subject to availability of resources and contract with the Department of Corrections. Supervision for postimprisonment supervision as authorized by law shall be the responsibility of the Department of Corrections.

JAIL REIMBURSEMENT RATE

SECTION 76. AMENDATORY 57 O.S. 1991, Section 38, as amended by Section 1, Chapter 293, O.S.L. 1992 (57 O.S. Supp. 1996, Section 38), is amended to read as follows:

Section 38. A. The Department of Corrections shall reimburse any county, which is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed ~~Seven Dollars ($7.00)~~ Twenty-four Dollars ($24.00) per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county for the actual costs paid for any emergency medical care for physical injury or illness of the inmate retained under this resolution if the injury or illness is directly related to the incarceration and the county is required by law to provide such care for inmates in the jail. The Director may accept any inmate required to have extended medical care upon application of the county.

B. The state shall provide funding for county jail incarceration for eligible felony offenders pursuant to the provisions of the Oklahoma Community Sentencing Act at a rate of Twenty Dollars ($20.00) per day per person imprisoned for a maximum term as specified in this act.

SECTION 77. AMENDATORY 57 O.S. 1991, Section 561, as last amended by Section 1, Chapter 169, O.S.L. 1996 (57 O.S. Supp. 1996, Section 561), is amended to read as follows:

Section 561. A. The Department of Corrections is hereby authorized to provide for incarceration, supervision, and residential treatment at facilities other than those operated by the Department of Corrections. Services offered for persons under

the custody or supervision of the Department are to include, but not be limited to, housing, alcoholism or drug treatment, mental health services, nursing home care, or halfway house placement. Such services must meet standards prescribed and established by the Board of Corrections for implementing such a program, including but not limited to standards concerning internal and perimeter security, discipline of inmates, educational and vocational training programs, employment of inmates, and proper food, clothing, housing, and medical care. Such services must be contracted for in accordance with Section 85.7 of Title 74 of the Oklahoma Statutes. Such services, if provided by private prison contractors, shall be contracted for as ~~provided in subsections C through J of~~ required by this section.

B. ~~The~~ Subject to the requirements of this section and Section 78 of this act, the Department of Corrections is hereby authorized to provide for the construction or operation or both construction and operation of correctional institutions of the Department of Corrections by private prison contractors. Such operation shall meet standards prescribed by the Board of Corrections, including but not limited to, standards concerning internal and perimeter security, discipline of inmates, educational and vocational training programs, and proper food, clothing, housing, transportation, and medical care. Such services shall be contracted for in accordance with the provisions of ~~subsections C through J of~~ Section 78 of this act and the provisions of this section.

C. A comprehensive file for all private prison contractors interested in and capable of operating an institution within the Department of Corrections or providing for the housing, care, and control of inmates in a facility owned and operated by the contractor shall be maintained by the Department. These files shall include ~~a~~:

1. A completed application form~~, a~~;

2. A resume of the contractor's staff and capability~~, a~~;

3. A completed performance evaluation form for past projects on which the contractor has provided private prison services~~, a~~;

4. A list of past contracts with this state~~, and a~~;

5. A list of contracts to provide similar services to other states or to the United States~~.~~; and

~~The file shall include the~~ 6. The mailing address of each private prison contractor.

Any person or firm wishing to be a private prison contractor may request at any time to be included in the comprehensive file, and shall be provided necessary forms within twenty (20) days of the request and the Department shall add such contractor to the list within twenty (20) days of receipt of a properly completed application.

The Department may solicit evaluation of work done by private prison contractors from members of the private sector, which evaluation shall be part of the comprehensive file.

D. If the Department intends to secure the services of a private prison contractor, all persons and firms included in the file shall be notified through the mail of such intent. Such notification shall contain the following information:

1. Description and scope of the project or projects;

2. Estimated time schedule for project;

3. Last date for submitting notice of interest in performing services to the Director; and

4. Other pertinent data.

Private prison contractors desiring consideration shall meet the requirements of this section and to be considered shall submit a letter expressing interest in the project to the Department within thirty (30) days of the postmark date of the letter of notification mailed by the Department. Contractors shall file an updated application form at the request of the Department.

E. The Department shall define the scope of a proposed project, determine the various project components, phases and timetables, and prepare detailed project descriptions to guide prospective contractors. Before the Department awards a contract to a private prison contractor, the plans shall be approved by the Board of Corrections.

F. The Department shall review the files of the private prison contractors desiring consideration for the project~~, and~~. After performing the analysis required by Section 78 of this act, the Department shall select no less than three and no more than five contractors for more detailed consideration. In the event interviews for more than one contract are being considered at the same time, the number of contractors selected for more detailed consideration should be at least twice the number of contracts contemplated. This initial screening should consider the requirements of the project, as well as the following factors to be determined from the comprehensive file, and replies to inquiries to former clients:

1. Specialized experience in the type of work contemplated;

2. Capacity of the contractor to accomplish the work in the required time; and

3. Past performance, from the performance evaluation form.

G. A full report of the evaluation procedures and recommendations of the Department shall be prepared by the Department and submitted to the Board of Corrections for the independent review of the entire process.

H. 1. The Department shall select the contractor whose qualifications and project proposal most substantially meet the criteria of the project description.

2. The Department shall ~~negotiate~~ execute the contract with the selected contractor, which contract shall include a fair and reasonable fee.

3. The negotiated scope and fee shall be reported to the Board for the approval of the award of the contract. ~~The contract shall be sent to the Department of Central Services for approval or disapproval. If the Department of Central Services disapproves the contract or the Department and the selected contractor cannot reach an agreement, the Department may either renegotiate with the selected contractor or begin negotiations with the next-choice contractor. Should the Department be unable to negotiate a satisfactory contract with any of the three selected contractors, the Department shall select additional contractors in order of~~

~~their competency and qualifications and shall continue negotiations in accordance with the provisions of this section until an agreement is reached.~~

I. ~~Should there be an inadequate expression of interest in the project, the Director and the Board shall confer to add additional private prison contractors for consideration which are known to be appropriate for the project.~~

~~J.~~ The Department of Central Services shall render assistance to the Department of Corrections in implementing the contracting procedures provided for in this section. The Department of Central Services may have a representative at any meeting involving negotiations of a contract between the Department and a private prison contractor. Before submission of the proposed contract to the Legislative and Executive Bond Oversight Commissions, and prior to the date as of which the proposed contract is executed by the Board of Corrections, the Attorney General and the Director of the Department of Central Services shall review the proposed final version of the contract. The Attorney General and the Director of the Department of Central Services shall have a period of fifteen (15) days from receipt of the proposed final version of the contract to approve the contract and execute the document. If either the Attorney General or the Director of the Department of Central Services has objections to the proposed contract, the objections shall be communicated in writing to the Department of Corrections. The Department of Corrections shall take appropriate action regarding the objections and shall resubmit the proposed contract for additional review. The Attorney General and the Department of Central Services shall have an additional fifteen-day period to approve the proposed contract and to execute the document. Failure of the Attorney General or the Director of the Department of Central Services, respectively, to act within the fifteen-day period shall constitute approval of the respective official to the proposed final version of the contract. The contract shall contain a separate signature block or line for signature by the Attorney General and the Department of Central Services. The contract

shall contain a statement to be executed by the Attorney General and the Director of the Department of Central Services that each one of them, respectively, has reviewed the proposed contract for compliance with the provisions of this section and Section 78 of this act, and all other applicable provisions of law and that the contract conforms with those requirements. Neither the private prison contractor nor the Board of Corrections shall execute the contract until the document has been executed by the Attorney General and the Director of the Department of Central Services as required by this subsection unless the approval of the respective official has been made as a result of failure to take action within the fifteen-day period prescribed by this subsection.

~~K.~~ J. The Director of Central Services is authorized to lease real property and improvements thereon to a private prison contractor in conjunction with a contract for private management of a state correctional institution located or to be built on the property. Said lease may be entered into for one (1) year periods, renewable at the sole option of the State of Oklahoma, but not to exceed a cumulative period of fifty (50) years.

~~L.~~ K. Contracts awarded to private prison contractors pursuant to the provisions of this section shall be entered into for a period specified in each contract, subject to availability of funds annually appropriated by the Legislature for that purpose. No contract awarded pursuant to this section shall provide for the encumbrance of funds beyond the amount available for a fiscal year.

~~M.~~ L. No contract authorized by the provisions of this section shall be awarded until the private prison contractor demonstrates to the satisfaction of the Board of Corrections:

1. That the contractor possesses the necessary qualifications and experience to provide the services specified in the contract;

2. That the contractor can provide the necessary qualified personnel to implement the terms of the contract;

3. That the financial condition of the contractor is such that the terms of the contract can be fulfilled;

4. That the contractor has the ability to comply with applicable court orders and corrections standards; and

5. That, in the case of a contractor who will be providing the services in a nondepartmental facility operated by said contractor, the contractor shall be able to meet accreditation standards and receive accreditation, as required by the terms of the contract pursuant to subsection ~~R~~ B of Section 78 of this ~~section~~ act.

~~N.~~ M. No contract authorized by the provisions of this section shall be awarded until the private prison contractor demonstrates to the satisfaction of the Board that the contractor can obtain insurance or provide self-insurance to:

1. Indemnify the state against possible lawsuits arising from the operation of prison facilities by the contractor; and

2. Compensate the state for any property damage or expenses incurred due to the operation of prison facilities.

~~O.~~ N. A private prison contractor shall not be bound by state laws or other legislative enactments governing the appointment, qualifications, duties, salaries, or benefits of wardens, superintendents, or other correctional employees, except that any personnel authorized to carry and use firearms shall comply with the certification standards required by the provisions of Section 3311 of Title 70 of the Oklahoma Statutes and be authorized to use firearms only to prevent a felony, to prevent escape from custody, or to prevent an act which would cause death or serious bodily injury to the personnel or to another person.

~~P.~~ O. Any offense which would be a crime if committed within a state correctional institution also shall be a crime if committed in an institution or facility operated by a private prison contractor.

~~Q.~~ P. The Director or his designee shall monitor the performance of the contractor.

~~R. Any contract between the Department and a private prison contractor, whereby the contractor provides for the housing, care, and control of inmates in a nondepartmental facility operated by~~

~~the contractor, shall contain, in addition to other provisions, terms and conditions:~~

~~1. Requiring the contractor to provide said services in a facility which meets accreditation standards established by the American Corrections Association;~~

~~2. Requiring the contractor to receive accreditation for said facility from the American Corrections Association, within three (3) years of commencement of operations of the facility;~~

~~3. Requiring the contractor to obtain written authorization from the governing board of any municipality in which the facility is to be located, or if the facility is not to be located within a municipality, written authorization from the board of county commissioners of the county in which the facility is to be located; and~~

~~4. Granting the Department the option at the beginning of each fiscal year to purchase or lease, at a predetermined price, any such facility.~~

SECTION 78. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 561.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Prior to entering into a contract with any private prison contractor for construction or operation, or both, of a correctional facility, the Oklahoma Department of Corrections shall establish a process for requesting proposals from such contractors. The Department of Corrections shall develop criteria for the process by which a contractor for the construction or operation, or both, of a private prison is to be awarded a contract. The criteria shall be subject to approval by the Board of Corrections. The criteria for selection of a site for a proposed facility to be constructed or operated, or both, by a private contractor shall include, but shall not be limited to, the availability of medical services, support services, transportation services and the availability of potential employees who would be qualified to perform required functions at a state correctional facility.

B. Any contract between the Department of Corrections and a private prison contractor, whereby the contractor provides for the housing, care, and control of inmates in a nondepartmental facility operated by the contractor, shall contain, in addition to other provisions, terms and conditions:

1. Requiring the contractor to provide said services in a facility which meets accreditation standards established by the American Corrections Association;

2. Requiring the contractor to receive accreditation for said facility from the American Corrections Association, within three (3) years of commencement of operations of the facility;

3. Requiring the contractor to obtain written authorization from the governing board of any municipality in which the facility is to be located, or if the facility is not to be located within a municipality, written authorization from the board of county commissioners of the county in which the facility is to be located;

4. Granting the Department the option at the beginning of each fiscal year pursuant to an agreement, to purchase any such facility, with or without inventory or other personal property, at a predetermined price, which shall be negotiated and included in a schedule or a formula to be contained in the original agreement. Such agreements relating to a correctional facility, the construction of which was financed or is to be financed by obligations issued from a local governmental entity the repayment of which is to be made in whole or in part from rentals from the State of Oklahoma or the Department of Corrections, shall be submitted to the Oklahoma Bond Oversight Commissions as provided in subsection I of this section.

C. A contractor proposing to enter a contract with the Department of Corrections for construction or operation, or both, of a correctional facility pursuant to this section must demonstrate:

1. The qualifications and the operations and management experience to carry out the terms of the contract; and

2. The ability to comply with the standards of the American Correctional Association and with specific court orders.

D. In addition to meeting the requirements specified in the requests for proposals, a proposal for the construction and operation of a correctional facility must:

1. Provide for regular, on-site monitoring by the Department of Corrections;

2. Acknowledge that payment by the state is subject to the availability of appropriations;

3. Provide for payment of a maximum amount per fiscal year;

4. Demonstrate a cost benefit to the State of Oklahoma when compared to the level and quality of programs provided by state operated facilities that have similar types of inmates at an operational cost not more than the cost of housing inmates in similar facilities and providing similar programs to those types of inmates in state-operated facilities. The Department of Corrections shall be responsible for determining the cost/benefit of the proposal;

5. Permit the state to terminate the contract for cause;

6. Contain a per diem operational cost per inmate for the initial year of operations;

7. Subject to appropriations, provide that cost adjustments may be made only once each fiscal year, to take effect at the beginning of the next fiscal year using as the maximum percentage increase, if any, an increase not to exceed the previous year's Consumer Price Index for All Urban Consumers (CPI-U) as prepared by the United States Bureau of Labor Statistics;

8. Have an initial contract term of not more than one (1) year, with an option to renew for additional periods not to exceed twenty (20) years;

9. If the proposal includes construction of a facility, contain a performance bond approved by the Department that is adequate and appropriate for the proposed contract;

10. Provide for assumption of liability by the private vendor for all claims arising from the services performed under the contract by the private vendor;

11. Provide for an adequate plan of insurance for the private vendor and its officers, guards, employees, and agents against all claims, including claims based on violations of civil rights arising from the services performed under the contract by the private vendor;

12. Provide for an adequate plan of insurance to protect the state against all claims arising from the services performed under the contract by the private vendor and to protect the state from actions by a third party against the private vendor, its officer, guards, employees, and agents as a result of the contract;

13. Provide plans for the purchase and assumption of operations by the state in the event of the bankruptcy of the private vendor; and

14. Contain comprehensive standards for conditions of confinement.

E. As of the end of each fiscal year, the Department of Corrections shall determine the average daily cost per inmate for the operational costs at each major category of correctional facility. There shall be a separate computation of the average daily rate for maximum security, medium security, minimum security and work center facilities. The Department of Corrections shall present the daily rate computations to the Board of Corrections. The Board of Corrections, after appropriate review and analysis, shall adopt as a final action of the Board, at its regularly scheduled meeting in the month of August, an average daily rate per inmate by facility category for the immediately preceding fiscal year.

F. If no proposals conform to the established criteria, the Department shall prepare an additional request for proposals. The Department of Corrections shall evaluate the proposals within thirty (30) days of receipt from the prospective contractor. The Department of Corrections shall specifically determine whether a proposal meets the requirements of paragraph 4 of subsection D of this section by comparing the daily rate for housing and care of inmates pursuant to any proposed contract with a private contractor to the daily rate for housing and care of inmates at

the comparable type of facility operated by the Department of Corrections using the information provided pursuant to paragraph 6 of subsection D of this section. The Department shall evaluate proposals taking into account any direct or indirect costs that would continue to be paid by the Department of Corrections including, but not limited to, transportation, records management, discipline, general administration, management of inmate trust funds, and major medical coverage. Such costs shall be added to the proposed per diem of the private vendor when comparing the total per diem costs of the state operating facilities.

G. If the Department of Corrections proposes to enter into a contract for the construction or the operation, or both, of a private prison, the Department shall compare both the capital costs and the operating costs for the facility to the imputed capital costs and the projected operating costs of a comparable facility constructed and operated by the Department of Corrections.

H. The Department of Corrections shall deliver to the Board of Corrections the top three qualified prospective private prison contractors identified pursuant to this section and pursuant to Section 561 of Title 57 of the Oklahoma Statutes together with the information reviewed and analyzed by the Department of Corrections during analysis of the proposals as required by this section. The Board of Corrections shall evaluate the information provided and shall make a final decision selecting the contractor within fifteen (15) days of receipt of the information.

I. Any contract subject to the provisions of this section entered into by the Board of Corrections shall be subject to the approval of the Legislative and Executive Bond Oversight Commissions in the same manner as provided by law for the review of issuance of obligations by State Governmental Entities as prescribed by Section 695.8 of Title 62 of the Oklahoma Statutes.

J. Before submission of the proposed contract to the Legislative and Executive Bond Oversight Commissions, and prior to the date as of which the proposed contract is executed by the Board of Corrections, the Attorney General and the Director of the

Department of Central Services shall review the proposed final version of the contract. The Attorney General and the Director of the Department of Central Services shall have a period of fifteen (15) days from receipt of the proposed final version of the contract to approve the contract and execute the document. If either the Attorney General or the Director of the Department of Central Services has objections to the proposed contract, the objections shall be communicated in writing to the Department of Corrections. The Department of Corrections shall take appropriate action regarding the objections and shall resubmit the proposed contract for additional review. The Attorney General and the Department of Central Services shall have an additional fifteen-day period to approve the proposed contract and to execute the document. Failure of the Attorney General or the Director of the Department of Central Services, respectively, to act within the fifteen-day period shall constitute approval of the respective official to the proposed final version of the contract. The contract shall contain a separate signature block or line for signature by the Attorney General and the Department of Central Services. The contract shall contain a statement to be executed by the Attorney General and the Director of the Department of Central Services that each one of them, respectively, has reviewed the proposed contract for compliance with the provisions of this section and Section 77 of this act, and all other applicable provisions of law and that the contract conforms with those requirements. Neither the private prison contractor nor the Board of Corrections shall execute the contract until the document has been executed by the Attorney General and the Director of the Department of Central Services as required by this subsection unless the approval of the respective official has been made as a result of failure to take action within the fifteen-day period prescribed by this subsection.

SECTION 79. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 183 of Title 73, unless there is created a duplication in numbering, reads as follows:

A. Upon authorization by the Legislature, the Oklahoma Capitol Improvement Authority shall acquire real property, and construct improvements and facilities located thereon, and personal property to be used for purposes of the construction or operation of correctional facilities.

B. The correctional facilities authorized herein may consist of:

1. One or more facilities of medium security level or higher of not less than nine hundred beds nor more than two thousand five hundred beds for male inmates;

2. One or more facilities of medium security level or higher of not less than five hundred beds nor more than one thousand five hundred beds for female inmates; and

3. Other inmate facilities with such security levels and size as may be designated by the Legislature.

C. Construction of the facilities described in subsection B of this section may be undertaken in phases as described in the proposal.

D. Prior to the construction of the facilities, the Board of Corrections shall approve the site for each of the facilities in the manner provided by Section 80 of this act.

E. The Authority may hold title to the real property and personal property and improvements until such time as any obligations issued for this purpose are retired or defeased and may lease the real property and personal property and improvements to the Oklahoma Department of Corrections. Upon final redemption or defeasance of the obligations created pursuant to this section, title to the real property and personal property and improvements shall be transferred from the Oklahoma Capitol Improvement Authority to the Oklahoma Department of Corrections.

F. For the purpose of paying the costs for acquisition of the real property and improvements and personal property authorized in subsections A and B of this section, and for the purpose authorized in subsection G of this section, the Authority is hereby authorized to borrow monies on the credit of the income and revenues to be derived from the leasing of such real property,

personal property and improvements and, in anticipation of the collection of such income and revenues, to issue negotiable obligations in an amount not to exceed the amount required to provide for construction of facilities described in subsection B of this section. It is the intent of the Legislature to appropriate to the Oklahoma Department of Corrections sufficient monies to make rental payments for the purposes of retiring the obligations created pursuant to this section. The costs for acquisition of the real property or improvements or both and personal property authorized in subsections A and B of this section shall not exceed the amount required to provide for the purchase of real and personal property and construction of facilities described in subsection B of this section.

G. To the extent funds are available from the proceeds of the borrowing authorized by subsection F of this section, the Oklahoma Capitol Improvement Authority shall provide for the payment of professional fees and associated costs approved by the Oklahoma Department of Corrections. The Oklahoma Capitol Improvement Authority shall use the resources of the State Bond Advisor, the Attorney General and the State Treasurer in order to evaluate the costs and expenses associated with the issuance of its obligations and shall use such information as may be required to reduce the costs associated with the issuance of the obligations.

H. The Authority may issue obligations in one or more series and in conjunction with other issues of the Authority. The Authority is authorized to hire bond counsel, financial consultants, and such other professionals as it may deem necessary to provide for the efficient sale of the obligations and may utilize a portion of the proceeds of any borrowing to create such reserves as may be deemed necessary and to pay costs associated with the issuance and administration of such obligations.

I. The obligations authorized under this section may be sold at either competitive or negotiated sale, as determined by the Authority, and in such form and at such prices as may be authorized by the Authority. The Authority may enter into agreements with such credit enhancers and liquidity providers as

may be determined necessary to efficiently market the obligations. The obligations may mature and have such provisions for redemption as shall be determined by the Authority, but in no event shall the final maturity of such obligations occur later than thirty (30) years from the first principal maturity date. The State Treasurer shall be authorized to purchase the obligations as an investment of public funds under the State Treasurer's control.

J. Any interest earnings on funds or accounts created for the purposes of this section may be utilized as partial payment of the annual debt service or for the purposes directed by the Authority.

K. The obligations issued under this section, the transfer thereof and the interest earned on such obligations, including any profit derived from the sale thereof, shall not be subject to taxation of any kind by the State of Oklahoma, or by any county, municipality or political subdivision therein.

L. The Authority may direct the investment of all monies in any funds or accounts created in connection with the offering of the obligations authorized under this section. Such investments shall be made in a manner consistent with the investment guidelines of the State Treasurer. The Authority may place additional restrictions on the investment of such monies if necessary to enhance the marketability of the obligations.

SECTION 80. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 561.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma Department of Corrections shall develop criteria for selection of a site upon which to construct the correctional facilities described in subsection B of Section 79 of this act. The criteria shall include, but shall not be limited to, the availability of medical services, support services, transportation services, the availability of potential employees who would be qualified to perform required functions at a state correctional facility and any benefits or incentives offered by the applicant. The criteria shall be subject to approval by the Board of Corrections.

B. The Oklahoma Department of Corrections shall establish a process for requesting proposals to construct a correctional facility built with the funds authorized pursuant to Section 79 of this act.

C. Proposals shall be submitted not later than thirty (30) days after receipt of the request. The Department shall identify the proposals meeting the criteria approved pursuant to subsection A of this section within thirty (30) days after receipt of the proposals. The Department of Corrections shall identify by appropriate review and analysis the proposals submitted and shall select a maximum of three proposals which conform to the criteria set out in subsection A of this section and shall forward the proposals meeting criteria to the Board of Corrections.

D. The Department of Corrections shall deliver to the Board of Corrections the top three qualified proposals identified pursuant to this section together with the information reviewed and analyzed by the Department of Corrections during analysis of the proposals as required by this section. The Board of Corrections shall evaluate the information provided and shall make a final decision selecting the best site for the correctional facility within fifteen (15) days of receipt of the information.

E. Any plans developed pursuant to the process for selection of a contractor for construction of a facility authorized pursuant to Section 79 of this act shall become the nonexclusive property of the State of Oklahoma as a condition of the award of the final contract for construction of the facility. The State of Oklahoma shall not be obligated to obtain any further permission for use of the plans or to make payment to any person or other legal entity for the further use of the plans as may be needed for additional projects for site adaptation for buildings, structures, or both, for use by the Department of Corrections.

F. The Department of Central Services shall be responsible for any changes or updates of such plans for construction of any additional correctional facility constructed using the plans described in subsection E of this section. The Oklahoma Department of Transportation and the Department of Central

Services shall provide such architectural, engineering and consulting services as the Department of Corrections may require in order to adapt existing plans for use in construction of additional correctional facilities.

G. If the Department of Corrections requires architectural, engineering or other consulting services in addition to those services authorized by subsection F of this section, the Department of Central Services shall be authorized to enter into a contract with an architect, engineer or for other necessary services, as may be required in order to adapt existing plans for new sites for additional correctional facilities. The costs of any such services shall be paid by the Department of Corrections.

SECTION 81. AMENDATORY 57 O.S. 1991, Section 563, as last amended by Section 1, Chapter 248, O.S.L. 1996 (57 O.S. Supp. 1996, Section 563), is amended to read as follows:

Section 563. A. ~~Before~~ Except as otherwise authorized by Section 79 of this act, before any correctional facility other than an inmate work center as authorized in subsection B of this section or an inmate drug offender work camp ~~as authorized in subsection C of this section~~, whether within the Department of Corrections or within any other state agency, may be created or any construction performed which may significantly increase, extend or expand the present facility, such creation or construction shall be approved by the Legislature. Correctional facilities owned or operated by private prison contractors shall not be deemed to be within the Department of Corrections or other state agency.

B. The Department of Corrections is hereby authorized to establish inmate work centers, not to exceed one hundred (100) inmates, in locations where a need for labor to conduct public work projects is determined. The Department shall select the inmate work center locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.

C. ~~The Department of Corrections is hereby authorized to establish inmate drug offender work camps, not to exceed three hundred inmates, in locations determined by the Department of Corrections. The Department shall select the inmate drug offender work camp locations based on objective comparisons of interested communities in accordance with procedures and criteria established by the Department of Corrections. The procedures, selection criteria and decision case analysis shall be made available to the public upon request.~~

~~D.~~ No state, county or municipal correctional facility including any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed shall be located within one thousand (1,000) feet of any public or private elementary or secondary school nor within two thousand five hundred (2,500) feet of any state training school. The provisions of this subsection shall not apply to any inmate work center, inmate drug offender work camp, inmate halfway house, inmate transitional living center and any other place where state, county or municipal inmates are housed established prior to May 20, 1994.

~~E.~~ D. In any county with a population of two hundred fifty thousand (250,000) or more, as determined by the latest Federal Decennial Census, the Department of Corrections shall not cause, permit or require any inmate in the custody of the Department or cause, permit or require any offender under the supervision of the Department to enter, remain or be present in any Department of Corrections facility located within one thousand (1,000) feet of a private or public elementary or secondary school, or on the grounds of such a facility, for any activities involving or relating to processing, training, instructing, interviewing, counseling, reporting, conferring, imposing discipline, reviewing or adjudicating or any correctional function requiring or permitting the presence of the offender, except offenders may be employed in construction, maintenance or janitorial activities in or on the structures or grounds while under supervision of a

correctional employee. The provisions of this subsection shall not apply to any facility established or acquired by the Department of Corrections prior to May 20, 1994.

SECTION 82. AMENDATORY 61 O.S. 1991, Section 62, is amended to read as follows:

Section 62. A. A comprehensive file for all consultants interested in and capable of performing architectural, engineering, and land surveying services for the state shall be maintained by the ~~Office of Public Affairs~~ Department of Central Services. These files shall include a completed application form, a resume of the consultant's staff and capability, completed performance evaluation form for past projects on which the consultants provided professional services, and a list of past contracts with this state. A performance evaluation shall be completed within thirty (30) days after final acceptance of the project. A copy of the performance evaluation shall be sent to the consultant within a thirty-day period for review and comments, if any, and shall be incorporated in the file.

The file shall include the mailing address of each firm.

Any firm wishing to be a consultant for public work or "construction" as defined by the Public Building Construction and Planning Act may request at any time to be included in the comprehensive file, and must be so included within twenty (20) days of the request.

The state may solicit evaluation of work done by consultants from members of the private sector, which evaluation shall be part of the comprehensive file.

B. The department shall define the scope of a proposed project, determine the various project components, phases and timetables, and prepare detailed project descriptions in cooperation with the Division to guide prospective consultants. Before the Division awards a contract for the construction, reconstruction or improvement of any state building, the plans must be approved by the department.

C. If the state intends to secure consultant services, all firms included in the file shall be notified through the mail of

such intent. Such notification shall contain the following information:

1. Description and scope of the project or projects;

2. Estimated construction cost and time schedule for project;

3. Funds available, including federal, state or other participation. For purposes of this paragraph, in order to provide notification to architects and engineers, only those funds required in order to make payment to architects and engineers shall be considered with respect to the date as of which architects and engineers may be notified of the state's intent to secure consultant services from those professionals;

4. Last date for submitting notice of interest in performing services to director; and

5. Other pertinent data.

Consultants desiring consideration must meet the requirements of this act and to be considered must submit a letter to the department within ~~thirty (30)~~ twenty (20) days of the postmark date of the letter of notification mailed by the department.

Consultants must have on file an application form not over twelve (12) months old. Provided however, the requirements of this subsection shall not apply to consultant contracts entered into by the ~~Office of Public Affairs~~ Department of Central Services for the purpose of providing minor project design services to state agencies on a reimbursable basis. Any such consultant contracts shall not exceed one (1) year in duration and shall be written on a nonencumbered basis for not to exceed Twenty-five Thousand Dollars ($25,000.00) per consultant or consulting firm per year.

D. After expiration of the period for expression of interest, the Director of ~~Public Affairs~~ the Department of Central Services shall forward the applicants' files or extracts of the files to the department responsible for the project. The Director shall forward the files of those seeking to contract services for the project for all consultants to be considered. He may include such other data, information or comments that he thinks will be beneficial to the department. Should there be an inadequate expression of interest in the project, the contracting department

and the Director shall confer to add additional consultants for consideration which are known to be appropriate for the project.

E. The department shall review the consultant files forwarded by the Board, and shall select no less than three and no more than five consultants for more detailed consideration. In the event interviews for more than one contract are being considered at the same time, the number of consultants selected for more detailed consideration should be at least twice the number of contracts contemplated. This initial screening should consider the requirements of the consultant interview evaluation sheet as well as the following factors to be determined from the consultant file, the department staff and replies to inquiries to former clients:

1. Specialized experience in the type of work contemplated;

2. Capacity of the consultant to accomplish the work in the required time; and

3. Past performance, from the performance evaluation form.

Preference shall be given to firms whose principal place of business is located within the state.

F. A full report of the evaluation procedures and recommendations of the department shall be prepared by the department and submitted to the ~~Office of the Governor~~ Construction and Properties Division of the Department of Central Services for the independent review of the entire process.

G. The department shall negotiate the contract with the selected consultant, which contract shall include a fair and reasonable fee. The negotiated scope and fee shall be reported to the Board for the approval of the award of the consultant service contract. If the department and the first-choice consultant cannot reach an agreement, their negotiations shall be terminated and negotiations with the second-choice consultant shall commence. If the department and the second-choice consultant cannot reach an agreement, their negotiations shall be terminated and negotiations with the third-choice consultant shall commence. If the department and the third-choice consultant cannot reach an agreement, then all negotiations shall be terminated. Should the

department be unable to negotiate a satisfactory contract with any of the three selected consultants, the department shall select additional consultants in order of their competency and qualifications and shall continue negotiations in accordance with the provisions of this section until an agreement is reached.

H. Any plans developed pursuant to the process for selection of a contractor for construction of a facility authorized pursuant to Section 79 of this act shall become the nonexclusive property of the State of Oklahoma as a condition of the award of the final contract for construction of the facility. The State of Oklahoma shall not be obligated to obtain any further permission for use of the plans or to make payment to any person or other legal entity for the further use of the plans as may be needed for additional projects for site adaptation for buildings, structures, or both, for use by the Department of Corrections.

~~H.~~ I. In the selection of a consultant to provide architectural, engineering, or land surveying services, all political subdivisions of this state may follow these procedures:

The subdivision shall select a consultant based upon the professional qualifications and technical experience of the consultant. The subdivision shall negotiate a contract with the highest qualified consultant provided that a fee can be negotiated that is fair and reasonable to both parties. In the event a reasonable fee cannot be negotiated with the selected consultant, the subdivision may negotiate with other consultants in order of their qualifications.

SECTION 83. AMENDATORY 61 O.S. 1991, Section 65, is amended to read as follows:

Section 65. A. ~~The~~ In addition to the conditions prescribed pursuant to subsection C of this section, the provisions of Sections 61 through 64 of this title shall not apply whenever the ~~Office of Public Affairs~~ Department of Central Services with concurrence of the chief administrative officer of the public agency affected declares that an emergency exists. The consultant shall be selected by the Director of ~~Public Affairs~~ the Department of Central Services. The resulting consultant contract shall not

exceed Seven Thousand Five Hundred Dollars ($7,500.00). The reasons for the emergency shall be recorded in the official records of the ~~Office of Public Affairs~~ Department of Central Services.

B. Emergency as used in this section shall be limited to conditions resulting from any of the following:

1. A sudden unexpected happening or unforeseen occurrence if it is impossible for the provisions of Sections 61 through 64 of this title to be observed because of the time factor and if the public health or safety is endangered.

2. A condition or situation which, if allowed to continue, would lead to economic loss to the state or to further damage of state property.

C. The provisions of Sections 61 through 64 of this title shall not apply to the process for construction of a correctional facility whenever the Board of Corrections informs the Department of Central Services that an emergency condition threatens the security of the state correctional system, including inmate population growth, and the condition requires expeditious treatment for the review, approval and bid process as it relates to construction or expansion of correctional facilities. The Department of Central Services and the Department of Corrections are authorized to implement an expedited competitive bid process for the contracting of consultants and construction of new or expanded correctional facilities that adequately respond to the emergency. The Board of Corrections shall provide written notification to the Governor, the Speaker of the House of Representatives and to the President Pro Tempore of the Senate of the emergency conditions.

SECTION 84. AMENDATORY 61 O.S. 1991, Section 130, is amended to read as follows:

Section 130. A. The provisions of the Public Competitive Bidding Act with reference to notice and bids shall not apply whenever the governing body of a public agency declares by a two-thirds (2/3) vote of all of the members of the governing body that an emergency exists; provided, the Oklahoma Transportation

Commission and the Oklahoma Tourism and Recreation Commission may, by majority vote of all the members of each Commission, declare that an emergency exists.

B. The governing bodies of all public agencies are further authorized, upon approval of two-thirds (2/3) of all of the members of the governing body, to delegate to the chief administrative officer of a public agency the authority to declare an emergency situation, in which event the provisions of the Public Competitive Bidding Act with reference to notice and bids shall not apply, but such authority shall not extend to any contract exceeding Twenty-five Thousand Dollars ($25,000.00) in amount; provided, such authority of the Oklahoma Department of Transportation shall not extend to any contract exceeding One Hundred Fifty Thousand Dollars ($150,000.00) in amount.

C. An emergency declared by the Board of Corrections pursuant to subsection C of Section 65 of this title shall exempt the Department of Corrections from the limits which would otherwise be imposed pursuant to subsection B of this section for the contracting and construction of new or expanded correctional facilities.

D. Whenever said chief administrative officer shall declare such an emergency he shall notify the governing body, the President Pro Tempore of the State Senate and Speaker of the House of Representatives of such action within ten (10) days. Such notification shall contain a statement of the reasons for his action, and shall be recorded in the official minutes of said governing body.

~~B.~~ E. Emergency as used in this section shall be limited to conditions resulting from a sudden unexpected happening or unforeseen occurrence or condition and situation wherein the public health or safety is endangered.

~~C.~~ F. The reasons for declaring an emergency and not complying with the provisions of the Public Competitive Bidding Act shall be entered into the official minutes of the governing body of the public agency. Copies of said minutes shall be

submitted to the President Pro Tempore of the State Senate and Speaker of the House of Representatives.

SECTION 85. AMENDATORY 2 O.S. 1991, Section 6-94, as amended by Section 5, Chapter 138, O.S.L. 1996 (2 O.S. Supp. 1996, Section 6-94), is amended to read as follows:

Section 6-94. A. If any animal has given a positive reaction to the official brucellosis test, and the reaction was not caused by official vaccination, the State Board of Agriculture shall declare the animal to be infected with brucellosis and shall immediately notify the person who drew the blood sample for the test, who shall place a permanent brand on the tailhead of each affected animal with the letter "B", which shall be not less than three (3) inches in height, and affix a metal tag, inscribed "Brucellosis Reactor", to the left ear of the animal.

B. Animals that are part of a known infected herd shall be treated as exposed. Any such animal destined for feeding or slaughter purposes shall be permanently branded on the tailhead with the letter "S". The brand shall be not less than two (2) inches in height and width and shall be affixed by the person who drew the blood sample by which the reactor was detected. The branding fee shall be paid by the seller of the animal. Each packing plant in ~~Oklahoma~~ this state shall collect and identify a blood sample with all identification tags, as provided by the Board, from each bovine animal that shows the presence of first central incisors.

C. The owner of exposed animals or reactors shall present the animals for branding or tagging within fifteen (15) days after receiving notice of reaction or exposure. The failure of an owner to comply with the requirements of this subsection shall be a misdemeanor.

D. The removal of any permanent mark or brand, including metal ear tags, from any animal with a reportable disease or those classified as diseased in a herd being depopulated, without prior authorization from the State Board of Agriculture, shall be a felony.

SECTION 86. AMENDATORY 2 O.S. 1991, Section 6-125, is amended to read as follows:

Section 6-125. It shall be unlawful and a misdemeanor for any person to remove, or to change the location of, or to bring into or to take out of any place or area that has been quarantined, any livestock of an aggregate value of One Thousand Dollars ($1,000.00) or less, which are covered by the order of quarantine, or otherwise to violate any of the conditions of such order of quarantine~~, or if~~. If the aggregate value of such livestock is in excess of One Thousand Dollars ($1,000.00), then ~~such~~ the person shall be guilty of a felony.

SECTION 87. AMENDATORY 2 O.S. 1991, Section 6-155, is amended to read as follows:

Section 6-155. Any person violating the provisions of ~~Section 2(a)~~ subsections (a) and (b) of Section 6-151 of this title relating to the importation and transportation of livestock, is guilty of a felony ~~and subject to a maximum punishment of two (2) years in prison or~~. The fine for a violation of subsection (a) or (b) of Section 6-151 of this title shall be a Two Thousand Dollar ($2,000.00) fine~~, or both~~. Any person violating any of the other provisions of this ~~subarticle~~ section, relating to the importation and transportation of livestock, is guilty of a misdemeanor and subject to a maximum punishment of six (6) months in the county jail or a Five Hundred Dollar ($500.00) fine, or both. Each animal brought into the state in violation of any of the provisions of this ~~subarticle~~ section shall constitute a separate and distinct violation.

SECTION 88. AMENDATORY 2 O.S. 1991, Section 6-207, is amended to read as follows:

Section 6-207. (a) Any person, firm, or corporation who violates any provision of ~~this act~~ the Oklahoma Meat Inspection Act for which no other criminal penalty is provided by this act shall upon conviction be subject to imprisonment for not more than one (1) year, or a fine of not more than One Thousand Dollars ($1,000.00), or both such imprisonment and fine; but if such violation involves intent to defraud, or any distribution or

attempted distribution of an article that is adulterated (except as defined in ~~Section 2(j)(8)~~ subparagraph (8) of paragraph (j) of Section 6-182 of this ~~act~~ title), such person, firm, or corporation shall be ~~subject to imprisonment for not more than three (3) years, or a~~ guilty of a felony. The fine ~~of~~ for such violation shall be not more than Ten Thousand Dollars ($10,000.00)~~, or both: provided~~. Provided, that no person, firm, or corporation shall be subject to penalties under this section for receiving for transportation any article or animal in violation of this act if such receipt was made in good faith, unless such person, firm, or corporation refuses to furnish on request of a representative of the Board the name and address of the person from whom he received such article or animal, and copies of all documents, if any there be, pertaining to the delivery of the article or animal to him.

(b) Nothing in this act shall be construed as requiring the Board to report for prosecution, or for the institution of legal action or injunction proceedings, minor violations of this act whenever it believes that the public interest will be adequately served by a suitable written notice of warning.

SECTION 89. AMENDATORY 2 O.S. 1991, Section 6-194, is amended to read as follows:

Section 6-194. Any person, firm, or corporation, or any agent or employee of any person, firm, or corporation, who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of this state authorized to perform any of the duties prescribed by this act or by the rules ~~and regulations~~ of the Board, any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of this state in the discharge of any duty herein provided for, shall be deemed guilty of a felony ~~and~~, upon conviction thereof~~, shall be punished by~~. For such violation of this section, a fine not less than Five Thousand Dollars ($5,000.00) nor more than Ten Thousand Dollars ($10,000.00) ~~and by imprisonment not less than one (1) year nor more than three (3) years; and any~~ shall be

imposed; provided, such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of other punishment. Any inspector, deputy inspector, chief inspector, or other officer or employee of this state authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in intrastate commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony ~~and shall~~, upon conviction thereof~~,~~. Such persons shall be summarily discharged from office and shall be punished by a fine not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00) ~~and by imprisonment not less than one (1) year nor more than three (3) years~~; provided, such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of other punishment.

SECTION 90. AMENDATORY 2 O.S. 1991, Section 6-206, is amended to read as follows:

Section 6-206. Any person who forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this act shall be ~~fined~~ guilty of a felony. The fine for commission of this offense shall be not more than Five Thousand Dollars ($5,000.00) ~~or imprisoned not more than three (3) years, or both~~. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon shall be ~~fined~~ guilty of a felony. The fine for commission of this offense shall be not more than Ten Thousand Dollars ($10,000.00)~~, or imprisoned not more than ten (10) years, or both~~. Whoever kills any person while engaged in or on account of the performance of his official duties under this act shall be punished as provided under ~~21 O.S.1961,~~ Section 691 of Title 21 of the Oklahoma Statutes.

SECTION 91. AMENDATORY 2 O.S. 1991, Section 6-208, is amended to read as follows:

Section 6-208. (a) The Board shall also have power:

(1) To gather and compile information concerning and to investigate from time to time the organization, business, conduct, practices, and management of any person, firm, or corporation engaged in intrastate commerce, and the relation thereof to other persons, firms, and corporations;

(2) To require, by general or special orders, persons, firms, and corporations engaged in intrastate commerce, or any class of them, or any of them to file with the Board in such form as the Board may prescribe, annual or special, or both annual and special, reports or answers, in writing, to specific questions, furnishing to the Board such information as it may require as to the organization, business, conduct, practices, management, and relation to other persons, firms, and corporations, of the person, firm, or corporation filing such reports or answers in writing. Such reports and answers shall be made under oath, or otherwise, as the Board may prescribe, and shall be filed with the Board within such reasonable period as the Board may prescribe, unless additional time be granted in any case by the Board.

(b) For the purposes of this act the Board shall at all reasonable times have access to, for the purpose of examination, and the right to copy any documentary evidence of any person, firm, or corporation being investigated or proceeded against, and may require by subpoena the attendance and testimony of witnesses and the production of all documentary evidence of any person, firm, or corporation relating to any matter under investigation. The Board may sign subpoenas and may administer oaths and affirmations, examine witnesses, and receive evidence.

(1) Such attendance of witnesses and the production of such documentary evidence may be required at any designated place of hearing. In case of disobedience to a subpoena the Board may invoke the aid of any court designated in Section ~~25~~ 6-205 of this ~~act~~ title in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) Any of the courts designated in Section ~~25~~ 6-205 of this ~~act~~ title within the jurisdiction of which such inquiry is carried

on may, in case of contumacy or refusal to obey a subpoena issued to any person, firm, or corporation, issue an order requiring such person, firm, or corporation to appear before the Board or to produce documentary evidence if so ordered, or to give evidence touching the matter in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) Upon the application of the Attorney General of this state at the request of the Board, the district court shall have jurisdiction to issue writs of mandamus commanding any person, firm, or corporation to comply with the provisions of this act or any order of the Board made in pursuance thereof.

(4) The Board may order testimony to be taken by deposition in any proceeding or investigation pending under this act at any stage of such proceeding or investigation. Such depositions may be taken before any person designated by the Board and having power to administer oaths. Such testimony shall be reduced to writing by the person taking the deposition or under his direction, and shall then be subscribed by the deponent. Any person may be compelled to appear and depose and to produce documentary evidence in the same manner as witnesses may be compelled to appear and testify and produce documentary evidence before the Board as hereinbefore provided.

(5) Witnesses summoned before the Board shall be paid the same fees and mileage that are paid witnesses in the courts of this state, and witnesses whose depositions are taken and the persons taking the same shall severally be entitled to the same fees as are paid for like services in such courts, except the person or representatives of the firm or corporation charged with a violation and so summoned shall not be paid the fees and mileage that are paid witnesses.

(6) No person, firm, or corporation shall be excused from attending and testifying or from producing books, papers, schedules of charges, contracts, agreements, or other documentary evidence before the Board or in obedience to the subpoena of the Board, whether such subpoena be signed or issued by it or its

delegate, or in any cause or proceeding, criminal or otherwise, based upon or growing out of any alleged violation of this act, or of any amendments thereto, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him or it may tend to incriminate him or it or subject him or it to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that any person so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(c) Any person, firm, or corporation that shall neglect or refuse to attend and testify or to answer any lawful inquiry, or to produce documentary evidence, if in his or its power to do so, in obedience to the subpoena or lawful requirement of the Board shall be guilty of an offense and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(1) Any person, firm, or corporation that shall willfully make, or cause to be made, any false entry or statement of fact in any report required to be made under this act, or that shall willfully make, or cause to be made, any false entry in any account, record, or memorandum kept by any person, firm, or corporation subject to this act or that shall willfully neglect or fail to make, or to cause to be made, full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the business of such person, firm, or corporation, or that shall willfully remove out of the jurisdiction of this state, or willfully mutilate, alter, or by any other means falsify any documentary evidence of any such person, firm, or corporation or that shall willfully refuse to submit to the Board or to any of its authorized agents, for the purpose of inspection and taking copies, any documentary evidence of any such person, firm, or corporation in his possession or

within his control, shall be deemed guilty of ~~an offense and~~ a felony. Such person shall be subject, upon conviction in any court of competent jurisdiction, to a fine of not more than Five Thousand Dollars ($5,000.00)~~, or to imprisonment for a term of not more than three (3) years, or to both such fine and imprisonment~~.

(2) If any person, firm, or corporation required by this act to file any annual or special report shall fail so to do within the time fixed by the Board for filing the same, and such failure shall continue for thirty (30) days after notice of such default, such person, firm, or corporation shall forfeit to this state the sum of One Hundred Dollars ($100.00) for each and every day of the continuance of such failure, which forfeiture shall be payable into the treasury of this state, and shall be recoverable in a civil suit in the name of the state brought in the county where the person, firm, or corporation has his or its principal office or in any county in which he or it shall do business. It shall be the duty of the various district attorneys, under the direction of the Attorney General of this state, to prosecute for the recovery of such forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of this state.

(3) Any officer or employee of this state who shall make public any information obtained by the Board without its authority, unless directed by a court, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding Five Thousand Dollars ($5,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, in the discretion of the court.

SECTION 92. AMENDATORY 2 O.S. 1991, Section 6-262, is amended to read as follows:

Section 6-262. A. Any person who violates the provisions of Sections ~~9, 10, 11, or 14~~ 6-259, 6-260, 6-261 or 6-264 of this ~~act~~ title shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than one (1) year, or both; but if such violation involves intent to defraud, or any distribution or attempted distribution of an article that is adulterated,

except as defined in ~~Section 6-254, paragraph 11,~~ subparagraph (h) of paragraph 11 of Section 6-254 of this title, such person shall be guilty of a felony. The person shall be fined not more than Ten Thousand Dollars ($10,000.00) ~~or imprisoned not more than three (3) years or both~~. When construing or enforcing the provisions of said sections, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

B. No carrier shall be subject to the penalties of this act, other than the penalties for violation of Section ~~11~~ 6-261 of this title, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier of poultry or poultry products, owned by another person unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of this act or were otherwise not eligible for transportation under this act or unless the carrier refuses to furnish on request of a representative of the Board the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

C. Any person who interferes by any act with an inspector in the performance of his official duties shall be guilty of a misdemeanor.

SECTION 93. AMENDATORY 2 O.S. 1991, Section 9-34, is amended to read as follows:

Section 9-34. A. Any warehouseman, or employee or manager of a public warehouse, who shall be guilty of issuing any warehouse receipt for any commodities that are not actually in a store at the time of issuing such receipt, or who shall be guilty of issuing any warehouse receipt, including scale ticket, that is in any respect fraudulent in its character, either as to its date or

to the quantity, quality or inspected grade of such commodities, or who shall remove any commodities from store, except to preserve the same from fire or other damage or as otherwise provided in this section, without the return and cancellation of any and all outstanding receipts that may have been issued to represent such commodities, shall, when convicted thereof, be guilty of a felony~~, and shall be punished by a~~. The fine ~~of~~ for a violation of this section shall be not more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment~~.

B. The Board, upon application from the warehouseman may approve the prepositioning of commodity stocks in state or federally licensed terminal warehouses or other warehouses licensed in this state in order to free storage space for new harvest commodities. The period for such action shall not exceed sixty (60) days prior to anticipated harvest for the commodity nor can they be out of position more than one hundred eighty (180) days total, provided for good cause shown, the Board may extend such time period an additional one hundred eighty (180) days as specified by rules and regulations established by the Board.

SECTION 94. AMENDATORY 2 O.S. 1991, Section 9-35, is amended to read as follows:

Section 9-35. Any warehouseman, or the manager or other employee of a public warehouse, who issues or aids in issuing a warehouse receipt for any commodities, without knowing that the same have actually been placed in a public warehouse, or who shall deliver any commodities from a public warehouse without the surrender and cancellation of the receipt therefor, or who fails to mark his receipt "Canceled" on the delivery of such commodities, shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by a~~. The fine ~~of~~ for a violation of this section shall be not more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for a term of not more than twenty (20) years, or by both such fine and imprisonment~~.

SECTION 95. AMENDATORY 2 O.S. 1991, Section 9-36, is amended to read as follows:

Section 9-36. No public warehouse shall be designated as being licensed or operated under the provisions of this subarticle, and no name or description conveying the impression that it is so licensed or operated, shall be used unless such public warehouse is so licensed and operated. Any person who shall so misrepresent, or who shall forge, alter, counterfeit, simulate, or falsely represent the license required by this subarticle, or who shall issue or utter or aid or assist in uttering, issuing or uttering or attempt to issue or utter, a false or fraudulent receipt for any commodities, shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by a~~. The fine ~~of~~ for a violation of this section shall be not more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for a term of not more than twenty (20) years, or by both such fine and imprisonment~~.

SECTION 96. AMENDATORY 2 O.S. 1991, Section 9-37, is amended to read as follows:

Section 9-37. Any person who shall deposit, or attempt to deposit, in a public warehouse any commodities upon which a lien or mortgage exists, without notifying the manager of the public warehouse, and any person who shall, in order to procure any warehouse receipt, make any statement of material fact, knowing such statement to be false, shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by a~~. The fine ~~of~~ for a violation of this section shall be not more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for a period of not more than two (2) years, or by both such fine and imprisonment~~.

SECTION 97. AMENDATORY 2 O.S. 1991, Section 9-132, as amended by Section 1, Chapter 185, O.S.L. 1996 (2 O.S. Supp. 1996, Section 9-132), is amended to read as follows:

Section 9-132. A. Except as otherwise provided by subsection C of this section, no person shall operate, conduct or maintain a livestock auction market unless ~~such~~ the person holds a livestock

auction market license issued by the State Board of Agriculture and has:

1. Executed a corporate surety bond pursuant to the provisions of this section. The bond shall be conditioned upon the prompt and faithful accounting for all livestock received, handled or sold, and the remittance of the proceeds from any sale, purchase or exchange of any livestock to the consignor thereof;

2. Opened a certificate of deposit account or a money market savings account. For a certificate of deposit account or a money market savings account to be eligible pursuant to the provisions of this section:

a. the account must be opened at a federally insured financial depository,

b. an officer of the financial depository must specifically acknowledge and guarantee the deposit of the funds required by subsection B of this section until otherwise released pursuant to this subsection,

c. the person operating, conducting or maintaining a livestock auction market may only withdraw any funds deposited in a certificate of deposit account or a money market savings account one hundred twenty (120) days after such person has permanently ceased operations of such livestock auction market unless such person presents to the financial institution a written authorization for release of funds by the Oklahoma Department of Agriculture; or

3. Provided other financial instruments allowable for livestock markets by the Federal Packers and Stockyards Act of 1921, as amended.

B. The corporate surety bond or account required by subsection A of this section for any person operating, conducting or maintaining a livestock auction market shall be in accordance with the provisions of the Federal Packers and Stockyards Act of 1921, as amended, but not less than Twenty-five Thousand Dollars ($25,000.00).

C. The corporate surety bond or account required by subsection A of this section shall not be required of any person who, as to such livestock auction markets, has executed and maintained a corporate surety bond or account of Twenty-five Thousand Dollars ($25,000.00) to secure the performance of such obligations under the provisions of the Federal Packers and Stockyards Act of 1921, as amended.

D. 1. Any corporate surety company issuing a bond to any person as specified by subsection A or C of this section for operating, conducting or maintaining a livestock auction market shall notify the Board within seven (7) days in writing of such notice of cancellation or nonrenewal of the bond.

2. The Board shall provide for the publication of notice to the public of the nonrenewal or cancellation of the bond for a livestock auction market upon any notification that the bond of the livestock auction market has been nonrenewed or canceled and no new bond has been obtained.

3. No person shall knowingly operate, conduct or maintain a livestock auction market without a bond in place. Any person violating the provisions of this paragraph, upon conviction, shall be guilty of a felony.

E. All records relating to the prompt and faithful accounting for all livestock received, handled or sold, and the remittance of the proceeds from any sale, purchase or exchange of any livestock to the consignor thereof shall be in accordance with the provisions of the Federal Packers and Stockyards Act of 1921, as amended. The State Board of Agriculture or its authorized agent shall audit such records at least once a year. Any violation of the standards of said Act may result in the suspension of the livestock auction market license.

F. Except as otherwise provided by this section, any person violating the provisions of this section, upon conviction, shall be guilty of a misdemeanor.

SECTION 98. AMENDATORY 2 O.S. 1991, Section 1301-205, is amended to read as follows:

Section 1301-205. A. It is unlawful for any person to carelessly or willfully burn or cause to be burned or to set fire to or cause any fire to be set to any forest, grass or woodlands not owned by, duly authorized by the owner or manager, or in the lawful possession of, the person setting such fire or burning such lands or causing such fire to be burned.

B. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than one (1) year, or by both. Any person who willfully violates this section is guilty of a felony ~~punishable by a~~. The fine ~~of~~ shall be not more than One Thousand Dollars ($1,000.00) ~~or by imprisonment for not more than three (3) years, or by both~~.

SECTION 99. AMENDATORY 2 O.S. 1991, Section 1301-208, is amended to read as follows:

Section 1301-208. A. It is unlawful for any person either willfully or carelessly to burn or cause to be burned or to set fire to or cause fire to be set to any forest, grass, woods, wild lands or marshes owned or controlled by such person, except under the following circumstances: (1) in protection areas notification to burn must be made to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained; or (2) outside protection areas, in order for such burning to be lawful, such person shall take reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower and fire fighting equipment for the control of such fire, shall watch over said fire until it is extinguished and shall not permit fire to escape to adjoining land. Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's or tenant's land. This act shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles or other utility equipment.

B. Any person who carelessly violates this section is guilty of a misdemeanor punishable by a fine of not more than Five

Hundred Dollars ($500.00) or by imprisonment for not more than one (1) year, or by both. Any person who willfully violates this section is guilty of a felony ~~punishable by a~~. The fine ~~of~~ shall be not more than One Thousand Dollars ($1,000.00) ~~or by imprisonment for not more than three (3) years, or by both~~.

SECTION 100. AMENDATORY 2 O.S. 1991, Section 1301-214, is amended to read as follows:

Section 1301-214. A. Whoever has in his possession any incendiary device as defined by subsection B of this section with the intent to use such device for the purpose of burning or setting fire to any forest, grass or woodlands, which forest, grass or woodlands such person possessing such device is not the owner of nor in possession of lawfully, as under a lease, shall, upon conviction thereof, be deemed guilty of a felony~~, punishable by a~~. The fine ~~of~~ shall be not more than One Thousand Dollars ($1,000.00) ~~or by imprisonment for not more than three (3) years, or by both~~.

B. The term "incendiary device" as used in this section includes but is not limited to any "slow match" which is any device contrived to accomplish the delayed ignition of a match or matches or other inflammable material by the use of a cigarette, rope or candle to which such match or matches are attached, or a magnifying glass so focused as to intensify heat on inflammable material and thus cause a fire to start at a subsequent time, or any chemicals, chemically treated paper or material or other combustible material so arranged or designed as to make possible its use as a delayed firing device.

SECTION 101. AMENDATORY 2 O.S. 1991, Section 1301-309, is amended to read as follows:

Section 1301-309. No pine timber or other timber products shall be removed from any lands owned by the State of Oklahoma, except for public utilities and improvements, and no officer, employee or any other person employed by the State of Oklahoma shall authorize such removal, except upon written approval of the Director of Forestry. In carrying out the duties of this section

said Director is hereby authorized to delegate authority to such persons as he may deem qualified to act in his behalf.

Any person violating this section shall be guilty of a felony ~~and~~, upon conviction ~~be punished, for the~~ thereof. The fine for a first offense~~, by a fine~~ shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00) ~~or by imprisonment in the State Penitentiary for not exceeding one (1) year, or by both such fine and imprisonment. For any subsequent offense, such person shall be punished by a~~. The fine for a subsequent offense shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00) ~~or by imprisonment in the State Penitentiary for not exceeding three (3) years, or by both such fine and imprisonment~~.

SECTION 102. AMENDATORY 2 O.S. 1991, Section 1301-310, as amended by Section 3, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1996, Section 1301-310), is amended to read as follows:

Section 1301-310. A. 1. Any person who willfully and maliciously and with intent to do harm shall unlawfully enter upon the lands of another, cut down, injure, remove, or destroy any timber valued at more than Two Hundred Dollars ($200.00), without the permission of the owner or his representative shall be guilty, upon conviction, of a felony~~, punishable by the imposition of a~~. The fine ~~of~~ shall not be more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment in the State Penitentiary for not more than five (5) years, or by both~~.

2. Any person who willfully and maliciously and with intent to do harm shall unlawfully enter upon the lands of another, cut down, injure, remove, or destroy any timber valued at Two Hundred Dollars ($200.00) or less, without the permission of the owner or his representative shall be guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than thirty (30) days.

3. The necessary trimming and removal of timber to permit the construction, repair, maintenance, cleanup, and operations of pipelines and utility lines and appurtenances of public utilities, public service corporations, and to aid registered land surveyors

and professional engineers in the performance of their professional services, and municipalities, and pipeline companies, or lawful operators and product purchasers of oil and gas shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

4. The necessary trimming and removal of timber for boundary line maintenance, for the construction, maintenance, and repair of streets, roads, and highways or for the control and regulation of traffic thereon by the state and its political subdivisions or registered land surveyors and professional engineers shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

B. In addition to the punishment prescribed in subsection A of this section, said person is liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes for the damage or injury done to such timber, said damages to be recovered in a civil action by the owner of the property or the public officer having charge of the property.

SECTION 103. AMENDATORY Section 6, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1996, Section 1301-310.3), is amended to read as follows:

Section 1301-310.3 A. It shall be unlawful for any person willingly, knowingly or fraudulently to represent, make, issue, deliver, use or submit or to participate in representing, making, issuing, delivering, using or submitting any fictitious, false or fraudulent offer, agreement, contract or other instrument concerning:

1. The sale of timber or the right to cut or harvest or remove timber from a site or from real property not owned or leased by such person; or

2. The sale of timber or the right to cut or harvest or remove timber which is not owned by such person.

B. Any person convicted of violating the provisions of this section shall be guilty of:

1. A felony<u>, upon conviction thereof,</u> if the timber to be sold or right to cut or harvest the timber pursuant to subsection

A of this section is valued at more than Two Hundred Dollars ($200.00). ~~Upon conviction thereon, such person shall be subject to the imposition of a~~ The fine ~~of~~ for a violation of this paragraph shall be not more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment in the State Penitentiary for not more than five (5) years or both such fine and imprisonment~~; or

2. A misdemeanor if the timber to be sold or right to cut or harvest the timber pursuant to subsection A of this section is valued at Two Hundred Dollars ($200.00) or less. Upon conviction thereof such person shall be subject to the imposition of a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail not to exceed one (1) year or by both such fine and imprisonment.

SECTION 104. AMENDATORY Section 9, Chapter 238, O.S.L. 1995 (2 O.S. Supp. 1996, Section 1301-310.6), is amended to read as follows:

Section 1301-310.6 Any person selling timber who uses false or altered identification or a false declaration of ownership, pursuant to the provisions of Section ~~8~~ 1301-310.5 of this ~~act~~ title, upon conviction thereof, shall be guilty of:

1. A felony, upon conviction thereof, if the timber to be sold by use of a false or altered identification or false declaration of ownership is valued at more than Two Hundred Dollars ($200.00). ~~Upon conviction thereon, such person shall be subject to the imposition of a~~. The fine ~~of~~ for a violation of this paragraph shall be not more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment in the State Penitentiary for not more than five (5) years or both such fine and imprisonment~~; or

2. A misdemeanor if the timber to be sold by use of a false or altered identification or false declaration of ownership is valued at Two Hundred Dollars ($200.00) or less. Upon conviction thereof such person shall be subject to the imposition of a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail not to exceed one (1) year, or by both such imprisonment and fine.

SECTION 105. AMENDATORY 2 O.S. 1991, Section 1907, is amended to read as follows:

Section 1907. Any person who violates any provision of this act shall be guilty of a felony, ~~and shall~~ upon conviction ~~be fined~~ thereof. The fine for a violation of any provision of this act shall be not more than Twenty-five Thousand Dollars ($25,000.00)~~, or imprisoned in the state penitentiary for not more than five (5) years or both~~.

SECTION 106. AMENDATORY 3 O.S. 1991, Section 258, is amended to read as follows:

Section 258. A. It is unlawful for any person in this state to operate an aircraft that is not registered with the Federal Aviation Administration Office of Aircraft Registry or with a foreign country which has ratified and is subject to the Convention on the International Recognition of Rights in Aircraft, 4 U.S.T. 1830. Provided however, no person charged with violating this subsection shall be convicted of the charge if he or she produces in court or the office of the arresting officer proof of registration that was valid at the time of arrest.

B. It is a violation of this section for any person or corporate entity to knowingly supply false information to any governmental entity in regard to ownership of an aircraft in or operated in this state.

C. It is a violation of this section for any person to give a wrong description in any application for the registration of any aircraft in this state for the purpose of concealing or hiding the identity of such aircraft.

D. This section does not apply to any aircraft registration or information supplied by a governmental entity in the course and scope of performing its lawful duties.

E. A conviction for a violation of this section shall be ~~deemed~~ a felony.

SECTION 107. AMENDATORY 3 O.S. 1991, Section 259, is amended to read as follows:

Section 259. A. Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed,

covered, altered or defaced, the United States registration number assigned by the Federal Aviation Administration or manufacturer's serial number of any aircraft in this state, without first giving notice of such act to the Federal Aviation Administration, upon such form as the Federal Aviation Administration may prescribe, shall be ~~deemed~~ guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years~~.

B. A person who removes a manufacturer's identification number plate or decal from an aircraft or affixes to an aircraft a manufacturer's identification number plate or decal not authorized by law for use on said aircraft with intent to conceal or misrepresent the identity of the aircraft or its owner shall, upon conviction, be guilty of a felony.

C. A person who buys, receives, possesses, sells or disposes of an aircraft, knowing that the identification number of the aircraft has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor.

D. A person who buys, receives, possesses, sells or disposes of an aircraft, with knowledge that the identification number of the aircraft has been removed or falsified and with intent to conceal or misrepresent the identity of the aircraft, shall, upon conviction, be guilty of a felony.

E. As used in this section:

1. "Identification number" includes an identifying number or serial number placed on an aircraft by its manufacturer or by authority of the Federal Aviation Administration or in accordance with the laws of another country;

2. "Remove" includes deface, cover and destroy; and

3. "Falsify" includes alter and forge.

F. An identification number may be placed on an aircraft by its manufacturer in the regular course of business or placed or restored on an aircraft by authority of the Federal Aviation Administration without violating this section; an identification number so placed or restored is not falsified.

SECTION 108. AMENDATORY 3 O.S. 1991, Section 281, is amended to read as follows:

Section 281. A. It is unlawful for any person, firm, corporation, or association to install or equip on any aircraft, or install in the wings or fuselage of the aircraft, any fuel tank, bladder, drum, or other container which will hold fuel, if such fuel tank, bladder, drum, or other container does not conform to federal aviation regulations or has not been approved by the Federal Aviation Administration by inspection or special permit. Any person convicted of violating this subsection shall be guilty of a felony.

B. It is unlawful for any person to knowingly possess any aircraft which has been equipped with, or had installed in its wings or fuselage, any fuel tank, bladder, drum, or other container which will hold fuel if such fuel tank, bladder, drum, or other container does not conform to federal aviation regulations or has not been approved by the Federal Aviation Administration by inspection or special permit. Any person convicted of violating this subsection shall be guilty of a felony.

C. A copy of the Federal Aviation Administration Approval Form 337, or special permit pertaining to such installations, shall be carried on board the aircraft at all times. Any person convicted of violating this subsection shall be guilty of a misdemeanor. ~~Provided however, no~~ No person charged with violating this subsection shall be convicted of the charge if he or she produces in court or the office of the arresting officer a copy of the required documentation either valid at the time of arrest or acquired within thirty (30) days after the arrest.

D. The provisions of this section shall apply to any pipes, hoses, or auxiliary pumps which when present in the aircraft could be used to introduce fuel into the primary fuel system of the aircraft from such tanks, bladders, drums, or containers.

SECTION 109. AMENDATORY 3 O.S. 1991, Section 301, is amended to read as follows:

Section 301. A. It is unlawful and punishable as provided in subsection D of this section for any person to operate an aircraft within this state who:

1. Has a blood or breath alcohol concentration, as defined in Section ~~5~~ 305 of this ~~act~~ title, of four-hundredths (0.04) or more within two (2) hours after the arrest of such person; or

2. Is under the influence of any intoxicant.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use an intoxicant shall not constitute a defense against any charge of violating this section.

C. As used in Sections ~~1~~ 301 through ~~8~~ 308 of this ~~act~~ title:

1. "Intoxicant" means:

a. any beverage containing alcohol,

b. any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes,

c. any substance which is capable of being ingested, inhaled, injected or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions of the human body, and

d. any combination of alcohol, controlled dangerous substances, and substances capable of being ingested, inhaled, injected or absorbed into the human body and capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions of the human body; and

2. "Operate" means manipulating any of the levers, the starting mechanism, the brakes or other mechanism or device of an aircraft, setting in motion any aircraft, or piloting any aircraft.

D. Every person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year,

and a fine of not more than One Thousand Dollars ($1,000.00). Any person who within ten (10) years after a previous conviction of a violation of this section is convicted of a second or subsequent offense pursuant to the provisions of this section or has a prior conviction within ten (10) years prior to the conviction pursuant to the provisions of this section, in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section shall be ~~deemed~~ guilty of a felony ~~and shall be sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years, and a~~. The fine ~~of~~ for a second or subsequent offense shall not ~~more than~~ exceed Two Thousand Five Hundred Dollars ($2,500.00); provided, such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. When a sentence of incarceration is imposed, the person shall be processed through the Lexington Assessment and Reception Center. If the person is evaluated to be receptive to treatment and not deemed by the Department of Corrections to be a security risk, the person shall be assigned to the Department of Mental Health and Substance Abuse Services for substance abuse treatment. The inmate shall be required to reimburse the Department of Mental Health and Substance Abuse Services for all or part of the actual cost incurred for treatment of the inmate while the inmate was assigned to the Department of Mental Health and Substance Abuse Services, if at the time the sentence of incarceration was imposed, the court determined that the convicted person has the ability to pay for all or part of the cost of treatment. The court shall determine the amount of reimbursement the convicted person shall pay. While assigned to such a Department of Mental Health and Substance Abuse Services treatment program the inmate shall comply with the rules and regulations as agreed upon by the Department of Mental Health and Substance Abuse Services and the Department of Corrections. Any infraction of said rules may result in the inmate's reassignment to a correctional facility of the Department of Corrections. Upon successful completion of the treatment

program the person shall be properly reassigned by the Department of Corrections for the completion of the sentence imposed by the court. Prior to discharge from the treatment facility, the treatment facility shall forward to the Department of Corrections a report and discharge summary including arrangements and recommendations for further disposition and follow-up treatment. If the person is evaluated not to be receptive to treatment or is evaluated to be a security risk, the inmate shall be assigned to a state correctional facility according to normal Department of Corrections classification procedures. In the event a felony conviction does not result in a sentence of incarceration as provided for in this subsection, the person shall be required to serve not less than ten (10) days of community service, or to undergo in-patient rehabilitation or treatment in a public or private facility with at least minimum security for a period of not less than forty-eight (48) consecutive hours, notwithstanding the provisions of Sections 991a, 991a-2 and 996.3 of Title 22 of the Oklahoma Statutes.

E. Any person who is found guilty of a violation of the provisions of this section may be referred, prior to sentencing, to an alcoholism evaluation facility designated by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility for the evaluation in an amount not to exceed Seventy-five Dollars ($75.00). The facility shall, within seventy-two (72) hours, submit a written report to the court for the purpose of assisting the court in its final sentencing determination.

SECTION 110. AMENDATORY 3 O.S. 1991, Section 321, is amended to read as follows:

Section 321. A. A person not entitled to possession of an aircraft who, without the consent of the owner and with intent to deprive the owner, temporarily or otherwise, of the aircraft or its possession, takes, uses or flies the aircraft, upon conviction, ~~is~~ shall be guilty of a felony.

B. A person who, with intent and without right to do so, injures or tampers with any aircraft or in any other manner damages any part or portion of said aircraft or any accessories, appurtenances or attachments thereto, upon conviction, ~~is~~ shall be guilty of a misdemeanor.

C. A person who, without right to do so and with intent to commit a crime, climbs into or upon an aircraft whether it is in motion or at rest, manipulates any of the levers, starting mechanism, brakes or other mechanism or device of an aircraft while the same is at rest and unattended, or sets in motion any aircraft while the same is at rest and unattended, upon conviction, ~~is~~ shall be guilty of a misdemeanor.

SECTION 111. AMENDATORY 3A O.S. 1991, Section 203.6, is amended to read as follows:

Section 203.6 A. The Commission, its executive director, or the stewards may issue subpoenas for the attendance of witnesses or the production of any records, books, memoranda, documents, or other papers or things, to enable any of them to effectually discharge its or his duties, and may administer oaths or affirmations as necessary in connection therewith.

B. Any person subpoenaed who fails to appear at the time and place specified in answer to the subpoena and to bring any papers or things specified in the subpoena, or who upon such appearance, refuses to testify or produce such records or things, upon conviction, is guilty of a misdemeanor.

C. Any person who testifies falsely under oath in any proceeding before, or any investigation by, the Commission, its executive director, or the stewards, upon conviction, shall be guilty of a felony ~~and shall be punished in the same manner prescribed for the punishment of perjury~~.

SECTION 112. AMENDATORY 3A O.S. 1991, Section 208.4, as amended by Section 2, Chapter 254, O.S.L. 1993 (3A O.S. Supp. 1996, Section 208.4), is amended to read as follows:

Section 208.4 A. Any person holding a race or race meeting at which pari-mutuel wagering is conducted without a valid organization license issued pursuant to the provisions of the

Oklahoma Horse Racing Act, upon conviction, shall be guilty of a felony ~~and shall be fined not more than~~. The fine for a violation of this subsection shall not exceed Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment~~.

B. No organization licensee shall knowingly permit any minor to be a patron of the pari-mutuel system of wagering conducted by the organization licensee. Any person convicted of violating any provision of this subsection shall be guilty of a misdemeanor.

SECTION 113. AMENDATORY 3A O.S. 1991, Section 208.6, is amended to read as follows:

Section 208.6 A. No person shall knowingly enter or cause to be entered for competition any horse under any other name than its true name, or out of its proper class, for any purse, prize, premium, stake, or sweepstakes offered to the winner of a contest of speed at any race meeting held by an organization licensee.

B. The name of any horse, for the purpose of entry for competition in any contest of speed, shall be the name under which the horse has been registered and has publicly performed.

C. Any person convicted of violating the provisions of this section shall be guilty of a felony ~~and shall be fined not more than~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment~~.

SECTION 114. AMENDATORY 3A O.S. 1991, Section 208.7, is amended to read as follows:

Section 208.7 A. It shall be unlawful for any person to:

1. Use or conspire to use any battery, buzzer, electrical or mechanical device, or other device other than the ordinary whip for the purpose of stimulating or depressing a horse or affecting its speed at any time; or

2. Sponge the nostrils or windpipe of a horse for the purpose of stimulating or depressing a horse or affecting its speed at any time; or

3. Have in the possession of the person, within the confines of a racetrack, stables, sheds, buildings, or grounds where horses

are kept which are eligible to race over a racetrack of any organization licensee, any device other than the ordinary whip which may or can be used for the purpose of stimulating or depressing a horse or affecting its speed at any time; or

4. Have in the possession of the person with the intent to sell, give away, or exchange any such devices.

B. Possession of such devices by anyone within the confines of a racetrack, stables, sheds, buildings, or grounds where horses are kept which are eligible to race over the racetracks of any organization licensee shall be prima facie evidence of intention to use such devices.

C. Any person who violates the provisions of this section, upon conviction, shall be guilty of a felony ~~and shall be fined not more than~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment~~. The Commission shall suspend or revoke the license of any person convicted of violating the provisions of this section.

SECTION 115. AMENDATORY 3A O.S. 1991, Section 208.8, is amended to read as follows:

Section 208.8 A. It shall be unlawful for any person to directly or indirectly engage or to conspire with or aid, assist, or abet any other person in the commission of any corrupt act or practice, including but not limited to:

1. The giving, offering, promising, accepting, soliciting or receiving, directly or indirectly, any gratuity or bribe in any form to any person having duties in relation to any race or race horse or to any trainer, jockey, starter, assistant starter, gatekeeper or agent or to any other person having charge of, or access to, any race horse; or

2. The passing or attempting to pass or the cashing or attempting to cash any altered or fraudulent pari-mutuel ticket; or

3. The unauthorized sale or the attempt to make an unauthorized sale of any racetrack admission ticket.

B. Any person who is convicted of violating the provisions of subsection A of this section shall be guilty of a felony ~~and shall be fined not more than~~. The fine for a violation of subsection A of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment~~.

C. If any person who is convicted of violating the provisions of subsection A of this section is licensed pursuant to the provisions of the Oklahoma Horse Racing Act, Section 200 et seq. of this title, the Commission shall suspend or revoke the organization or occupation license of the person in addition to the penalty and fine imposed in subsection B of this section.

SECTION 116. AMENDATORY 3A O.S. 1991, Section 208.9, is amended to read as follows:

Section 208.9 No person shall directly or indirectly, for any type of compensation including but not limited to fees, dues, or donations, accept anything of value from another to be transmitted or delivered for wager in any pari-mutuel system of wagering on horse races or collect a wager in any pari-mutuel system of wagering on horse races. Nothing in this section prohibits wagering transactions authorized pursuant to the provisions of the Oklahoma Horse Racing Act. Any person that violates the provisions of this section, upon conviction, shall be guilty of a felony ~~and shall be fined not more than~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment~~.

SECTION 117. AMENDATORY 3A O.S. 1991, Section 208.10, is amended to read as follows:

Section 208.10 It shall be unlawful for any person to falsify, conceal, or cover up by any trick, scheme, or device a material fact, or make any false, fictitious, or fraudulent statements or representations, or make or use any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry regarding the prior racing record, pedigree, identity or ownership of a registered animal in any

matter related to the breeding, buying, selling, or racing of such animal. Whoever violates any provision of this section shall be ~~fined not more than~~ guilty of a felony. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or imprisoned for not more than ten (10) years, or be both so fined and imprisoned~~.

SECTION 118. AMENDATORY Section 1, Chapter 85, O.S.L. 1993 (3A O.S. Supp. 1996, Section 208.11), is amended to read as follows:

Section 208.11 A. The Oklahoma Horse Racing Commission is hereby authorized to determine by rule which drugs and medications, if any, may be administered to a horse prior to or during a horse race and to determine by rule the conditions under which such drugs and medications may be used or administered.

B. The administration of any drug or medication to a horse prior to or during a horse race which is not permitted by rule of the Commission is prohibited.

C. Any person who violates the provisions of this section or who knowingly enters in a race a horse to which any drug or medication has been administered in violation of this section shall be guilty, upon conviction, of a felony ~~and shall be fined not more than~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years, or by both said fine and imprisonment~~. The Commission shall suspend or revoke the license of any such guilty party.

SECTION 119. AMENDATORY Section 4, Chapter 199, O.S.L. 1994 (3A O.S. Supp. 1996, Section 504), is amended to read as follows:

Section 504. A. Multiple count violations of subsection A or B of Section ~~2~~ 502 of this ~~act~~ title, or violations resulting in a loss of money or other valuable consideration, in which said loss exceeds Fifty Dollars ($50.00), shall constitute a felony ~~violation~~, and shall be punishable pursuant to subsection B of Section ~~5~~ 505 of this ~~act~~ title.

B. Any person serving in a managerial or supervisory capacity for any fair, exposition, or any other event open to the public, paid admission or free, who knowingly or intentionally promotes or allows the operation of any amusement or carnival game in violation of this act, upon conviction, shall be guilty of a misdemeanor.

C. Any person who manufactures or distributes amusement or carnival games of the type described in Section ~~2~~ 502 of this ~~act~~ title, upon conviction, shall be guilty of a misdemeanor punishable pursuant to subsection A of Section ~~5~~ 505 of this ~~act~~ title, with said games to be confiscated as contraband.

D. Any person charged with law enforcement responsibilities or legal compliance inspections of amusement or carnival games, and who knowingly and intentionally allows or who knowingly and intentionally fails to prevent the operation of any amusement or carnival game violating the Amusement and Carnival Games Act, upon conviction, shall be guilty of omission of duty and/or guilty of a misdemeanor punishable pursuant to subsection A of Section ~~5~~ 505 of this ~~act~~ title.

SECTION 120. AMENDATORY Section 5, Chapter 199, O.S.L. 1994 (3A O.S. Supp. 1996, Section 505), is amended to read as follows:

Section 505. A. Any person convicted of violating any provision of the Amusement and Carnival Games Act, with the exception of subsection A of Section ~~4~~ 504 of this ~~act~~ title, shall be guilty of a misdemeanor punishable by not more than two hundred twenty (220) days of community service, or by the imposition of a fine of not more than Two Thousand Dollars ($2,000.00), or by both such fine and community service.

B. Any person convicted of violating subsection A of Section ~~4~~ 504 of this ~~act~~ title shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for not less than two (2) years, or more than five (5) years, or by the imposition of a fine of not more than~~. The fine for a violation of subsection A of Section 504 of this title shall not exceed Five Thousand Dollars ($5,000.00)~~, or by both such imprisonment and fine~~.

SECTION 121. AMENDATORY 4 O.S. 1991, Section 85.11, is amended to read as follows:

Section 85.11 If any person unlawfully takes up or conceals an estray, or fails to comply with the provisions of this act, such person so offending shall be ~~deemed~~ guilty of the felony of larceny of domestic animals and shall be punished according to the provisions of Section 1716~~,~~ of Title 21~~,~~ of the Oklahoma Statutes.

SECTION 122. AMENDATORY 4 O.S. 1991, Section 268, as amended by Section 4, Chapter 36, O.S.L. 1993 (4 O.S. Supp. 1996, Section 268), is amended to read as follows:

Section 268. A. Any person who shall with intent to defraud, brand or misbrand, mark or mismark any neat domestic animal, not his own; or shall intentionally brand over a previous brand or shall cut out or obliterate a previous mark or brand on any neat domestic animal, not his own, shall be guilty of a felony ~~and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not less than three (3) years nor more than ten (10) years or by imprisonment in the county jail for one (1) year or by a fine~~. The fine for a violation of this section shall be not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00).

B. For purposes of this section:

1. "Domestic animal" means cattle, equinae, sheep, goat, hog, poultry and exotic livestock; and

2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

SECTION 123. AMENDATORY 6 O.S. 1991, Section 808, is amended to read as follows:

Section 808. A. Prohibition against political expenditures. It is unlawful for any bank to make a contribution or expenditure in connection with any election to any political office, or in connection with any primary election or political convention or caucus held to select candidates for any political office, or for any candidate, political committee, or for any other person to

accept or receive any contribution prohibited by this section (Section 808A).

B. Penalties. Every bank which makes any contribution or expenditure in violation of this section (Section 808A) shall be fined not more than Five Thousand Dollars ($5,000.00); and every officer or director of any bank who consents to any such contribution or expenditure by the bank, and any person who accepts or receives any such contribution, shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than one (1) year, or both~~; and if~~. If the violation was willful ~~shall be fined not more than~~, the violation shall be a felony. The fine for a willful violation shall not exceed Ten Thousand Dollars ($10,000.00) ~~or imprisoned not more than two (2) years, or both~~.

SECTION 124. AMENDATORY 6 O.S. 1991, Section 809, as amended by Section 12, Chapter 183, O.S.L. 1993 (6 O.S. Supp. 1996, Section 809), is amended to read as follows:

Section 809. A. Except as provided in Section 411 of this Code, no bank, banker or bank official shall give preference to any depositor or creditor by pledging the assets of the bank as collateral security. No bank, banker or bank official shall sell or transfer any of the assets of any insolvent bank in consideration of any deposit in such bank. Any officer, director or employee of any bank who violates any provision of this section shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by a fine of not less than One Hundred Dollars ($100.00), nor more than~~. The fine for a violation of this section shall not exceed One Thousand Dollars ($1,000.00)~~, or by imprisonment in the State Penitentiary for not less than one (1) year, nor more than five (5) years, or by both such fine and imprisonment~~.

B. No attachment, injunction, execution or other recordation which constitutes a lien under the laws of this state upon the property of a bank created, organized or existing under or by virtue of the laws of this state, shall be issued against such a bank or its property before final judgment in any suit, action or proceeding in any federal, state, county or municipal court. As used in this subsection, "final judgment" shall mean a judgment on

the merits from which no appeal can be taken or the time in which to file an appeal has elapsed and not merely a judgment rendered.

C. The Banking Board shall have the authority, pursuant to Section 203 of this title, to order or seek injunction over any person, as defined in Section 103 of this title, to cease and desist violating any of the provisions of this section.

SECTION 125. AMENDATORY 6 O.S. 1991, Section 1414, is amended to read as follows:

Section 1414. A. Any person responsible for an act or omission expressly declared to be unlawful or a criminal offense by this Code shall be guilty:

(1) of a misdemeanor punishable by imprisonment for a term not exceeding one (1) year or a fine not exceeding Fifty Thousand Dollars ($50,000.00), or both.

(2) if the act or omission was intended to defraud, of a felony ~~punishable by imprisonment not exceeding five (5) years or a fine not exceeding~~. The fine for such a violation shall not exceed One Hundred Thousand Dollars ($100,000.00)~~, or both~~.

B. An officer, director, employee, agent or attorney of a bank or trust company shall be responsible for an act or omission of the institution declared to be a criminal offense against this Code whenever, knowing that such act or omission is unlawful, he participates in authorizing, executing, ratifying or concealing such act, or in authorizing or ratifying such omission or, having a duty to take the required action, omits to do so.

A director shall be deemed to participate in any action of which he has knowledge taken or omitted to be taken by the board of which he is a member unless he dissents therefrom in writing and promptly notifies the Commissioner of his dissent.

C. It shall be a criminal offense against this Code to violate any lawful order of the Board or Commissioner, served upon it, or to knowingly violate any lawful rule, regulation or order of the Board or Commissioner.

The Commissioner may refer evidence concerning violations of this Code or of any rule or order thereunder to the Attorney General of the State of Oklahoma or to the district attorney for

the county where a violation occurred in order that an information or indictment for such violations may be filed. The Attorney General or district attorney may designate and appoint a lawyer of the Department as special assistant, if available, for the purpose of assisting in or conducting criminal prosecutions arising because of the proceedings provided for in this section.

D. Unless otherwise provided in this Code, it shall be no defense to a criminal prosecution hereunder that the defendant did not know the facts establishing the criminal character of the act or omission charged if he could and should have known such facts in the proper performance of his duty.

E. This section shall not apply to specific offenses for which criminal sanctions have been imposed in other sections of this Code.

SECTION 126. AMENDATORY Section 11, Chapter 353, O.S.L. 1995, as amended by Section 20, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7111), is amended to read as follows:

Section 7111. A. There is hereby established within the Department of Human Services a statewide central registry for child abuse, sexual abuse, and neglect made pursuant to the Oklahoma Child Abuse Reporting and Prevention Act. Any additional requirements required by this section that are not already within the existing statewide central registry for child abuse, sexual abuse, and neglect shall be fully implemented by January 1, 1996.

B. The Child Welfare Division of the Department of Human Services shall be responsible for maintaining the registry, which shall be suitably cross-indexed, of all such reported findings.

C. The central registry shall contain, but shall not be limited to:

1. All information in the written report required by Section 7103 of this title;

2. A record of the final disposition of the report including services offered and services accepted;

3. The plan for rehabilitative treatment;

4. The names and identifying data, dates, and circumstances of any persons requesting or receiving information from the registry; and

5. Any other information which might be helpful in furthering the purposes of this section.

D. Data and information related to individual cases in the central registry shall be confidential and shall be made available only as authorized by state or federal law.

E. The Commission for Human Services shall promulgate rules governing the availability of such data and information.

F. Rules promulgated by the Commission shall encourage cooperation with other states in exchanging reports in order to effect a national registration system.

G. Any person employed in the central registry who permits the data and information stored in the registry to be released without authorization to persons or agencies other than those specified by law shall be ~~punished by a~~ guilty of a felony. The fine for a violation of this subsection shall not be more than One Thousand Dollars ($1,000.00) ~~or by imprisonment for not more than two and one-half (2 1/2) years, or by both such fine and imprisonment~~.

H. Any court or agency records relating to confirmed, ruled out or unconfirmed reports shall be maintained by the court or agency until otherwise provided by law.

SECTION 127. AMENDATORY 21 O.S. 1991, Section 843, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 15, Chapter 200, O.S.L. 1996 (10 O.S. Supp. 1996, Section 7115), is amended to read as follows:

Section 7115. Any parent or other person who shall willfully or maliciously engage in child abuse or neglect or who shall otherwise willfully or maliciously injure, torture, maim, use unreasonable force upon a child under the age of eighteen (18), or sexually abuse, sexually exploit or otherwise abuse or neglect such child, or who shall willfully or maliciously cause, procure or permit any of said acts to be done, shall upon conviction be ~~punished by imprisonment in the State Penitentiary not exceeding~~

~~life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, or by a~~ guilty of a felony. The fine for a violation of this section shall not be less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00)~~, or both such fine and imprisonment~~. As used in this section, "permit" means to authorize or allow for the care of a child by an individual when the person authorizing or allowing such care knows or reasonably should know that the child will be placed at risk of abuse as proscribed by this section.

SECTION 128. AMENDATORY 11 O.S. 1991, Section 16-306, is amended to read as follows:

Section 16-306. A. Except as otherwise provided in this act, Section 16-301 et seq. of this title, the mayor shall be the presiding officer of town meetings, shall decide questions of order and shall make public declaration of votes taken. Robert's Rules of Order shall govern all town meetings, except when such rules are inconsistent with Oklahoma law. The presiding officer may establish other rules of conduct and decorum for the meetings consistent with the Oklahoma Town Meeting Act, Section 16-301 et seq. of this title. When the office of mayor is vacant or if the mayor is unable to attend the town meeting, one of the members of the governing body shall be elected by the remaining members of the governing body to preside over the town meeting.

B. The municipal clerk shall keep the minutes of the meeting. The minutes shall separately record the number of votes for and against each candidate and each question and shall record the total number of votes cast for each position. Paper ballots shall be preserved in the municipal clerk's office for a period of six (6) months following the town meeting at which said ballots were cast.

C. Officials elected at town meetings shall be nominated and elected at large by the registered voters present from nominations taken from the floor. Prior to accepting any nominations the presiding officer shall state the number of governing body offices to be elected for four-year terms and the number of governing body offices to be elected to fill unexpired terms, if any. There

shall be separate nominations and balloting for each designated term. The nominee who receives a plurality of the votes cast for the office of the designated term shall be elected for that designated term. If more than one office is to be filled for a designated term, the voters shall vote for the designated number of offices to be filled and, the nominees receiving the largest pluralities shall be elected to those offices. All votes shall be taken by secret ballot; provided that if there is only one candidate for an office, he or she may be elected by acclamation upon proper motion. In case of a tie vote, the municipal clerk shall immediately select the electee or electees by lot as follows: The clerk shall write or print the names of the tied nominees on similar pieces of paper and place the papers in a container in view of the persons attending the town meeting. The clerk shall designate a person, who shall not be one of the nominees, to draw one name for each office to be filled and the nominee or nominees whose names are so drawn shall be deemed elected. All other papers in the container shall then be exposed for examination. Only a registered voter who has been a registered voter at an address within the municipality for at least six (6) months prior to the date of the town meeting at which the elections are held shall be qualified for nomination for office. To be eligible for election, any person who is nominated for office must swear under oath that he or she has been a registered voter at an address within the municipality for the last six (6) months. Only qualified registered voters who are present at the town meeting at which the elections are held shall be eligible for nomination for municipal office, provided that a qualified registered voter who is not present may be nominated if he or she has agreed in writing to accept the office if elected and has sworn an affidavit that he or she has been a registered voter at an address within the municipality for the last six (6) months. Any person who falsely swears or signs a false affidavit that ~~he or she~~ the person is qualified for municipal office shall be guilty of a felony.

SECTION 129. AMENDATORY 11 O.S. 1991, Section 39-113, is amended to read as follows:

Section 39-113. A. All money received by the city from any special assessment or assessment within a district shall be held in a special fund and used to:

1. Pay the cost of the improvement for which the assessment was made;

2. Reimburse the city for any work performed or cost incurred by the city in constructing the improvement; or

3. Pay the interest and principal due on any outstanding negotiable bonds.

B. Any person who uses money in a district fund other than as provided in this section is guilty of a felony ~~and shall be punished by a fine not exceeding~~. The fine for a violation of this section shall not exceed One Thousand Dollars ($1,000.00) ~~or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court~~.

SECTION 130. AMENDATORY 12 O.S. 1991, Section 65, is amended to read as follows:

Section 65. Any person willfully making a false affidavit as to the value of any such real estate shall be guilty of perjury and punished accordingly. Any officer administering or accepting such affidavit knowing it to be false, shall be guilty of the felony of subornation of perjury and punished accordingly.

SECTION 131. AMENDATORY 12 O.S. 1991, Section 923, is amended to read as follows:

Section 923. Any person willfully swearing falsely in making the affidavit aforesaid, shall, on conviction, be adjudged guilty of the felony of perjury, and punished as the law prescribes.

SECTION 132. AMENDATORY 13 O.S. 1991, Section 176.3, is amended to read as follows:

Section 176.3 A. Except as otherwise specifically provided in this act, any person is guilty of a felony ~~and~~, upon conviction ~~shall be punished by a fine of not less than Five Thousand Dollars~~

~~($5,000.00), or by imprisonment of not more than five (5) years, or by both~~, who:

1. Willfully intercepts, endeavors to intercept or procures any other person to intercept or endeavor to intercept any wire, oral or electronic communication;

2. Willfully uses, endeavors to use or procures any other person to use or endeavor to use any electronic, mechanical or other device to intercept any oral communication;

3. Willfully discloses or endeavors to disclose to any other person the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the provisions of the Security of Communications Act;

4. Willfully uses or endeavors to use the contents of any wire, oral or electronic communication, knowing or having reason to know that the information was obtained in violation of the provisions of the Security of Communications Act;

5. Willfully and maliciously, without legal authority, removes, injures or obstructs any telephone or telegraph line, or any part or appurtenances or apparatus connected thereto, or severs any wires thereof;

6. Sends through the mail or sends or carries any electronic, mechanical or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications in violation of the provisions of the Security of Communications Act;

7. Manufactures, assembles, possesses or sells any electronic, mechanical or other device with the intention of rendering the device primarily useful for the purpose of the illegal interception of wire, oral or electronic communications in violation of the provisions of the Security of Communications Act; or

8. Willfully uses any communication facility in committing or in causing or facilitating the commission of any act or acts constituting one or more of the felonies enumerated in Section 176.7 of this title. Each separate use of a communication

facility to cause or facilitate such a felony shall be a separate offense.

B. The fine for a violation of this section shall not exceed Five Thousand Dollars ($5,000.00).

SECTION 133. AMENDATORY 15 O.S. 1991, Section 567, is amended to read as follows:

Section 567. Any person, either as agent or principal, who enters into or assists in making any contracts of sale of the sort of character denounced by ~~the preceding~~ Section ~~4~~ 564 of this ~~act,~~ title for the future delivery of cotton, grain, stocks or other commodities, or who maintains or operates a bucket shop as that term is defined in Section ~~5,~~ 565 of this ~~act~~ title, shall be guilty of a felony, ~~and~~ upon conviction thereof ~~shall be fined in a sum not to~~. The fine for such violations shall not exceed One Thousand Dollars ($1,000.00)~~, or be imprisoned in the penitentiary not exceeding two (2) years, and any person who shall be~~. Any corporation guilty of a second offense under this statute in addition to the penalty above prescribed~~, may upon conviction, be both fined and imprisoned in the discretion of the court, and if a corporation, it~~ shall be liable to forfeiture of all its rights and privileges as such, and the continuance of such establishment after the first conviction shall be deemed a second offense. It shall be the duty of the Attorney General to institute proceedings for the forfeiture of the charter of any corporation making itself liable to such forfeiture under the provisions of this act.

SECTION 134. AMENDATORY 15 O.S. 1991, Section 761.1, as amended by Section 4, Chapter 235, O.S.L. 1994 (15 O.S. Supp. 1996, Section 761.1), is amended to read as follows:

Section 761.1 A. The commission of any act or practice declared to be a violation of the Consumer Protection Act shall render the violator liable to the aggrieved consumer for the payment of actual damages sustained by the customer and costs of litigation including reasonable attorney's fees, and the aggrieved consumer shall have a private right of action for damages, including but not limited to, costs and attorney's fees. In any private action for damages for a violation of the Consumer

Protection Act the court shall, subsequent to adjudication on the merits and upon motion of the prevailing party, determine whether a claim or defense asserted in the action by a nonprevailing party was asserted in bad faith, was not well grounded in fact, or was unwarranted by existing law or a good faith argument for the extension, modification, or reversal of existing law. Upon so finding, the court shall enter a judgment ordering such nonprevailing party to reimburse the prevailing party an amount not to exceed Ten Thousand Dollars ($10,000.00) for reasonable costs, including attorney's fees, incurred with respect to such claim or defense.

B. The commission of any act or practice declared to be a violation of the Consumer Protection Act, if such act or practice is also found to be unconscionable, shall render the violator liable to the aggrieved customer for the payment of a civil penalty, recoverable in an individual action only, in a sum set by the court of not more than Two Thousand Dollars ($2,000.00) for each violation. In determining whether an act or practice is unconscionable the following circumstances shall be taken into consideration by the court: (1) whether the violator knowingly or with reason to know, took advantage of a consumer reasonably unable to protect his or her interests because of his or her age, physical infirmity, ignorance, illiteracy, inability to understand the language of an agreement or similar factor; (2) whether, at the time the consumer transaction was entered into, the violator knew or had reason to know that price grossly exceeded the price at which similar property or services were readily obtainable in similar transactions by like consumers; (3) whether, at the time the consumer transaction was entered into, the violator knew or had reason to know that there was no reasonable probability of payment of the obligation in full by the consumer; (4) whether the violator knew or had reason to know that the transaction he or she induced the consumer to enter into was excessively one-sided in favor of the violator.

C. Any person who is found to be in violation of the Oklahoma Consumer Protection Act in a civil action or who willfully

violates the terms of any injunction or court order issued pursuant to the Consumer Protection Act shall forfeit and pay a civil penalty of not more than Ten Thousand Dollars ($10,000.00) per violation, in addition to other penalties that may be imposed by the court, as the court shall deem necessary and proper. For the purposes of this section, the district court issuing an injunction shall retain jurisdiction, and in such cases, the Attorney General, acting in the name of the state, or a district attorney may petition for recovery of civil penalties.

D. In administering and pursuing actions under this act, the Attorney General and a district attorney are authorized to sue for and collect reasonable expenses, attorney's fees, and investigation fees as determined by the court. Civil penalties or contempt penalties sued for and recovered by the Attorney General or a district attorney shall be used for the furtherance of their duties and activities under the Consumer Protection Act.

E. In addition to other penalties imposed by the Oklahoma Consumer Protection Act, any person convicted in a criminal proceeding of violating the Oklahoma Consumer Protection Act shall be guilty of a misdemeanor ~~for the first offense~~ and upon conviction thereof shall be subject to a fine not to exceed One Thousand Dollars ($1,000.00), or imprisonment in the county jail for not more than one (1) year, or both such fine and imprisonment. If the value of the money, property or valuable thing referred to in this section is Five Hundred Dollars ($500.00) or more ~~or if the conviction is for a second or subsequent violation of the provisions of the Oklahoma Consumer Protection Act~~, any person convicted pursuant to this subsection shall be ~~deemed~~ guilty of a felony ~~and shall be subject to imprisonment in the State Penitentiary, for not more than ten (10) years, or a fine not to~~. The fine for a felony violation of this section shall not exceed Five Thousand Dollars ($5,000.00)~~, or both such fine and imprisonment~~.

SECTION 135. AMENDATORY 15 O.S. 1991, Section 767, is amended to read as follows:

Section 767. A. It shall be unlawful for any person to advertise or conduct a closing out sale unless a license is first obtained to conduct such sale. Any applicant for a closing out sale license shall file an application in writing and under oath with the clerk of the district court, on an application form prescribed by the Attorney General. The application form shall contain the following information, and such other information as the Attorney General may require:

1. The name and address of the owner of the goods, wares, or merchandise to be sold;

2. A description of the place of business where the sale is to be held;

3. The name and address of the person holding or conducting the sale;

4. The nature of the occupancy of the place where the sale is to be held, whether by lease or otherwise, and the effective date of termination of the occupancy;

5. A full and complete statement of the facts regarding the proposed sale, including the reason the sale is being conducted, the manner in which the sale will be conducted, and the commencement and termination date of the sale; and

6. A complete and detailed inventory of the goods, wares, and merchandise to be offered at the sale as disclosed by the records of the applicant or a statement of both the cost and retail value of the inventory of goods, wares, and merchandise to be offered at the sale, based on the physical inventory used for the most recent federal income tax returns adjusted for sales, purchases, and markdowns of the applicant. Adjustments for sales, purchases, and markdowns shall be shown on a monthly basis to the date of the application.

B. Each application shall be accompanied by an affidavit signed by the applicant attesting to the facts in the application.

C. A fee of Twenty-five Dollars ($25.00) shall be charged by the clerk of the district court for the issuance of a license.

D. Any person making a false statement in the application, upon conviction, shall be guilty of a felony.

SECTION 136. AMENDATORY Section 2, Chapter 271, O.S.L. 1992 (17 O.S. Supp. 1996, Section 6.1), is amended to read as follows:

Section 6.1 A. Any person who has been determined by the Commission to have violated any provision of any rule, regulation, or order issued pursuant to the provisions of the Commission related to pipeline safety shall be liable for a civil penalty of not more than Ten Thousand Dollars ($10,000.00) for each day that said violation continues. The maximum civil penalty shall not exceed Five Hundred Thousand Dollars ($500,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Commission pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Commission shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the rules and regulations of the Commission.

All penalties collected pursuant to the provisions of this section shall be deposited into the Pipeline Enforcement Fund.

C. Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any pipeline transportation system, upon conviction, shall be ~~subject for each offense to a fine of not more than~~ guilty of a felony. The fine for each offense shall not exceed Twenty-five Thousand Dollars ($25,000.00) ~~or imprisonment for a term not to exceed fifteen (15) years or both such fine and imprisonment~~.

SECTION 137. AMENDATORY 17 O.S. 1991, Section 16, is amended to read as follows:

Section 16. Any person who shall conceal, destroy, or mutilate or attempt to conceal, destroy, or mutilate~~,~~ any records, books, or files~~,~~ of any corporation transacting business in this state for the purpose of defeating, hindering or delaying any

investigation, prosecution or suit at law or equity, or any cause of action in any vested rights of any citizen of this state, shall be ~~deemed~~ guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years~~.

SECTION 138. AMENDATORY 17 O.S. 1991, Section 158.59, is amended to read as follows:

Section 158.59 A. Any person who willfully and knowingly does or causes to be done any act, matter or thing prohibited or declared to be unlawful by this act, or who willfully and knowingly omits or fails to do any act, matter or thing required by this act to be done, or willfully and knowingly causes such omission or failure, shall, upon conviction thereof, be ~~punished by a fine of not more than~~ guilty of a felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars ($5,000.00) ~~or by imprisonment for not more than two (2) years, or both such fine and imprisonment~~. In addition, such violation shall be punished upon conviction thereof by a fine not exceeding Five Hundred Dollars ($500.00) for each day during which such offense occurs.

B. Any person who willfully and knowingly violates any rule, regulation, restriction, condition or order made or imposed by the Corporation Commission under authority of this act, shall, in addition to any other penalties provided by law, be punished upon conviction thereof by a fine not exceeding Five Hundred Dollars ($500.00) for each day during which such offense occurs.

SECTION 139. AMENDATORY 17 O.S. 1991, Section 191.11, is amended to read as follows:

Section 191.11 A. Any person who willfully and knowingly does or causes to be done any act, matter or thing prohibited or declared to be unlawful by this act, or who willfully and knowingly omits or fails to do any act, matter or thing required by this act to be done, or willfully and knowingly causes such omission or failure, shall, upon conviction thereof, be ~~punished by a fine of not more than~~ guilty of a felony. The fine for a violation of this subsection shall not exceed Five Thousand

Dollars ($5,000.00) ~~or by imprisonment for not more than two (2) years, or both~~. In addition, such violation shall be punished upon conviction thereof by a fine not exceeding Five Hundred Dollars ($500.00) for each day during which such offense occurs.

B. Any person who willfully and knowingly violates any rule, regulation, restriction, condition or order made or imposed by the Corporation Commission under authority of this act, shall, in addition to any other penalties provided by law, be punished upon conviction thereof by a fine not exceeding Five Hundred Dollars ($500.00) for each day during which such offense occurs.

SECTION 140. AMENDATORY 18 O.S. 1991, Section 411, is amended to read as follows:

Section 411. Thirty (30) days after the passage and approval of this bill, all chambers of commerce, commercial clubs, or any such associations organized and doing business in this state as is commonly done by such associations~~,~~ shall make a report to their entire membership, setting forth and itemizing their receipts and disbursements for the year ending at the date of the passage and approval of this bill, and shall thereafter make a like report each year ending June 30th.

Every committee or individual who solicits or receives any funds from the public for such associations herein named shall make a full itemized report of all receipts and disbursements thereof. The report shall be filed with the city clerk where the committee or person soliciting such fund resides, or where the funds were collected; provided, that any person or committee who diverts the funds so collected from the purposes for which they were solicited or collected~~,~~ shall be guilty of a felony ~~and~~, on conviction therefor ~~shall be punished by confinement in the penitentiary for a term of not less than one (1) nor more than five (5) years~~.

SECTION 141. AMENDATORY 18 O.S. 1991, Section 552.11, is amended to read as follows:

Section 552.11 A. 1. No charitable organization, professional fund raiser, or professional solicitor seeking to raise funds for charitable purposes~~,~~ shall use the name of any

other person (except that of an officer, director or trustee of the charitable organization by or for which contributions are solicited) for the purpose of soliciting contributions in this state without the written consent of such other person. Nothing herein contained shall prevent the publication of names of contributors, without their written consent, in an annual or other periodic report issued by a charitable organization for the purpose of reporting to its membership or for the purpose of reporting contributions to contributors.

2. No charitable organization soliciting or accepting contributions shall use a name so closely related or similar to other charitable organizations or governmental agencies or subdivisions that the use thereof would tend to confuse or mislead the public.

B. Any person who uses the name of or a name deceptively similar to any other person, charitable organization, professional fund raiser, professional solicitor or governmental agency or subdivision to solicit or accept contributions, money or property under false pretense, representation or promise, upon conviction, shall be guilty of a felony ~~and punished by a fine not more than~~. The fine for a violation of this subsection shall not exceed Ten Thousand Dollars ($10,000.00) ~~or by imprisonment for not more than five (5) years, or by both such fine and imprisonment~~.

SECTION 142. AMENDATORY 18 O.S. 1991, Section 552.18, is amended to read as follows:

Section 552.18 Any person who solicits or attempts to solicit any contribution as a charitable organization or for a charitable purpose by means of knowingly false or misleading representation, advertisement or promise or any person violating the provisions of this act, including the filing of false information hereunder, shall lose its status as a tax-exempt organization, and shall be taxed in the same manner and at the same rate as any other corporation, and shall upon conviction be ~~punished by a fine not to~~ guilty of a felony. The fine for a violation of this section shall not exceed One Thousand Dollars ($1,000.00) ~~or by imprisonment in the State Penitentiary for not more than two (2)~~

~~years, or by both such fine and imprisonment, and every~~. Every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine.

SECTION 143. AMENDATORY 18 O.S. 1991, Section 553.3, is amended to read as follows:

Section 553.3 Any ~~violation of the provisions of this act shall constitute a felony, and any person guilty thereof shall, upon conviction, be fined not more than~~ person convicted of violating a provision of Sections 553.1 and 553.2 of this title shall be guilty of a felony. The fine for such a violation shall not exceed Ten Thousand Dollars ($10,000.00) ~~and may be confined in the State Penitentiary for a period of not to exceed ten (10) years, or by both such fine and imprisonment~~. Any such prohibited communication by any agent or servant of a corporation shall subject such corporation to the fine above specified in addition to whatever penalty is imposed upon such agent or servant. Any corporation may be enjoined in the manner provided in Section 12, Chapter 70, Title 21, Page 193, Oklahoma Session Laws 1955, when any of the conditions herein set forth are found to exist with respect to a violation of this act, or it may be subject to the cancellation therein specified.

SECTION 144. AMENDATORY 19 O.S. 1991, Section 28, is amended to read as follows:

Section 28. Any election officer who shall be appointed, or commissioner, under the provisions of this act or the laws of Oklahoma, and who shall knowingly and willfully fail or refuse to perform ~~the~~ required duties ~~required of him,~~ shall be guilty of a felony.

SECTION 145. AMENDATORY 19 O.S. 1991, Section 29, is amended to read as follows:

Section 29. Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any proposition in such election~~,~~ shall be ~~deemed~~ guilty of the felony of bribery.

SECTION 146. AMENDATORY 19 O.S. 1991, Section 90, is amended to read as follows:

Section 90. Any city, town or place~~,~~ being a candidate for the location of any county seat in any such election~~,~~ may appoint and designate one qualified elector in any precinct or voting place to act as challenger at such precinct; and may appoint and designate one poll book holder and one special watcher in any such precinct or voting place: Provided, that the challenger, poll book holder and watcher shall perform duties as provided by law governing any general election. Any such city, town or place may appoint in writing by, the mayor or president of the board of trustees thereof or the president of the organization representing such place one qualified elector of the county for each precinct who shall have the right to be present in the room where the election is held at the precinct to which such person is assigned, and during all the time of the receipt and counting of the tickets or ballots, and until the vote is fully canvassed by such election officers, and the returns certified by the inspector, judges and clerks, and to whom the inspector, judges and clerks shall deliver a certificate, signed by each of them, of the vote received at said election by each candidate, and the refusal of any such inspector, judge or clerk, or other person to extend and enforce the right herein granted, shall constitute a felony~~, punishable as provided by the laws of said state for felonies~~. Such person shall deliver such written appointment to the special election commissioner of such election in proof of his authority to represent his town as aforesaid at such election.

SECTION 147. AMENDATORY 19 O.S. 1991, Section 91, is amended to read as follows:

Section 91. Any election officer who shall be appointed or commissioned under the provisions of this article or the laws of Oklahoma, and who shall knowingly and willfully fail or refuse to perform ~~the~~ required duties ~~required of him,~~ shall be guilty of a felony.

SECTION 148. AMENDATORY 19 O.S. 1991, Section 92, is amended to read as follows:

Section 92. Any person or corporation offering money or other thing of value, either directly or indirectly, for the purpose of influencing any voter for or against any competing city, town or place in such election shall be ~~deemed~~ guilty of the felony of bribery.

SECTION 149. AMENDATORY 19 O.S. 1991, Section 112, is amended to read as follows:

Section 112. Any county treasurer violating any of the provisions of this act shall be guilty of a felony ~~and~~, upon conviction ~~shall be punished by confinement in the State Penitentiary for a term not less than one (1) year nor more than four (4) years~~.

SECTION 150. AMENDATORY 19 O.S. 1991, Section 333.1, is amended to read as follows:

Section 333.1 Any county commissioner or person who ~~shall~~ knowingly or willfully ~~fail~~ fails or ~~refuse~~ refuses to comply with the provisions of this act shall be guilty of a felony.

SECTION 151. AMENDATORY 19 O.S. 1991, Section 641, is amended to read as follows:

Section 641. If any county treasurer~~,~~ or other officer or person charged with the collection, receipt, safekeeping, transfer or disbursement of the public money, or any part thereof, belonging to the state or to any county, precinct, district, city, town or school district of the state~~,~~ shall convert to his own use or to the use of any other person, body corporate or other association, in any way whatever, any of such public money, or any other funds, property, bonds, securities, assets or effects of any kind received, controlled or held by such officer or person by virtue of such office or public trust for safekeeping, transfer or disbursement, or in any other way or manner, or for any other purpose; or shall use the same by way of investment in any kind of security, stocks, loan property, land or merchandise, or in any other manner or form whatever; or shall loan the same, with or without interest, to any person, firm or corporation, except when authorized by law; or if any person shall advise, aid, or in any manner knowingly participate in such act, such county treasurer,

or other officer or person shall be ~~deemed~~ guilty of an embezzlement of so much of said money or other property, as aforesaid, as shall be converted, used, invested, loaned or paid out as aforesaid~~; and upon~~. Upon conviction thereof, such county treasurer or other officer or person shall be ~~sentenced to imprisonment in the penitentiary at hard labor for a term of not less than three (3) years nor more than twenty-one (21) years, and also to~~ guilty of a felony. Any person convicted pursuant to this section shall pay a fine equal to triple the amount in money or other property so embezzled as aforesaid; which fine shall operate as a judgment lien at law on all the estate of the party so convicted and sentenced, and shall be enforced by execution or other process for the use of the person whose money or other funds or property as aforesaid shall have been so embezzled; and in all cases such fines, so operating as a judgment, shall be released or entered as satisfied only by the person in interest, as aforesaid. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 152. AMENDATORY 19 O.S. 1991, Section 686, is amended to read as follows:

Section 686. Any official or employee thereof or any member or employee of any county board or county commission who shall fail, neglect or refuse to comply with the requirements of Section ~~two (2) hereof~~ 682 of this title, or any other provision of this act, shall forfeit and pay to the use of the county the sum of Ten Dollars ($10.00) per day for each and every day that he shall so fail, neglect or refuse to comply with the requirements of said act, and shall forfeit and be removed from office; and, any such official who shall issue, sign, attest or utter any false or illegal voucher against any monies deposited, as in this act provided, shall be liable to the county on his official bond for a sum double in amount of any such illegal or fraudulent voucher, and shall be ~~deemed~~ guilty of a felony ~~and~~, upon conviction ~~thereof shall be punished by a fine in a sum of~~. The fine for a violation of this section shall be not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00)

~~and by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years~~.

SECTION 153. AMENDATORY 21 O.S. 1991, Section 53, is amended to read as follows:

Section 53. Every woman who, having been convicted of endeavoring to conceal the birth of an issue of her body, which, if born alive, would be a bastard, or the death of any such issue under the age of two (2) years, subsequently to such conviction endeavors to conceal any such birth or death of issue of her body, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years and not less than two (2)~~ shall be guilty of a felony.

SECTION 154. AMENDATORY 21 O.S. 1991, Section 175, is amended to read as follows:

Section 175. Except in cases where a different punishment is prescribed by law, an accessory to a felony is punishable as follows:

1. If the underlying offense ~~be~~ is a felony punishable by imprisonment in the penitentiary or community corrections for four (4) years or more, the person guilty of being an accessory shall be subject to ~~imprisonment in the penitentiary for~~ a sentence for a term not exceeding one-half (1/2) of the longest term prescribed upon a conviction for the underlying offense;

2. If the underlying offense ~~be~~ is a felony punishable by imprisonment in the penitentiary or community corrections for any time less than four (4) years, the person guilty of being an accessory shall be subject to imprisonment in a county jail or community corrections for not more than one (1) year;

3. If the underlying offense be punishable by a fine only, the person guilty of being an accessory shall be subject to a fine not exceeding one-half (1/2) of the largest amount of money which may be imposed as a fine upon a conviction of the underlying offense;

4. If the underlying offense be punishable by both imprisonment or community corrections and a fine, the ~~offender convicted of being an accessory shall be subject to both~~

~~imprisonment and~~ fine~~, not exceeding one-half (1/2) of the longest term of imprisonment and~~ shall not exceed one-half (1/2) of the largest fine which may be imposed upon a conviction of the underlying offense; and

5. If the underlying offense be murder in the first degree, the accessory thereto shall be punished ~~by imprisonment for not less than five (5) years nor more than forty-five (45) years~~ for a felony.

SECTION 155. AMENDATORY Section 2, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 187.1), is amended to read as follows:

Section 187.1 A. No person or family may contribute more than:

1. Five Thousand Dollars ($5,000.00) in any calendar year to a committee other than a candidate committee;

2. Five Thousand Dollars ($5,000.00) to a candidate for state office, to a candidate for municipal office in a municipality with a population of over two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, to a candidate for county office in a county with a population of over two hundred fifty thousand (250,000) persons, according to the most recent Federal Decennial Census, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his or her behalf, for any campaign; or

3. One Thousand Dollars ($1,000.00) to a candidate for other local office, or to a candidate committee authorized by such a candidate to receive contributions or make expenditures on his or her behalf, for any campaign.

No candidate, candidate committee, or other committee shall knowingly accept contributions in excess of the amounts provided herein.

These restrictions shall not apply to a committee supporting or opposing a ballot measure or local question or to a candidate making a contribution of his or her own funds to his or her own campaign.

B. It shall be prohibited for a campaign contribution to be made to a particular candidate or committee through an intermediary or conduit for the purpose of:

1. Evading requirements of effective Rules of the Ethics Commission promulgated pursuant to Article XXIX of the Oklahoma Constitution or laws relating to the reporting of contributions and expenditures; or

2. Exceeding the contribution limitations imposed by subsection A of this section.

Any person making a contribution in violation of this subsection or serving as an intermediary or conduit for such a contribution, upon conviction, shall be subject to the penalties prescribed in subsections C and D of this section.

C. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds the contribution limitation specified in subsection A of this section by Five Thousand Dollars ($5,000.00) or more, upon conviction, shall be guilty of a felony ~~punishable by a~~. The fine for a violation of this subsection shall be up to four times the amount exceeding the contribution limitation ~~or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment~~.

D. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is less than Five Thousand Dollars ($5,000.00) in excess of the contribution limitation specified in subsection A of this section, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount exceeding the contribution limitation or One Thousand Dollars ($1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

SECTION 156. AMENDATORY Section 3, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 187.2), is amended to read as follows:

Section 187.2 A. No corporation shall contribute to any campaign fund of any party committee of this state or to any other

person for the benefit of such party committee or its candidates, nor shall it, through any agent, officer, representative, employee, attorney, or any other person or persons, so contribute. Nor shall any such corporation, directly or through such other person, make any loan of money or anything of value, or give or furnish any privilege, favor or other thing of value to any party committee, or to any representative of a party committee, or to any other person for it, or to any candidate upon the ticket of any political party.

B. A corporation shall not make a contribution or expenditure to, or for the benefit of, a candidate or committee in connection with an election, except that this provision shall not apply to:

1. A campaign or committee solely for or against a ballot measure or local question; or

2. The establishment, administration, and solicitation of contributions to a political action committee to be utilized for political purposes by a corporation.

C. No candidate, candidate committee, or other committee shall knowingly accept contributions given in violation of the provisions of subsection A or B of this section.

D. The provisions of this section shall not apply to a bank, savings and loan association or credit union loaning money to a candidate in connection with his or her own campaign which is to be repaid with interest at a rate comparable to that of loans for equivalent amounts for other purposes.

E. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed exceeds Five Thousand Dollars ($5,000.00), upon conviction, shall be guilty of a felony ~~punishable by a~~. The fine for a violation of this subsection shall be up to four times the amount of the prohibited contribution ~~or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment~~.

F. Any person who knowingly and willfully violates any provision of this section where the aggregate amount contributed is Five Thousand Dollars ($5,000.00) or less, upon conviction,

shall be guilty of a misdemeanor punishable by a fine of not more than three times the amount of the prohibited contribution or One Thousand Dollars ($1,000.00), whichever is greater, or by imprisonment in the county jail for up to one (1) year, or by both such fine and imprisonment.

SECTION 157. AMENDATORY 21 O.S. 1991, Section 265, is amended to read as follows:

Section 265. ~~Every~~ Any person who gives or offers any bribe to any executive officer, with intent to influence him in respect to any act, decision, vote, opinion, or other proceedings of such officer, ~~is punishable by imprisonment in the State Penitentiary, not exceeding ten (10) years, or by~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~; or both~~.

SECTION 158. AMENDATORY 21 O.S. 1991, Section 266, is amended to read as follows:

Section 266. ~~Every~~ Any executive officer or person elected or appointed to executive office who asks, receives or agrees to receive any bribe upon any agreement or understanding that his vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, ~~is punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or both; and in~~. In addition thereto, any such person forfeits ~~his~~ office and is forever disqualified from holding any public office under the laws of the state.

SECTION 159. AMENDATORY 21 O.S. 1991, Section 275, is amended to read as follows:

Section 275. ~~Every~~ Any public officer who, for any gratuity or reward, appoints another person to a public office, or permits another person to exercise, perform or discharge any of the prerogatives or duties of his office, ~~is punishable by imprisonment in the county jail not less than six (6) months nor more than two (2) years, and by~~ shall be guilty of a felony. The

fine for a violation of this section shall not be less than Two Hundred Dollars ($200.00) or more than One Thousand Dollars ($1,000.00)~~; and in~~. In addition thereto ~~he~~ the public officer forfeits ~~his~~ office.

SECTION 160. AMENDATORY 21 O.S. 1991, Section 301, is amended to read as follows:

Section 301. ~~Every~~ Any person who willfully and ~~and~~ by force or fraud prevents the State Legislature or either of the houses composing it, or any of the members thereof, from meeting or organizing~~, is punishable by imprisonment in the State Penitentiary not less than five (5) nor more than ten (10) years, or by~~ shall be guilty of a felony. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00)~~, or both~~.

SECTION 161. AMENDATORY 21 O.S. 1991, Section 303, is amended to read as follows:

Section 303. Every person who willfully and by force or fraud compels or attempts to compel the State Legislature, or either of the houses composing it, to adjourn or disperse~~, is punishable by imprisonment in the State Penitentiary not less than five (5) nor more than ten (10) years, or by~~ shall be guilty of a felony. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00)~~, or both~~.

SECTION 162. AMENDATORY 21 O.S. 1991, Section 305, is amended to read as follows:

Section 305. ~~Every~~ Any person who willfully compels or attempts to compel either of the houses composing the Legislature to pass, amend or reject any bill or resolution, or to grant or refuse any petition, or to perform or omit to perform any other official act, ~~is punishable by imprisonment in the State Penitentiary not less than five (5) nor more than ten (10) years, or by~~ shall be guilty of a felony. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00)~~, or both~~.

SECTION 163. AMENDATORY 21 O.S. 1991, Section 306, is amended to read as follows:

Section 306. ~~Every~~ Any person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature, to be passed or adopted, with intent to procure it to be passed or adopted by either house, or certified by the presiding officer of either house, in language different from that intended by such house, ~~is~~ shall be guilty of a felony.

SECTION 164. AMENDATORY 21 O.S. 1991, Section 307, is amended to read as follows:

Section 307. ~~Every~~ Any person who fraudulently alters the engrossed copy or enrollment of any bill which has been passed by the Legislature, with intent to procure it to be approved by the Governor or certified by the Secretary of State, or printed or published by the printer of the statutes in language different from that in which it was passed by the Legislature, ~~is~~ shall be guilty of a felony.

SECTION 165. AMENDATORY 21 O.S. 1991, Section 308, is amended to read as follows:

Section 308. ~~Every~~ Any person who gives or offers to give a bribe to any member of the Legislature, or attempts directly or indirectly, by menace, deceit, suppression of truth or any other corrupt means, to influence a member in giving or withholding his vote, or in not attending the house of which he is a member, or any committee thereof, ~~is punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or both~~.

SECTION 166. AMENDATORY 21 O.S. 1991, Section 309, is amended to read as follows:

Section 309. ~~Every~~ Any member of either of the houses composing the Legislature, who asks, receives or agrees to receive any bribe upon any understanding that his official vote, opinion, judgment or action shall be influenced thereby, or shall be given in any manner or upon any particular side of any question or

matter upon which he may be required to act in his official capacity, or who gives, or offers or promises to give any official vote in consideration that another member of the Legislature shall give any such vote, either upon the same or another question, is ~~punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by~~ guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or both~~.

SECTION 167. AMENDATORY 21 O.S. 1991, Section 320, is amended to read as follows:

Section 320. Any person or member of any firm, corporation or association violating the provisions of Section ~~2180~~ 318 of this title shall be ~~punished by imprisonment in the State Penitentiary for not less than two (2) nor more than five (5) years, and by~~ guilty of a felony. The fine ~~in the sum of~~ for a violation of Section 318 of this title shall not be less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 168. AMENDATORY 21 O.S. 1991, Section 322, is amended to read as follows:

Section 322. Any member of the Legislature who shall violate the provisions of Section ~~1~~ 321 of this ~~act~~ title shall be guilty of a felony, ~~and~~ upon conviction ~~shall be fined in any sum~~. The fine for a violation of Section 321 of this title shall not be less than One Hundred Dollars ($100.00) nor ~~to exceed~~ more than One Thousand Dollars ($1,000.00)~~, and be sentenced to the penitentiary for a term not less than one (1) year nor to exceed five (5) years, and in~~. Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment. In addition thereto, the member shall forfeit ~~his~~ office.

SECTION 169. AMENDATORY Section 4, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 334), is amended to read as follows:

Section 334. No person may retain or employ a lobbyist, as defined in Section ~~6 of this act~~ 4249 of Title 74 of the Oklahoma Statutes, for compensation contingent in whole or in part on the passage or defeat of any official action or the approval or veto of any legislation, issuance of an executive order or approval or denial of a pardon or parole by the Governor. No lobbyist may accept any employment or render any service for compensation contingent on the passage or defeat of any legislation or the approval or veto of any legislation by the Governor. Any person convicted of violating the provisions of this section shall be guilty of a felony ~~punishable by a~~. The fine ~~of~~ for a violation of this section shall not be more than One Thousand Dollars ($1,000.00) ~~or by imprisonment in the state penitentiary not exceeding two (2) years or by both such fine and imprisonment~~.

SECTION 170. AMENDATORY 21 O.S. 1991, Section 341, is amended to read as follows:

Section 341. Every public officer of the state or any county, city, town, or member or officer of the Legislature, and every deputy or clerk of any such officer and every other person receiving any money or other thing of value on behalf of or for account of this state or any department of the government of this state or any bureau or fund created by law and in which this state or the people thereof, are directly or indirectly interested, who either:

First: Appropriates to his own use, or to the use of any person not entitled thereto, without authority of law, any money or anything of value received by him as such officer, clerk, or deputy, or otherwise, on behalf of this state, or any subdivision of this state, or the people thereof, or in which they are interested; or~~,~~

Second: Receives, directly or indirectly, any interest, profit or perquisites, arising from the use or loan of public funds in his hands or money to be raised through his agency for state, city, town, district, or county purposes; or~~,~~

Third: Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to any moneys so

received by him, on behalf of the state, city, town, district or county, or the people thereof, or in which they are interested; or

Fourth: Fraudulently alters, falsifies, cancels, destroys or obliterates any such account; or

Fifth: Willfully omits or refuses to pay over to the state, city, town, district or county, or their officers or agents authorized by law to receive the same, any money or interest, profit or perquisites arising therefrom, received by him under any duty imposed by law so to pay over the same, shall upon conviction thereof, be deemed guilty of a felony ~~and shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not ~~to~~ exceed Five Hundred Dollars ($500.00)~~, and by imprisonment in the penitentiary for a term of not less than one (1) nor more than twenty (20) years, and in~~. Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment. In addition thereto, the person shall be disqualified to hold office in this state, and the court shall issue an order of such forfeiture, and should appeal be taken from the judgment of the court, the defendant may, in the discretion of the court, stand suspended from such office until such cause is finally determined.

SECTION 171. AMENDATORY 21 O.S. 1991, Section 349, is amended to read as follows:

Section 349. ~~Every~~ Any person who willfully burns, destroys, or injures any public buildings or improvements in this state~~, is punishable by imprisonment in the penitentiary not exceeding twenty-five (25) years~~ shall be guilty of a felony.

SECTION 172. AMENDATORY 21 O.S. 1991, Section 350, is amended to read as follows:

Section 350. ~~Every~~ Any person who enters any fort, magazine, arsenal, armory, arsenal yard or encampment and seizes or takes away any arms, ammunition, military stores or supplies belonging to the people of this state, and every person who enters any such place with intent so to do, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 173. AMENDATORY 21 O.S. 1991, Section 357, is amended to read as follows:

Section 357. Any member of any public body, such as is specified in ~~the second preceding section~~ Section 355 of this title, who shall be a party to any such contract or purchase therein declared unlawful, or who shall receive any money, warrant, certificate, or other consideration thereunder, or who shall vote for or assent to any such contract or purchase, shall be ~~punished by a fine of not less than Fifty Dollars ($50.00), and imprisonment in the county jail not less than thirty (30) days, or by~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Five Hundred Dollars ($500.00)~~, with imprisonment in the penitentiary not exceeding five (5) years~~. Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 174. AMENDATORY 21 O.S. 1991, Section 359, is amended to read as follows:

Section 359. Any person, firm, corporation, association or agency found guilty of violating ~~the foregoing section~~ Section 358 of this title shall be guilty of a felony ~~and is punishable by a~~. The fine for a violation of this section shall not ~~exceeding the sum of~~ exceed Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the penitentiary for a term not exceeding two (2) years, or by both such fine and imprisonment~~.

SECTION 175. AMENDATORY Section 5, Chapter 343, O.S.L. 1995 (21 O.S. Supp. 1996, Section 360), is amended to read as follows:

Section 360. No public employee or public official, as defined in Section ~~18 of this act~~ 304 of Title 51 of the Oklahoma Statutes, shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes. No public employee or official shall retaliate against any employee for exercising his or her rights or for not participating in permitted

political activities as provided in Ethics Commission Rule 10-1-4. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony ~~and shall be punished by the imposition of a~~. The fine ~~of~~ for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment~~.

SECTION 176. AMENDATORY 21 O.S. 1991, Section 372, is amended to read as follows:

Section 372. ~~(a)~~ A. Any person who shall contemptuously or maliciously tear down, burn, trample upon, mutilate, deface, defile, defy, treat with indignity, wantonly destroy, or cast contempt, either by word or act, upon any flag, standard, colors or ensign of the United States of America, shall be guilty of a felony.

~~(b)~~ B. The word "defile" as used in this section shall include public conduct which brings shame or disgrace upon any flag of the United States by its use for unpatriotic or profane purpose.

~~(c)~~ C. The terms "flag~~,~~", "standard~~,~~", "colors~~,~~", or "ensign" of the United States as used in this section shall include any picture, representation or part thereof which an average person would believe, upon seeing and without deliberation, to represent the flag, standard, colors or ensign of the United States of America.

SECTION 177. AMENDATORY 21 O.S. 1991, Section 373, is amended to read as follows:

Section 373. ~~Any~~ The fine for any person, corporation or company violating any provision of ~~this act shall~~ Section 372 of this title, upon conviction thereof, ~~be punished by a fine not exceeding~~ shall not exceed Three Thousand Dollars ($3,000.00)~~, or by imprisonment for not more than three (3) years, or both, in the discretion of the court~~.

SECTION 178. AMENDATORY 21 O.S. 1991, Section 374, is amended to read as follows:

Section 374. Any person in this state, who shall carry or cause to be carried, or publicly display any red flag or other emblem or banner, indicating disloyalty to the Government of the United States or a belief in anarchy or other political doctrines or beliefs, whose objects are either the disruption or destruction of organized government, or the defiance of the laws of the United States or of the State of Oklahoma, shall be deemed guilty of a felony, ~~and~~ upon conviction ~~shall be punished by imprisonment in the Penitentiary of the State of Oklahoma for a term not exceeding ten (10) years, or by a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00) ~~or by both such imprisonment and fine~~.

SECTION 179. AMENDATORY 21 O.S. 1991, Section 380, is amended to read as follows:

Section 380. A. Any fiduciary who, with a corrupt intent and without the consent of his beneficiary, intentionally or knowingly solicits, accepts, or agrees to accept any bribe from another person with the agreement or understanding that the bribe as defined by law will influence the conduct of the fiduciary in relation to the affairs of his beneficiary, upon conviction, is guilty of a felony ~~punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00) or an amount fixed by the court not to exceed twice the value of the benefit gained from the bribe~~, or by both said imprisonment and fine~~.

B. Any person who offers, confers, or agrees to confer any bribe the acceptance of which is an offense pursuant to the provisions of subsection A of this section, upon conviction, is guilty of a felony ~~punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00)~~, or both~~.

C. As used in subsection A of this section:

1. "Beneficiary" means any person for whom a fiduciary is acting~~.~~;

2. "Fiduciary" means:

a. an agent or employee~~;~~, or

b. a trustee, guardian, custodian, administrator, executor, conservator, receiver, or similar fiduciary~~;~~, or

c. a lawyer, physician, accountant, appraiser, or other professional advisor~~;~~, or

d. an officer, director, partner, manager, or other participant in the direction of the affairs of a corporation or association.

SECTION 180. AMENDATORY 21 O.S. 1991, Section 381, is amended to read as follows:

Section 381. Whoever corruptly gives, offers, or promises to any executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, after his election or appointment, either before or after he has qualified or has taken his seat, any gift or gratuity whatever, with intent to influence his act, vote, opinion, decision, or judgment on any matter, question, cause, or proceeding which then may be pending, or may by law come or be brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, shall be ~~punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by a~~ guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Three Thousand Dollars ($3,000.00) ~~and imprisonment in jail not exceeding one (1) year~~.

SECTION 181. AMENDATORY 21 O.S. 1991, Section 382, is amended to read as follows:

Section 382. Every executive, legislative, county, municipal, judicial, or other public officer, or any employee of the State of Oklahoma or any political subdivision thereof, including peace officers and any other law enforcement officer, or any person assuming to act as such officer, who corruptly accepts or requests

a gift or gratuity, or a promise to make a gift, or a promise to do an act beneficial to such officer, or that judgment shall be given in any particular manner, or upon a particular side of any question, cause or proceeding, which is or may be by law brought before him in his official capacity, or as a consideration for any speech, work, or service in connection therewith, or that in such capacity he shall make any particular nomination or appointment, shall forfeit his office, be forever disqualified to hold any public office, trust, or appointment under the laws of this state, and be ~~punished by imprisonment in the State Penitentiary not exceeding ten (10) years, or by~~ guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00) ~~and imprisonment in jail not exceeding one (1) year~~.

SECTION 182. AMENDATORY 21 O.S. 1991, Section 383, is amended to read as follows:

Section 383. ~~Every~~ Any person who gives or offers to give a bribe to any judicial officer, juror, referee, arbitrator, umpire or assessor, or to any person who may be authorized by law or agreement of parties interested to hear or determine any question or controversy, with intent to influence his vote, opinion or decision upon any matter or question which is or may be brought before him for decision~~,~~ is ~~punishable by imprisonment in the penitentiary not exceeding ten (10) years, or by a~~ guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or both~~.

SECTION 183. AMENDATORY 21 O.S. 1991, Section 384, is amended to read as follows:

Section 384. ~~Every~~ Any juror, referee, arbitrator, umpire or assessor, and every person authorized by law to hear or determine any question or controversy, who asks, receives, or agrees to receive, any bribe upon any agreement or understanding that his vote, opinion or decision upon any matter or question which is or may be brought before him for decision, shall be thereby influenced, ~~is~~ shall be guilty of a felony.

SECTION 184. AMENDATORY 21 O.S. 1991, Section 399, is amended to read as follows:

Section 399. Whoever corruptly gives, offers or promises any gift, gratuity or thing of value to any player, participant, coach, referee, umpire, official or any other person having authority in connection with the conducting of any amateur or professional athletic contest with the intent to influence the action, conduct, judgment, or decision of any such person in, or in connection with, such contest, or as a consideration for such person acting, playing or performing his functions in any such contest, in any manner calculated to affect the result thereof, or in consideration of such person failing to participate or engage in such contest, shall be deemed guilty of bribery, and upon conviction shall be ~~punished by imprisonment in the State Penitentiary for not to exceed five (5) years; or by a~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not ~~to~~ exceed Three Thousand Dollars ($3,000.00) ~~and imprisonment in the county jail for not to exceed one (1) year~~.

SECTION 185. AMENDATORY 21 O.S. 1991, Section 400, is amended to read as follows:

Section 400. Every player, participant, coach, umpire, referee or other person having or exercising authority in connection with the conducting of any amateur or professional athletic contest, who corruptly accepts or requests a gift or gratuity or a promise of any such gift or gratuity, or any other thing of value, or the performance of an act beneficial to any such person in consideration of such person performing any act or making any judgment or decision, or in consideration of such person playing or making decisions or judgments or conducting such athletic contest, in a manner intended or calculated to affect or change the result of such athletic contest, or in consideration of such person failing to participate or engage in any such contest, shall be deemed guilty of a felony ~~and~~, upon conviction ~~shall be punished by imprisonment in the State Penitentiary for not to exceed one (1) year; or by~~. The fine ~~of~~ for a violation of this section shall not ~~to~~ exceed Three Thousand ($3,000.00) ~~or~~

~~imprisonment in the county jail for not to exceed one (1) year or by both such fine and imprisonment~~.

SECTION 186. AMENDATORY 21 O.S. 1991, Section 421, is amended to read as follows:

Section 421. A. If two or more persons conspire, either:

1. To commit any crime; or~~,~~

2. Falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime; or~~,~~

3. Falsely to move or maintain any suit, action or proceeding; or~~,~~

4. To cheat and defraud any person of any property by any means which are in themselves criminal, or by any means which, if executed, would amount to a cheat or to obtaining money or property by false pretenses; or~~,~~

5. To commit any act injurious to the public health, to public morals, or to trade or commerce, or for the perversion or obstruction of justice or the due administration of the laws, they are guilty of a conspiracy.

B. Except in cases where a different punishment is prescribed by law the punishment for conspiracy shall be a misdemeanor unless the conspiracy is to commit a felony.

C. Conspiracy to commit a felony shall be a felony ~~and is punishable by payment of a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for a period not exceeding ten (10) years, or by both such fine and imprisonment~~.

SECTION 187. AMENDATORY 21 O.S. 1991, Section 422, is amended to read as follows:

Section 422. If two or more persons, being out of this state, conspire to commit any act against the peace of this state, the commission or attempted commission of which, within this state, would be treason against the state, they ~~are punishable by imprisonment in the State Penitentiary not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 188. AMENDATORY 21 O.S. 1991, Section 424, is amended to read as follows:

Section 424. If two or more persons conspire either to commit any offense against the State of Oklahoma, any county, school district, municipality or subdivision thereof, or to defraud the State of Oklahoma, any county, school district, municipality or subdivision thereof, in any manner or for any purpose, and if one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be ~~liable to a penalty of~~ guilty of a felony. The fine for a violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or imprisonment for not more than ten (10) years or by both such fine and imprisonment~~.

SECTION 189. AMENDATORY 21 O.S. 1991, Section 434, is amended to read as follows:

Section 434. Every prisoner confined in the penitentiary for a term less than for life, who attempts by force or fraud, although unsuccessfully, to escape from such prison, ~~is~~ shall be guilty of a felony.

SECTION 190. AMENDATORY 21 O.S. 1991, Section 436, is amended to read as follows:

Section 436. ~~Every~~ Any prisoner confined in any other prison than the penitentiary, who attempts by force or fraud, although unsuccessfully, to escape therefrom, is ~~punishable by imprisonment in a county jail not exceeding one (1) year~~ guilty of a felony, to commence from the expiration of the original term of his imprisonment.

SECTION 191. AMENDATORY 21 O.S. 1991, Section 437, is amended to read as follows:

Section 437. ~~Every~~ Any person who willfully by any means whatever, assists any prisoner confined in any prison to escape therefrom, is punishable as follows:

1. If such prisoner was confined upon a charge or conviction of a felony, ~~by imprisonment in the penitentiary not exceeding ten years~~ such person shall be guilty of a felony.

2. If such prisoner was confined otherwise than upon a charge or conviction of a felony, by imprisonment in the county jail not exceeding one (1) year, or by fine, not exceeding Five Hundred Dollars ($500.00), or both.

SECTION 192. AMENDATORY 21 O.S. 1991, Section 438, is amended to read as follows:

Section 438. ~~Every~~ Any person who carries or sends into any prison anything useful to aid any prisoner in making his escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as follows:

1. If such prisoner was confined upon any charge or conviction of felony, ~~by imprisonment in the penitentiary not exceeding ten (10) years~~ such person shall be guilty of a felony.

2. If such prisoner was confined otherwise than upon a charge or conviction of felony, by imprisonment in the county jail not exceeding one (1) year, or by a fine of Five Hundred Dollars ($500.00), or both.

SECTION 193. AMENDATORY 21 O.S. 1991, Section 440, is amended to read as follows:

Section 440. Any person who shall knowingly feed, lodge, clothe, arm, equip in whole or in part, harbor, aid, assist or conceal in any manner any person guilty of any felony, or outlaw, or fugitive from justice, or any person seeking to escape arrest for any felony committed within this state or any other state or territory, shall be ~~punished by imprisonment at hard labor in the penitentiary for a period not exceeding ten (10) years~~ guilty of a felony.

SECTION 194. AMENDATORY 21 O.S. 1991, Section 443, as last amended by Section 50, Chapter 290, O.S.L. 1994 (21 O.S. Supp. 1996, Section 443), is amended to read as follows:

Section 443. A. Any person having been imprisoned in a county or city jail or detained in a juvenile detention facility awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to the custody of the Department of Corrections who escapes from a juvenile detention facility while actually confined therein or escapes from a county

or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, ~~is punishable by imprisonment of not less than one (1) year nor more than seven (7) years~~ shall be guilty of a felony.

B. Any person who is an inmate in the custody of the Department of Corrections who escapes from said custody, either while actually confined in a correctional facility, while assigned to the house arrest program authorized by Section 510.2 of Title 57 of the Oklahoma Statutes or other alternative to incarceration authorized by law, while assigned to the Preparole Conditional Supervision Program as authorized by Section 365 of this title or while permitted to be at large as a trusty, shall be ~~punishable by imprisonment of not less than two (2) years nor more than seven (7) years~~ guilty of a felony.

C. For the purposes of this section, an inmate assigned to the house arrest program, other alternative to incarceration authorized by law, or to the Preparole Conditional Supervision Program shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he fails to report to a correctional facility or institution, as directed.

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which he was serving imprisonment at the time of his escape, those previous felony convictions may be used for enhancement of punishment ~~pursuant to the provisions of Section 51 of Title 21 of the Oklahoma Statutes~~. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which he was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

SECTION 195. AMENDATORY 21 O.S. 1991, Section 444, is amended to read as follows:

Section 444. A. It is unlawful for any person, after being lawfully arrested or detained by a peace officer, to escape or attempt to escape from such peace officer.

B. ~~Such~~ Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a misdemeanor offense shall be guilty of a misdemeanor.

C. ~~Such~~ Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a felony offense shall be guilty of a felony.

SECTION 196. AMENDATORY 21 O.S. 1991, Section 445, is amended to read as follows:

Section 445. Any person who willfully gains unauthorized entry into any state penal institution, jail, any place where prisoners are located, or the penal institution grounds, upon conviction, shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for not less than one (1) year or more than five (5) years, or by the imposition of a~~. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

SECTION 197. AMENDATORY 21 O.S. 1991, Section 451, is amended to read as follows:

Section 451. ~~Every~~ Any person who, upon any trial, proceedings, inquiry or investigation whatever, authorized by law, offers in evidence, as genuine, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged, or fraudulently altered, ~~is punishable~~ shall be guilty of a felony and shall be punished in the same manner as the forging or false alteration of such instrument is made punishable by the provisions of this ~~code~~ title.

SECTION 198. AMENDATORY 21 O.S. 1991, Section 453, is amended to read as follows:

Section 453. ~~Every~~ Any person guilty of falsely preparing any book, paper, record, instrument in writing, or other matter or thing, with intent to produce it, or allow it to be produced as

genuine upon any trial, proceeding or inquiry whatever, authorized by law, ~~is~~ shall be guilty of a felony.

SECTION 199. AMENDATORY 21 O.S. 1991, Section 455, as amended by Section 1, Chapter 182, O.S.L. 1993 (21 O.S. Supp. 1996, Section 455), is amended to read as follows:

Section 455. A. Every person who willfully prevents any person from giving testimony who has been duly summoned or subpoenaed or endorsed on the criminal information or juvenile petition as a witness, or who makes a report of abuse or neglect pursuant to Sections ~~846~~ 7103 and ~~846.1~~ 7104 of Title ~~21~~ 10 of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, or who is a witness to any reported crime, or threatens or procures physical or mental harm through force or fear with the intent to prevent any witness from appearing in court to give his testimony, or to alter his testimony is, upon conviction, guilty of a felony ~~punishable by not less than one (1) year nor more than ten (10) years in the State Penitentiary~~.

B. Every person who threatens physical harm through force or fear or causes or procures physical harm to be done to any person or harasses any person or causes a person to be harassed because of testimony given by such person in any civil or criminal trial or proceeding, or who makes a report of abuse or neglect pursuant to Sections ~~846~~ 7103 and ~~846.1~~ 7104 of Title ~~21~~ 10 of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, is, upon conviction, guilty of a felony ~~punishable by not less than one (1) year nor more than ten (10) years in the State Penitentiary~~.

SECTION 200. AMENDATORY 21 O.S. 1991, Section 456, is amended to read as follows:

Section 456. ~~Every~~ Any person who gives or offers or promises to give to any witness or person about to be called as a witness in any matter whatever, including contests before United States land officers or townsite commissioners, any bribe upon any understanding or agreement that the testimony of such witness shall be influenced, or who attempts by any other means fraudulently to induce any witness to give false testimony ~~is~~

shall be guilty of a felony, but if the offer, promise, or bribe is in any way to induce the witness to swear falsely, then it shall be held to be subornation of perjury.

SECTION 201. AMENDATORY 21 O.S. 1991, Section 461, is amended to read as follows:

Section 461. ~~Every~~ Any clerk, register or other officer having the custody of any record, maps or book, or of any paper or proceeding of any court of justice, filed or deposited in any public office, who is guilty of stealing, willfully destroying, mutilating, defacing, altering or falsifying or unlawfully removing or secreting such record, map, book, paper or proceeding, or who permits any other person so to do, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, and in~~ shall be guilty of a felony. In addition thereto ~~forfeits his~~, such person shall forfeit office.

SECTION 202. AMENDATORY 21 O.S. 1991, Section 462, is amended to read as follows:

Section 462. ~~Every~~ Any person not an officer such as is mentioned in ~~the last section~~ Section 461 of this title, who is guilty of any of the acts specified in that section~~, is punishable by imprisonment in the penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 203. AMENDATORY 21 O.S. 1991, Section 463, is amended to read as follows:

Section 463. ~~Every~~ Any person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office within this state, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, ~~is~~ shall be guilty of a felony.

SECTION 204. AMENDATORY 21 O.S. 1991, Section 500, is amended to read as follows:

Section 500. Perjury is ~~punishable by imprisonment in the penitentiary as follows~~ a felony:

~~First.~~ 1. When committed on the trial of an indictment for felony~~, by imprisonment not less than two (2) years nor more than twenty (20) years.~~;

~~Second.~~ 2. When committed on any other trial ~~or~~ proceeding in a court of justice~~, by imprisonment for not less than one (1) nor more than ten (10) years.~~; and

~~Third.~~ 3. In all other cases ~~by imprisonment not more than five (5) years~~ provided by law.

SECTION 205. AMENDATORY 21 O.S. 1991, Section 504, is amended to read as follows:

Section 504. Whoever procures another to commit perjury is guilty of perjury by subornation. Perjury by subornation is a felony. Whoever does any act with the specific intent to commit perjury by subornation but fails to complete that offense is guilty of attempted perjury by subornation.

SECTION 206. AMENDATORY 21 O.S. 1991, Section 521, is amended to read as follows:

Section 521. ~~Every~~ Any person who by force or fraud rescues or attempts to rescue, or aids another person in rescuing or in attempting to rescue any prisoner from any officer or other person having him in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a charge or conviction of a felony, ~~by imprisonment in the State Penitentiary for not less than ten (10) years.~~ such person shall be guilty of a felony; or

2. If such prisoner was in custody otherwise than upon a charge or conviction of a felony, by imprisonment in a county jail not exceeding one (1) year, or by fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 207. AMENDATORY 21 O.S. 1991, Section 531, is amended to read as follows:

Section 531. ~~Every~~ Any sheriff, coroner, clerk of a court, constable or other ministerial officer, and every deputy or subordinate of any ministerial officer who either:

1. Mutilates, destroys, conceals, erases, obliterates or falsifies any record or paper appertaining to his office~~,~~; or~~,~~

2. Fraudulently appropriates to his own use or to the use of another person, or secretes with intent to appropriate to such use, any money, evidence of debt or other property entrusted to him in virtue of his office,

~~is~~ shall be guilty of a felony.

SECTION 208. AMENDATORY 21 O.S. 1991, Section 532, is amended to read as follows:

Section 532. ~~Every~~ Any sheriff, coroner, clerk of a court, constable or other ministerial officer and any deputy or subordinate of any ministerial officer, who either:

1. Willfully or carelessly allows any person lawfully held by him in custody to escape or go at large, except as may be permitted by law; or~~,~~

2. Receives any gratuity or reward, or any security or promise of one, to procure, assist, connive at or permit any prisoner in his custody to escape, whether such escape is attempted or not; or~~,~~

3. Commits any unlawful act tending to hinder justice,

~~is~~ shall be guilty of a felony.

SECTION 209. AMENDATORY 21 O.S. 1991, Section 539, is amended to read as follows:

Section 539. ~~Every~~ Any person who, after proclamation issued by the Governor declaring any county to be in a state of insurrection, resists or aids in resisting the execution of process in the county declared to be in a state of insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the government to quell or suppress an insurrection, ~~is punishable by imprisonment in the State Penitentiary for not less than two (2) years~~ shall be guilty of a felony.

SECTION 210. AMENDATORY 21 O.S. 1991, Section 540A, as amended by Section 1, Chapter 110, O.S.L. 1996 (21 O.S. Supp. 1996, Section 540A), is amended to read as follows:

Section 540A. A. Any operator of a motor vehicle who has received a visual and audible signal, a red light and a siren from a peace officer driving a motor vehicle showing the same to be an official police, sheriff, highway patrol or state game ranger vehicle directing the said operator to bring his vehicle to a stop and who willfully increases his speed or extinguishes his lights in an attempt to elude such peace officer, or willfully attempts in any other manner to elude the peace officer, or who does elude such peace officer, is guilty of a misdemeanor. The peace officer, while attempting to stop a violator of this section, may communicate a request for the assistance of other peace officers from any office, department or agency. Any peace officer within this state having knowledge of such request is authorized to render such assistance in stopping the violator and may effect an arrest under this section upon probable cause. Violation of this subsection shall constitute a misdemeanor and shall be punishable by not more than one (1) year imprisonment in the county jail or by a fine of not less than One Hundred Dollars ($100.00) nor more than Two Thousand Dollars ($2,000.00) or by both such fine and imprisonment. A second or subsequent violation of this subsection shall be punishable by not more than one (1) year in the county jail or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00) or both such fine and imprisonment.

B. 1. Any person who causes an accident, while eluding or attempting to elude an officer, resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of this section may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony ~~punishable by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a~~. The fine for a violation of this subsection shall not be more than Five Thousand Dollars ($5,000.00). Such fine shall be in addition to any other

punishment provided by law and shall not be in lieu of other punishment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

SECTION 211. AMENDATORY 21 O.S. 1991, Section 540B, is amended to read as follows:

Section 540B. A peace officer may set up one or more roadblocks to apprehend any person riding upon or within a motor vehicle traveling upon a highway, street, turnpike, or area accessible to motoring public, when the officer has probable cause to believe such person is committing or has committed:

1. A violation of Section 540A of this title;

2. Escape from the lawful custody of any peace officer;

3. A felony under the laws of this state or the laws of any other jurisdiction.

A roadblock is defined as a barricade, sign, standing motor vehicle, or similar obstacle temporarily placed upon or adjacent to a public street, highway, turnpike or area accessible to the motoring public, with one or more peace officers in attendance thereof directing each operator of approaching motor vehicles to stop or proceed.

~~Every~~ Any operator of a motor vehicle approaching such roadblock has a duty to stop at the roadblock unless directed otherwise by a peace officer in attendance thereof and the willful violation hereof shall constitute a separate offense from any other offense committed. Any person who willfully attempts to avoid such roadblock or in any manner willfully fails to stop at such roadblock or who willfully passes by or through such roadblock without receiving permission from a peace officer in attendance thereto~~,~~ is guilty of a felony ~~and shall be punished by imprisonment in the penitentiary for not less than one (1) year, nor more than five (5) years, or by a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00) ~~or by both such fine and imprisonment~~.

SECTION 212. AMENDATORY 21 O.S. 1991, Section 543, is amended to read as follows:

Section 543. ~~Every~~ Any person who, having knowledge of the actual commission of a crime or violation of statute, takes any money or property of another, or any gratuity or reward, or any engagement or promise therefor, upon any agreement or understanding, express or implied, to compound or conceal such crime, or violation of statute, or to abstain from any prosecution therefor, or to withhold any evidence thereof, is punishable as follows:

1. ~~By imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, where~~ For a felony if the crime compounded is one punishable either by death or by imprisonment in the State Penitentiary for life~~.~~;

2. ~~By imprisonment in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding six (6) months, where~~ For a felony if the crime compounded was punishable by imprisonment in the State Penitentiary for any other term than for life~~.~~; or

3. ~~By imprisonment~~ For a misdemeanor, punishable by imprisonment in a county jail not exceeding one (1) year, or by a fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment, ~~where~~ if the crime or violation of statute compounded is a crime punishable by imprisonment in a county jail, or by fine, or is a misdemeanor, or violation of statute for which a pecuniary or other penalty or forfeiture is prescribed.

SECTION 213. AMENDATORY 21 O.S. 1991, Section 578, is amended to read as follows:

Section 578. ~~Every~~ Any person who fraudulently produces an infant, falsely pretending it to have been born of any parent whose child would be entitled to inherit any real estate or to receive a share of any personal estate, with intent to intercept the inheritance of any such real estate, or the distribution of any such personal estate, from any person lawfully entitled

thereto, ~~is punishable by imprisonment in the state prison not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 214. AMENDATORY 21 O.S. 1991, Section 579, is amended to read as follows:

Section 579. ~~Every~~ Any person to whom an infant has been confided for nursing, education, or any other person, who, with intent to deceive any parent or guardian of such child, substitutes or produces to such parent or guardian another child in the place of the one so confided~~, is punishable by imprisonment in the state prison not exceeding seven (7) years~~ shall be guilty of a felony.

SECTION 215. AMENDATORY 21 O.S. 1991, Section 588, is amended to read as follows:

Section 588. If any person, firm or corporation shall knowingly and willfully, by means of any device whatsoever, records or attempts to record the proceedings of any grand or petit jury in any court of the State of Oklahoma while such jury is deliberating or voting or listens to or observes, or attempts to listen to or observe, the proceedings of any grand or petit jury of which he is not a member in any court of the State of Oklahoma while such jury is deliberating or voting shall be guilty of a felony ~~and shall be fined~~. The fine for a violation of this section shall not be more than One Thousand Dollars ($1,000.00) ~~or imprisoned not more than two (2) years, or both~~. Provided, however, that nothing in this ~~act~~ section shall be construed to prohibit the taking of notes by a grand juror in any court of the State of Oklahoma in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

SECTION 216. AMENDATORY 21 O.S. 1991, Section 590, is amended to read as follows:

Section 590. A. Every state governmental entity shall, for a period of two (2) years, maintain accurate and complete records, as defined in Section 203 of Title 67 of the Oklahoma Statutes, reflecting all financial and business transactions, which records shall include support documentation for each transaction. No such records shall be disposed of for three (3) years thereafter,

except upon a unanimous vote of the members of the Archives and Records Commission pursuant to Section 565 of Title 74 of the Oklahoma Statutes, or upon a majority vote of the members of the Commission for records more than five (5) years old. The disposition of such records shall be in accordance with the provisions of Sections 564 through 576 of Title 74 of the Oklahoma Statutes, provided all state or federal audits have been completed, unless such audits request such records to be maintained for some given period of time.

B. Any person who willfully violates the provisions of this section shall be guilty of a felony~~, punishable by imprisonment in the State Penitentiary for a period of not more than three (3) years or by a~~. The fine ~~of~~ for a violation of this section shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~. Any person convicted of any such violation who holds any elective or appointive public office shall also be subject to immediate removal from office.

SECTION 217. AMENDATORY 21 O.S. 1991, Section 644, as amended by Section 2, Chapter 197, O.S.L. 1996 (21 O.S. Supp. 1996, 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 such fine and imprisonment.

B. Assault and battery shall be punishable by imprisonment in a county jail not exceeding ninety (90) days, or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such imprisonment and fine.

C. Any person who commits any assault and battery against a current or former spouse, an individual with whom the defendant has had a child, or a person living in the same household as the defendant shall be guilty of domestic abuse. Upon conviction, the defendant shall be punished by imprisonment in the county jail not exceeding one (1) year, or by a fine of not more than Three Thousand Dollars ($3,000.00), or by both such fine and imprisonment. Any second or subsequent conviction of domestic

abuse shall be a felony ~~punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a~~. The fine for a felony violation of this subsection shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~. Every conviction of domestic abuse shall require as a condition of a suspended sentence that the defendant participate in counseling or treatment to bring about the cessation of domestic abuse. The defendant may be required to pay all or part of the cost of the counseling or treatment, in the discretion of the court.

SECTION 218. AMENDATORY 21 O.S. 1991, Section 645, is amended to read as follows:

Section 645. Every person who, with intent to do bodily harm and without justifiable or excusable cause, commits any assault, battery, or assault and battery upon the person of another with any sharp or dangerous weapon, or who, without such cause, shoots at another, with any kind of firearm or air gun or other means whatever, with intent to injure any person, although without the intent to kill such person or to commit any felony, upon conviction is guilty of a felony ~~punishable by imprisonment in the penitentiary not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year~~.

SECTION 219. AMENDATORY 21 O.S. 1991, Section 649, is amended to read as follows:

Section 649. A. Every person who, without justifiable or excusable cause, knowingly commits any assault upon the person of a police officer, sheriff, deputy sheriff, highway patrolman, corrections personnel, or state peace officer employed by any state governmental agency to enforce state laws while said officer is in the performance of his duties is punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

B. Every person who, without justifiable or excusable cause knowingly commits battery or assault and battery upon the person of a police officer, sheriff, deputy sheriff, highway patrolman,

corrections personnel, or other state peace officer employed by any state governmental agency to enforce state laws while said officer is in the performance of his duties, upon conviction, ~~is punishable by imprisonment of not more than five (5) years in a state correction institution or county jail for a period not to exceed one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this subsection shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

C. As used in this section and in Section 650 of this title, "corrections personnel" means any person, employed by the state or by a political subdivision, who has direct contact with inmates of a jail or state correctional facility, and includes but is not limited to, Department of Corrections personnel in job classifications requiring direct contact with inmates, persons providing vocational-technical training to inmates, education personnel who have direct contact with inmates because of education programs for inmates, and persons employed by county or municipal jails to supervise inmates or to provide medical treatment or meals to inmates of jails.

SECTION 220. AMENDATORY 21 O.S. 1991, Section 649.1, is amended to read as follows:

Section 649.1 A. No person shall willfully torture, torment, beat, mutilate, injure, disable, or otherwise mistreat a police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or political subdivision of the state.

B. No person shall willfully interfere with the lawful performance of any police dog or police horse.

C. Except as provided in subsection D of this section, any person convicted of violating any of the provisions of this section shall be guilty of a misdemeanor, punishable by the imposition of a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

D. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony~~, punishable by the imposition of a~~. The fine for a violation of this subsection shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment~~.

SECTION 221. AMENDATORY 21 O.S. 1991, Section 649.2, is amended to read as follows:

Section 649.2 A. No person shall willfully kill any police dog or police horse owned, or the service of which is employed, by a law enforcement agency of the state or a political subdivision of the state.

B. Except as provided in subsection C of this section, any person convicted of violating the provisions of this section is guilty of a misdemeanor punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail not exceeding one (1) year, or by both such fine and imprisonment.

C. Any person who knowingly and willfully and without lawful cause or justification violates the provisions of this section, during the commission of a misdemeanor or felony, shall be guilty of a felony~~, punishable by the imposition of a~~. The fine for a violation of this subsection shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment~~.

SECTION 222. AMENDATORY 21 O.S. 1991, Section 650, is amended to read as follows:

Section 650. A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a police officer, sheriff, deputy sheriff or highway patrolman, corrections personnel as defined in Section 649 of this title, or any state peace officer employed by any state governmental agency to enforce state laws, while said

officer is in the performance of his duties shall upon conviction thereof be guilty of a felony~~, which shall be punishable by imprisonment in a state correctional institution for not more than five (5) years, or county jail for a period not to exceed one (1) year or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment~~.

B. This ~~act~~ section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 223. AMENDATORY 21 O.S. 1991, Section 650.2, as last amended by Section 27, Chapter 247, O.S.L. 1996 (21 O.S. Supp. 1996, Section 650.2), is amended to read as follows:

Section 650.2 A. Every person in the custody of the Oklahoma Department of Corrections who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Corrections employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

B. Every person in the custody of the Department of Human Services who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of a Department of Human Services employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

C. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of an Office of Juvenile Affairs employee while said employee is in the performance of his or her duties shall, upon conviction thereof, be guilty of a felony.

SECTION 224. AMENDATORY 21 O.S. 1991, Section 650.5, is amended to read as follows:

Section 650.5 Every person who, without justifiable or excusable cause and with intent to do bodily harm, commits any aggravated assault and battery or any assault with a firearm or other deadly weapon upon the person of an emergency medical technician or other emergency medical care provider, upon

conviction, is guilty of a felony ~~punishable by imprisonment in a state correctional institution for not more than one (1) year, or by a~~. The fine for a violation of this section shall not ~~to~~ exceed One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

SECTION 225. AMENDATORY Section 1, Chapter 326, O.S.L. 1993 (21 O.S. Supp. 1996, Section 650.6), is amended to read as follows:

Section 650.6 A. Every person who commits any assault upon any officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to judges, bailiffs, court reporters, court clerks or deputy court clerks, or upon any witnesses or juror, because of said person's service in such capacity or within six (6) months of said person's service in such capacity, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such imprisonment and fine.

B. Every person who commits any battery or assault and battery upon any officer of a state district or appellate court, or the Workers' Compensation Court, including but not limited to judges, bailiffs, court reporters, court clerks or deputy court clerks, or upon any witnesses or juror, because of said person's service in such capacity or within six (6) months of said person's service in such capacity, shall be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, by a~~. The fine ~~of~~ for a violation of this subsection shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such imprisonment and fine~~.

SECTION 226. AMENDATORY 10 O.S. 1991, Section 1149, as renumbered by Section 200, Chapter 352, O.S.L. 1995, and as amended by Section 28, Chapter 247, O.S.L. 1996 (21 O.S. Supp. 1996, Section 650.8), is amended to read as follows:

Section 650.8 A. Every person who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of an employee of a facility maintained by

the Office of Juvenile Affairs or maintained by a private contractor pursuant to a contract with the Office of Juvenile Affairs primarily for delinquent children, while the employee is in the performance of his duties, shall upon conviction thereof be guilty of a felony.

B. This ~~act~~ section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 227. AMENDATORY Section 1, Chapter 199, O.S.L. 1996 (21 O.S. Supp. 1996, Section 650.9), is amended to read as follows:

Section 650.9 Every person in the custody of the state, a county or city or a contractor of the state, a county or a city who throws, transfers or in any manner places feces, urine, semen, saliva or blood upon the person of an employee of the state, a county or a city or an employee of a contractor of the state, a county or a city shall, upon conviction thereof, be guilty of a felony.

SECTION 228. AMENDATORY 21 O.S. 1991, Section 651, is amended to read as follows:

Section 651. ~~Every~~ Any person who, with intent to kill, administers or causes or procures to be administered to another any poison which is actually taken by such other person but by which death is not caused~~, is punishable by imprisonment in the State Penitentiary not less than ten (10) years~~ shall be guilty of a felony.

SECTION 229. AMENDATORY 21 O.S. 1991, Section 652, as amended by Section 1, Chapter 192, O.S.L. 1992 (21 O.S. Supp. 1996, 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~~ guilty of a felony.

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~~ guilty of a felony.

C. 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~~ guilty of a felony.

SECTION 230. AMENDATORY 21 O.S. 1991, Section 653, is amended to read as follows:

Section 653. ~~Every~~ Any person who is guilty of an assault with intent to kill any person, the punishment for which is not prescribed by ~~the foregoing section, is punishable by imprisonment in the penitentiary for a term not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a~~ Section 652 of this title, shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 231. AMENDATORY 21 O.S. 1991, Section 662, is amended to read as follows:

Section 662. ~~Every~~ Any person guilty of fighting any duel, although no death or wound ensues, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 232. AMENDATORY 21 O.S. 1991, Section 681, is amended to read as follows:

Section 681. ~~Every~~ Any person who is guilty of an assault with intent to commit any felony, except an assault with intent to kill, the punishment for which assault is not otherwise prescribed in this code, ~~is punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 233. AMENDATORY 21 O.S. 1991, Section 701.9, is amended to read as follows:

Section 701.9 A. A person who is convicted of or pleads guilty or nolo contendere to murder in the first degree shall be punished by death, by imprisonment for life without parole or by imprisonment for life.

B. A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be ~~punished by imprisonment in a state penal institution for not less than ten (10) years nor more than life~~ guilty of a felony.

SECTION 234. AMENDATORY 21 O.S. 1991, Section 701.16, is amended to read as follows:

Section 701.16 It shall be unlawful for any person or agent of that person to solicit another person or persons to cause the death of a human being by the act of murder in the first degree as is defined by ~~Title 21 O.S.,~~ Section 701.7 of this title. A person who is convicted, pleads guilty or pleads nolo contendere to the act of Solicitation For Murder in the first degree, except as provided in Section 701.7 of this title, shall be ~~punished by imprisonment in a state penal institution for not less than five (5) years nor more than life imprisonment in the State Penitentiary~~ guilty of a felony.

SECTION 235. AMENDATORY 21 O.S. 1991, Section 715, is amended to read as follows:

Section 715. ~~Every~~ Any person guilty of manslaughter in the first degree ~~is punishable by imprisonment in the penitentiary for not less than four (4) years~~ shall be guilty of a felony.

SECTION 236. AMENDATORY 21 O.S. 1991, Section 722, is amended to read as follows:

Section 722. ~~Every~~ Any person guilty of manslaughter in the second degree ~~is punishable by imprisonment in the penitentiary not more than four (4) years and not less than two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both fine and imprisonment~~.

SECTION 237. AMENDATORY 21 O.S. 1991, Section 741, is amended to read as follows:

Section 741. ~~Every~~ Any person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, with intent, either:

First. To cause such other person to be secretly confined or imprisoned in this state against his will; or~~,~~

Second. To cause such other person to be sent out of this state against his will; or~~,~~

Third. To cause such person to be sold as a slave, or in any way held to service against his will, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years~~ shall be guilty of a felony. Upon any trial for a violation of this section, the consent thereto of the person kidnapped or confined, shall not be a defense, unless it appears satisfactorily to the jury, that such person was above the age of twelve (12) years, and that such consent was not extorted by threat, or by duress.

SECTION 238. AMENDATORY 21 O.S. 1991, Section 745, is amended to read as follows:

Section 745. A. Every person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, for the purpose of extorting any money, property or thing of value or advantage from the person so seized, confined, inveigled or kidnapped, or from any other person, or in any manner threatens either by written instrument, word of mouth, message, telegraph, telephone, by placing an ad in a newspaper, or by messenger, demands money or other thing of value, shall be guilty of a felony, ~~and~~ upon conviction ~~shall suffer death or imprisonment in the penitentiary, not less than ten (10) years~~.

B. Every person, not a principal in the kidnapping and not a relative or agent authorized by a relative of a kidnapped person, but who knowingly aids, assists, or participates in the disposing, receiving, possession or exchanging of any moneys, property or thing of value or advantage from the person so seized, confined, inveigled or ~~kidnaped~~ kidnapped, shall be guilty of a felony, ~~and~~

upon conviction thereof ~~shall be punished by imprisonment in the penitentiary, not less than five (5) years~~.

SECTION 239. AMENDATORY 21 O.S. 1991, Section 759, is amended to read as follows:

Section 759. ~~Every~~ Any person guilty of maiming ~~is punishable by imprisonment in the penitentiary not exceeding seven (7) years, or by imprisonment in the county jail not exceeding one (1) year, or by~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both such fine and imprisonment~~.

SECTION 240. AMENDATORY 21 O.S. 1991, Section 798, is amended to read as follows:

Section 798. ~~Every~~ Any person guilty of robbery in the first degree ~~is punishable by imprisonment in the Penitentiary not less than ten (10) years~~ shall be guilty of a felony.

SECTION 241. AMENDATORY 21 O.S. 1991, Section 799, is amended to read as follows:

Section 799. ~~Every~~ Any person guilty of robbery in the second degree ~~is punishable by imprisonment in the Penitentiary not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 242. AMENDATORY 21 O.S. 1991, Section 800, is amended to read as follows:

Section 800. Whenever two or more persons conjointly commit a robbery or where the whole number of persons conjointly commits a robbery and persons present and aiding such robbery amount to two or more, each and either of such persons ~~is punishable by imprisonment in the penitentiary for not less than five (5) years nor more than fifty (50) years~~ shall be guilty of a felony.

SECTION 243. AMENDATORY 21 O.S. 1991, Section 801, is amended to read as follows:

Section 801. Any person or persons who, with the use of any firearms or any other dangerous weapons, whether the firearm is loaded or not, or who uses a blank or imitation firearm capable of raising in the mind of the one threatened with such device a fear that it is a real firearm, attempts to rob or robs any person or persons, or who robs or attempts to rob any place of business,

residence or banking institution or any other place inhabited or attended by any person or persons at any time, either day or night, shall be guilty of a felony, ~~and,~~ upon conviction therefor~~, shall suffer punishment by imprisonment for life, in the State Penitentiary, or for a period of time of not less than five (5) years, at the discretion of the court, or the jury trying the same~~.

~~Upon conviction therefor, any person guilty of three (3) separate and distinct felonies, in violation of this section shall suffer punishment by imprisonment for life, in the State Penitentiary, or for a period of time of not less than ten (10) years, and it is mandatory upon the court to impose no less than the minimum sentence of ten (10) years. The sentence imposed upon such person shall not be reduced to less than ten (10) calendar years, nor suspended, nor shall any person be eligible for probation or parole or receive any deduction from his sentence for good conduct until he shall have served ten (10) calendar years of such sentence.~~

SECTION 244. AMENDATORY 21 O.S. 1991, Section 817, is amended to read as follows:

Section 817. ~~Every~~ Any person guilty of aiding suicide ~~is punishable by imprisonment in the penitentiary for not less than seven (7) years~~ shall be guilty of a felony.

SECTION 245. AMENDATORY 21 O.S. 1991, Section 818, is amended to read as follows:

Section 818. Every person guilty of aiding an attempt at suicide ~~is punishable by imprisonment in the penitentiary not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both~~ shall be guilty of a felony.

SECTION 246. AMENDATORY 21 O.S. 1991, Section 832, is amended to read as follows:

Section 832. A. 1. No person shall willfully mingle any poison, Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes, or sharp object, or any other object or substance which if used in a manner which is not customary or usual is harmful to human life,

with any food, drink, medicine, or patent or proprietary medicine with intent that the same shall be taken, consumed, applied, or used in any manner by any human being to his injury; and

2. Unless authorized by law, no person shall willfully poison or place any Schedule I through V drug pursuant to the provisions of Sections 2-203 through 2-212 of Title 63 of the Oklahoma Statutes or any other object or substance which if used in a manner which is not customary or usual is harmful to human life in any spring, well, or reservoir of water.

B. Any person convicted of violating any of the provisions of this section shall be guilty of a felony~~, punishable by imprisonment in the penitentiary for not less than five (5) years, or by a~~. The fine ~~of~~ for a violation of this section shall not be less than One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

SECTION 247. AMENDATORY 21 O.S. 1991, Section 843.1, is amended to read as follows:

Section 843.1 A. No caretaker as defined in Section 803 of Title 43A of the Oklahoma Statutes shall willfully abuse, neglect, or financially exploit any person entrusted in his care, or shall cause, secure, or permit any of said acts to be done.

B. Any person convicted of violating the provisions of this section shall be guilty of a felony ~~punishable by a~~. The fine ~~of~~ for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both said fine and imprisonment~~.

SECTION 248. AMENDATORY 21 O.S. 1991, Section 849, is amended to read as follows:

Section 849. Every person who shall attach to, or place in or upon any motor vehicle or any vehicle designed or customarily used to transport a person or persons or any structure designed or customarily used for the occupancy of a person or persons, any explosive material, thing or device with the intent of causing bodily injury or death to any person shall be guilty of a felony, ~~and,~~ upon conviction therefor~~, shall suffer punishment by~~

~~imprisonment for a period of time of not less than five (5) years, or imprisonment in the State Penitentiary for life, at the discretion of the court or the jury trying the same~~.

SECTION 249. AMENDATORY 21 O.S. 1991, Section 850, as amended by Section 1, Chapter 82, O.S.L. 1992 (21 O.S. Supp. 1996, Section 850), is amended to read as follows:

Section 850. A. No person shall maliciously and with the specific intent to intimidate or harass another person because of that person's race, color, religion, ancestry, national origin or disability:

1. Assault or batter another person;

2. Damage, destroy, vandalize or deface any real or personal property of another person; or

3. Threaten, by word or act, to do any act prohibited by paragraph 1 or 2 of this subsection if there is reasonable cause to believe that such act will occur.

B. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, make or transmit, cause or allow to be transmitted, any telephone or electronic message.

C. No person shall maliciously and with specific intent to incite or produce, and which is likely to incite or produce, imminent violence, which violence would be directed against another person because of that person's race, color, religion, ancestry, national origin or disability, broadcast, publish, or distribute, cause or allow to be broadcast, published or distributed, any message or material.

D. Any person convicted of violating any provision of subsections A, B or C of this section shall be guilty of a misdemeanor on a first offense and a felony on a second or subsequent offense. <u>The fine for a felony violation of this section shall not exceed Ten Thousand Dollars ($10,000.00).</u> Furthermore, said person shall be civilly liable for any damages resulting from any violation of this section.

E. Upon conviction, any person guilty of a misdemeanor in violation of this section shall be punishable by the imposition of a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a period of not more than one (1) year, or by both such fine and imprisonment.

F. ~~Upon conviction, any person guilty of a felony in violation of this section shall be punishable by the imposition of a fine not exceeding Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a period of not more than ten (10) years, or by both such fine and imprisonment.~~

~~G.~~ The Oklahoma State Bureau of Investigation shall develop a standard system for state and local law enforcement agencies to report incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section to the Bureau within seventy-two (72) hours of the time such incidents are reported to such agencies. All law enforcement agencies shall report to the OSBI, pursuant to such system, incidents of crime which are apparently directed against members of racial, ethnic, religious groups or other groups specified by this section and further provide information on the disposition of the reported incident. The Oklahoma State Bureau of Investigation shall promulgate rules, regulations and procedures necessary to develop, implement and maintain a standard system for the collection and reporting of hate crime data.

~~H.~~ G. No person, partnership, company or corporation that installs telephone or electronic message equipment shall be required to monitor the use of such equipment for possible violations of this section, nor shall such person, partnership, company or corporation be held criminally or civilly liable for the use by another person of the equipment in violation of this section, unless the person, partnership, company or corporation that installed the equipment had prior actual knowledge that the equipment was to be used in violation of this section.

SECTION 250. AMENDATORY 21 O.S. 1991, Section 851, is amended to read as follows:

Section 851. Any parent of any child or children under the age of ten (10) years, and every person to whom such child or children have been confided for nurture or education, who deserts such child or children within the State of Oklahoma, or takes such child or children without the State of Oklahoma, with the intent wholly to abandon it~~,~~ shall be deemed guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year or more than ten (10) years~~.

SECTION 251. AMENDATORY 21 O.S. 1991, Section 852, as last amended by Section 1 of Enrolled House Bill No. 2099 of the 1st Session of the 46th Legislature, is amended to read as follows:

Section 852. A. Unless otherwise provided for by law, any parent, guardian, or person having custody or control of a child as defined in Section ~~1101~~ 7001-1.3 of Title 10 of the Oklahoma Statutes who willfully omits, without lawful excuse, to furnish necessary food, clothing, shelter, monetary child support, medical attendance, payment of court-ordered day care or payment of court-ordered medical insurance costs for such child which is imposed by law, upon conviction, is guilty of a misdemeanor; provided, any person obligated to make child support payments who willfully and without lawful excuse becomes delinquent in said child support payments after September 1, 1993, and such delinquent child support accrues without payment by the obligor for a period of one (1) year, or exceeds Five Thousand Dollars ($5,000.00) shall, upon conviction thereof, be guilty of a felony ~~which is punishable in the same manner as any subsequent conviction pursuant to the provisions of this section. Any subsequent conviction pursuant to this section shall be a felony, punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a~~. The fine for a violation of this subsection shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~. As used in this section, the duty to furnish medical attendance shall mean that the parent or person having custody or control of a child must furnish medical

treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide; such parent or person having custody or control of a child is not criminally liable for failure to furnish medical attendance for every minor or trivial complaint with which the child may be afflicted.

B. Any person who leaves the state to avoid providing necessary food, clothing, shelter, court-ordered monetary child support, or medical attendance for such child, upon conviction, ~~is~~ shall be guilty of a felony~~, punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a~~. The fine for a violation of this subsection shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

C. Nothing in this section shall be construed to mean a child is endangered for the sole reason the parent, guardian or person having custody or control of a child, in good faith, selects and depends upon spiritual means alone through prayer, in accordance with the tenets and practice of a recognized church or religious denomination, for the treatment or cure of disease or remedial care of such child; provided, that medical care shall be provided where permanent physical damage could result to such child; and that the laws, rules, and regulations relating to communicable diseases and sanitary matters are not violated.

D. Nothing contained in this section shall prevent a court from immediately assuming custody of a child and ordering whatever action may be necessary, including medical treatment, to protect the child's health or welfare.

E. Psychiatric and psychological testing and counseling are exempt from the provisions of this section.

F. ~~Except for a third or subsequent conviction, all felony convictions herein shall be administered under the provisions of the Community Sentencing Act.~~

~~G.~~ It is the duty of any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person, as such terms are defined by Section 3-403 of Title 43A of

the Oklahoma Statutes, to provide for the treatment, as such term is defined by Section 3-403 of Title 43A of the Oklahoma Statutes, of such child. Any parent having legal custody of a child who is an alcohol-dependent person or a drug-dependent person who without having made a reasonable effort fails or willfully omits to provide for the treatment of such child shall be guilty of a misdemeanor. For the purpose of this subsection, the duty to provide for such treatment shall mean that the parent having legal custody of a child must provide for the treatment in such manner and on such occasions as an ordinarily prudent person, solicitous for the welfare of a child, would provide.

SECTION 252. AMENDATORY 21 O.S. 1991, Section 852.1, is amended to read as follows:

Section 852.1 A. A person who is the parent, guardian, or person having custody or control over a child as defined in Section ~~1101~~ 7001-1.3 of Title 10 of the Oklahoma Statutes, commits child endangerment when the person knowingly permits physical or sexual abuse of a child. However, it is an affirmative defense to this paragraph if the person had a reasonable apprehension that any action to stop the abuse would result in substantial bodily harm to the person or the child.

B. The provisions of this section shall not apply to any parent, guardian or other person having custody or control of a child for the sole reason that the parent, guardian or other person in good faith selects and depends upon spiritual means or prayer for the treatment or cure of disease or remedial care for such child. This subsection shall in no way limit or modify the protections afforded said child in Section 852 of Title 21 or Section ~~1130~~ 7006-1.1 of Title 10 of the Oklahoma Statutes.

C. Any person convicted of violating any provision of this section shall be guilty of a felony~~, punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a~~. The fine ~~of~~ for a violation of this section shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

SECTION 253. AMENDATORY 21 O.S. 1991, Section 853, is amended to read as follows:

Section 853. Every person who shall without good cause abandon his wife in destitute or necessitous circumstances and neglect and refuse to maintain or provide for her, or who shall abandon his or her minor child or children under the age of fifteen (15) years and willfully neglect or refuse to maintain or provide for such child or children, shall be deemed guilty of a felony ~~and~~, upon conviction thereof~~, shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year or more than ten (10) years~~.

SECTION 254. AMENDATORY 21 O.S. 1991, Section 856, as last amended by Section 1, Chapter 196, O.S.L. 1996 (21 O.S. Supp. 1996, Section 856), is amended to read as follows:

Section 856. A. 1. Except as otherwise specifically provided by law, every person who shall knowingly or willfully cause, aid, abet or encourage a minor to be, to remain, or to become a delinquent child or a runaway child, upon conviction, shall, for the first offense, be guilty of a misdemeanor punishable by imprisonment in a county jail not to exceed one (1) year, or by a fine not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

2. For purposes of prosecution under this subsection, a "runaway child" means an unemancipated minor who is voluntarily absent from the home without a compelling reason, without the consent of a custodial parent or other custodial adult and without the parent or other custodial adult's knowledge as to the child's whereabouts. "Compelling reason" means imminent danger from incest, a life-threatening situation, or equally traumatizing circumstance. A person aiding a runaway child pursuant to paragraph (4) of subsection (a) of Section 5 of Title 76 of the Oklahoma Statutes or aiding a child based upon a reasonable belief that the child is in physical, mental or emotional danger and with notice to the Department of Human Services or a local law enforcement agency of the location of the child within twelve (12)

hours of aiding the child shall not be subject to prosecution under this section.

B. Every person convicted of a second or any subsequent violation of this section shall be guilty of a felony ~~and punishable by imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or by a~~. The fine for a violation of this subsection shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

C. Every person eighteen (18) years of age or older who shall knowingly or willfully cause, aid, abet, or encourage a minor to commit or participate in committing an act that would be a felony if committed by an adult shall, upon conviction, be guilty of a felony punishable by the maximum penalty allowed for conviction of the offense or offenses which the person caused, aided, abetted, or encouraged the minor to commit or participate in committing.

D. Every person who shall knowingly or willfully cause, aid, abet, encourage, solicit, or recruit a minor to participate, join, or associate with any criminal street gang, as defined by subsection F of this section, or any gang member for the purpose of committing any criminal act shall, upon conviction, be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed one (1) year, or a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Three Thousand Dollars ($3,000.00)~~, or both such fine and imprisonment~~.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a term not to exceed five (5) years or by a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

F. "Criminal street gang" means any ongoing organization, association, or group of five or more persons that specifically either promotes, sponsors, or assists in, or participates in, and

requires as a condition of membership or continued membership, the commission of one or more of the following criminal acts:

1. Assault, battery, or assault and battery with a deadly weapon, as defined in Section 645 of this title;

2. Aggravated assault and battery as defined by Section 646 of this title;

3. Robbery by force or fear, as defined in Sections 791 through 797 of this title;

4. Robbery or attempted robbery with a dangerous weapon or imitation firearm, as defined by Section 801 of this title;

5. Unlawful homicide or manslaughter, as defined in Sections 691 through 722 of this title;

6. The sale, possession for sale, transportation, manufacture, offer for sale, or offer to manufacture controlled dangerous substances, as defined in Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

7. Trafficking in illegal drugs, as provided for in the Trafficking in Illegal Drugs Act, Section 2-414 of Title 63 of the Oklahoma Statutes;

8. Arson, as defined in Sections 1401 through 1403 of this title;

9. The influence or intimidation of witnesses and jurors, as defined in Sections 388, 455 and 545 of this title;

10. Theft of any vehicle, as described in Section 1720 of this title;

11. Rape, as defined in Section 1111 of this title;

12. Extortion, as defined in Section 1481 of this title;

13. Transporting a loaded firearm in a motor vehicle, in violation of Section 1289.13 of this title;

14. Transporting a weapon in, or discharging a weapon from, a boat, in violation of Section 1289.14 of this title;

15. Possession of a concealed weapon, as defined by Section 1289.8 of this title; or

16. Shooting or discharging a firearm, as defined by Section 652 of this title.

SECTION 255. AMENDATORY 21 O.S. 1991, Section 856.1, is amended to read as follows:

Section 856.1 Every person who shall knowingly, intentionally or willfully cause, aid, abet or encourage a minor child to:

1. Distribute, dispense, possess or manufacture a controlled dangerous substance, as provided in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

2. Create, distribute, or possess a counterfeit controlled dangerous substance, as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

3. Distribute any imitation controlled substance as defined by Section 2-101 of Title 63 of the Oklahoma Statutes;

4. Conspire or participate in any scheme, plan or act for the purposes of avoiding, eluding or evading arrest or detection by law enforcement authorities for crimes involving controlled substances as defined by Section 2-101 of Title 63 of the Oklahoma Statutes; or

5. Violate any penal provisions of the Uniform Controlled Dangerous Substances Act,

shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a term not more than twenty (20) years and a~~. The fine ~~of~~ for a violation of this section shall not be more than Two Hundred Thousand Dollars ($200,000.00). Said sentence shall not be subject to statutory provisions for suspended sentences, or deferred sentences except when the conviction is for a first offense.

SECTION 256. AMENDATORY Section 2, Chapter 196, O.S.L. 1996 (21 O.S. Supp. 1996, Section 856.2), is amended to read as follows:

Section 856.2 It shall be unlawful for any person to knowingly and willfully harbour an endangered runaway child. Any person violating the provisions of this section shall, upon conviction, be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in a county jail not exceeding one (1) year, or by both such fine and

imprisonment. Every person convicted of a second or any subsequent violation shall, upon conviction, be guilty of a felony ~~punishable by a~~. The fine for a second or subsequent violation shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or by imprisonment not exceeding three (3) years, or by both such fine and imprisonment~~. For purposes of this section, an "endangered runaway child" means an unemancipated minor who is voluntarily absent from the home for seventy-two (72) hours or more without a compelling reason and without the consent of a custodial parent or other custodial adult or an unemancipated minor who is voluntarily absent from the home without a compelling reason and without the consent of a custodial parent or other custodial adult and the child needs medication or other special services. For purposes of this section, "compelling reason" shall be defined as provided in Section 856 of Title 21 of the Oklahoma Statutes.

SECTION 257. AMENDATORY 21 O.S. 1991, Section 861, is amended to read as follows:

Section 861. Every person who administers to any woman, or who prescribes for any woman, or advises or procures any woman to take any medicine, drug or substance, or uses or employs any instrument, or other means whatever, with intent thereby to procure the miscarriage of such woman, unless the same is necessary to preserve her life, ~~is punishable by imprisonment in the penitentiary not less than two (2) nor more than five (5) years~~ shall be guilty of a felony.

SECTION 258. AMENDATORY 21 O.S. 1991, Section 867, is amended to read as follows:

Section 867. A. The first conviction of the crime of trafficking in children by any person shall be a felony ~~and punishable by imprisonment in the State Penitentiary for not less than one (1) year nor for more than three (3) years~~.

B. Conviction of the crime of trafficking in children, subsequent to a prior conviction for such offense in any form, shall be a felony ~~and punishable by imprisonment in the State~~

~~Penitentiary for not less than three (3) years~~. No suspension of judgment or sentence shall be permitted.

SECTION 259. AMENDATORY 21 O.S. 1991, Section 872, is amended to read as follows:

Section 872. ~~Every~~ Any person guilty of the crime of adultery shall be punished by imprisonment ~~in the penitentiary not exceeding five (5) years or by~~ for a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or both such fine and imprisonment~~.

SECTION 260. AMENDATORY 21 O.S. 1991, Section 883, is amended to read as follows:

Section 883. ~~Every~~ Any person guilty of bigamy ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years~~ shall be guilty of a felony.

SECTION 261. AMENDATORY 21 O.S. 1991, Section 884, is amended to read as follows:

Section 884. ~~Every~~ Any person who knowingly marries the husband or wife of another, in any case in which such husband or wife would be punishable according to the foregoing provisions, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 262. AMENDATORY 21 O.S. 1991, Section 885, is amended to read as follows:

Section 885. Persons who, being within the degrees of consanguinity within which marriages are by the laws of the state declared incestuous and void, intermarry with each other, or commit adultery or fornication with each other, ~~are punishable by imprisonment in the penitentiary not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 263. AMENDATORY 21 O.S. 1991, Section 886, as amended by Section 1, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1996, Section 886), is amended to read as follows:

Section 886. ~~Every~~ Any person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years~~ shall be guilty of a felony. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court.

SECTION 264. AMENDATORY 21 O.S. 1991, Section 888, as amended by Section 2, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1996, Section 888), is amended to read as follows:

Section 888. A. Any person who forces another person to engage in the detestable and abominable crime against nature, pursuant to Section 886 of this title, upon conviction, is guilty of a felony ~~punishable by imprisonment in the penitentiary for a period of not more than twenty (20) years~~. Any person convicted of a second violation of this section, where the victim of the second offense is a person under sixteen (16) years of age, shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of this section, where the victim of the third or subsequent offense is a person under sixteen (16) years of age, shall be punished by imprisonment in the State Penitentiary for a term of life or life without parole~~, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court~~.

B. The crime of forcible sodomy shall include:

1. Sodomy committed by a person over eighteen (18) years of age upon a person under sixteen (16) years of age; or

2. Sodomy committed upon a person incapable through mental illness or any unsoundness of mind of giving legal consent regardless of the age of the person committing the crime; or

3. Sodomy accomplished with any person by means of force, violence, or threats of force or violence accompanied by apparent power of execution regardless of the age of the victim or the person committing the crime.

SECTION 265. AMENDATORY 21 O.S. 1991, Section 891, is amended to read as follows:

Section 891. Whoever maliciously, forcibly or fraudulently takes or entices away any child under the age of twelve (12) years, with intent to detain and conceal such child from its parent, guardian or other person having the lawful charge of such child ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 266. AMENDATORY 21 O.S. 1991, Section 941, as amended by Section 29, Chapter 328, O.S.L. 1992 (21 O.S. Supp. 1996, Section 941), is amended to read as follows:

Section 941. Except as provided in the Oklahoma Charity Games Act, every person who opens, or causes to be opened, or who conducts, whether for hire or not, or carries on either poker, roulette, craps or any banking or percentage, or any gambling game played with dice, cards or any device, for money, checks, credits, or any representatives of value, or who either as owner or employee, whether for hire or not, deals for those engaged in any such game, shall be guilty of a felony, ~~and~~ upon conviction thereof~~, shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00)~~, and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years~~. Such fine shall be in

addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 267. AMENDATORY 21 O.S. 1991, Section 946, is amended to read as follows:

Section 946. Any house, room or place where any of the games prohibited by Section ~~1~~ 941 of this ~~act~~ title are opened, conducted or carried on, or where persons congregate to play at any such games is a public nuisance and the keepers and managers of any such nuisance, and persons aiding or assisting any such keepers or managers in keeping or managing any such nuisance shall be guilty of a felony ~~and~~, upon conviction~~, shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment in the state penitentiary for a term of not less than one (1) year nor more than ten (10) years~~.

SECTION 268. AMENDATORY 21 O.S. 1991, Section 948, as amended by Section 2, Chapter 305, O.S.L. 1993 (21 O.S. Supp. 1996, Section 948), is amended to read as follows:

Section 948. Any state, district, city, town, county or township officer who shall engage or participate in, or who shall assist or encourage any other person or persons in any kind of illegal gambling, whether the same be by cards, dice, dominoes, billiards or any game of chance or a gambling device, by betting money, property or other things of value in such game of chance, or gambling device, such officer shall be deemed guilty of a felony, ~~and~~ upon conviction ~~shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years~~, and such judgment of conviction shall carry with it an immediate removal from office and a disqualification to hold any office of profit or trust in the State of Oklahoma.

SECTION 269. AMENDATORY 21 O.S. 1991, Section 950, is amended to read as follows:

Section 950. Any state, county, city, or township officer, or other person who shall hold for, receive or collect any money, or other valuable consideration, either for his own or the public use, for and with the understanding that he will aid, exempt or otherwise assist said person from arrest or conviction for a violation of any of the provisions of this article, or who shall issue, deliver or cause to be delivered to any person or persons, any license, permit, or other privileges, giving or pretending to give, any authority or right to any person or persons, to carry on, conduct, open or cause to be opened, any game or games which are forbidden or prohibited by any of the provisions of ~~this article~~ Sections 941 through 953 of this title shall be deemed guilty of a felony.

SECTION 270. AMENDATORY 21 O.S. 1991, Section 954, is amended to read as follows:

Section 954. ~~Every~~ Any person who deals, plays or practices in the State of Oklahoma, or who is in any manner accessory to the dealing, playing or practicing of a swindle known as three-card monte, or any other swindle or confidence game, play or practice, shall be deemed guilty of a felony ~~and~~, upon conviction thereof~~, shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not be less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000,00)~~, or by confinement in the penitentiary for a term of not less than one (1) year nor more than five (5) years~~.

SECTION 271. AMENDATORY 21 O.S. 1991, Section 982, is amended to read as follows:

Section 982. A. Commercial gambling is:

1. Operating or receiving all or part of the earnings of a gambling place;

2. Receiving, recording or forwarding bets or offers to bet or, with intent to receive, record or forward bets or offers to bet, possessing facilities to do so;

3. For gain, becoming a custodian of anything of value bet or offered to be bet;

4. Conducting a lottery or with intent to conduct a lottery possessing facilities to do so;

5. Setting up for use or collecting the proceeds of any gambling device; or

6. Alone or with others, owning, controlling, managing or financing a gambling business.

B. Any person found guilty of commercial gambling shall be ~~punished by imprisonment for not more than ten (10) years or~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00)~~, or by both such fine and imprisonment~~.

SECTION 272. AMENDATORY 21 O.S. 1991, Section 984, is amended to read as follows:

Section 984. A. Dealing in gambling devices is manufacturing, transferring or possessing with intent to transfer any gambling device or subassembly or essential part thereof.

B. Any person dealing in gambling devices shall be ~~punished by imprisonment for not more than five (5) years or~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00)~~, or by both such fine and imprisonment~~.

SECTION 273. AMENDATORY 21 O.S. 1991, Section 986, is amended to read as follows:

Section 986. A. Installing communication facilities for gamblers is:

1. Installing communications facilities in a place which the person who installs the facilities knows is a gambling place;

2. Installing communications facilities knowing that they will be used principally for the purpose of transmitting information to be used in making or settling bets; or

3. Knowing that communications facilities are being used principally for the purpose of transmitting information to be used in making or settling bets, allowing their continued use.

B. Any person not an employee of a communications public utility authorized to transact business in this state by the Oklahoma Corporation Commission acting within the scope of his

employment, violating subsection A above, who knows or has reason to know said communications facilities will be used in making or settling commercial gambling transactions and installs said facilities with the intent to facilitate said commercial gambling transactions and is found guilty thereof shall be ~~punished by imprisonment for not more than five (5) years or a~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00)~~, or by both such fine and imprisonment~~.

C. When any communications public utility providing telephone communications service is notified in writing by an order of a court of competent jurisdiction, acting within its jurisdiction, that any facility furnished by it is being used principally for the purpose of transmitting or receiving gambling information, it shall discontinue or refuse the leasing, furnishing or maintaining of such facility, after reasonable notice to the subscriber, but no damages, penalty or forfeiture, civil or criminal, shall be found against any such public utility for any act done in compliance with any such court order. Nothing in this section shall be deemed to prejudice the right of any person affected thereby to secure an appropriate determination, as otherwise provided by law, in a court of competent jurisdiction, that such facility should not be discontinued or removed, or should be restored.

SECTION 274. AMENDATORY 21 O.S. 1991, Section 987, is amended to read as follows:

Section 987. A. Dissemination of gambling information is the transmitting or receiving, by means of any communications facilities, information to be used in making or settling bets. Provided that nothing herein shall prohibit a licensed radio or television station or newspaper of general circulation from broadcasting or disseminating to the public reports of odds or results of legally staged sporting events.

B. Any person found guilty of disseminating gambling information shall be ~~punished by imprisonment for not more than five (5) years or a~~ guilty of a felony. The fine ~~of~~ for a

violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00)~~, or by both such fine and imprisonment~~.

SECTION 275. AMENDATORY 21 O.S. 1991, Section 991, is amended to read as follows:

Section 991. A. Except as provided for in the Oklahoma Horse Racing Act, it shall be unlawful for any person, association, or corporation:

1. To bet or wager upon the result of any trial of speed or power of endurance of animals or beasts; or

2. To occupy any room, shed, tenement or building, or any part thereof, or to occupy any place upon any grounds with books, apparatus, or paraphernalia for the purpose of recording or registering bets or wagers or of selling pools, or making books or mutuals upon the result of any trial of speed or power of endurance of animals or beasts; or

3. Being the owner or lessee or occupant of any room, tent, tenement, shed, booth, or building, or part thereof at any place knowingly to permit the same to be used or occupied to keep, exhibit, or employ any device or apparatus for the purpose of recording or registering such bets or wagers or the selling or making of such books, pools or mutuals, or to become the custodian or depository for gain, hire or reward of any money, property or thing of value, bet or wagered or to be wagered or bet upon the result of any trial of speed or power of endurance of animals or beasts; or

4. To receive, register, record, forward or purport or pretend to forward to or for any racetrack within or without this state, any money, thing or consideration of value offered for the purpose of being bet or wagered upon the result of any trial of speed or power of endurance of any animal or beast; or

5. To occupy any place, or building or part thereof with books, papers, apparatus, or paraphernalia for the purpose of receiving or pretending to receive or for recording or for registering or for forwarding or pretending or attempting to forward in any manner whatever, any money, thing or consideration

of value, bet or wagered or to be bet or wagered by any person, or to receive or offer to receive any money, thing, or consideration of value bet or to be bet upon the result of any trial of speed or power of endurance of any animal or beast; or

6. To aid or assist or abet at any racetrack or other place in any manner in any of the acts forbidden by this section.

B. Any person, association, or corporation convicted of violating the provisions of paragraph 1 of subsection A of this section shall be fined not less than Two Hundred Dollars ($200.00) nor more than Five Hundred Dollars ($500.00) and be imprisoned not more than ninety (90) days. Any person, association, or corporation convicted of violating any provision of paragraphs 2, 3, 4, 5 or 6 of subsection A of this section shall be guilty of a felony ~~and~~. The fine for a felony violation of this section shall be ~~fined~~ not more than Ten Thousand Dollars ($10,000.00) ~~or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment~~.

C. Any personal property used for the purpose of violating any of the provisions of this section shall be disposed of as provided for in Section 1261 of Title 22 of the Oklahoma Statutes.

SECTION 276. AMENDATORY 21 O.S. 1991, Section 1021, as amended by Section 1, Chapter 37, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1021), is amended to read as follows:

Section 1021. A. Every person who willfully either:

1. Lewdly exposes his person or genitals in any public place, or in any place where there are present other persons to be offended or annoyed thereby;

2. Procures, counsels, or assists any person to expose such person, or to make any other exhibition of such person to public view or to the view of any number of persons, for the purpose of sexual stimulation of the viewer;

3. Writes, composes, stereotypes, prints, photographs, designs, copies, draws, engraves, paints, molds, cuts, or otherwise prepares, publishes, sells, distributes, keeps for sale, or exhibits any obscene or indecent writing, paper, book, picture,

photograph, motion picture, figure, form of any description or any type of obscene material; or

4. Makes, prepares, cuts, sells, gives, loans, distributes, keeps for sale, or exhibits any disc record, metal, plastic, or wax, wire or tape recording, or any type of obscene material or any other kind of sound recording of any obscene or indecent language, poetry, or songs, or who speaks any words by means of a telephone to any person which are offensive to decency or are calculated to excite vicious or lewd thoughts or acts, or who speaks any other communicable words which are offensive to decency or are adapted to excite vicious or lewd thoughts or acts,

shall be guilty, upon conviction, of a felony ~~and shall be punished by the imposition of a~~. The fine for a violation of this subsection shall not be less than Five Hundred Dollars ($500.00) nor more than Twenty Thousand Dollars ($20,000.00) ~~or by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment~~. Persons convicted under paragraphs 3 and 4 of subsection A of this section shall not be eligible for a deferred sentence.

B. Every person who:

1. Willfully solicits or aids a minor child to perform; or

2. Shows, exhibits, loans, or distributes to a minor child any obscene or indecent writing, paper, book, picture, photograph, motion picture, figure, or form of any description or any type of obscene material for the purpose of inducing said minor to participate in,

any act specified in paragraphs 1, 2, 3 or 4 of subsection A of this section shall be guilty, upon conviction, of a felony ~~and shall be punished by imprisonment in a state correctional institution for not less than ten (10) years nor more than thirty (30) years~~. Persons convicted under this subsection ~~B of this section~~ shall not be eligible for a deferred sentence.

SECTION 277. AMENDATORY 21 O.S. 1991, Section 1021.2, as amended by Section 2, Chapter 37, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1021.2), is amended to read as follows:

Section 1021.2 Any person who shall procure or cause the participation of any minor under the age of eighteen (18) years in any film, motion picture, videotape, photograph, negative, slide, drawing, painting, play, performance or any type of obscene material wherein the minor is engaged in or portrayed, depicted, or represented as engaging in any act of sexual intercourse, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual activity, in any lewd exhibition of the uncovered genitals or pubic area or areola of the breasts in the context of masturbation or other sexual activity, or in any other exhibition of the uncovered genitals or pubic area or areola of the breasts having the purpose of sexual stimulation of the viewer, or who knowingly possesses, procures, or manufactures, or causes to be sold or distributed any obscene material involving the participation of any minor under the age of eighteen (18) shall be guilty, upon conviction, of a felony ~~and shall be punished by imprisonment for not more than twenty (20) years or by the imposition of a~~. The fine ~~of~~ for a violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or by both said fine and imprisonment~~. Persons convicted under this section shall not be eligible for a deferred sentence. The consent of the minor, or of the mother, father, legal guardian, or custodian of the minor to the activity prohibited by this section shall not constitute a defense.

SECTION 278. AMENDATORY 21 O.S. 1991, Section 1021.3, as amended by Section 3, Chapter 37, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1021.3), is amended to read as follows:

Section 1021.3 Any parent, guardian or individual having custody of a minor under the age of eighteen (18) years who knowingly permits or consents to the participation of a minor in any film, motion picture, videotape, photograph, negative, slide, drawing, painting, play, performance or any other obscene material wherein the minor is engaged in or portrayed, depicted or represented as engaging in any act of sexual intercourse, in any act of fellatio or cunnilingus, in any act of excretion in the context of sexual activity, or in any lewd exhibition of the

uncovered genitals or pubic area or areola of the breasts in the context of masturbation or other sexual activity, shall be guilty of a felony ~~and~~, upon conviction~~, shall be imprisoned in the State Penitentiary for a period of not more than twenty (20) years or a~~. The fine ~~of~~ for a violation of this section shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or by both such fine and imprisonment~~. Persons convicted under this section shall not be eligible for a deferred sentence. The consent of the minor to the activity prohibited by this section shall not constitute a defense.

SECTION 279. AMENDATORY 21 O.S. 1991, Section 1024.2, is amended to read as follows:

Section 1024.2 It shall be unlawful for any person to buy, procure or possess obscene material in violation of ~~this act~~ Section 1024.1 through 1024.4 of this title. Such person shall, upon conviction, be guilty of a felony ~~and shall be imprisoned for a period of not more than five (5) years or a~~. The fine for a violation of any provision of Sections 1024.1 through 1024.4 of this title shall be up to, but not exceeding Five Thousand Dollars ($5,000.00) ~~or by both such fine and imprisonment~~.

SECTION 280. AMENDATORY 21 O.S. 1991, Section 1031, as amended by Section 3, Chapter 296, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1031), is amended to read as follows:

Section 1031. A. Except as provided in subsection B or C of this section, any person violating any of the provisions of Section 1028, 1029 or 1030 of this title shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned in the county jail for not less than thirty (30) days nor more than one (1) year; and the court in which any such conviction is had shall notify the county superintendent of public health of such conviction.

B. Any person who engages in an act of prostitution with knowledge that they are infected with the human immunodeficiency virus shall be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years~~.

C. Any person who engages in an act of child prostitution, as defined in Section 1030 of this title, shall, upon conviction, be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years~~.

SECTION 281. AMENDATORY 21 O.S. 1991, Section 1040.51, is amended to read as follows:

Section 1040.51 Any person who knowingly buys, sells, barters, traffics in, or causes to be delivered or transported into Oklahoma any picture, moving picture, drawing, electronic video game, diagram, or photograph of any person or animal or caricature thereof in an act of sexual intercourse or unnatural copulation, upon conviction, shall be deemed guilty of a felony ~~and shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not ~~to~~ exceed Twenty-five Thousand Dollars ($25,000.00) ~~or by imprisonment for not to exceed fifteen (15) years, or by both such fine and imprisonment~~. Nothing contained in this section shall prohibit the use of any of the above-mentioned items pursuant to medical prescription by a duly licensed physician in the State of Oklahoma, or in recognized schools of medicine or veterinary science for educational purposes.

SECTION 282. AMENDATORY 21 O.S. 1991, Section 1053, is amended to read as follows:

Section 1053. ~~Every~~ Any person who contrives, prepares, sets up, proposes or draws any lottery~~, is punishable by a~~ shall be guilty of a felony. The fine for a violation of this section shall be equal to double the amount of the whole sum or value for which such lottery was made, and if such amount cannot be ascertained, then, by ~~imprisonment in the state prison not exceeding two (2) years or by imprisonment in a county jail not exceeding one (1) year, or by~~ a fine of Two Thousand Five Hundred Dollars ($2,500.00)~~, or by both such fine and imprisonment~~.

SECTION 283. AMENDATORY 21 O.S. 1991, Section 1066, is amended to read as follows:

Section 1066. Every person who sets up, promotes or engages in any plan by which goods or anything of value is sold to a

person, firm or corporation for a consideration and upon the further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase or purchases and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods or something of value, depending upon the number of persons joining in the plan, shall be held to have set up and promoted a lottery and shall be punished as provided in Section ~~3~~ 1068 of this ~~act~~ title.

SECTION 284. AMENDATORY 21 O.S. 1991, Section 1068, is amended to read as follows:

Section 1068. Any person violating the provisions of ~~this act~~ Section 1066 or 1067 of this title shall, upon conviction thereof ~~be punished by a~~, be guilty of a felony. The fine ~~of~~ for a violation of this section shall not be less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment for a term not exceeding two (2) years in the State Penitentiary, or by both such fine and imprisonment~~.

SECTION 285. AMENDATORY Section 3, Chapter 186, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1073), is amended to read as follows:

Section 1073. Any person who promotes a pyramid promotional scheme shall be guilty of a felony ~~and~~, upon conviction, ~~shall be punishable by a~~ for each violation of the Oklahoma Pyramid Promotional Scheme Act. The fine ~~of~~ for a violation shall not be more than Ten Thousand Dollars ($10,000.00) ~~or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment, for each violation of this act~~.

SECTION 286. AMENDATORY 21 O.S. 1991, Section 1081, is amended to read as follows:

Section 1081. Any person who shall procure a female inmate for a house of prostitution, or who, by promise, threats, violence or by any device or scheme shall cause, induce, persuade or encourage a female person to become an inmate of a house of prostitution; or shall procure a place as inmate in a house of

prostitution for a female person; or who shall, by promise, threats, violence, or by any device or scheme cause, induce, persuade or encourage an inmate of a house of prostitution to remain therein as such inmate; or who shall, by fraud, or artifice, or by duress of person or goods, or by abuse of any position of confidence or authority procure any female person to become an inmate of a house of ill-fame, or to enter any place in which prostitution is encouraged or allowed within this state, or to come into this state or leave this state for the purpose of prostitution, or who shall procure any female person, who has not previously practiced prostitution to become an inmate of a house of ill-fame within this state, or to come into this state or leave this state for the purpose of prostitution; or shall receive or give or agree to receive or give any money or thing of value for procuring or attempting to procure any female person to become an inmate of a house of ill-fame within this state, or to come into this state or leave this state for the purpose of prostitution, shall be guilty of pandering, and upon conviction for any offense under this article shall be ~~punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years and by~~ guilty of a felony. The fine ~~of~~ for a violation under this article shall not be less than Three Hundred Dollars ($300.00) and shall not ~~to~~ exceed One Thousand Dollars ($1,000.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 287. AMENDATORY 21 O.S. 1991, Section 1085, is amended to read as follows:

Section 1085. Whoever shall by any means keep, hold, detain, or restrain against her will, any female person in a house of prostitution or other place where prostitution is practiced or allowed; or whoever shall, directly or indirectly keep, hold, detain or restrain or attempt to keep, hold, detain or restrain, in any house of prostitution or other place where prostitution is practiced or allowed, any female person by any means for the purpose of compelling such female person, directly or indirectly

to pay, liquidate or cancel any debt, dues or obligations incurred or said to have been incurred by such female person, shall upon conviction be ~~punished by imprisonment in the penitentiary for a period of not less than two (2) years nor more than twenty (20) years, and by a~~ guilty of a felony. The fine for a violation of this section shall not be less than Three Hundred Dollars ($300.00) and not more than One Thousand Dollars ($1,000.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 288. AMENDATORY 21 O.S. 1991, Section 1086, is amended to read as follows:

Section 1086. Any owner, proprietor, keeper, manager, conductor, or other person, who knowingly permits or suffers the violation of any provision of this article, in any house, building, room, tent, lot or premises under his control or of which he has possession, upon conviction, shall be punished for the first offense by imprisonment within the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Three Hundred Dollars ($300.00), and upon conviction for any subsequent offense under this article shall be ~~punished by imprisonment in the penitentiary for a period of not less than one (1) year nor more than ten (10) years~~ guilty of a felony.

SECTION 289. AMENDATORY 21 O.S. 1991, Section 1087, is amended to read as follows:

Section 1087. A. No person shall:

1. Offer, or offer to secure, a child under eighteen (18) years of age for the purpose of prostitution, or for any other lewd or indecent act, or procure or offer to procure a child for, or a place for a child as an inmate in, a house of prostitution or other place where prostitution is practiced;

2. Receive or to offer or agree to receive any child under eighteen (18) years of age into any house, place, building, other structure, vehicle, trailer, or other conveyance for the purpose of prostitution, lewdness, or assignation, or to permit any person to remain there for such purpose; or

3. Direct, take, or transport, or to offer or agree to take or transport, or aid or assist in transporting, any child under eighteen (18) years of age to any house, place, building, other structure, vehicle, trailer, or other conveyance, or to any other person with knowledge or having reasonable cause to believe that the purpose of such directing, taking, or transporting is prostitution, lewdness, or assignation;

B. 1. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony ~~punishable by imprisonment of not less than one (1) year nor more than ten (10) years~~.

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits any violation of this section in any house, building, room, or other premises or any conveyances under his control or of which he has possession shall, upon conviction for the first offense, be guilty of a misdemeanor and punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00). Upon conviction for a subsequent offense pursuant to this subsection such person shall be guilty of a felony ~~and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by a~~. The fine ~~of~~ for a subsequent offense shall not be less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00) ~~or by both such fine and imprisonment~~.

SECTION 290. AMENDATORY 21 O.S. 1991, Section 1088, is amended to read as follows:

Section 1088. A. No person shall:

1. By promise, threats, violence, or by any device or scheme, including but not limited to the use of any controlled dangerous substance prohibited pursuant to the provisions of the Uniform Controlled Dangerous Substances Act, cause, induce, persuade, or encourage a child under eighteen (18) years of age to engage or continue to engage in prostitution or to become or remain an

inmate of a house of prostitution or other place where prostitution is practiced;

2. Keep, hold, detain, restrain, or compel against his will, any child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or other place where prostitution is practiced or allowed;

3. Directly or indirectly keep, hold, detain, restrain, or compel or attempt to keep, hold, detain, restrain, or compel a child under eighteen (18) years of age to engage in the practice of prostitution or in a house of prostitution or any place where prostitution is practiced or allowed for the purpose of compelling such child to directly or indirectly pay, liquidate, or cancel any debt, dues, or obligations incurred, or said to have been incurred by such child.

B. 1. Any person violating the provisions of this section other than paragraph 2 of this subsection, upon conviction, shall be guilty of a felony ~~punishable by imprisonment for not less than one (1) year nor more than twenty-five (25) years, and by a~~. The fine ~~of~~ for a violations of this section shall not be less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

2. Any owner, proprietor, keeper, manager, conductor, or other person who knowingly permits a violation of this section in any house, building, room, tent, lot or premises under his control or of which he has possession, upon conviction for the first offense, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for a period of not less than six (6) months nor more than one (1) year, and by a fine of not more than Five Thousand Dollars ($5,000.00). Upon conviction for a subsequent offense pursuant to the provisions of this subsection such person shall be guilty of a felony ~~punishable by imprisonment for a period of not less than one (1) year nor more than ten (10) years, and by a~~. The fine ~~of~~ for a subsequent violation of this paragraph shall not be less than Five Thousand Dollars ($5,000.00)

nor more than Twenty-five Thousand Dollars ($25,000.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 291. AMENDATORY 21 O.S. 1991, Section 1092, is amended to read as follows:

Section 1092. ~~Every~~ Any pawnbroker or person carrying on the business of a pawnbroker, and every junk dealer, who having received any goods which have been embezzled or stolen, refuses or omits to exhibit them, upon demand, during the usual business hours, to the owner of said goods or his agent authorized to demand an inspection thereof, or any peace officer, ~~is~~ shall be guilty of a felony.

SECTION 292. AMENDATORY 21 O.S. 1991, Section 1115, is amended to read as follows:

Section 1115. Rape in the first degree is ~~punishable by death or imprisonment in the penitentiary, not less than five (5) years, in the discretion of the jury, or in case the jury fail or refuse to fix the punishment then the same shall be pronounced by the court~~ a felony.

SECTION 293. AMENDATORY 21 O.S. 1991, Section 1116, is amended to read as follows:

Section 1116. Rape in the second degree is ~~punishable by imprisonment in the penitentiary not less than one (1) year nor more than fifteen (15) years~~ a felony.

SECTION 294. AMENDATORY 21 O.S. 1991, Section 1117, is amended to read as follows:

Section 1117. ~~Every~~ Any person who takes any woman against her will, and by force, menace or duress, compels her to marry him or to marry any other person, ~~is punishable by imprisonment in the penitentiary not less than ten (10) years~~ shall be guilty of a felony.

SECTION 295. AMENDATORY 21 O.S. 1991, Section 1118, is amended to read as follows:

Section 1118. ~~Every~~ Any person who takes any woman unlawfully against her will, with the intent to compel her by force, menace or duress to marry him, or to marry any other person, ~~is~~

~~punishable by imprisonment in the penitentiary not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 296. AMENDATORY 21 O.S. 1991, Section 1119, is amended to read as follows:

Section 1119. Every person who takes away or induces to leave any person under the age of fifteen (15) years, from a parent, guardian or other person having the legal charge of the person, without the consent of said parent, guardian, or other person having legal charge, for the purpose of marriage or concubinage, or any crime involving moral turpitude ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

SECTION 297. AMENDATORY 21 O.S. 1991, Section 1120, is amended to read as follows:

Section 1120. ~~Every~~ Any person who, under promise of marriage, seduces and has illicit connection with any unmarried female of previous chaste character~~, is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by imprisonment in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

SECTION 298. AMENDATORY 21 O.S. 1991, Section 1122, is amended to read as follows:

Section 1122. Any person charged by information or indictment with the offense of seduction who shall, before the trial of such charge, marry the female whom he was accused of seducing, thereby procuring the dismissal of such charge, and who shall within two (2) years after said marriage, without the fault of his said wife, such fault amounting to acts committed by her after said marriage as would entitle him to a divorce under the laws of this state, shall abandon her or refuse to live with her, or shall be so cruel to her as to compel her to leave him, or shall be guilty of such

outrages or cruelties towards her as to make their living together impossible, thereby leaving her or forcing her to leave him, and live apart from each other, shall be guilty of the offense of abandonment after seduction and marriage; and any person convicted of said offense shall be ~~confined in the penitentiary for a term of not less than two (2) nor more than ten (10) years~~ guilty of a felony; and said marriage shall be no bar to the qualifications of said female to testify against the defendant; and the female so seduced and subsequently married and abandoned as herein provided, shall be a competent witness against said defendant.

SECTION 299. AMENDATORY 21 O.S. 1991, Section 1123, as amended by Section 3, Chapter 289, O.S.L. 1992 (21 O.S. Supp. 1996, Section 1123), is amended to read as follows:

Section 1123. A. Any person who shall knowingly and intentionally:

1. Make any oral or written lewd or indecent proposal to any child under sixteen (16) years of age for the child to have unlawful sexual relations or sexual intercourse with any person; or

2. Look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any lewd or lascivious manner by any acts against public decency and morality, as defined by law; or

3. Ask, invite, entice, or persuade any child under sixteen (16) years of age to go alone with any person to a secluded, remote, or secret place, with the unlawful and willful intent and purpose then and there to commit any crime against public decency and morality, as defined by law, with the child; or

4. In any manner lewdly or lasciviously look upon, touch, maul, or feel the body or private parts of any child under sixteen (16) years of age in any indecent manner or in any manner relating to sexual matters or sexual interest; or

5. In a lewd and lascivious manner and for the purpose of sexual gratification, urinate or defecate upon a child under sixteen (16) years of age or ejaculate upon or in the presence of a child, or force or require a child to look upon the body or

private parts of another person or upon sexual acts performed in the presence of the child or force or require a child to touch or feel the body or private parts of said child or another person, upon conviction, shall be deemed guilty of a felony ~~and shall be punished by imprisonment in the Oklahoma State Penitentiary for not less than one (1) year nor more than twenty (20) years~~. The provisions of this section shall not apply unless the accused is at least three (3) years older than the victim. Any person convicted of a second or subsequent violation of subsection A of this section shall be guilty of a felony and shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of subsection A of this section shall be ~~punished by imprisonment in the State Penitentiary for a term of life or life without parole, in the discretion of the jury, or in case the jury fail or refuse to fix punishment then the same shall be pronounced by the court~~ guilty of a felony.

B. No person shall commit sexual battery on any other person. "Sexual battery" shall mean the intentional touching, mauling or feeling of the body or private parts of any person sixteen (16) years of age or older, in a lewd and lascivious manner and without the consent of that person. Any person convicted of any violation of this subsection shall be deemed guilty of a felony ~~and shall be punished by imprisonment in the Oklahoma State Penitentiary for not more than five (5) years~~.

SECTION 300. AMENDATORY 21 O.S. 1991, Section 1161, is amended to read as follows:

Section 1161. A. No person shall intentionally remove the dead body of a human being or any part thereof from the initial site where such dead body is located for any purpose, unless such removal is authorized by a district attorney or his authorized representative or medical examiner or his authorized representative, or is not required to be investigated pursuant to the provisions of Section 938 of Title 63 of the Oklahoma Statutes, said authorization by the district attorney or medical examiner shall not be required prior to the removal of said body.

A district attorney having jurisdiction may refuse to prosecute a violation of this subsection if the district attorney determines that circumstances existed which would justify such removal or that such removal was not an act of malice or wantonness.

B. No person shall remove any part of the dead body of a human being from any grave or other place where the same has been buried, or from any place where the same is deposited while awaiting burial, with intent to sell the same, or to dissect it without authority of law, or from malice or wantonness.

C. No person shall willfully or with malicious intent violate or cause damage to the casket or burial vault holding the deceased human remains.

D. Any person convicted of violating any of the provisions of this section shall be ~~punished by imprisonment in the State Penitentiary not exceeding five (5) years, or in the county jail not exceeding one (1) year, or by a~~ guilty of a felony. The fine for a violation of this subsection shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

SECTION 301. AMENDATORY 21 O.S. 1991, Section 1162, is amended to read as follows:

Section 1162. Whoever purchases, or who receives, except for the purpose of burial, any dead body of a human being, knowing the same has been removed contrary to ~~the last section, is punishable by imprisonment in the penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a~~ Section 1161 of this title shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 302. AMENDATORY 21 O.S. 1991, Section 1163, is amended to read as follows:

Section 1163. ~~Every~~ Any person who opens any grave or any place of burial, temporary or otherwise, or who breaks open any building wherein any dead body of a human being is deposited while awaiting burial, with intent either:

1. To remove any dead body of a human being for the purpose of selling the same, or for the purpose of dissection; or~~,~~

2. To steal the coffin, or any part thereof or anything attached thereto, or connected therewith, or the vestments or other articles buried with the same, ~~is punishable by imprisonment in the penitentiary not exceeding two, or in a county jail not exceeding six (6) months, or by a fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment~~ shall be guilty of a felony.

SECTION 303. AMENDATORY 21 O.S. 1991, Section 1168.1, is amended to read as follows:

Section 1168.1 Anyone who knowingly buys, sells or barters for profit human skeletal remains or associated burial furniture, previously buried within ~~the State of Oklahoma~~ this state, shall be guilty of a felony.

SECTION 304. AMENDATORY 21 O.S. 1991, Section 1168.4, is amended to read as follows:

Section 1168.4 A. All persons who encounter or discover human skeletal remains or what they believe may be human skeletal remains or burial furniture thought to be associated with human burials in or on the ground shall immediately cease any activity which may cause further disturbance and shall report the presence and location of such human skeletal remains to an appropriate law enforcement officer.

B. Any person who willfully fails to report the presence or discovery of human skeletal remains or what they believe may be human skeletal remains within forty-eight (48) hours to an appropriate law enforcement officer in the county in which the remains are found shall be guilty of a misdemeanor.

C. Any person who knowingly disturbs human skeletal remains or burial furniture other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, shall be guilty of a felony.

D. Anyone ~~not covered under subsection C of this section~~ other than a law enforcement officer, registered mortician, a representative of the Office of the Chief Medical Examiner, a professional archaeologist or physical anthropologist, or other officials designated by law in performance of official duties, who disturbs or permits disturbance of a burial ground with the intent to obtain human skeletal remains or burial furniture shall be guilty of a felony.

E. The law enforcement officer, if there is a reason to believe that the skeletal remains may be human, shall promptly notify the landowner and the Chief Medical Examiner. If remains reported under this act are not associated with or suspected of association with any crime, the State Archaeologist and the State Historic Preservation Officer shall be notified within fifteen (15) days. If review by the State Archaeologist and the State Historic Preservation Officer of the human skeletal remains and any burial furniture demonstrates or suggests a direct historical relationship to a tribal group, then the State Archaeologist shall:

1. Notify the State Historic Preservation Officer; and

2. Consult with the tribal leader, designated by the Oklahoma Indian Affairs Commission, within fifteen (15) days regarding any proposed treatment or scientific studies and final disposition of the materials.

SECTION 305. AMENDATORY 21 O.S. 1991, Section 1168.6, is amended to read as follows:

Section 1168.6 A. Any person convicted of a misdemeanor pursuant to the provisions of ~~this act~~ Sections 1168 through 1168.5 of this title shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00), by imprisonment in the county jail not exceeding six (6) months, or by both such fine and imprisonment.

B. ~~Any~~ The fine for any person convicted of a felony pursuant to the provisions of ~~this act~~ Sections 1168 through 1168.5 of this title shall ~~be punishable by a fine~~ not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, by imprisonment in the State~~

~~Penitentiary not exceeding two (2) years, or by both such fine and imprisonment~~.

SECTION 306. AMENDATORY 21 O.S. 1991, Section 1172, as amended by Section 1, Chapter 283, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1172), is amended to read as follows:

Section 1172. A. It shall be unlawful for a person who, by means of a telephone, willfully either:

1. Makes any comment, request, suggestion, or proposal which is obscene, lewd, lascivious, filthy, or indecent;

2. Makes a telephone call, whether or not conversation ensues, with intent to put the party called in fear of physical harm or death;

3. Makes a telephone call, whether or not conversation ensues, without disclosing his identity and with intent to annoy, abuse, threaten, or harass any person at the called number;

4. Knowingly permits any telephone under his control to be used for any purpose prohibited by this section; and

5. In conspiracy or concerted action with other persons, makes repeated calls or simultaneous calls solely to harass any person at the called number(s).

B. Use of a telephone facility under this section shall include all use made of such a facility between the points of origin and reception. Any offense under this act is a continuing offense and shall be deemed to have been committed at either the place of origin or the place of reception.

C. ~~Any~~ Except as provided in subsection D of this section, any person who is convicted of the provisions of subsection A of this section, shall be guilty of a misdemeanor ~~as defined in this title~~.

D. Any person who is convicted of a second offense under this section shall be guilty of a felony ~~as defined in this title~~.

SECTION 307. AMENDATORY Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 1, Chapter 64, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1173), is amended to read as follows:

Section 1173. A. Any person who willfully, maliciously, and repeatedly follows or harasses another person in a manner that:

1. Would cause a reasonable person or a member of the immediate family of that person as defined in subsection F of this section to feel frightened, intimidated, threatened, harassed, or molested; and

2. Actually causes the person being followed or harassed to feel terrorized, frightened, intimidated, threatened, harassed, or molested,

upon conviction, shall be guilty of the crime of stalking, which is a misdemeanor punishable by imprisonment in a county jail for not more than one (1) year or by a fine of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

B. Any person who violates the provisions of subsection A of this section when:

1. There is a temporary restraining order, a protective order or emergency ex parte order, or an injunction in effect prohibiting the behavior described in subsection A of this section against the same party, when the person violating the provisions of subsection A of this section has actual notice of the issuance of such order or injunction; or

2. Said person is on probation or parole, a condition of which prohibits the behavior described in subsection A of this section against the same party; or

3. Said person, within ten (10) years preceding the violation of subsection A of this section, completed the execution of sentence or conviction of a crime involving the use or threat of violence against the same party, or against a member of the immediate family of such party,

upon conviction, shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years or by a~~. The fine ~~of~~ for a violation of this subsection shall not be more than Two Thousand Five Hundred Dollars ($2,500.00)~~, or by both such fine and imprisonment~~.

C. Any person who commits a second act of stalking within ten (10) years of the completion of sentence for a prior conviction under subsection A of this section, upon conviction thereof, shall

be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall not be more than Two Thousand Five Hundred Dollars ($2,500.00)~~, or by both such fine and imprisonment~~.

D. Any person who commits an act of stalking within ten (10) years of the completion of execution of sentence for a prior conviction under subsections B and C of this section, shall, upon conviction thereof, be guilty of a felony ~~punishable by a~~. The fine ~~of~~ for a violation of this subsection shall not be less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for a term not exceeding ten (10) years, or by both such fine and imprisonment~~.

E. Evidence that the defendant continued to engage in a course of conduct involving repeated unconsented contact with the victim after having been requested by the victim to discontinue the same or a different form of unconsented contact, and to refrain from any further unconsented contact with the victim, shall give rise to a rebuttable presumption that the continuation of the course of conduct caused the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

F. For purposes of this section:

1. "Harasses" means conduct directed toward a person that includes, but is not limited to, repeated or continuing unconsented contact, that would cause a reasonable person to suffer emotional distress, and that actually causes emotional distress to the victim. Harassment does not include constitutionally protected activity or conduct that serves a legitimate purpose;

2. "Course of conduct" means a pattern of conduct composed of a series of two (2) or more separate acts over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct";

3. "Emotional distress" means significant mental suffering or distress that may, but does not necessarily require, medical or other professional treatment or counseling;

4. "Unconsented contact" means any contact with another individual that is initiated or continued without the consent of the individual, or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Constitutionally protected activity is not included within the meaning of unconsented contact. Unconsented contact includes but is not limited to any of the following:

a. following or appearing within the sight of that individual,

b. approaching or confronting that individual in a public place or on private property,

c. appearing at the workplace or residence of that individual,

d. entering onto or remaining on property owned, leased, or occupied by that individual,

e. contacting that individual by telephone,

f. sending mail or electronic communications to that individual, and

g. placing an object on, or delivering an object to, property owned, leased, or occupied by that individual; and

5. "Member of the immediate family" means any spouse, parent, child, person related within the third degree of consanguinity or affinity or any other person who regularly resides in the household or who regularly resided in the household within the prior six (6) months.

SECTION 308. AMENDATORY 21 O.S. 1991, Section 1192, is amended to read as follows:

Section 1192. Any person who shall inoculate himself or any other person or shall suffer himself to be inoculated with smallpox, syphilis or gonorrhea and shall spread or cause to be spread to any other persons with intent to or recklessly be responsible for the spread of or prevalence of such infectious

disease, shall be ~~deemed a felon, and~~, upon conviction thereof, ~~shall be punished by imprisonment in the penitentiary not more than five (5) years nor less than two (2) years~~ guilty of a felony.

SECTION 309. AMENDATORY 21 O.S. 1991, Section 1192.1, is amended to read as follows:

Section 1192.1 A. It shall be unlawful for any person knowing that he or she has Acquired Immune Deficiency Syndrome (AIDS) or is a carrier of the human immunodeficiency virus (HIV) and with intent to infect another, to engage in conduct reasonably likely to result in the transfer of the person's own blood, bodily fluids containing visible blood, semen, or vaginal secretions into the bloodstream of another, or through the skin or other membranes of another person, except during in utero transmission of blood or bodily fluids, and:

1. The other person did not consent to the transfer of blood, bodily fluids containing blood, semen, or vaginal secretions; or

2. The other person consented to the transfer but at the time of giving consent had not been informed by the person that the person transferring such blood or fluids had AIDS or was a carrier of HIV.

B. Any person convicted of violating the provisions of this section shall be guilty of a felony~~, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years~~.

SECTION 310. AMENDATORY 21 O.S. 1991, Section 1214, is amended to read as follows:

Section 1214. It shall be unlawful for any person to operate a mobile radio capable of receiving transmissions made by any law enforcement agency for illegal purposes or while in the commission of a crime and not otherwise and any person violating the provisions hereof shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the penitentiary for not more than three (3) years, or fined by not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine~~.

SECTION 311. AMENDATORY 21 O.S. 1991, Section 1217, is amended to read as follows:

Section 1217. Any person or persons acting in concert with each other who knowingly and willfully interfere with, molest, or assault firemen in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, shall be deemed guilty of a felony ~~and shall be punished therefor by imprisonment in the State Penitentiary for a term not exceeding ten (10) years nor less than two (2) years~~.

SECTION 312. AMENDATORY Section 1, Chapter 195, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1229), is amended to read as follows:

Section 1229. For livestock utilized for exhibition purposes, it shall be unlawful for any person to inject into the livestock or cause the livestock to ingest any drug, chemical or substance that is not labeled for use on animals, or to administer any chemical or substance used on livestock for the specific purpose of altering the appearance of livestock or to alter the muscle or fat content of the animal's carcass or to perform any surgical procedure to alter the appearance of the livestock. Ordinary and customary veterinarian procedures, including but not limited to dehorning, branding, tagging or notching ears, castrating, deworming, vaccinating or docking the tail of farm animals shall not be prohibited. Surgery of any kind performed to change the natural contour or appearance of the animal's body or hide, shall be prohibited by this section. Any violation of the provisions of this section shall be a misdemeanor, upon conviction, punishable by a fine of not less than One Thousand Dollars ($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the county jail for a term not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. ~~A second or subsequent violation of the provisions of this section shall be a felony, upon conviction, punishable by a fine of not less than One Thousand Dollars ($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State~~

~~Penitentiary for a term not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.~~

SECTION 313. AMENDATORY Section 8, Chapter 363, O.S.L. 1992, as amended by Section 345, Chapter 145, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1230.8), is amended to read as follows:

Section 1230.8 Any person convicted of the offense of:

1. Unlawful hazardous waste transportation shall be guilty of a felony ~~punishable by imprisonment for not more than five (5) years or a~~. The fine ~~of~~ for a violation of this paragraph shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or both such fine and imprisonment~~;

2. Unlawful waste management with respect to:

a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Ten Thousand Dollars ($10,000.00), and

b. hazardous waste shall be guilty of a felony ~~punishable by imprisonment for not more than five (5) years or a~~. The fine ~~of~~ for a violation of this subparagraph shall not be more than Fifty Thousand Dollars ($50,000.00) ~~or both such fine and imprisonment~~;

3. Unlawful waste misrepresentation with respect to:

a. waste other than hazardous waste shall be guilty of a misdemeanor punishable by a fine of not more than Five Thousand Dollars ($5,000.00), and

b. hazardous waste shall be guilty of a felony ~~punishable by imprisonment for not more than five (5) years or a~~. The fine ~~of~~ for a violation of this subparagraph shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or both such fine and imprisonment~~;

4. Unlawful disposal of hazardous waste shall be guilty of a felony ~~punishable by imprisonment for not more than five (5) years or a~~. The fine ~~of~~ for a violation of this paragraph shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or both such fine and imprisonment~~; and

5. Unlawful concealment of hazardous waste shall be guilty of a felony ~~punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a~~. The fine ~~of~~ for a violation of this paragraph shall not be more than One Hundred Thousand Dollars ($100,000.00).

SECTION 314. AMENDATORY 21 O.S. 1991, Section 1263, is amended to read as follows:

Section 1263. Any person who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly, or at all attempt to justify by word of mouth or writing, the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal syndicalism; or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the

doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit, is guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by a~~. The fine ~~of~~ for a violation of this section shall not be more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~. Provided, that none of the provisions of ~~this act~~ Sections 1261 through 1264 of this title shall be construed to modify or affect ~~Section 3764, Chapter 42 of the Revised Laws of Oklahoma, 1910~~ Section 166 of Title 40 of the Oklahoma Statutes.

SECTION 315. AMENDATORY 21 O.S. 1991, Section 1265.2, is amended to read as follows:

Section 1265.2 Whoever destroys, impairs, injures, interferes or tampers with real or personal property with intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be ~~punished by imprisonment for not more than ten (10) years, or by a~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00)~~, or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year~~.

SECTION 316. AMENDATORY 21 O.S. 1991, Section 1265.3, is amended to read as follows:

Section 1265.3 Whoever intentionally makes or causes to be made any defect in any article or thing with reasonable grounds to believe that such article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that such article or thing is one of a

number of similar articles or things, some of which are intended so to be used, shall be ~~punished by imprisonment for not more than ten (10) years, or a~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00) ~~or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year~~.

SECTION 317. AMENDATORY 21 O.S. 1991, Section 1265.4, is amended to read as follows:

Section 1265.4 Whoever attempts to commit any of the crimes defined by ~~this act~~ Sections 1265.1 through 1265.14 of this title shall be liable to one-half (1/2) the punishment prescribed for the completed crime if the underlying crime is a misdemeanor. Whoever attempts to commit any of the crimes defined by Sections 1265.1 through 1265.14 of this title shall be guilty of a felony if the underlying crime is a felony. In addition to the acts which constitute an attempt to commit a crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by ~~this act~~ Sections 1265.1 through 1265.14 of this title not followed by the commission of the crime, the collection or assemblage of any materials with the intent that the same are to be used then or at a later time in the commission of such crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit such crime.

SECTION 318. AMENDATORY 21 O.S. 1991, Section 1265.5, is amended to read as follows:

Section 1265.5 If two or more persons conspire to commit any crime defined by ~~this act~~ Sections 1265.1 through 1265.14 of this title, each of such persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance

of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence or punishment on behalf of any person prosecuted under this section, that any of his fellow conspirators has been acquitted, has not been arrested or convicted, is not amenable to justice or has been pardoned or otherwise discharged before or after conviction.

SECTION 319. AMENDATORY 21 O.S. 1991, Section 1266, is amended to read as follows:

Section 1266. Any person above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a felony, ~~and~~ upon conviction ~~shall be punished by imprisonment in the State Penitentiary from five (5) years to life~~.

SECTION 320. AMENDATORY 21 O.S. 1991, Section 1266.5, is amended to read as follows:

Section 1266.5 Any person who shall violate any of the provisions of Section ~~4~~ 1266.4 of this ~~act~~ title shall be guilty of a felony, ~~and~~ upon conviction thereof ~~shall be fined~~. The fine for a violation of this section shall not be more than Twenty Thousand Dollars ($20,000.00)~~, or imprisoned not less than one (1) year nor more than twenty (20) years in the State Penitentiary, or may be both so fined and imprisoned. No person convicted of any violation of this act shall ever be entitled to suspension or probation of sentence by the trial court~~.

SECTION 321. AMENDATORY 21 O.S. 1991, Section 1267.1, is amended to read as follows:

Section 1267.1 Any person organizing or assisting to organize any group, company, assembly of persons, or association with the intent of advocating or encouraging the overthrow of the United States or state governments, or of acting to overthrow such governments, by force or violence, or who is or becomes a member or affiliate of any such organization knowing its purposes shall,

upon conviction thereof, be guilty of a felony ~~and punished accordingly~~.

SECTION 322. AMENDATORY 21 O.S. 1991, Section 1267.2, is amended to read as follows:

Section 1267.2 (a) The officers of each group, company, assembly of persons, or association with the intent designated in Section ~~1 of this joint resolution~~ 1267.1 of this title shall, within thirty (30) days of the effective date hereof, register with the Attorney General, on forms prescribed by him by regulations, as such an organization, and shall thereafter register annually on or before July 1.

(b) The registration statements shall include the following information:

(1) The name of the organization and address of its principal office;

(2) The name and present address of each person who is currently an officer of the organization or who has been an officer of the organization any time in the course of the twelve (12) months preceding the filing of each registration statement;

(3) An accounting of all money received and expended by the organization, including the sources of receipt and purposes of expenditures, in the course of the twelve (12) months preceding the filing of each registration statement;

(4) The name and present address of each person who is or was a member of the organization at any time in the course of the twelve (12) months preceding the filing of each registration statement.

(5) If any officer or member of the organization uses or has used more than one name, all such names shall be included in the registration statements.

(c) All such organizations shall maintain, in the form and manner as the Attorney General shall by regulations provide, an accurate and complete record of all information required by the registration statement forms.

(d) If the officers of any such organization violate any provision of ~~Section 2 of this joint resolution~~ this section they

shall, upon conviction, be guilty of a felony ~~and punished accordingly~~.

SECTION 323. AMENDATORY 21 O.S. 1991, Section 1272.2, as amended by Section 28, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1272.2), is amended to read as follows:

Section 1272.2

PENALTY FOR FIREARM IN LIQUOR ESTABLISHMENT

Any person who intentionally or knowingly carries on his or her person any weapon in violation of Section 1272.1 of this title, shall, upon conviction, be guilty of a felony ~~punishable by a~~. The fine for a violation of this section shall not ~~to~~ exceed One Thousand Dollars ($1,000.00) ~~or imprisonment in the State Penitentiary for a period not to exceed two (2) years or both such fine and imprisonment~~.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Sections 1 through 25 of this act, shall have the license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person is in violation of Section 1272.1 of this title.

SECTION 324. AMENDATORY 21 O.S. 1991, Section 1278, as last amended by Section 32, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1278), is amended to read as follows:

Section 1278.

UNLAWFUL INTENT TO CARRY

Any person in this state who carries or wears any deadly weapons or dangerous instrument whatsoever with the intent or for the avowed purpose of unlawfully injuring another person, upon conviction, shall be guilty of a felony ~~punishable by a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00)~~, by imprisonment for a period not exceeding two (2) years, or by both such fine and imprisonment~~. The mere possession of such a weapon or dangerous instrument, without more, however, shall not be sufficient to establish intent as required by this section.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, ~~Sections 1 through 25~~ Section 1290.1 et seq. of this ~~act~~ title, shall have the license permanently revoked and shall be liable for an administrative fine of One Thousand Dollars ($1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 325. AMENDATORY Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 5, Chapter 191, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1280.1), is amended to read as follows:

Section 1280.1

POSSESSION OF FIREARM ON SCHOOL PROPERTY

A. It shall be unlawful for any person, except a peace officer or other person authorized by the board of education of that district or governing body for any public or private school, to have in his or her possession on any public or private school property or while in any school bus or vehicle used by any school for transportation of students or teachers any firearm or weapon designated in Section 1272 of this title.

B. "School property" means any publicly or privately owned property held for purposes of elementary, secondary or vocational-technical education, and shall not include property owned by public school districts or private educational entities where such property is leased or rented to an individual or corporation and used for purposes other than educational.

C. A gun or knife designed for hunting or fishing purposes kept in a privately owned vehicle and properly displayed or stored as required by law, or a handgun carried in a vehicle pursuant to a valid handgun license authorized by the Oklahoma Self-Defense Act, shall not be in violation of the provisions of this section, provided such vehicle containing said gun or knife is driven onto school property only to transport a student to and from school and such vehicle does not remain unattended on school property. However, for the purposes of participating in the Oklahoma

Department of Wildlife certified hunter training education course or any other hunting, safety or firearms training courses, the principal or chief administrator of any public or private school where said course is offered may authorize firearms or other weapons to be brought onto school property and used in such training course.

D. Any person violating the provisions of this section shall, upon conviction, be guilty of a felony ~~punishable by a~~. The fine for a violation of this section shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00)~~, and imprisonment for not more than two (2) years~~. Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act, Section 1290.1 et seq. of this title, shall have the license permanently revoked and shall be liable for an administrative fine of One Hundred Dollars ($100.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 326. AMENDATORY 21 O.S. 1991, Section 1282, is amended to read as follows:

Section 1282.

FELONY USE OF A SLUNG SHOT

~~Every~~ Any person who carries upon his person, whether concealed or not, or uses or attempts to use against another, any instrument or weapon of the kind usually known as slung shot, or of any similar kind, ~~is~~ shall be guilty of a felony.

SECTION 327. AMENDATORY 21 O.S. 1991, Section 1283, as last amended by Section 36, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1283), is amended to read as follows:

Section 1283.

CONVICTED FELONS AND DELINQUENTS

A. It shall be unlawful for any person convicted of any felony in any court of this state or of another state or of the United States to have in his or her possession or under his or her immediate control, or in any vehicle which the person is operating, or in which the person is riding as a passenger, or at

the residence where the convicted person resides, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile.

B. Any person elected or appointed as a peace officer who has previously been convicted of any felony in any court of a state or of the United States, and who has received a full and complete pardon from the proper authority and has been subsequently certified by the Oklahoma Council on Law Enforcement Education and Training, pursuant to Section 3311 of Title 70 of the Oklahoma Statutes, and is actively employed as a full-time peace officer on May 8, 1989, shall be permitted to possess a weapon specified in this section for the sole purpose of performing duties of a peace officer.

C. Any person who has previously been convicted of a nonviolent felony in any court in the State of Oklahoma, and who has received a full and complete pardon from the proper authority shall be permitted to possess a weapon specified in this section to the extent necessary for the pursuit of gunsmithing or firearm repair, provided such person has graduated from a gunsmithing school conducted by an institution whose accreditation is recognized by the Oklahoma State Regents for Higher Education and who is engaged in the occupation of gunsmithing or firearm repair on September 1, 1992.

D. In addition to the prohibitions of subsection A of this section, it shall be unlawful for any person supervised by the Department of Corrections or any division thereof to have in his or her possession or under his or her immediate control, or at his or her residence, or in any passenger vehicle which the supervised person is operating or is riding as a passenger, any pistol, shotgun or rifle, including any imitation or homemade pistol, shotgun or rifle, while such person is subject to supervision, probation, parole or inmate status.

E. It shall be unlawful for any person previously adjudicated as a delinquent child for the commission of an offense, which

would have constituted a felony offense if committed by an adult, to have in said person's possession or under the person's immediate control, or have in any vehicle which he or she is driving or in which said person is riding as a passenger, or at the person's residence, any pistol, imitation or homemade pistol, machine gun, sawed-off shotgun or rifle, or any other dangerous or deadly firearm which could be easily concealed on the person, in personal effects or in an automobile, within ten (10) years after such adjudication.

F. Any person having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ and who thereafter knowingly or intentionally allows a convicted felon or adjudicated delinquent to possess or have control of any pistol authorized by the Oklahoma Self-Defense Act shall, upon conviction, be guilty of a felony ~~punishable by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00). In addition, the person shall have the handgun license revoked by the Oklahoma State Bureau of Investigation after a hearing and determination that the person has violated the provisions of this section.

G. Any convicted or adjudicated person violating the provisions of this section shall, upon conviction, be guilty of a felony punishable as provided in Section 1284 of this title.

H. For purposes of this section, "sawed-off shotgun or rifle" shall mean any shotgun or rifle which has been shortened to any length.

SECTION 328. AMENDATORY 21 O.S. 1991, Section 1284, as amended by Section 37, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1284), is amended to read as follows:

Section 1284.

PENALTY FOR 1283

Any previously convicted or adjudicated person who violates any provision of Section 1283 of this title shall be guilty of a felony ~~and~~, upon conviction thereof~~, shall be punished by~~

~~imprisonment in the State Penitentiary for a period not less than one (1) year nor more than ten (10) years~~.

SECTION 329. AMENDATORY 21 O.S. 1991, Section 1287, as amended by Section 38, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1287), is amended to read as follows:

Section 1287.

USE OF FIREARM WHILE COMMITTING A FELONY

Any person who, while committing or attempting to commit a felony, possesses a pistol, shotgun or rifle or any other offensive weapon in such commission or attempt, whether the pistol, shotgun or rifle is loaded or not, or who possesses a blank or imitation pistol, shotgun or rifle capable of raising in the mind of one threatened with such device a fear that it is a real pistol, shotgun or rifle, or who possesses an air gun or carbon dioxide or other gas-filled weapon, electronic dart gun, knife, dagger, dirk, switchblade knife, blackjack, ax, loaded cane, billy, hand chain or metal knuckles, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for possessing such weapon or device, which shall be a separate offense ~~punishable by imprisonment in the State Penitentiary for a period of not less than two (2) years nor for more than ten (10) years for the first offense, and for a period of not less than ten (10) years nor for more than thirty (30) years for any second or subsequent offense~~ <u>from the felony committed or attempted</u>.

Any person convicted of violating the provisions of this section after having been issued a concealed handgun license pursuant to the provisions of the Oklahoma Self-Defense Act~~, Sections 1 through 25 of this act,~~ shall have the license permanently revoked and shall be liable for an administrative fine of One Thousand Dollars ($1,000.00) upon a hearing and determination by the Oklahoma State Bureau of Investigation that the person is in violation of the provisions of this section.

SECTION 330. AMENDATORY 21 O.S. 1991, Section 1289.17, as amended by Section 54, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1289.17), is amended to read as follows:

Section 1289.17

PENALTIES FOR 1289.16

Any conviction for a violation of Section 1289.16 of this title shall constitute a felony~~, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years~~.

SECTION 331. AMENDATORY 21 O.S. 1991, Section 1289.18, is amended to read as follows:

Section 1289.18

DEFINITIONS

A. "Sawed-off shotgun" shall mean any firearm capable of discharging a series of projectiles of any material which may reasonably be expected to be able to cause lethal injury, with a barrel or barrels less than eighteen (18) inches in length, and using either gunpowder, gas or any means of rocket propulsion.

B. "Sawed-off rifle" shall mean any rifle having a barrel or barrels of less than sixteen (16) inches in length or any weapon made from a rifle (whether by alteration, modification, or otherwise) if such a weapon as modified has an overall length of less than twenty-six (26) inches in length, including the stock portion.

C. Every person who has in his possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a felony for the possession of such device~~, and shall be punishable by a~~. The fine for a violation of this section shall not ~~to~~ exceed One Thousand Dollars ($1,000.00) ~~or imprisonment in the penitentiary for a period not to exceed two (2) years, or both such fine and imprisonment~~.

D. It is a defense to prosecution under this section, if the approved application form that authorized the making or transfer of the particular firearm to the defendant, which indicates the registration of the firearm to said defendant pursuant to the National Firearm's Act, is introduced.

SECTION 332. AMENDATORY 21 O.S. 1991, Section 1289.20, is amended to read as follows:

Section 1289.20

MANUFACTURE OF RESTRICTED BULLETS

A. Except for the purpose of public safety or national security, it shall be unlawful to manufacture, cause to be manufactured, import, advertise for sale or sell within this state any restricted bullet as defined in Section ~~1~~ 1289.19 of this ~~act~~ title.

B. Any person convicted of violating subsection A of this section shall be ~~punished by a~~ guilty of a felony. The fine ~~of~~ for a violation of subsection A of this section shall not be less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment~~.

SECTION 333. AMENDATORY 21 O.S. 1991, Section 1289.21, is amended to read as follows:

Section 1289.21

POSSESSION OR USE OF RESTRICTED BULLETS

~~A.~~ It shall be unlawful for any person to possess, carry upon his person, use or attempt to use against another person any restricted bullet as defined in Section ~~1~~ 1289.19 of this ~~act~~ title.

B. Any person convicted of violating subsection A of this section shall be ~~punished by imprisonment in the State Penitentiary for not less than two (2) years nor more than ten (10) years~~ guilty of a felony. The sentence so imposed shall not be suspended.

SECTION 334. AMENDATORY Section 2, Chapter 216, O.S.L. 1992 (21 O.S. Supp. 1996, Section 1289.26), is amended to read as follows:

Section 1289.26

USE OF BODY ARMOR

Any person who commits or attempts to commit a

felony while wearing body armor as defined in Section 1289.19 of ~~Title 21 of the Oklahoma Statutes~~ this title, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for wearing such body armor, which shall be a separate offense~~, and shall be punishable by imprisonment in the penitentiary for a period of not more than ten (10) years for the first offense, and for a period of not more than twenty (20) years for any second or subsequent offense~~ from the felony committed or attempted.

SECTION 335. AMENDATORY Section 21, Chapter 272, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1290.21), is amended to read as follows:

Section 1290.21

REPLACEMENT LICENSE

A. In the event a concealed handgun license becomes missing, lost, stolen or destroyed, the license shall be invalid, and the person to whom the license was issued shall notify the Oklahoma State Bureau of Investigation within thirty (30) days of the discovery of the fact that the license is not in the possession of the licensee. The person may obtain a substitute license upon furnishing a notarized statement to the Bureau that the license is missing, lost, stolen or destroyed and paying a fifteen-dollar replacement fee. During any period when a license is missing, lost, stolen or destroyed, the person shall have no authority to carry a concealed handgun pursuant to the provisions of the Oklahoma Self-Defense Act. The Bureau shall, upon receipt of the notarized statement and fee from the licensee, issue a substitute license with the same expiration date within ten (10) days of the receipt of the notarized statement and fee.

B. Any person who knowingly or intentionally carries a concealed handgun pursuant to a concealed handgun license authorized and issued pursuant to the provisions of the Oklahoma Self-Defense Act which is either stolen or belongs to another person shall, upon conviction, be guilty of a felony ~~punishable by a~~. The fine for a violation of this subsection shall be Five Thousand Dollars ($5,000.00).

C. Any person having a valid concealed handgun license pursuant to the Oklahoma Self-Defense Act may carry any make or model of an authorized pistol listed on the license, provided the type of pistol shall not be other than the type or types listed on the license. A person may complete additional firearms training for an additional type of pistol during any license period and upon successful completion of the training may request the additional type of pistol be included on the license. The person shall submit to the Bureau a fifteen-dollar replacement fee, the original certificate of training and qualification for the additional type of firearm, and a statement requesting the license be updated to include the additional type of pistol. The Bureau shall issue an updated license with the same expiration date within ten (10) days of the receipt of the request. The person shall have no authority to carry any additional type of pistol pursuant to the provisions of the Oklahoma Self-Defense Act until the updated license has been received by the licensee. The original license shall be destroyed upon receipt of an updated handgun license.

D. A person may request during any license period an update for a change of address or change of name by submitting to the Bureau a fifteen-dollar replacement fee, and a notarized statement that the address or name of the licensee has changed. The Bureau shall issue an updated license with the same expiration date within ten (10) days of receipt of the request. The original license shall be destroyed upon the receipt of the updated handgun license.

SECTION 336. AMENDATORY 21 O.S. 1991, Section 1302, is amended to read as follows:

Section 1302. Any person, masked or in disguise, who shall enter upon the premises of another or demand admission into the house or enclosure of another ~~(~~with intent to inflict bodily injury, or injury to property~~)~~ shall be deemed guilty of assault with intent to commit a felony and such entrance or demand for admission shall be prima facie evidence of such intent, and upon conviction thereof, such person shall be ~~punished by a~~ guilty of a

felony. The fine ~~of~~ for a violation of this section shall not be less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00)~~, and by imprisonment in the penitentiary for a term of not less than one (1) year nor more than five (5) years~~.

SECTION 337. AMENDATORY 21 O.S. 1991, Section 1303, is amended to read as follows:

Section 1303. Any person, while masked or in disguise, who shall assault another with a dangerous weapon, or other instrument of punishment, shall be deemed guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not be less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00)~~, and by imprisonment in the penitentiary for a term of not less than five (5) years nor more than twenty (20) years~~. Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 338. AMENDATORY 21 O.S. 1991, Section 1304, is amended to read as follows:

Section 1304. Any person who shall send, deliver, mail or otherwise transmit to any person, or persons, in this state any letter, document or other written or printed matter, anonymous or otherwise, designed to threaten or intimidate such person or persons, or designed to put him or them in fear of life, bodily harm or the destruction of his or their property, shall be deemed guilty of committing a felony, ~~and~~ upon conviction thereof~~, shall be punished by a~~. The fine for a violation of this section shall not be less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00)~~, and by imprisonment in the county jail or penitentiary for a period of not less than ninety (90) days nor more than one (1) year~~.

SECTION 339. AMENDATORY 21 O.S. 1991, Section 1312, is amended to read as follows:

Section 1312. Every person guilty of participating in any riot is punishable as follows:

~~1st.~~ 1. If any murder, maiming, robbery, rape or arson was committed in the course of such riot, such person ~~is punishable~~

shall be guilty of a felony in the same manner as a principal in such crime~~.~~;

~~2nd.~~ 2. If the purpose of the riotous assembly was to resist the execution of any statute of this state or of the United States, or to obstruct any public officer of this state or of the United States, in the performance of any legal duty, or in serving or executing any legal process, such person ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years and not less than two (2).~~ shall be guilty of a felony;

~~3rd.~~ 3. If such person carried at the time of such riot any species of firearms, or other deadly or dangerous weapon, or was disguised, ~~he is punishable by imprisonment in the penitentiary not exceeding ten (10) years and not less than two (2).~~ such person shall be guilty of a felony;

~~4th.~~ 4. If such person directed, advised, encouraged or solicited other persons, who participated in the riot to acts of force or violence, ~~he is punishable by imprisonment in the penitentiary for not exceeding twenty (20) and not less than two (2) years.~~ such person shall be guilty of a felony;

~~5th.~~ 5. In all other cases such person is punishable as for a misdemeanor.

SECTION 340. AMENDATORY 21 O.S. 1991, Section 1320.4, is amended to read as follows:

Section 1320.4 ~~After the effective date of this act, any~~ Any person guilty of the crime, as set forth in ~~Sections 1 and 2~~ Section 1320.2 of this title, shall be deemed guilty of a felony~~, punishable by not more than ten (10) years in prison, or a~~. The fine ~~of~~ for a violation of Section 1320.2 of this title shall not be more than Ten Thousand Dollars ($10,000.00)~~, or both~~.

SECTION 341. AMENDATORY 21 O.S. 1991, Section 1320.5, is amended to read as follows:

Section 1320.5 ~~After the effective date of this act, any~~ Any person guilty of the crime, as set forth in Section ~~3~~ 1320.3 of this title, shall be deemed guilty of a felony~~, punishable by not more than five (5) years in prison, or a~~. The fine ~~of~~ for a

violation of Section 1320.3 of this title shall not be more than Five Thousand Dollars ($5,000.00)~~, or both~~.

SECTION 342. AMENDATORY 21 O.S. 1991, Section 1320.10, is amended to read as follows:

Section 1320.10 No person, except those specifically authorized by the state or federal government, shall:

1. Teach or demonstrate to any group of persons the use, application or making of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person knowing or intending that such firearm, explosive or incendiary device or application of physical force will be employed for use in, or in furtherance of, a riot or civil disorder; or

2. Assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person, intending to employ such firearm, explosive or incendiary device or application of physical force for use in, or in furtherance of, a riot or civil disorder. Any violation of this ~~act~~ section shall be a felony.

SECTION 343. AMENDATORY 21 O.S. 1991, Section 1321.7, is amended to read as follows:

Section 1321.7 ~~(a)~~ A. During a state of emergency, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall be guilty of a felony.

~~(b) Any person guilty of violating this section shall, upon conviction thereof, be imprisoned for not less than two (2) years, nor more than ten (10) years.~~

~~(c)~~ B. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

~~(d)~~ C. A person is guilty of an offense under this section committed by another person when:

~~(1) acting~~ 1. Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; or

~~(2) intending~~ 2. Intending to promote or facilitate the commission of the offense he:

~~(A)~~ a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it~~; or~~,

~~(B)~~ b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it~~;~~, or

~~(C)~~ c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

~~(c)~~ D. In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

~~(1) the~~ 1. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

~~(2) the~~ 2. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

SECTION 344. AMENDATORY 21 O.S. 1991, Section 1321.8, is amended to read as follows:

Section 1321.8 The following provisions shall apply during a state of emergency.

~~(a)~~ A. A person is guilty of riot when he participates with two or more persons in a course of disorderly conduct:

~~(1) with~~ 1. With intent to commit or facilitate the commission of a felony or misdemeanor; ~~or~~

~~(2) with~~ 2. With intent to prevent or coerce official action; or

~~(3) when~~ 3. When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

~~(b)~~ B. Any person upon any public way within the described area who is directed by the authorities to leave the public way but refuses to do so shall be guilty of a misdemeanor.

~~(c)~~ C. Any person who violates the provisions of this section, except subsection ~~(b)~~ B of this section, shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be imprisoned for not less than two (2) years nor more than then (10) years~~.

~~(d)~~ D. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

~~(e)~~ E. A person is guilty of an offense under this section committed by another person when:

~~(1) acting~~ 1. Acting with the state of mind that is sufficient for commission of the offense, he causes an innocent or irresponsible person to engage in conduct constituting the offense; ~~or~~

~~(2) intending~~ 2. Intending to promote or facilitate the commission of the offense he:

~~(A)~~ a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it~~; or~~,

~~(B)~~ b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it~~;~~, or

~~(C)~~ c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or

~~(3) his~~ 3. The person's conduct is expressly declared by a statute of this state to establish ~~his~~ the person's complicity.

~~(f)~~ F. In any prosecution for an offense under this section in which the criminal liability of the accused is based upon the conduct of another person pursuant to this section, it is no defense that:

~~(1) the~~ 1. The other person is not guilty of the offense in question because of irresponsibility or other legal incapacity or exemption, or because of unawareness of the criminal nature of the conduct in question or of the accused's criminal purpose, or because of other factors precluding the mental state required for the commission of the offense; or

~~(2) the~~ 2. The other person has not been prosecuted for or convicted of any offense based on the conduct in question, or has previously been acquitted thereof, or has been convicted of a different offense or in a different degree, or has legal immunity from prosecution for the conduct in question.

~~(g)~~ G. "Disorderly conduct" as used in this section means a course of conduct by a person who:

~~(1) causes~~ 1. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

~~(A)~~ a. engaging in fighting or in violent, tumultuous, or threatening behavior~~; or~~,

~~(B)~~ b. making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present~~; or~~,

~~(C)~~ c. dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority~~;~~, or

~~(D)~~ d. creating a hazardous or physically offensive condition which serves no legitimate purpose; or

~~(2) engages~~ 2. Engages with at least one other person in a course of disorderly conduct as defined in ~~subparagraph (1)~~ paragraph 1 of this subsection which is likely to cause substantial harm or serious inconvenience, annoyance, or alarm, and refuses or knowingly fails to obey an order to disperse, made by a peace officer to the participants.

SECTION 345. AMENDATORY 21 O.S. 1991, Section 1327, is amended to read as follows:

Section 1327. A. The Legislature recognizes that special circumstances exist as regards college campuses and public school facilities, including the fact that a large number of people are confined to a small area, and certain acts committed in such places would have a more detrimental effect as regards the health and safety of those involved than if the same act were committed at some other place, and, in keeping with these facts, any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities who, by word of mouth or writings, advocates, affirmatively suggests or teaches the duty, necessity, propriety or expediency of crime, criminal syndicalism, or sabotage, or who shall advocate, affirmatively suggest or teach the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person or persons, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change, or revolution, or for profit; or who prints, publishes, edits, issues, or knowingly circulates, sells, distributes, or publicly displays any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing matter advocating, advising, affirmatively suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of physical violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act as a means of accomplishing, effecting or bringing about any industrial or political ends, or change, or as a means of accomplishing, effecting or bringing about any industrial or political revolution, or for profit; or who shall openly or at all attempt to justify by word of mouth or writing the commission or the attempt to commit sabotage, any act of physical violence, the destruction of or damage to any property, the injury to any person or the commission of any crime or unlawful act, with the intent to exemplify, spread or teach or affirmatively suggest criminal

syndicalism, or who organizes, or helps to organize or becomes a member of or voluntarily assembles with any society or assemblage of persons which teaches, advocates, or affirmatively suggests the doctrine of criminal syndicalism, sabotage, or the necessity, propriety or expediency of doing any act of physical violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or for profit; ~~is~~ shall be guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term not less than two (2) years, nor more than ten (10) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall not be less than Five Thousand Dollars ($5,000.00), nor more than Ten Thousand Dollars ($10,000.00)~~, or by both such fine and imprisonment~~. Provided, that none of the provisions of this ~~act~~ section shall be construed to modify or affect Section ~~3764, Chapter 42 of the Revised Laws of~~ 166 of Title 40 of the Oklahoma~~, 1910~~ Statutes.

B. Any person on the campuses or school grounds of any public state-supported institutions of higher learning or public school facilities above the age of eighteen (18) years who advocates revolution, teaches or justifies a program of sabotage, force and violation, sedition or treason against the government of the United States or of this state, or who directly or indirectly advocates or teaches by any means the overthrow of the government of the United States or of this state by force or any unlawful means shall be guilty of a felony, ~~and~~ upon conviction ~~shall be punished by imprisonment in the State Penitentiary from ten (10) years to life~~.

SECTION 346. AMENDATORY 21 O.S. 1991, Section 1368, as amended by Section 29, Chapter 344, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1368), is amended to read as follows:

Section 1368. A. Any person who has been convicted of a felony under the laws of this or any other state or the laws of the United States who, with an unlawful intent, is in possession of any explosives is guilty of a felony and, upon conviction, shall be ~~punished by a~~ guilty of a felony. The fine for a

violation of this section shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00) ~~or by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by both such fine and imprisonment~~.

B. For purposes of this section, the term "explosive" shall have the same definition as the term "explosive" as defined by Chapter 8 of Title 63 of the Oklahoma Statutes.

SECTION 347. AMENDATORY 21 O.S. 1991, Section 1401, as amended by Section 1, Chapter 145, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1401), is amended to read as follows:

Section 1401. Any person who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance, destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any building or structure or contents thereof, inhabited or occupied by one or more persons, whether the property of that person or another, or who willfully and maliciously sets fire to or burns, or by the use of any explosive device, accelerant, ignition device, heat-producing device or substance, causes a person to be burned, or aids, counsels or procures the burning of a person, shall be guilty of arson in the first degree, ~~and~~ upon conviction thereof ~~shall be punished by a~~. Arson in the first degree is a felony. The fine for a violation of this section shall not ~~to~~ exceed Twenty-five Thousand Dollars ($25,000.00) ~~or be confined to the penitentiary for not more than thirty-five (35) years or both~~.

SECTION 348. AMENDATORY 21 O.S. 1991, Section 1402, is amended to read as follows:

Section 1402. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any uninhabited or unoccupied building or structure or contents thereof, whether the property of himself or another, shall be guilty of arson in the second degree, ~~and~~ upon conviction thereof ~~shall be punished by a~~. Arson in the second degree is a

felony. The fine for a violation of this section shall not ~~to~~ exceed Twenty Thousand Dollars ($20,000.00) ~~or be confined in the penitentiary for not more than twenty-five (25) years or both~~.

SECTION 349. AMENDATORY 21 O.S. 1991, Section 1403, is amended to read as follows:

Section 1403. ~~(A)~~ A. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning of any property whatsoever, including automobiles, trucks, trailers, motorcycles, boats, standing farm crops, pasture lands, forest lands, or any other property not herein specifically named, such property being worth not less than Fifty Dollars ($50.00), whether the property of himself or another, shall be guilty of arson in the third degree, ~~and~~ upon conviction thereof ~~shall be punished by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00) ~~or be confined in the penitentiary for not more than fifteen (15) years~~.

~~(B)~~ B. Any person who willfully and maliciously, and with intent to injure or defraud the insurer, sets fire to or burns or by use of any explosive device or substance destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels, or procures the burning or destruction of any building, property, or other chattels, whether the property of himself or another, which shall at the time be insured against loss or damage by fire or explosion, shall be guilty of arson in the third degree, ~~and~~ upon conviction thereof ~~shall be punished by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00) ~~or be confined in the penitentiary for not more than fifteen (15) years or both~~.

C. Arson in the third degree is a felony.

SECTION 350. AMENDATORY 21 O.S. 1991, Section 1404, is amended to read as follows:

Section 1404. ~~(A)~~ A. Any person who willfully and maliciously attempts to set fire to or burn or attempts by use of any explosive device or substance to destroy in whole or in part,

or causes to be burned or destroyed, or attempts to counsel or procure the burning or destruction of any building or property mentioned in Sections 1401, 1402 or 1403 of this title shall be guilty of arson in the fourth degree, ~~and~~ upon conviction thereof ~~shall be punished by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00) ~~or be confined in the penitentiary for not more than ten (10) years or both~~.

~~(B)~~ B. The placing or distributing of any flammable, explosive or combustible material or substance or any device in any building or property mentioned in Sections 1401, 1402 or 1403 of this title, in an arrangement or preparation with intent to eventually willfully and maliciously set fire to or burn or to procure the setting fire to or burning of same, shall for the purposes of this section constitute an attempt to burn such building or property, and shall be guilty of arson in the fourth degree, ~~and~~ upon conviction thereof ~~shall be punished by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00) ~~or be confined in the penitentiary for not more than ten (10) years or both~~.

C. Arson in the fourth degree is a felony.

SECTION 351. AMENDATORY Section 2, Chapter 145, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1405), is amended to read as follows:

Section 1405. Any person violating any of the provisions of Sections 1401, 1402, 1403 or 1404 of this title who during such violation endangers or causes personal injury to any human life, including all emergency service personnel, shall be guilty of a felony ~~and~~, upon conviction ~~shall be punished by imprisonment in the penitentiary for not less than three (3) years nor more than ten (10) years, or by a~~. The fine for a violation of this section shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00) ~~or both. If personal injury results, the person shall be punished by imprisonment in the penitentiary for not less than seven (7) years~~.

SECTION 352. AMENDATORY 21 O.S. 1991, Section 1411, is amended to read as follows:

Section 1411. ~~Every~~ Any person being the master, owner or agent of any vessel, or officer or agent of any railroad, express or transportation company, or otherwise being or representing any carrier who delivers any bill of lading, receipt or other voucher, or by which it appears that any merchandise of any description has been shipped on board of any vessel, or delivered to any railroad, express or transportation company or other carrier, unless the same has been so shipped or delivered, and is at the time actually under the control of such carrier, or the master, owner or agent of such vessel, or some officer or agent of such company, to be forwarded as expressed in such bill of lading, receipt or voucher, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both~~.

SECTION 353. AMENDATORY 21 O.S. 1991, Section 1412, is amended to read as follows:

Section 1412. ~~Every~~ Any person carrying on the business of a warehouseman, wharfinger or other depositary of property, who issues any receipt, bill of lading or other voucher for any merchandise of any description which has not been actually received upon the premises of such person, and is not under his actual control at the time of issuing such instrument, whether such instrument is issued to a person as being the owner of such merchandise, or as security for any indebtedness, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both~~.

SECTION 354. AMENDATORY 21 O.S. 1991, Section 1414, is amended to read as follows:

Section 1414. ~~Every~~ Any person mentioned in ~~the first two sections of this article~~ Section 1411 or 1412 of this title, who issued any second or duplicate receipt or voucher of a kind

specified in those two sections, at a time while any former receipt or voucher for the merchandise specified in the second receipt is outstanding and uncancelled, without writing across the face of the same the word "Duplicate," in a plain and legible manner, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both~~.

SECTION 355. AMENDATORY 21 O.S. 1991, Section 1415, is amended to read as follows:

Section 1415. ~~Every~~ Any person mentioned in ~~the first two sections of this article~~ Section 1411 or 1412 of this title, who sells, hypothecates or pledges any merchandise for which any bill of lading, receipt or voucher has been issued by him without the consent in writing thereto of the person holding such bill, receipt or voucher, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both~~.

SECTION 356. AMENDATORY 21 O.S. 1991, Section 1416, is amended to read as follows:

Section 1416. ~~Every~~ Any person ~~such as~~ mentioned in ~~the second section of this article~~ Section 1412 of this title, who delivers to another any merchandise for which any bill of lading, receipt or voucher has been issued, unless such receipt or voucher bore upon its face the words "Not negotiable," plainly written or stamped, or unless such receipt is surrendered to be canceled at the time of delivery or unless, in the case of partial delivery, a memorandum thereof is endorsed upon such receipt or voucher, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both~~.

SECTION 357. AMENDATORY 21 O.S. 1991, Section 1436, is amended to read as follows:

Section 1436. ~~Burglary is punishable by imprisonment in the penitentiary as follows:~~

~~1.~~ A. Burglary in the first degree ~~for any term not less than seven (7) years nor more than twenty (20) years~~ is a felony.

~~2.~~ B. Burglary in the second degree ~~not exceeding seven (7) years and not less than two (2) years~~ is a felony.

SECTION 358. AMENDATORY 21 O.S. 1991, Section 1441, is amended to read as follows:

Section 1441. Any person who enters any building, railway car, vehicle, or structure and there opens or attempts to open any vault, safe, or receptacle used or kept for the secure keeping of money, securities, books of accounts, or other valuable property, papers or documents, without the consent of the owner, by the use of or aid of dynamite, nitroglycerine, gunpowder, or other explosives, or who enters any such building, railway car, vehicle, or structure in which is kept any vault, safe or other receptacle for the safe keeping of money or other valuable property, papers, books or documents, with intent and without the consent of the owner, to open or crack such vault, safe or receptacle by the aid or use of any explosive, upon conviction, shall ~~in either case~~ be deemed guilty of a felony~~, and upon conviction shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) nor more than fifty (50) years~~.

SECTION 359. AMENDATORY 21 O.S. 1991, Section 1442, is amended to read as follows:

Section 1442. Any person who has been previously convicted of the crime of burglary who has in his possession, custody or concealed about his person, or transports or causes to be transported, any combination of three (3) or more of the following tools: Sledge hammer, pry bar, punches, chisel, bolt cutters, with the intent to use or employ, or allow the same to be used or employed, in the commission of a crime, or knowing that ~~same~~ the tools are to be used in the commission of a crime, shall be guilty of a felony.

SECTION 360. AMENDATORY 21 O.S. 1991, Section 1462, as amended by Section 1, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1462), is amended to read as follows:

Section 1462. Every person guilty of embezzlement ~~is punishable in the manner prescribed for feloniously stealing property of the value of that embezzled~~ shall be guilty of a felony, except that ~~every person convicted of felonious embezzlement of any item valued at Fifty Dollars ($50.00) or more but less than Five Hundred Dollars ($500.00) shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights per week or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, and~~ every person convicted of embezzlement of any item valued at less than Fifty Dollars ($50.00) shall be ~~punished for~~ guilty of a misdemeanor. And where the property embezzled is an evidence of debt or right in action, the sum due upon it, or secured to be paid by it, shall be taken as its value.

SECTION 361. AMENDATORY 21 O.S. 1991, Section 1463, is amended to read as follows:

Section 1463. Any state officer, deputy or employee of such state officer, who shall divert any money appropriated by law from the purpose and object of such appropriation, shall be deemed guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years~~.

SECTION 362. AMENDATORY 21 O.S. 1991, Section 1483, is amended to read as follows:

Section 1483. Every person who extorts or attempts to extort any money or other property from another, under circumstances not amounting to robbery, by means of force or any threat such as is mentioned in Section 1482 of this title, upon conviction, shall be guilty of a felony. ~~A conviction for extortion is punishable by~~

~~imprisonment in the State Penitentiary for a term not exceeding five (5) years. A conviction for attempted extortion is punishable by imprisonment in the State Penitentiary for a term not exceeding two (2) years.~~

SECTION 363. AMENDATORY 21 O.S. 1991, Section 1488, is amended to read as follows:

Section 1488. Blackmail is verbally or by written or printed communication and with intent to extort or gain any thing of value from another or to compel another to do an act against his will:

1. Accusing or threatening to accuse any person of a crime or conduct which would tend to degrade and disgrace the person accused; or

any fact, report or information concerning any person which would in any way subject such person to the ridicule or contempt of society, coupled with the threat that such accusation or exposure will be communicated to a third person or persons unless the person threatened or some other person pays or delivers to the accuser or some other person some thing of value or does some act against his will. Blackmail is ~~punishable by imprisonment in the State Penitentiary for not to exceed five (5) years or~~ a felony. The fine for a conviction for blackmail shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00) ~~or by both such imprisonment and fine~~.

SECTION 364. AMENDATORY 21 O.S. 1991, Section 1503, as amended by Section 2, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1503), is amended to read as follows:

Section 1503. Any person who shall obtain food, lodging, services or other accommodations at any hotel, inn, restaurant, boarding house, rooming house, motel or auto camp, with intent to defraud the owner or keeper thereof, if the value of such food, lodging, services or other accommodations is Twenty Dollars ($20.00) or less, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars ($100.00), or be imprisoned in the county jail not exceeding three (3) months, or punished by both such fine and imprisonment, and if the value of such food, lodging, services or

other accommodations is more than Twenty Dollars ($20.00) ~~but less than Five Hundred Dollars ($500.00), any person convicted pursuant to this section shall be guilty of a felony and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, if the value of such food, lodging, services or accommodations is valued at more than Five Hundred Dollars ($500.00)~~, any person convicted hereunder shall be deemed guilty of a felony ~~and shall be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years~~. Any person who shall obtain shelter, lodging, or any other services at any apartment house, apartment, rental unit, rental house, or trailer camp, with intent to defraud the owner or keeper thereof, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars ($100.00), or be imprisoned in the county jail not exceeding three (3) months, or be punished by both fine and imprisonment. Proof that such lodging, food, services or other accommodations were obtained by false pretense or by false or fictitious show or pretense of any baggage or other property, or that he gave a check on which payment was refused, or that he left the hotel, inn, restaurant, boarding house, rooming house, motel, apartment house, apartment, rental unit or rental house, trailer camp or auto camp, without payment or offering to pay for such food, lodging, services or other accommodation, or that he surreptitiously removed or attempted to remove his baggage, or that he registered under a fictitious name, shall be prima facie proof of the intent to defraud mentioned in this section; but this section shall not apply where there has been an agreement in writing for delay in payment.

SECTION 365. AMENDATORY 21 O.S. 1991, Section 1506, is amended to read as follows:

Section 1506. ~~Every~~ Any person who obtains any money or property from another, or obtains the signature of another to any written instrument, the false making of which would be forgery, by means of any false or fraudulent sale of property or pretended property by auction, or by any of the practices known as mock auctions, ~~is punishable by imprisonment in the penitentiary not exceeding three (3) years or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment; and, in~~. In addition ~~thereto~~, ~~he~~ the person forfeits any license he may hold to act as an auctioneer, and is forever disqualified from receiving a license to act as auctioneer within this state.

SECTION 366. AMENDATORY 21 O.S. 1991, Section 1521, as amended by Section 3, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1521), is amended to read as follows:

Section 1521. Every person who shall lease or rent, for any period of time whatsoever, any motor vehicle and, with intent to cheat and defraud, who pays the fees for such lease or rental by means of a false, bogus or worthless check written for the sum of Twenty Dollars ($20.00) or less shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or both such fine and imprisonment. If the value of the false, bogus or worthless check shall exceed the sum of Twenty Dollars ($20.00) ~~but is less than Five Hundred Dollars ($500.00)~~, any person convicted pursuant to this section shall be guilty of a felony ~~and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, if the value of the worthless check is Five Hundred Dollars ($500.00) or more, any person convicted~~

~~hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment~~.

SECTION 367. AMENDATORY 21 O.S. 1991, Section 1531, is amended to read as follows:

Section 1531. ~~Every~~ Any person who falsely personates another, and in such assumed character:

1. Marries or pretends to marry, or to sustain the marriage relation toward another, with or without the connivance of such other person; or~~,~~

2. Becomes bail or surety for any party, in any proceeding whatever, before any court or officer authorized to take such bail or surety; or~~,~~

3. Subscribes, verifies, publishes, acknowledges or proves, in the name of another person, any written instrument, with intent that the same may be delivered or used as true; or~~,~~

4. Does any other act whereby, if it were done by the person falsely personated, he might in any event become liable to any suit or prosecution, or to pay any sum of money, or to incur any charge, forfeiture or penalty, or whereby any benefit might accrue to the party personating, or to any other person;

~~is punishable by imprisonment in the state prison not exceeding ten (10) years~~ shall be guilty of a felony.

SECTION 368. AMENDATORY 21 O.S. 1991, Section 1532, is amended to read as follows:

Section 1532. ~~Every~~ Any person who falsely personates another, and in such assumed character receives any money or property, that knowing it is intended to be delivered to the individual so personated, with intent to convert the same to his own use, or to that of another person who is not entitled thereto, ~~is punishable in the same manner and to the same extent as for larceny of the money or property so received~~ shall be guilty of a felony.

SECTION 369. AMENDATORY 21 O.S. 1991, Section 1541.2, as amended by Section 4, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1541.2), is amended to read as follows:

Section 1541.2 If the value of the money, property or valuable thing referred to in Section 1541.1 of this title is Fifty Dollars ($50.00) or more ~~but less than Five Hundred Dollars ($500.00)~~, any person convicted pursuant to this section shall be guilty of a felony ~~and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, and if the value is Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary, for a term not more than ten (10) years, or by a~~. The fine for a violation of this section shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

SECTION 370. AMENDATORY 21 O.S. 1991, Section 1541.3, as last amended by Section 2, Chapter 288, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1541.3), is amended to read as follows:

Section 1541.3 Any person making, drawing, uttering or delivering two or more false or bogus checks, drafts or orders, as defined by Section 1541.4 of this title, the total sum of which is ~~Five Hundred Dollars ($500.00)~~ Fifty Dollars or more, even though each separate instrument is written for less than ~~Five Hundred Dollars ($500.00)~~ Fifty Dollars, all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony ~~and shall be punished by imprisonment in the State Penitentiary, for a term not more than ten (10) years, or by a~~. The fine for a violation of this section shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment. If the total sum of two or more false or bogus~~

~~checks, drafts or orders is Fifty Dollars ($50.00) or more, but less than Five Hundred Dollars ($500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes~~.

SECTION 371. AMENDATORY 21 O.S. 1991, Section 1542, is amended to read as follows:

Section 1542. ~~Every~~ Any person who, with intent to cheat or defraud another, designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property, ~~is punishable by imprisonment in the penitentiary not exceeding three (3) years or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed three times the value of the money or property so obtained~~, or by both such fine and imprisonment~~.

SECTION 372. AMENDATORY 21 O.S. 1991, Section 1543, is amended to read as follows:

Section 1543. ~~Every~~ Any person who designedly, by color or aid of any false token or writing, or other false pretense, obtains the signature of any person to any written instrument, or obtains from any person any money or property for any alleged charitable or benevolent purpose whatever, ~~is punishable by imprisonment in the penitentiary not exceeding three (3) years or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed the value of the money or property so obtained~~, or by both such fine and imprisonment~~.

SECTION 373. AMENDATORY 21 O.S. 1991, Section 1544, is amended to read as follows:

Section 1544. If the false token by which any money or property is obtained in violation of the first and second preceding sections of this article, is a promissory note or negotiable evidence of debt purporting to be issued by or under the authority of any banking company or corporation not in existence, the person guilty of such cheat ~~is punishable by imprisonment in the penitentiary not exceeding seven (7) years, instead of by punishment prescribed by those sections~~ shall be guilty of a felony.

SECTION 374. AMENDATORY 21 O.S. 1991, Section 1550, is amended to read as follows:

Section 1550. A. Any person who, while in the commission or attempted commission of a felony, has in his possession or under his control a firearm, the factory serial number or identification number of which has been removed, defaced, altered, obliterated or mutilated in any manner, upon conviction, shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than five (5) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall not be less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00)~~, or by both such fine and imprisonment~~.

B. Any person who removes, defaces, alters, obliterates or mutilates in any manner the factory serial number or identification number of a firearm, or in any manner participates therein, upon conviction, shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not to exceed one (1) year, or by a fine of not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

C. 1. Upon a conviction of a violation of this section, the court clerk, sheriff, peace officer or other person having custody of the firearm shall immediately deliver the firearm to the Commissioner of Public Safety, who shall preserve the firearm pending an order of the court.

2. At the conclusion of a trial or proceeding for a violation of this section, if a finding is made that the factory serial

number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the court shall issue a written order to the Commissioner of Public Safety for destruction of the firearm, unless the defendant files a timely motion to preserve the firearm pending appeal. At the conclusion of the appeal, if a finding is made that the factory serial number or identification number of the firearm has been removed, defaced, altered, obliterated or mutilated, the Court of Criminal Appeals or the trial court shall issue a written order to the Commissioner for destruction of the firearm.

SECTION 375. AMENDATORY 21 O.S. 1991, Section 1550.33, is amended to read as follows:

Section 1550.33 (a) A person who is subject to the penalties of this subsection shall be ~~fined~~ guilty of a felony. The fine for a person who is subject to the penalties of this subsection shall not be more than Three Thousand Dollars ($3,000.00) ~~or imprisoned in the penitentiary not more than three (3) years, or both~~.

(b) A person who is subject to the penalties of this subsection shall be ~~imprisoned in the penitentiary not more than seven (7) years~~ guilty of a felony.

(c) A person who violates any provision of ~~this act~~ the Oklahoma Credit Card Crime Act shall be deemed guilty of a felony.

SECTION 376. AMENDATORY 21 O.S. 1991, Section 1550.41, as amended by Section 1, Chapter 116, O.S.L. 1992 (21 O.S. Supp. 1996, Section 1550.41), is amended to read as follows:

Section 1550.41 A. As used in this section and Section 1550.42 of this title, "identification document", "identification card", or "identification certificate" means any printed form which contains:

1. The name and photograph of a person; or

2. The name and any physical description of a person; or

3. Any combination of information provided for in paragraphs 1 and 2 of this subsection; and

which by its format, is capable of leading a person to believe said document, card, or certificate has been issued for the

purpose of identifying the person named thereon, but shall not include any printed form which, on its face, conspicuously bears the term "NOT FOR IDENTIFICATION" in not less than six-point type.

B. It is a misdemeanor for any person:

1. To purchase an identification document, identification card, or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, a fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

2. To display or cause or permit to be displayed or to knowingly possess an identification document, identification card or identification certificate which bears altered or fictitious information concerning the date of birth, sex, height, eye color, weight, or fictitious or forged name or signature or a photograph of any person, other than the person named thereon;

3. To display or cause or permit to be displayed or to knowingly possess any counterfeit or fictitious identification document, identification card, or identification certificate; or

4. To use the "Great Seal of the State of Oklahoma" or facsimile thereof, on any identification document, identification card, or identification certificate which is not issued by an entity of this state or political subdivision thereof, or by the United States. Provided, nothing in this paragraph shall be construed to prohibit the use of the "Great Seal of the State of Oklahoma" for authorized advertising, including but not limited to, business cards, calling cards and stationery.

C. It is a felony for any person:

1. To create, publish or otherwise manufacture an identification document, identification card or identification certificate or facsimile thereof, or to create, manufacture or possess an engraved plate or other such ~~devise~~ device for the printing of an identification document, identification card or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to

be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law;

2. To sell or offer for sale an identification document, identification card, or identification certificate or facsimile thereof, which purports to identify the bearer of such document, card, or certificate whether or not intended for use as identification, and includes, but is not limited to, documents, cards, and certificates purporting to be driver's licenses, nondriver's identification cards, birth certificates, social security cards, and employee identification cards, except as authorized by state or federal law; or

3. To display or present an identification document, identification card or identification certificate which bears altered, false or fictitious information for the purpose of:

a. committing or aiding in the commission of a felony in any commercial or financial transaction,

b. misleading a peace officer in the performance of his duties, or

c. avoiding prosecution.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00).

2. The violation of any of the provisions of subsection C of this section shall constitute a felony ~~and~~, upon conviction thereof~~, shall be punishable by a~~. The fine for a violation of subsection C of this section shall not ~~exceeding~~ exceed Ten Thousand Dollars ($10,000.00) ~~or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment~~.

E. Notwithstanding any provision of this section, the chief administrator of a federal or state law enforcement agency may request the Commissioner of the Department of Public Safety to authorize the issuance of an identification document,

identification card, or identification certificate which would otherwise be a violation of this section, to identify a police officer or agent as another person for the sole purpose of aiding in a criminal investigation. A person displaying or possessing such identification shall not be prosecuted for a violation of this section. Upon termination of the criminal investigation, the person to whom such identification document, identification card or identification certificate was issued shall return such identification to the Department of Public Safety.

SECTION 377. AMENDATORY 21 O.S. 1991, Section 1621, is amended to read as follows:

Section 1621. ~~Forgery is punishable by imprisonment in the penitentiary as follows:~~

~~1.~~ A. Forgery in the first degree ~~by imprisonment not less than seven (7) years nor more than twenty (20)~~ is a felony.

~~2.~~ B. Forgery in the second degree ~~not exceeding seven (7) years~~ is a felony.

SECTION 378. AMENDATORY 21 O.S. 1991, Section 1632, is amended to read as follows:

Section 1632. Any officer, agent or clerk of any corporation, or of any persons proposing to organize a corporation or to increase the capital stock of any corporation, who knowingly exhibits any false, forged or altered book, paper, voucher, security or other instrument of evidence to any public officer or board authorized by law to examine the organization of such corporation, or to investigate its affairs, or to allow an increase of its capital with intent to deceive such officer or board in respect thereto, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years, and not less than three (3) years~~ shall be guilty of a felony.

SECTION 379. AMENDATORY 21 O.S. 1991, Section 1635, is amended to read as follows:

Section 1635. Any director, officer, agent or member of any corporation or joint stock association, who, with intent to defraud, destroys, alters, mutilates or falsifies any of the books, papers, writings or securities belonging to such

corporation or association, or makes or concurs in making any false entry, or omits or concurs in omitting to make any material entry in any book of accounts, or other record or document kept by such corporation or association, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years and not less than three (3), or by imprisonment in a county jail not exceeding one (1) year, or by~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 380. AMENDATORY 21 O.S. 1991, Section 1662, is amended to read as follows:

Section 1662. ~~Every~~ Any person who presents or causes to be presented any false or fraudulent claim, or any proof in support of any such claim, upon any contract of insurance, for the payment of any loss, or who prepares, makes or subscribes any account, certificate, survey affidavit, proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used in support of any such claim, ~~is punishable by imprisonment in the penitentiary not exceeding three (3) years, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed One Thousand Dollars ($1,000.00)~~, or both~~.

SECTION 381. AMENDATORY Section 29, Chapter 349, O.S.L. 1993, as amended by Section 1, Chapter 1, 2nd Extraordinary Session, O.S.L. 1994 (21 O.S. Supp. 1996, Section 1663), is amended to read as follows:

Section 1663. A. Any person who commits workers' compensation fraud, upon conviction, shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for not exceeding five (5) years or by a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Thousand Dollars ($5,000.00) ~~or by both such fine and imprisonment~~.

B. For the purposes of this section, workers' compensation fraud shall include, but not be limited to, any act or omission prohibited by subsection C of this section and committed by a

person with the intent to injure, defraud or deceive another with respect to any of the following:

1. A claim for payment or other benefit pursuant to a contract of insurance;

2. An application for the issuance of a contract of insurance;

3. The rating of a contract of insurance or any risk associated with the contract;

4. Premiums paid on any contract of insurance whether or not the contract was actually issued;

5. Payments made in accordance with the terms of a contract of insurance;

6. An application for any license which is required by the Oklahoma Insurance Code, Title 36 of the Oklahoma Statutes;

7. An application for a license which is required for the organization, operation or maintenance of a health maintenance organization pursuant to Section 2501 et seq. of Title 63 of the Oklahoma Statutes;

8. A request for any approval, license, permit or permission required by the Workers' Compensation Act, by the rules of the Workers' Compensation Court or by the rules of the Workers' Compensation Court Administrator necessary to secure compensation as required by Section 61 of Title 85 of the Oklahoma Statutes;

9. The financial condition of an insurer or purported insurer;

10. The acquisition of any insurer; or

11. A contract of insurance or a Certification of Non-Coverage Under the Workers' Compensation Act.

C. A person is guilty of workers' compensation fraud who:

1. Presents, causes to be presented or intends to present to another, any statement as part of or in support of any of the purposes described in subsection B of this section knowing that such statement contains any false, fraudulent, incomplete or misleading information concerning any fact or thing material to the purpose for the statement;

2. Assists, abets, solicits or conspires with another to prepare or make any statement that is intended to be presented to, used by or relied upon by another in connection with or in support of any of the purposes described in subsection B of this section knowing that such statement contains any false, fraudulent, incomplete or misleading information concerning any fact or thing material to the purpose of the statement;

3. Conceals, attempts to conceal or conspires to conceal any information concerning any fact material to any of the purposes described in subsection B of this section;

4. Solicits, accepts or conspires to solicit or accept new or renewal insurance risks by or for an insolvent insurer;

5. Removes, attempts to remove or conspires to remove the assets or records of the insurer or a material part thereof, from the place of business of the insurer or from a place of safekeeping of the insurer;

6. Conceals, attempts to conceal or conspires to conceal the assets or records of the insurer or a material part thereof;

7. Diverts, attempts to divert, or conspires to divert funds of an insurer or other person in connection with:

a. a contract of insurance,

b. the business of an insurer, or

c. the formation, acquisition or dissolution of an insurer;

8. Solicits, accepts or conspires to solicit or accept any benefit in exchange for violating any provision of this section;

9. Conceals, attempts to conceal, conspires to conceal or fails to disclose any change in any material fact, circumstance or thing for which there is a duty to disclose to another; or

10. Alters, falsifies, forges, distorts, counterfeits or otherwise changes any material statement, form, document, contract, application, certificate, or other writing with the intent to defraud, deceive, or mislead another.

D. It shall not be a defense to an allegation of a violation of this section that the person accused did not have a contractual relationship with the insurer.

E. For the purposes of this section:

1. "Contract of insurance" includes, but is not limited to, workers' compensation insurance or any other means of securing compensation permitted by the Workers' Compensation Act or reinsurance for such insurance or other means of securing compensation;

2. "Insurer" includes, but is not limited to, any person who is engaged in the business of making contracts of insurance; and

3. "Statement" includes, but is not limited to, any oral, written, computer-generated or otherwise produced notice, proof of loss, bill of lading, receipt for payment, invoice, account, certificate, survey affidavit, book, paper, writing, estimate of property damage, bill for services, diagnosis, prescription, medical record, x-ray, test result or other evidence of loss, injury or expense.

SECTION 382. AMENDATORY 21 O.S. 1991, Section 1680.2, is amended to read as follows:

Section 1680.2 A. No person shall, without the effective consent of the owner and with intent to damage the enterprise conducted at the animal facility:

1. Damage, destroy or remove an animal facility or any property or animal in or on an animal facility;

2. Acquire or otherwise exercise control over an animal facility, an animal or other property from an animal facility, with the intent to deprive the owner of such facility, animal or property;

3. Enter an animal facility, not open to the public, with intent to commit an act prohibited by this section;

4. Enter an animal facility and commit or attempt to commit an act prohibited by this section;

5. Remain concealed in an animal facility, with intent to commit or attempt to commit an act prohibited by this section;

6. Enter or remain on an animal facility when the person has notice that entry is forbidden by any of the following:

a. written or oral communication with the owner or a person with apparent authority to act for the owner,

b. fencing or other enclosure obviously designed to exclude intruders or contain animals, or

c. a sign or signs posted on the property or at the entrance to the building, indicating that unauthorized entry is forbidden; and

7. Release any animal or animals, with intent to deprive the owner of such animal or animal facility.

B. A violation of any of the provisions in paragraphs 1 through 7 of subsection A of this section shall be a felony, upon conviction~~, punishable by a~~. The fine for a violation of this section shall not ~~to~~ exceed Five Thousand Dollars ($5,000.00) ~~or by imprisonment in the State Penitentiary for a term not to exceed seven (7) years, or by both such fine and imprisonment~~.

C. The provisions of this section shall not apply to lawful activities of any governmental agency or employees or agents thereof carrying out their respective duties under the law.

SECTION 383. AMENDATORY 21 O.S. 1991, Section 1681, is amended to read as follows:

Section 1681. ~~Every~~ Any person who willfully administers poison to any animal, the property of another, and every person who maliciously exposes any poisonous substance with intent that the same shall be taken by any such animal, ~~is punishable by imprisonment in the penitentiary not exceeding three (3) years, or in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Two Hundred Fifty Dollars ($250.00)~~, or by both such fine and imprisonment~~.

SECTION 384. AMENDATORY 21 O.S. 1991, Section 1685, is amended to read as follows:

Section 1685. Any person who shall willfully or maliciously overdrive, overload, torture, destroy or kill, or cruelly beat or injure, maim or mutilate, any animal in subjugation or captivity, whether wild or tame, and whether belonging to himself or to another, or deprive any such animal of necessary food, drink or shelter; or who shall cause, procure or permit any such animal to be so overdriven, overloaded, tortured, destroyed or killed, or

cruelly beaten or injured, maimed or mutilated, or deprived of necessary food, drink or shelter; or who shall willfully set on foot, instigate, engage in, or in any way further any act of cruelty to any animal, or any act tending to produce such cruelty, shall be ~~punished by imprisonment in the penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by~~ guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~; and any~~. Any officer finding an animal so maltreated or abused shall cause the same to be taken care of, and the charges therefor shall be a lien upon such animal, to be collected thereon as upon a pledge or a lien.

SECTION 385. AMENDATORY 21 O.S. 1991, Section 1694, is amended to read as follows:

Section 1694. Every person who willfully or for any bet, stake or reward, instigates or encourages any fight between dogs, or instigates or encourages any dog to attack, bite, wound or worry another dog, except in the course of protection of life and property, upon conviction, ~~is~~ shall be guilty of a felony. The fine for a violation of this section shall be as provided in Section 1699.1 of this title.

SECTION 386. AMENDATORY 21 O.S. 1991, Section 1695, is amended to read as follows:

Section 1695. Every person who keeps any house, pit or other place, or provides any equipment or facilities to be used in permitting any fight between dogs or in furtherance of any activity described in Section ~~1~~ 1693 of this ~~act~~ title, upon conviction, ~~is~~ shall be guilty of a felony. The fine for a violation of this section shall be as provided in Section 1699.1 of this title.

SECTION 387. AMENDATORY 21 O.S. 1991, Section 1696, is amended to read as follows:

Section 1696. Every person who does any act or performs any service in the furtherance of or to facilitate any dogfight, upon conviction, ~~is~~ shall be guilty of a felony. Such activities and services specifically prohibited by this section include, but are

not limited to: Promotion, refereeing, handling of dogs at a fight, transportation of spectators to or from a dogfight, providing concessions at a dogfight, advertising a dogfight, or serving as a stakes holder of any money wagered on any dogfight. The fine for a violation of this section shall be as provided in Section 1699.1 of this title.

SECTION 388. AMENDATORY 21 O.S. 1991, Section 1697, is amended to read as follows:

Section 1697. Every person who owns, possesses, keeps or trains any dog with the intent that such dog shall be engaged in an exhibition of fighting with another dog, upon conviction, shall be guilty of a felony. The fine for a violation of this section shall be as provided in Section 1699.1 of this title.

SECTION 389. AMENDATORY 21 O.S. 1991, Section 1699.1, is amended to read as follows:

Section 1699.1 A. Every person who is guilty of a felony under any of the provisions of Sections ~~2, 3, 4 and 5~~ 1694, 1695, 1696 and 1697 of this ~~act~~ title shall be ~~punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or~~ guilty of a felony. The fine for violating any of such sections shall be ~~fined~~ not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00)~~, or by both such fine and imprisonment~~.

B. Every person who upon conviction is guilty of any of the provisions of Section ~~6~~ 1698 of this ~~act~~ title shall be punished by imprisonment in the county jail for not more than one (1) year, or shall be fined not more than Five Hundred Dollars ($500.00).

SECTION 390. AMENDATORY 21 O.S. 1991, Section 1705, as amended by Section 6, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1705), is amended to read as follows:

Section 1705. Grand larceny is a felony ~~punishable by imprisonment in the State Penitentiary not exceeding five (5) years if the value of the property is Five Hundred Dollars ($500.00) or more and if the value of the property is less than Five Hundred Dollars ($500.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in~~

~~the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes~~.

SECTION 391. AMENDATORY 21 O.S. 1991, Section 1707, is amended to read as follows:

Section 1707. When it appears upon a trial for grand larceny that the larceny alleged was committed in any dwelling house or vessel, the offender ~~may be punished by imprisonment in the penitentiary not exceeding eight (8) years~~ shall be guilty of a felony.

SECTION 392. AMENDATORY 21 O.S. 1991, Section 1708, is amended to read as follows:

Section 1708. When it appears upon such trial, that such larceny was committed by stealing in the night time, from the person of another, the offender ~~may be punished by imprisonment in the penitentiary not exceeding ten years~~ shall be guilty of a felony.

SECTION 393. AMENDATORY 21 O.S. 1991, Section 1713, is amended to read as follows:

Section 1713. ~~(1)~~ A. Every person who buys or receives, in any manner, upon any consideration, any personal property of any value whatsoever that has been stolen, embezzled, obtained by false pretense or robbery, knowing or having reasonable cause to believe the same to have been stolen, embezzled, obtained by false pretense, or robbery, or who conceals, withholds, or aids in concealing or withholding such property from the owner, ~~is punishable by imprisonment in the penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~to~~ exceed Five Hundred Dollars ($500.00) ~~or by both such fine and imprisonment~~.

~~(2)~~ B. Every person who, without making reasonable inquiry, buys, receives, conceals, withholds, or aids in concealing or

withholding any property which has been stolen, embezzled, obtained by false pretense or robbery, or otherwise feloniously obtained, under such circumstances as should cause such person to make reasonable inquiry to ascertain that the person from whom such property was bought or received had the legal right to sell or deliver it shall be presumed to have bought or received such property knowing it to have been so stolen or wrongfully obtained. This presumption may, however, be rebutted by proof.

SECTION 394. AMENDATORY 21 O.S. 1991, Section 1716, is amended to read as follows:

Section 1716. Any person in this state who shall steal any horse, jackass, jennet, mule, cow, or hog, shall be guilty of a felony and upon conviction shall be ~~punished by confinement in the State Penitentiary for a term of not less than three (3) years, nor more than ten (10) years~~ guilty of a felony; and any person in this state who shall steal any sheep, or goat, upon conviction thereof, shall be guilty of a felony ~~and upon conviction therefor shall be punished by confinement in the State Penitentiary for a term not less than six (6) months, nor more than three (3) years~~. The word "horse" as used in this ~~act,~~ section shall include all animals of the equine species and the word "cow" shall include all animals of bovine species.

SECTION 395. AMENDATORY 21 O.S. 1991, Section 1719, is amended to read as follows:

Section 1719. Every person who shall take, steal and carry away any domestic fowl, or fowls, and any person purchasing or receiving such domestic fowl, or fowls, knowing them to have been stolen, shall be guilty of grand larceny, regardless of the value thereof, ~~and~~ upon conviction ~~shall be punished by imprisonment in the penitentiary not exceeding five (5) years, or by~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Two Hundred Dollars ($200.00)~~, or by confinement in the county jail not exceeding two (2) months, or by both such fine and imprisonment~~.

SECTION 396. AMENDATORY 21 O.S. 1991, Section 1719.1, as last amended by Section 3, Chapter 288, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1719.1), is amended to read as follows:

Section 1719.1 A. For the purpose of this section:

1. "Domesticated fish or game" means all birds, mammals, fish and other aquatic forms and all other animals, regardless of classifications, whether resident, migratory or imported, protected or unprotected, dead or alive, and shall extend to and include every part of any individual species when such domesticated fish or game are not in the wild and are in the possession of a person currently licensed to possess such fish or game; and

2. "Taking" means the pursuing, killing, capturing, trapping, snaring and netting of domesticated fish or game or placing, setting, drawing or using any net, trap or other device for taking domesticated fish or game and includes specifically every attempt to take such domesticated fish or game.

B. Any domesticated fish or game shall be considered the personal property of the owner.

C. Any person who shall take any domesticated fish or game, with the intent to deprive the owner of said fish or game, and any person purchasing or receiving such domesticated fish or game knowing them to have been stolen, shall:

1. Upon conviction, if the current market value of said domesticated fish or game is less than Fifty Dollars ($50.00), be guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment in the county jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment; or

2. Upon conviction, if the current market value of said domesticated fish or game is ~~Five Hundred Dollars ($500.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) or imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment. If the current market value is~~ Fifty Dollars ($50.00) or more ~~but less than Five Hundred~~

~~Dollars ($500.00), the person shall~~, be guilty of a felony ~~and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes~~. The fine for a violation of this section shall not be more than Five Thousand Dollars ($5,000.00).

SECTION 397. AMENDATORY Section 6, Chapter 36, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1719.2), is amended to read as follows:

Section 1719.2 A. Any person who shall take, steal or carry away any exotic livestock, any person purchasing or receiving such exotic livestock, knowing them to have been stolen, shall be deemed guilty of grand larceny, regardless of the value thereof, ~~and~~ upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary not exceeding ten (10) years, or by~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Twenty Thousand Dollars ($20,000.00) ~~or by both such fine and imprisonment~~.

B. For purposes of this section the term "exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group.

SECTION 398. AMENDATORY 21 O.S. 1991, Section 1720, is amended to read as follows:

Section 1720. Any person in this state who shall steal an aircraft, automobile or other automotive driven vehicle shall be guilty of a felony, ~~and~~ upon conviction ~~shall be punished by confinement in the State Penitentiary for a term of not less than three (3) years, nor more than twenty (20) years~~.

SECTION 399. AMENDATORY 21 O.S. 1991, Section 1721, is amended to read as follows:

Section 1721. Any person who shall unlawfully make or cause to be made any connection with or in any way tap or cause to be tapped, or drill or cause to be drilled a hole in any pipe or pipeline or tank laid or used for the conduct or storage of crude oil, naphtha, gas or casinghead gas, or any of the manufactured or natural products thereof, with intent to deprive the owner thereof of any of said crude oil, naphtha, gas, casinghead gas or any of the manufactured or natural products thereof, shall be guilty of a felony~~, and~~. In addition to other penalties, upon conviction the person shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00)~~, or confinement in the penitentiary for a term of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment~~.

SECTION 400. AMENDATORY 21 O.S. 1991, Section 1722, as last amended by Section 4, Chapter 288, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1722), is amended to read as follows:

Section 1722. Any person who shall unlawfully take any crude oil or gasoline, or any product thereof, from any pipe, pipeline, tank, tank car, or other receptacle or container and any person who shall unlawfully take or cause to be taken any machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells, with intent to deprive the owner or lessee thereof of said crude oil, gas, gasoline, or any product thereof, machinery, drilling mud, equipment or other materials necessary for the drilling or production of oil or gas wells shall:

1. Be guilty of a misdemeanor if the value of said product so taken ~~does not exceed~~ is less than the sum of Fifty Dollars ($50.00), and upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars ($100.00), or imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken is ~~Five Hundred Dollars ($500.00)~~ Fifty Dollars ($50.00) or

more and upon conviction thereof, shall be punished by forfeiture of the instrumentality of the crime and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00)~~, or confinement in the State Penitentiary for a term of not less than one (1) year, and not more than ten (10) years, or by both such fine and imprisonment. If the value exceeds Fifty Dollars $50.00) but is less than Five Hundred Dollars ($500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes~~.

SECTION 401. AMENDATORY 21 O.S. 1991, Section 1723, is amended to read as follows:

Section 1723. Any person entering and stealing any money or other thing of value from any house, railroad car, tent, booth or temporary building shall be guilty of larceny from the house. Larceny from the house is ~~declared to be~~ a felony.

SECTION 402. AMENDATORY 21 O.S. 1991, Section 1724, is amended to read as follows:

Section 1724. Any person convicted of larceny from the house shall be ~~punished by imprisonment in the State Penitentiary for a period of time not to exceed five (5) years~~ guilty of a felony.

SECTION 403. AMENDATORY 21 O.S. 1991, Section 1726, is amended to read as follows:

Section 1726. ~~(a)~~ A. Any person who may be found in this state with more than one (1) pound of mercury in his possession, and who does not have valid written evidence of his title to such mercury, shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punishable by imprisonment in the State Penitentiary for a term not less than one year nor more than five (5) years, or by a~~. The fine for a violation of this section shall not ~~exceeding~~

exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

~~(b)~~ B. It shall be a defense to any charge under this section that the person so charged (1) is a bona fide miner or processor of mercury or (2) that the mercury possessed by such person is, while in his possession, an integral part of a tool, instrument, or device used for a beneficial purpose. In any complaint, information, or indictment brought under this section, it shall not be necessary to negative any exception, excuse, exemption, or defense provided in this section, and the burden of proof of any such exception, excuse, exemption or defense shall be upon the defendant.

SECTION 404. AMENDATORY 21 O.S. 1991, Section 1727, is amended to read as follows:

Section 1727. Any person who shall enter upon any premises, easement, or right of way with intent to steal or remove without the consent of the owner, or with intent to aid or assist in stealing or removing any copper wire, copper cable, or copper tubing from and off of any appurtenance on such premises, easement, or right of way shall be guilty of a felony ~~and~~, upon conviction ~~shall be punished by confinement in the penitentiary for not less than one (1) year nor more than five (5) years, or by confinement in the county jail for not less ninety (90) days nor more than two hundred (200) days, or~~. The fine for a violation of this section shall not be ~~fined not~~ less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 405. AMENDATORY 21 O.S. 1991, Section 1728, is amended to read as follows:

Section 1728. Any person who shall receive, transport, or possess in this state stolen copper wire, copper cable, or copper tubing under such circumstances that he knew or should have known that the same was stolen shall upon conviction thereof be ~~confined in the penitentiary for a term of not less than one (1) year nor more than five (5) years, or shall be confined in the county jail for not less than ninety (90) days nor more than two hundred (200)~~

~~days, or~~ guilty of a felony. The fine for a violation of this section shall be ~~fined~~ not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00)~~, or both such fine and imprisonment~~.

SECTION 406. AMENDATORY 21 O.S. 1991, Section 1731, as amended by Section 9, Chapter 147, O.S.L. 1993 (21 O.S. Supp. 1996, Section 1731), is amended to read as follows:

Section 1731. Larceny of merchandise held for sale in retail or wholesale establishments shall be punishable as follows:

1. For the first conviction, in the event the value of the goods, edible meat or other corporeal property which has been taken ~~does not exceed~~ is less than Fifty Dollars ($50.00), punishment shall be by imprisonment in the county jail not exceeding thirty (30) days, and by a fine not less than Ten Dollars ($10.00) nor more than One Hundred Dollars ($100.00); provided for the first conviction, in the event more than one item of goods, edible meat or other corporeal property has been taken, punishment shall be by imprisonment in the county jail not to exceed thirty (30) days, and by a fine not less than Fifty Dollars ($50.00) nor more than One Hundred Dollars ($100.00).

2. If it be shown, in the trial of a case in which the value of the goods, edible meat or other corporeal property ~~does not exceed~~ is less than Fifty Dollars ($50.00), that the defendant has been once before convicted of the same offense, he shall, on his second conviction, be punished by confinement in the county jail for not less than thirty (30) days nor more than one (1) year, and by a fine not exceeding One Thousand Dollars ($1,000.00).

3. ~~If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property does not exceed Fifty Dollars ($50.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the punishment shall be by confinement in the State Penitentiary for not less than two (2) nor more than five (5) years.~~

~~4.~~ In the event the value of the goods, edible meat or other corporeal property is Fifty Dollars ($50.00) or more, ~~but is less than Five Hundred Dollars ($500.00),~~ the defendant shall be guilty of a felony ~~and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.~~

~~5. In the event the value of the goods, edible meat or other corporeal property is Five Hundred Dollars ($500.00) or more, punishment shall be by confinement in the State Penitentiary for not less than one (1) year nor more than five (5) years~~.

SECTION 407. AMENDATORY 21 O.S. 1991, Section 1751, is amended to read as follows:

Section 1751. ~~Every~~ Any person who maliciously, wantonly or negligently either:

1. Removes, displaces, injures or destroys any part of any railroad, or railroad equipment, whether for steam or horse cars, or any track of any railroad, or of any branch or branchway, switch, turnout, bridge, viaduct, culvert, embankment, station house, or other structure or fixture, or any part thereof, attached to or connected with any railroad; or~~,~~

2. Places any obstruction upon the rails or tracks of any railroad, or any branch, branchway, or turnout connected with any railroad, ~~is punishable by imprisonment in the penitentiary not exceeding four (4) years or in a county jail not less than six (6) months~~

shall be guilty of a felony.

SECTION 408. AMENDATORY 21 O.S. 1991, Section 1752, is amended to read as follows:

Section 1752. Whenever any offense specified in ~~the last section~~ Section 1751 of this title results in the death of any human being, the offender ~~is punishable by imprisonment in the~~

~~penitentiary for not less than four (4) years~~ shall be guilty of a felony.

SECTION 409. AMENDATORY Section 1, Chapter 139, O.S.L. 1995 (21 O.S. Supp. 1996, Section 1752.1), is amended to read as follows:

Section 1752.1 A. Any person shall be guilty of a misdemeanor if the person:

1. Without consent of the owner or the owner's agent, enters or remains on railroad property, knowing that it is railroad property;

2. Throws an object at a train, or rail-mounted work equipment; or

3. Maliciously or wantonly causes in any manner the derailment of a train, railroad car or rail-mounted work equipment.

B. Any person shall be guilty of a felony if the person commits an offense specified in subsection A of this section which results in a demonstrable monetary loss, damage or destruction of railroad property when said loss is valued at more than One Thousand Five Hundred Dollars ($1,500.00) or results in bodily injury to a person. Any person shall be guilty of a felony if the person discharges a firearm or weapon at a train, or rail-mounted work equipment.

C. Any person violating the misdemeanor provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding One Thousand Dollars ($1,000.00), or both such fine and imprisonment. ~~Any person violating the felony provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the penitentiary not exceeding four (4) years. If personal injury results, such person shall be punished by imprisonment in the penitentiary.~~

D. Subsection A of this section shall not be construed to interfere with the lawful use of a public or private crossing.

E. Nothing in this section shall be construed as limiting a representative of a labor organization which represents or is seeking to represent the employees of the railroad, from conducting such business as provided under the Railway Labor Act ~~(~~, 45 U.S.C., Section 151~~,~~ et seq~~.)~~.

F. As used in this section "railroad property" includes, but is not limited to, any train, locomotive, railroad car, caboose, rail-mounted work equipment, rolling stock, work equipment, safety device, switch, electronic signal, microwave communication equipment, connection, railroad track, rail, bridge, trestle, right-of-way or other property that is owned, leased, operated or possessed by a railroad.

SECTION 410. AMENDATORY 21 O.S. 1991, Section 1753, is amended to read as follows:

Section 1753. ~~Every~~ Any person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway or bridge, or any private way laid out by authority of law, or bridge upon such way, ~~is~~ shall be guilty of a felony.

SECTION 411. AMENDATORY 21 O.S. 1991, Section 1753.8, as last amended by Section 1, Chapter 77, O.S.L. 1996 (21 O.S. Supp. 1996, Section 1753.8), is amended to read as follows:

Section 1753.8 A. Any person who defaces, steals or possesses any road sign or marker posted by any city, state or county shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars ($100.00), or restitution which shall be paid to the city, state or county, or by not more than twenty (20) days of community service, or by imprisonment in the county jail for a term of not more than thirty (30) days, or by such fine, imprisonment, community service, or restitution, as the Court may order.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony~~, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a~~. The fine for a violation of this section shall not be more than One

Thousand Dollars ($1,000.00)~~, or~~. In addition, the person may be ordered to pay restitution, which shall be paid to the city, state or county, ~~or by~~ and/or to perform not less than forty (40) days of community service~~, or by such combination of fine, imprisonment, community service, and/or restitution, as the Court may order~~.

SECTION 412. AMENDATORY 21 O.S. 1991, Section 1755, is amended to read as follows:

Section 1755. ~~Every~~ Any person who maliciously injures or destroys any toll house or turnpike gate ~~is~~ shall be guilty of a felony.

SECTION 413. AMENDATORY 21 O.S. 1991, Section 1760, is amended to read as follows:

Section 1760. A. Every person who maliciously injures, defaces or destroys any real or personal property not his own, in cases other than such as are specified in Section 1761 ~~and following sections~~ et seq. of this title, is guilty of:

1. A misdemeanor, if the damage, defacement or destruction causes a loss which is valued at less than Two Thousand Five Hundred Dollars ($2,500.00); or

2. A felony, if the damage, defacement or destruction causes a loss which is valued at Two Thousand Five Hundred Dollars ($2,500.00) or more.

B. In addition to ~~the~~ any other punishment prescribed ~~in~~ by law for violations of subsection A of this section, he is liable in treble damages for the injury done, to be recovered in a civil action by the owner of such property or public officer having charge thereof.

SECTION 414. AMENDATORY 21 O.S. 1991, Section 1765, is amended to read as follows:

Section 1765. ~~Every~~ Any person who willfully breaks, defaces, or otherwise injures any house of worship, or any part thereof, or any appurtenance thereto, or any book, furniture, ornament, musical instrument, article of silver or plated ware, or other chattel kept therein for use in connection with religious worship, ~~is~~ shall be guilty of a felony.

SECTION 415. AMENDATORY 21 O.S. 1991, Section 1767.1, is amended to read as follows:

Section 1767.1 A. Any person who shall willfully and maliciously commit any of the following acts shall be deemed guilty of a felony:

1. Any person who places in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any gunpowder, dynamite, bomb, any explosive substance, or incendiary device, with unlawful intent to destroy, throw down, or injure, in whole or in part, such property of another, or conspires, aids, counsels or procures the destruction of any building or structure, public or private, or any car, aircraft, motor or other vehicle, vessel or structure~~, shall be guilty of a felony~~; or

2. Any person who places in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any gunpowder, dynamite, bomb, or any explosive substance, with intent to destroy, throw down or injure the whole or any part thereof, under circumstances that, if such intent were accomplished, human life or safety would be endangered thereby~~, shall be guilty of a felony~~; or

3. Every person who maliciously, by the explosion of gunpowder, dynamite or any explosive substance, destroys, throws down, or injures any property of another, or by which explosion an injury is caused to the person of another~~, shall be guilty of a felony~~; or

4. Any person or group of persons who shall willfully manufacture, sell, transport, or possess a bomb or simulated bomb or any explosive including an incendiary device or the component parts of an explosive or incendiary device with knowledge or intent that it will be used to unlawfully kill, injure or intimidate any person, or unlawfully damage any real or personal property~~, is guilty of a felony~~; or

5. Any person who shall place in, upon, under, against or near to any building, car, aircraft, motor or other vehicle, vessel or structure, any foul, poisonous, offensive or injurious

substance or compound or simulated bomb, with intent to wrongfully injure, molest or coerce another or to injure or damage the property of another~~, shall be guilty of a felony~~; or

6. Any person or group of persons who maliciously injures, damages or attempts to damage by an explosive, including an incendiary device, any person, persons, or property, whether real or personal~~, is guilty of a felony~~; or

7. Any person who uses the telephone or other instrument to willfully make any threat or maliciously convey information known to be false, concerning an attempt or alleged attempt to kill, injure or intimidate any person or unlawfully damage any real or personal property by means of an explosive or simulated bomb, including an incendiary device~~, shall be guilty of a felony~~; or

8. Any person who manufactures, possesses, sells or delivers an explosive or simulated bomb or mails or sends an explosive or simulated bomb to another person ~~shall be guilty of a felony~~; or

9. Any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any explosive or simulated bomb ~~shall be guilty of a felony~~.

B. Nothing contained herein shall be construed to apply to, or repeal any laws pertaining to, the acts of mischief of juveniles involving noninjurious firecrackers or devices commonly called "stink bombs".

SECTION 416. AMENDATORY 21 O.S. 1991, Section 1767.2, is amended to read as follows:

Section 1767.2 Any person violating any of the provisions of Section 1767.1 of ~~Title 21 of the Oklahoma Statutes~~ this title shall be deemed guilty of a felony, ~~and~~ upon conviction ~~shall be punished by imprisonment in the penitentiary for not less than three (3) years nor more than ten (10) years, or by a~~. The fine for a violation of Section 1767.1 of this title shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00) ~~or by both~~. If personal injury results, such person ~~shall be punished by imprisonment in the penitentiary for not less than seven (7) years or life imprisonment~~, upon conviction, shall be guilty of a felony.

SECTION 417. AMENDATORY 21 O.S. 1991, Section 1777, is amended to read as follows:

Section 1777. ~~Every~~ Any person who maliciously draws up or removes or cuts or otherwise injures any piles fixed in the ground and used for securing any bank or dam of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, dock, quay, jetty or lock, ~~is punishable by imprisonment in the penitentiary not exceeding five (5) years and not less than two (2), or by imprisonment in a county jail not exceeding one (1) year, or by a~~ shall be guilty of a felony. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or by both such fine and imprisonment~~.

SECTION 418. AMENDATORY 21 O.S. 1991, Section 1778, is amended to read as follows:

Section 1778. ~~Every~~ Any person who unlawfully masks, alters or removes any light or signal, or willfully exhibits any false light or signal, with intent to bring any locomotive or any railway car or train of cars into danger, ~~is punishable by imprisonment in the penitentiary not exceeding ten (10) years and not less than three (3) years~~ shall be guilty of a felony.

SECTION 419. AMENDATORY 21 O.S. 1991, Section 1785, is amended to read as follows:

Section 1785. ~~Every~~ Any person who maliciously cuts, tears, disfigures, soils, obliterates, breaks or destroys any book, map, chart, picture, engraving, statue, coin, model, apparatus, specimen or other work of literature or art, or object of curiosity deposited in any public library, gallery, museum, collection, fair or exhibition, ~~is punishable by imprisonment in the penitentiary for not exceeding (3) three years, or in a county jail not exceeding one (1) year~~ shall be guilty of a felony.

SECTION 420. AMENDATORY 21 O.S. 1991, Section 1786, is amended to read as follows:

Section 1786. ~~Every~~ Any person who willfully breaks, digs up or obstructs any pipes or mains for conducting gas or water, or any works erected for supplying buildings with gas or water, or any appurtenances or appendages therewith connected, or injures,

cuts, breaks down or destroys any electric light wires, poles or appurtenances, or any telephone or telegraph wires, cable or appurtenances, ~~is punishable by imprisonment in the penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, and by~~ shall be guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Five Hundred Dollars ($500.00). Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.

SECTION 421. AMENDATORY 21 O.S. 1991, Section 1834, is amended to read as follows:

Section 1834. Any mortgagor or conditional sales contract vendee or pledgor or debtor under a security agreement of personal property, or his legal representative, who, while such mortgage, security agreement or conditional sales contract remains in force and unsatisfied, conceals, sells, or in any manner disposes of such property, or any part thereof, or removes such property, or any part thereof, beyond the limits of the county, or materially injures or willfully destroys such property, or any part thereof, without the written consent of the holder of such mortgage or conditional sales contract, secured party or pledgee under a security agreement, shall be deemed guilty of a felony~~, and shall~~, upon conviction~~, be punished by imprisonment in the penitentiary for a period not exceeding three (3) years or in the county jail not exceeding one (1) year, or by a~~. The fine for a violation of this section shall not ~~to~~ exceed Five Hundred Dollars ($500.00); provided, that the writing containing the consent of the holder of the mortgage or conditional sales contract, secured party or pledgee under a security agreement, as before specified, shall be the only competent evidence of such consent, unless it appears that such writing has been lost or destroyed.

SECTION 422. AMENDATORY 21 O.S. 1991, Section 1834.2, is amended to read as follows:

Section 1834.2 If such debtor, being a person, or its officers or agents making such sale, if a firm or corporation, shall, without the consent of the secured party or assignee,

appropriate such funds to his own use, or the use and benefit of such firm or corporation, or shall knowingly or willfully, with the intent or effect of depriving such secured party or assignee thereof, secrete such proceeds, or any part thereof, or mix and mingle the same with his own or with the funds of such firm or corporation, or who, after demand for the payment thereof, refuses or neglects to pay same over to such secured party or assignee to the extent of the unpaid secured debt, or cause same to be done, or who shall put such fund to any other use inconsistent with such trust, shall be guilty of embezzlement ~~and shall~~, upon conviction ~~be punished by a~~. The fine ~~of~~ for a violation of this section shall be not less than One Hundred Dollars ($100.00), nor more than Five Hundred Dollars ($500.00)~~, or by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment~~.

SECTION 423. AMENDATORY 21 O.S. 1991, Section 1837, is amended to read as follows:

Section 1837. Any person who shall designedly place any hard or solid substance or article in any stack, shock, sheaf or load of unthreshed grain, or in any bin, bag, sack or load of unthreshed grain, or seed, or shall designedly place any matches or other inflammable, combustible or explosive substance in any unginned cotton with the intent to injure or destroy any such grain, seed, or cotton, or any machinery which may be used for threshing or grinding such grain or seed or ginning such cotton, shall be deemed guilty of a felony ~~and~~, upon conviction ~~shall be punished by confinement in the State Penitentiary for a term of not less than one (1) nor more than five (5) years~~.

SECTION 424. AMENDATORY 21 O.S. 1991, Section 1861, is amended to read as follows:

Section 1861. A. The name and organizational or business affiliation of every person who by telephone engages in the solicitation or sale of any item, tangible or intangible, shall, by such person, be given to the person answering such telephone call. Such information shall be given immediately and prior to any solicitation or sales presentation. The telephone number of

the person placing the call must be given upon request of the party being called. The person in whose name the telephone is registered is responsible for his agents and employees conforming with the provisions of this ~~act~~ section. This ~~act~~ section does not apply to calls between persons known to each other and to religious groups, or nonprofit organizations within their own membership, and political activities.

B. No person may solicit contributions by telephone for a charitable nonprofit organization unless that organization has complied with the provisions of the Oklahoma Solicitation of Charitable Contributions Act, Sections 552.1 et seq. of Title 18 of the Oklahoma Statutes. Such person may charge a reasonable fee for his services, which shall not exceed ten percent (10%) of the net receipts of the solicitation; provided, however, that in the event the fee charged is based upon a predetermined flat fee, then this provision shall not apply. Provided, further, that all sums shall be paid directly to the nonprofit organization.

C. Violation of this ~~act~~ section by a person, business or organization shall constitute a misdemeanor. A third and subsequent conviction under this ~~act~~ section shall constitute a felony.

SECTION 425. AMENDATORY 21 O.S. 1991, Section 1903, is amended to read as follows:

Section 1903. A. No person shall by force or violence, or threat of force or violence, seize or exercise control of any bus. Any person violating this subsection shall be guilty of a felony, ~~and shall,~~ upon conviction~~, be imprisoned for not more than twenty (20) years, or fined~~. The fine for a violation of this subsection shall not be more than Twenty Thousand Dollars ($20,000.00)~~, or both~~.

B. In addition, no person shall intimidate, threaten, assault or batter any driver, attendant, guard or passenger of any bus with intent to violate subsection A of this section. Any person violating this subsection shall be guilty of a felony, ~~and shall,~~ upon conviction~~, be imprisoned for not more than ten (10) years,~~

~~or fined~~. The fine for a violation of this subsection shall not be more than Five Thousand Dollars ($5,000.00)~~, or both~~.

C. In addition, any person violating ~~subsections~~ subsection A or B of this section using a dangerous or deadly weapon shall be guilty of a felony, ~~and shall,~~ upon conviction~~, be imprisoned for not more than twenty (20) years, or fined~~. The fine for a violation of this subsection shall not be more than Twenty Thousand Dollars ($20,000.00)~~, or both~~.

D. No person, other than an authorized law enforcement officer, shall board a bus with a dangerous or deadly weapon concealed upon or about his person. Upon the discovery of any such item or material, the company may obtain possession and retain custody of such item or material until it is transferred to the custody of law enforcement officers. Any person convicted of violating this subsection shall be guilty of a felony~~, and shall, upon conviction, be imprisoned for not more than ten (10) years, or fined~~. The fine for a violation of this subsection shall not be more than Ten Thousand Dollars ($10,000.00)~~, or both~~.

E. It shall be unlawful for any person to discharge any firearm or hurl or place in the path any missile at, into or within any bus, terminal or other transportation facility. Such person shall, upon conviction, be ~~punished by a~~ guilty of a felony. The fine ~~of~~ for a violation of this section shall not be more than Five Thousand Dollars ($5,000.00) ~~or by imprisonment for not more than five (5) years, or both~~.

SECTION 426. AMENDATORY 21 O.S. 1991, Section 1904, is amended to read as follows:

Section 1904. It shall be unlawful to remove any baggage, cargo or other item transported upon a bus or stored in a terminal without consent of the owner of such property or the company, or its duly authorized representative. Any person violating this section shall be guilty of a felony ~~and~~, upon conviction~~, shall be punished by a~~. The fine ~~of~~ for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00) ~~or imprisoned not more than five (5) years, or both~~.

The actual value of an item removed in violation of this section shall not be material to the crime herein defined.

SECTION 427. AMENDATORY 21 O.S. 1991, Section 1953, is amended to read as follows:

Section 1953. A. It shall be unlawful to:

1. Willfully, and without authorization, gain or attempt to gain access to and damage, modify, alter, delete, destroy, copy, make use of, disclose or take possession of a computer, computer system, computer network or any other property.

2. Use a computer, computer system, computer network or any other property as hereinbefore defined for the purpose of devising or executing a scheme or artifice with the intent to defraud, deceive, extort or for the purpose of controlling or obtaining money, property, services or other thing of value by means of a false or fraudulent pretense or representation.

3. Willfully exceed the limits of authorization and damage, modify, alter, destroy, copy, delete, disclose or take possession of a computer, computer system, computer network or any other property. 4. Willfully and without authorization, gain or attempt to gain access to a computer, computer system, computer network or any other property.

5. Willfully and without authorization use or cause to be used computer services.

6. Willfully and without authorization disrupt or cause the disruption of computer services or deny or cause the denial of access or other computer services to an authorized user of a computer, computer system or computer network.

7. Willfully and without authorization provide or assist in providing a means of accessing a computer, computer system or computer network in violation of this section.

B. Any person convicted of violating ~~paragraphs~~ paragraph 1, 2, 3, 6 or 7 of subsection A of this section shall be guilty of a felony.

C. Any person convicted of violating ~~paragraphs~~ paragraph 4 or 5 of subsection A of this section shall be guilty of a misdemeanor.

SECTION 428. AMENDATORY 21 O.S. 1991, Section 1955, is amended to read as follows:

Section 1955. A. ~~Upon conviction of~~ The fine for a felony conviction under the provisions of the Oklahoma Computer Crimes Act~~, punishment~~ shall be ~~by a fine of~~ not less than Five Thousand Dollars ($5,000.00) and not more than One Hundred Thousand Dollars ($100,000.00)~~, or by confinement in the State Penitentiary for a term of not more than ten (10) years, or by both such fine and imprisonment~~.

B. Upon conviction of a misdemeanor under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

C. In addition to any other civil remedy available, the owner or lessee of the computer, computer system, computer network, computer program or data may bring a civil action against any person convicted of a violation of the Oklahoma Computer Crimes Act for compensatory damages, including any victim expenditure reasonably and necessarily incurred by the owner or lessee to verify that a computer system, computer network, computer program or data was or was not altered, damaged, deleted, disrupted or destroyed by the access. In any action brought pursuant to this subsection the court may award reasonable attorneys fees to the prevailing party.

SECTION 429. AMENDATORY 21 O.S. 1991, Section 1958, is amended to read as follows:

Section 1958. No person shall communicate with, store data in, or retrieve data from a computer system or computer network for the purpose of using such access to violate any of the provisions of the Oklahoma Statutes.

Any person convicted of violating the provisions of this section shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by a~~. The fine ~~of~~ for a violation of this section shall not be

more than Five Thousand Dollars ($5,000.00)~~, or by both such imprisonment and fine~~.

SECTION 430. AMENDATORY 21 O.S. 1991, Section 1976, is amended to read as follows:

Section 1976. A. It shall be unlawful for any person to knowingly reproduce for sale any sound recording produced without the written consent of the owner of the original recording, provided, however, that this section shall only apply to sound recordings initially fixed prior to February 15, 1972, and shall not apply to motion pictures or other audiovisual works.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, ~~and shall,~~ upon conviction~~, be punishable by a~~. The fine for a violation of this section shall not ~~to~~ exceed Fifty Thousand Dollars ($50,000.00)~~, or by imprisonment in the State Penitentiary for a term not to exceed five (5) years, or both such fine and imprisonment~~.

D. ~~A~~ The fine for a second or subsequent conviction for a violation of this section shall ~~constitute a felony and shall, upon conviction, be punishable by a fine~~ not ~~to~~ exceed One Hundred Thousand Dollars ($100,000.00)~~, or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment~~.

SECTION 431. AMENDATORY 21 O.S. 1991, Section 1977, is amended to read as follows:

Section 1977. A. It shall be unlawful for any person to knowingly sell or offer for sale any sound recording that has been produced or reproduced in violation of the provisions of ~~this act~~ Sections 1975 through 1981 of this title, knowing, or having reasonable grounds to know, that the sounds or images thereon have been produced or reproduced without the consent of the owner.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon

conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, ~~and shall,~~ upon conviction~~, be punishable by a~~. The fine for a felony violation of this section shall not ~~to~~ exceed Fifty Thousand Dollars ($50,000.00)~~, or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment~~.

D. ~~A second or subsequent violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a~~ The fine for a second or subsequent conviction for a violation of this section shall not ~~to~~ exceed One Hundred Thousand Dollars ($100,000.00)~~, or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment~~.

SECTION 432. AMENDATORY 21 O.S. 1991, Section 1978, is amended to read as follows:

Section 1978. A. It shall be unlawful for any person to knowingly and without the written consent of the owner, transfer or cause to be transferred to any article or sound recording or otherwise reproduce for sale, any performance, whether live before an audience or transmitted by wire or through the air by radio or television, with the intent to sell or cause to be sold for profit or used to promote the sale of any article or product.

B. A violation of this section involving less than one hundred articles shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, ~~and shall,~~ upon conviction~~, be punishable by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Fifty Thousand Dollars ($50,000.00)~~, or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment~~.

D. ~~A second or subsequent violation of this section shall constitute a felony, and shall, upon conviction, be punishable by~~

~~a~~ The fine for a second or subsequent conviction for a violation of this section shall not ~~to~~ exceed One Hundred Thousand Dollars ($100,000.00) ~~or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment~~.

SECTION 433. AMENDATORY 21 O.S. 1991, Section 1979, is amended to read as follows:

Section 1979. A. It shall be unlawful for any person to advertise, or offer for rental, sale, resale, distribution or circulation, or rent, sell, resell, distribute or circulate, or cause to be sold, resold, distributed or circulated, or possess for such purposes any article, which does not clearly and conspicuously display thereon in clearly readable print the actual true name of the manufacturer thereof.

B. A violation of this section involving less than seven ~~(7)~~ articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving seven ~~(7)~~ or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall constitute a felony, ~~and shall,~~ upon conviction~~, be punishable by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Fifty Thousand Dollars ($50,000.00)~~, or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment~~.

D. ~~A second or subsequent violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a~~ The fine for a second or subsequent conviction for a violation of this section shall not ~~to~~ exceed One Hundred Thousand Dollars ($100,000.00) ~~or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment~~.

SECTION 434. AMENDATORY 21 O.S. 1991, Section 1980, is amended to read as follows:

Section 1980. A. It shall be unlawful for any person to make, manufacture, sell, distribute, offer for sale, issue or place in circulation or knowingly have in his possession for purposes of commercial advantage or private financial gain, a counterfeit label affixed or designed to be affixed to a phonorecord, a copy of a motion picture or other audiovisual work, recording or article.

B. A violation of this section involving less than seven ~~(7)~~ articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving seven ~~(7)~~ or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall constitute a felony, ~~and shall,~~ upon conviction~~, be punishable by a~~. The fine for a violation of this subsection shall not ~~to~~ exceed Fifty Thousand Dollars ($50,000.00)~~, or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment~~.

D. ~~A second or subsequent violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a~~ The fine for a second or subsequent conviction for a violation of this section shall not ~~to~~ exceed One Hundred Thousand Dollars ($100,000.00) ~~or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine or imprisonment~~.

SECTION 435. AMENDATORY 22 O.S. 1991, Section 17, as amended by Section 1, Chapter 201, O.S.L. 1995 (22 O.S. Supp. 1996, Section 17), is amended to read as follows:

Section 17. A. Every person who has been charged, convicted, has pled guilty or has pled nolo contendere to any crime, hereinafter referred to as the defendant, or any other person with

the cooperation of the defendant, who contracts to receive, or have any other person or entity receive, any proceeds or profits from any source, as a direct or indirect result of the crime or sentence, or the notoriety which the crime or sentence has conferred upon the defendant, shall forfeit the proceeds or profits as provided in this section; provided, however, proceeds or profits from a contract relating to the depiction or discussion of the defendant's crime shall not be subject to forfeiture unless an integral part of the work is a depiction or discussion of the defendant's thoughts, opinions, or emotions regarding the crime. All parties to a contract described in this section are required to pay to the district court wherein the criminal charges were filed any proceeds or thing of value which pursuant to the contract is to be paid to the defendant or to another person or entity. The district court shall make deposit of proceeds received pursuant to this section and direct the county treasurer to make the deposit of those funds in an escrow account for the benefit of and payable to victims of the crime or the legal representative of any victim of the crime committed by the defendant or to repay a public defender office for legal representation during a criminal proceeding. There is hereby created a lien upon any sum of money or other thing of value payable to anyone pursuant to any contract described in this section, for the purpose of enforcing the forfeiture obligation established herein, which lien may be foreclosed in the same manner as statutory tax liens created by Oklahoma law. Any person who contracts without fully providing for such forfeiture in compliance with the provisions of this section shall be guilty of a felony ~~and~~, upon conviction~~, shall be punished by a fine of~~. The fine for a violation of this section shall be not less than Ten Thousand Dollars ($10,000.00) and not to exceed three times the value of the proceeds of the contract~~, or by imprisonment not exceeding ten (10) years in the custody of the Department of Corrections, or both such fine and imprisonment~~.

B. Payments from the escrow account shall be used, in the following order of priority, to satisfy any judgment rendered in

favor of a victim or a victim's legal representative, to pay restitution, fines, court costs, and other payments, reparations or reimbursements ordered by the court at the time of sentencing including repayments to a public defender office for legal representation of the defendant and to pay every cost and expense of incarceration and treatment authorized by law as a cost of the defendant.

C. A victim or the legal representative of a victim must file a civil action, in a court of competent jurisdiction, to recover money against the defendant or the defendant's legal representative within seven (7) years of the filing of the criminal charges against the defendant. The victims and the legal representative of a victim of the crime shall have a priority interest in any proceeds or profits received pursuant to the provisions of this section. If no victim or legal representative of a victim has filed a civil suit within seven (7) years from the filing of the criminal charges against the defendant, any money in the escrow account shall be paid over in the following order of priority:

1. For restitution;

2. For any fine and court costs;

3. For other payments ordered in the sentence;

4. For the costs and expenses of incarceration; and

any remaining money to the Victims' Compensation Revolving Fund. Upon disposition of charges favorable to the defendant, any money in the escrow account shall be paid over to the defendant.

D. The district court wherein the criminal charges were filed shall, once every six (6) months for seven (7) years from the date any money is deposited with the court, publish a notice in at least one (1) newspaper of general circulation in each county of the state in accordance with the provisions on publication of notices found in Sections 101 et seq. of Title 25 of the Oklahoma Statutes, notifying any eligible victim or legal representative of an eligible victim that monies are available to satisfy judgments pursuant to this section.

SECTION 436. AMENDATORY 22 O.S. 1991, Section 107, is amended to read as follows:

Section 107. A person who, after the publication of a proclamation by the Governor or acting Governor, or who, after lawful notice as aforesaid to disperse and retire, resists or aids in resisting the execution of process in a county declared to be in a state of riot or insurrection, or who aids or attempts the rescue or escape of another from lawful custody or confinement, or who resists or aids in resisting a force ordered out by the Governor or any civil officer as aforesaid, to quell or suppress an insurrection or riot, is guilty of a felony~~, and is punishable by imprisonment in the state prison for not less than two (2) years~~.

SECTION 437. AMENDATORY 22 O.S. 1991, Section 1110, is amended to read as follows:

Section 1110. Whoever, having been admitted to bail or released on recognizance, bond, or undertaking for appearance before any magistrate or court of the State of Oklahoma, incurs a forfeiture of the bail or violates such undertaking or recognizance and willfully fails to surrender himself within five (5) days following the date of such forfeiture shall, if the bail was given or undertaking or recognizance extended in connection with a charge of felony or pending appeal or certiorari after conviction of any such offense, be guilty of a felony ~~and shall be fined not more than~~. The fine for a violation of this section shall not exceed One Thousand Dollars ($1,000.00) ~~or imprisoned not more than one (1) year, or both~~. Nothing in this section shall be construed to interfere with or prevent the exercise by any court of its power to punish for contempt.

SECTION 438. AMENDATORY 22 O.S. 1991, Section 1263, is amended to read as follows:

Section 1263. Any officer who shall sell, barter, give away, or otherwise dispose of any whiskey or any intoxicating liquor, including beer, so seized by order of the court, shall be guilty of a felony. ~~A violation of any provision of this Section shall be punished by fine~~ The fine for a violation of this section shall

be not less than Fifty Dollars ($50.00), nor more than Two Thousand Dollars ($2,000.00)~~, and imprisonment of not less than thirty (30) days in jail, nor more than five (5) years in the penitentiary~~.

SECTION 439. AMENDATORY 22 O.S. 1991, Section 1264, is amended to read as follows:

Section 1264. Any officer willfully making a false affidavit, as provided in Section ~~One~~ 1261 of this ~~act~~ title, shall be guilty of the felony of perjury ~~and~~, upon conviction therefor ~~shall be imprisoned in the penitentiary not less than two (2) years nor more than five (5) years for each offense~~.

SECTION 440. AMENDATORY 22 O.S. 1991, Section 1404, is amended to read as follows:

Section 1404. A. Any person convicted of violating any provision of Section ~~3 of the Oklahoma Corrupt Organizations Prevention Act~~ 1403 of this title shall be ~~punished by a term of imprisonment of not less than ten (10) years~~ guilty of a felony and shall not be eligible for a deferred sentence, probation, suspension, work furlough, ~~house arrest~~ or release from confinement on any other basis until the person has served one-half (1/2) of his or her sentence. A violation of each of the provisions of Section ~~3 of the Oklahoma Corrupt Organizations Prevention Act~~ 1403 of this title shall be a separate offense.

B. In lieu of the fine authorized by the Oklahoma Corrupt Organizations Prevention Act, any person convicted of violating any provision of Section ~~3 of the Oklahoma Corrupt Organizations Prevention Act~~ 1403 of this title, through which he derived pecuniary value, or by which he caused personal injury, or property damage or other loss, may be sentenced to pay a fine that does not exceed three times the gross value gained or three times the gross loss caused, whichever is greater, plus court costs and the costs of investigation and prosecution reasonably incurred, less the value of any property ordered forfeited pursuant to the provisions of subsection A of Section ~~5 of the Oklahoma Corrupt Organizations Prevention Act~~ 1405 of this title. The district court shall hold a separate hearing to determine the amount of the

fine authorized by the provisions of this subsection. Any fine imposed, either pursuant to this section or Section 1405 of this title shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

C. No person shall institute any proceedings, civil or criminal, pursuant to the provisions of this act, except the Attorney General, any district attorney or any district attorney appointed under the provisions of Section 215.9 of Title 19 of the Oklahoma Statutes.

SECTION 441. AMENDATORY 26 O.S. 1991, Section 16-101, is amended to read as follows:

Section 16-101. Any person deemed guilty of a felony under provisions of this act shall, upon conviction, be confined in the State Penitentiary ~~for not more than two (2) years, or fined not more than~~. The fine for such a violation shall not exceed Five Thousand Dollars ($5,000.00)~~, or both~~.

SECTION 442. AMENDATORY 29 O.S. 1991, Section 3-201, is amended to read as follows:

Section 3-201. A. All things being equal, veterans of World War II, the Korean, the Vietnam and Persian Gulf Wars shall be appointed as game wardens when vacancies shall occur.

B. All persons appointed game wardens shall be and have the full powers of peace officers of the State of Oklahoma in the enforcement of the provisions of this Code. Game wardens shall have the authority to enforce all state laws on Department-owned or -managed lands. Game wardens shall also enforce all other laws of this state when authorized by the Governor of the State of Oklahoma. Moreover, game wardens specifically:

1. Are vested with the power and authority of sheriffs in making arrests for wildlife conservation violations and nonconservation- related crimes in cooperation with other law enforcement officers and agencies as authorized by the Director and approved by the Governor of the State of Oklahoma;

2. May take into possession any and all protected wildlife, or any part thereof, killed, taken, shipped or had in possession contrary to the law, such wildlife or parts thereof to be disposed

of as may be determined by the Director or any court of competent jurisdiction;

3. May make a complaint and cause proceedings to be commenced against any person for violation of any of the laws for the protection and propagation of wildlife, with the sanction of the prosecuting or district attorney of the county in which such proceedings are brought, and shall not be required to give security for costs;

4. May be an authorized agent of the Commission or Department under Section 3-202 of this title in addition to his duties as a game warden; and

5. May assist in enforcement of the state fire laws, upon request of the Department of Agriculture.

C. 1. Pursuant to the provisions of this subsection, a game warden may operate a vehicle owned or leased by the Department upon a roadway during the hours of darkness without lighted headlamps, clearance lamps, or other illuminating devices. As used in this paragraph, "roadway" shall include any street or highway in this state except an interstate highway, a limited access highway, a state trunk highway, or any street or highway within the limits of an incorporated area.

2. Pursuant to the provisions of this subsection, a game warden may operate a vessel upon any waters of this state during the hours of darkness without the illuminating devices required by Section 4207 of Title 63 of the Oklahoma Statutes.

3. A game warden may operate such vehicle or vessel without the illuminating devices specified in paragraphs 1 and 2 of this subsection only if such operation:

a. is made in the performance of the duties of the game warden pursuant to the provisions of the Code, and

b. (1) will aid in the accomplishment of a lawful arrest for any violation of the Oklahoma Wildlife Code or any rule or regulation promulgated thereto, or

(2) will aid in ascertaining whether a violation of the Oklahoma Wildlife Conservation Code or any

rule or regulation promulgated thereto has been or is about to be committed.

D. Any person who refuses to stop a vehicle or boat when requested to do so by a game warden in the performance of the duties of such game warden is guilty of a misdemeanor and upon conviction is punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00).

E. Any game warden who solicits or accepts any bribe or money or other thing of value in connection with the performance of the duties entrusted to him shall be guilty of a felony ~~and~~, upon conviction~~, shall be sentenced to a term not less than two (2) years nor more than seven (7) years in the State Penitentiary and~~. Any game warden violating the provisions of this subsection shall be summarily removed from office.

SECTION 443. AMENDATORY 34 O.S. 1991, Section 23, is amended to read as follows:

Section 23. Every person who is a qualified elector of the State of Oklahoma may sign a petition for the referendum or for the initiative for any measure upon which he is legally entitled to vote. Any person signing any name other than his own to any petition, or knowingly signing his name more than once for the same measure at one election, or who is not at the time of signing the same a legal voter of this state, or whoever falsely makes or willfully destroys a petition or any part thereof, or who signs or files any certificate or petition knowing the same or any part thereof to be falsely made, or suppresses any certificate or petition or any part thereof which has been duly filed or who shall violate any provision of this statute, or who shall aid or abet any other person in doing any of said acts; and any person violating any provision of this chapter, shall upon conviction thereof be ~~punished by a fine of not exceeding~~ guilty of a felony. The fine for a violation of this section shall not exceed Five Hundred Dollars ($500.00) ~~or by imprisonment in the penitentiary not exceeding two (2) years, or by both such fine and imprisonment in the discretion of the court before which such conviction shall be had~~.

SECTION 444. AMENDATORY 36 O.S. 1991, Section 311.1, as amended by Section 36, Chapter 270, O.S.L. 1993 (36 O.S. Supp. 1996, Section 311.1), is amended to read as follows:

Section 311.1 A. Any insurer who files with the Insurance Commissioner any statement required by this Code knowing such statement to be fraudulent and materially false, upon conviction, shall be guilty of a felony~~, for which the punishment shall be a fine of not to~~. The fine for the violation shall not exceed Five Thousand Dollars ($5,000.00). Any officer, actuary, or employee of such insurer who causes such statement to be filed, knowing the fraudulent and materially false nature thereof, upon conviction, shall be guilty of a felony~~, for which the punishment for each occurrence shall be a fine of not to~~. The fine for the violation shall not exceed Five Thousand Dollars ($5,000.00)~~, or commitment to the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years or both said fine and commitment, and~~. Any such person shall not be permitted to act as an actuary, officer, or director of any insurer licensed to do business in this state.

B. Any insurer who fails without reasonable cause to timely file any statement required by this Code shall be subject, after notice and hearing, to censure, suspension or revocation of certificate. Annual statements filed after the last day of February shall be accompanied by a late filing fee in the amount of Two Hundred Fifty Dollars ($250.00). Repeated willful violations, after notice and hearing, may subject the insurer to both censure, suspension, or revocation of certificate and fine of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) for each occurrence in addition to the late filing fee. Any late filing fees and fines collected pursuant to this subsection shall be deposited to the Insurance Commissioner Revolving Fund.

C. Fines imposed pursuant to the provisions of subsection B of this section may be enforced in the same manner in which civil judgments may be enforced.

D. Prosecution or administrative action for any violation of the provisions of this section shall be commenced within four (4) years after the violation is discovered.

SECTION 445. AMENDATORY 36 O.S. 1991, Section 317, is amended to read as follows:

Section 317. A. The Insurance Commissioner may take depositions, subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of any person being examined, or relative to the subject of any hearing or investigation.

B. Witness fees and mileage, if claimed, shall be allowed the same as for testimony in a district court. Witness fees, mileage, and the actual expense necessarily incurred in securing attendance of witnesses and their testimony shall be itemized, and shall be paid by the person being examined if such person is found to have been in violation of the law as to the matter with respect to which such witness was so subpoenaed, or by the person, if other than the Insurance Commissioner, at whose request the hearing is held.

C. The subpoena shall be served in the same manner as if issued from a district court. If any individual fails to obey a subpoena lawfully served, the Commissioner shall forthwith report such disobedience, together with a copy of the subpoena and proof of service thereof, to the district court of the county in which the individual was required to appear, and such court shall forthwith cause such individual to be produced and shall impose penalties as though he had disobeyed a subpoena issued out of such court.

D. Any person who being under oath testifies falsely or makes any false affidavit during the course of any examination, investigation, or hearing, shall upon conviction thereof be guilty of <u>the felony of</u> perjury.

SECTION 446. AMENDATORY 36 O.S. 1991, Section 935, is amended to read as follows:

Section 935. A. No person shall willfully withhold information from, or knowingly give false or misleading

information to, the Board, or any statistical agency designated by the Board, or any rating organization, which will affect the rates or premiums chargeable under this act.

B. A person convicted of violating this section shall be guilty of a felony ~~and, upon conviction, shall be punished by a fine of~~. The fine for a violation of this section shall be not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00)~~, or by imprisonment for not more than three (3) years or by both such fine and imprisonment~~.

SECTION 447. AMENDATORY 36 O.S. 1991, Section 1425, as last amended by Section 4, Chapter 246, O.S.L. 1996 (36 O.S. Supp. 1996, Section 1425), is amended to read as follows:

Section 1425. The Commissioner shall not issue, continue, or permit to continue any license of an insurance agent, surplus lines insurance broker, limited insurance representative, or customer service representative except in compliance with the following:

A. Application shall be made to the Commissioner by the applicant on a form prescribed by the Commissioner.

B. 1. The application for an insurance agent, managing general agent, or limited insurance representative license shall be accompanied by a written appointment. The appointment shall be made by an officer of the insurer designating the applicant as an insurance agent, managing general agent, or limited insurance representative for such lines of insurance as the applicant will be authorized to write for said insurer. All appointments for any licensee shall be submitted on behalf of the appointing insurer on a form prescribed by the Commissioner and shall remain in force until the renewal date. The renewal dates may be staggered for appointments of agents, managing general agents, and limited insurance representatives by notifying the various companies in writing of the expiration and renewal date being assigned to agents and limited insurance representatives of said companies by the Commissioner and by making appropriate adjustment in the appointment fee.

2. For the renewal licensure of an applicant, the applicant shall submit either a letter from the appointing insurer verifying acceptance of responsibility for the actions of the applicant in the scope of that person's employment, or submit an errors and omissions policy acceptable to the Commissioner, or, if errors and omissions coverage is provided by the insurer for agents by utilizing a blanket errors and omissions policy for coverage, a copy of the policy providing the errors and omissions coverage shall be on file with the Commissioner of insurance. The insurer providing coverage shall submit a list of all agents covered by such policy when renewal applications are to be submitted. Provided, however, in the case of title insurance, scope of employment shall be limited to the issuance of commitments and policies and other duties only as specifically expressed in the agency contract.

3. Application for a customer service representative license or license renewal shall be accompanied by a written appointment, signed by the insurance agent or broker who will supervise the customer service representative, on forms provided by the Commissioner.

C. Every applicant for licensing as an insurance agent, managing general agent, limited insurance representative, or customer service representative pursuant to the provisions of the Insurance Agents Licensing Act, except a partnership or corporation, shall be eighteen (18) years of age or older.

D. 1. Except as provided in paragraph 2 of this subsection, an applicant shall not be a full-time employee of the government of the United States or of the executive or administrative branches of the government of this state or any county or municipality in this state.

2. a. The provisions of this subsection shall not apply to applicants for life or accident and health insurance agents' licenses or limited representatives.

b. The provisions of this subsection shall not apply to persons who hold an elective office except the office of Insurance Commissioner.

c. For the purpose of this subsection, a teacher shall not be considered a full-time employee of the executive or administrative branches of the government of the state or of any county or municipality in the state.

E. All applications shall be accompanied by the applicable fees. An appointment shall terminate upon failure to pay the prescribed renewal fee.

The Insurance Commissioner shall collect in advance the following fees and licenses:

1. For filing appointment of Insurance Commissioner as agent for service of process..... $10.00

2. Miscellaneous:

a. Certificate and Clearance of Commissioner, under seal $3.00

b. Agent's study manual:

Life, Accident & Health .....not to exceed $40.00

Property and Casualty .....not to exceed $40.00

c. For filing Agency Articles of Incorporation $20.00

3. Examination for license:

For each examination covering laws and one or more lines of insurance $50.00

4. Licenses:

a. Agent's biennial license, regardless of number of companies represented $60.00

b. Agent's biennial license for sale or solicitation of separate accounts or agreements, as provided for in Section 6061 of this title $60.00

c. Limited insurance representative biennial license $40.00

d. Temporary license as agent $20.00

e. Managing general agent's biennial license $60.00

f. Surplus lines broker's biennial license $100.00

g. Insurance vending machine, each machine, biennial fee $100.00

h. Insurance consultant's biennial license, resident or nonresident $100.00

i. Customer service representative biennial license..... $40.00

5. Filing notice of biennial appointment of agent, managing general agent, or limited insurance representative by insurer, each license of each agent or representative $40.00

6. Renewal fee for all licenses shall be the same as the initial license fee.

7. The fee for a duplicate license shall be one-half (1/2) the fee of an original license.

8. Late application for the renewal of a license shall require a fee of double the original license fee.

F. 1. The fees and monies received by the Insurance Commissioner pursuant to the provisions of paragraphs 1 and 2 of subsection E of this section shall be deposited with the State Treasurer, who shall place the same to the credit of the State Insurance Commissioner Revolving Fund for the purpose of fulfilling and accomplishing the conditions and purposes of the Insurance Agents Licensing Act.

2. The fees and monies received by the Insurance Commissioner pursuant to the provisions of paragraphs 3 through 8 of subsection E of this section shall be paid into the State Treasury to the credit of the General Revenue Fund of the state.

G. There is hereby created in the State Treasury the State Insurance Commissioner Revolving Fund which shall be a continuing fund not subject to fiscal year limitations. The revolving fund shall consist of fees and monies received by the Insurance Commissioner as required by law to be deposited in said fund and any other funds not dedicated in the Oklahoma Insurance Code. The revolving fund shall be used to fund the general operations of the Insurance Commissioner's Office for the purpose of fulfilling and accomplishing the conditions and purposes of the Insurance Agents

Licensing Act. All expenditures from said revolving fund shall be on claims approved by the Insurance Commissioner and filed with the Director of State Finance for payment.

H. All fees, fines, monies, and license fees authorized by the provisions of this section and not dedicated by the provisions of subsection F of this section to the State Insurance Commissioner Revolving Fund shall be paid into the State Treasury to the credit of the General Revenue Fund of this state.

I. 1. Prior to issuance of a license as an insurance consultant or surplus lines insurance broker, the applicant shall file with the Commissioner and thereafter, for as long as the license remains in effect, shall keep in force a bond in an amount of not less than Five Thousand Dollars ($5,000.00) and not more than Forty Thousand Dollars ($40,000.00) with an authorized corporate surety approved by the Commissioner. The exact amount of the bond shall be determined pursuant to the rules of the Commissioner and shall be based upon the actual or reasonably estimated premium for policies issued in connection with the services of the licensee. The surety shall notify the Commissioner of any changes in the bond of any licensee. The aggregate liability of the surety for any and all claims on a bond required by the provisions of this subsection shall in no event exceed the amount of the bond. No such bond shall be terminated unless at least thirty (30) days' prior written notice of the termination is given by the surety to the licensee and the Commissioner. Upon termination of the license for which the bond was in effect, the licensee shall notify the surety within ten (10) working days.

2. All surety protection required by the provisions of this section is to inure to the benefit of any party aggrieved by the acts of a consultant or broker arising pursuant to conduct as a licensed insurance consultant or surplus lines insurance broker.

J. The Commissioner shall issue an insurance agent's license, managing general agent's license, insurance consultant's license, a limited insurance representative's or a customer service representative's license to any duly qualified resident or

nonresident of this state, whether an individual, partnership, or corporation, as follows:

1. An applicant may qualify as a resident if the applicant resides in this state. Any license issued pursuant to any such application claiming residency in this state for licensing in this state shall constitute an election of residency in this state and shall be void if the licensee, while holding a resident license in this state, also holds or makes application for a license in or thereafter claims to be a resident of any other state or other jurisdiction or ceases to be a resident of this state. However, if the applicant is a resident of a community or trade area, the border of which is contiguous with the state line of this state, the applicant may qualify as a resident in such other state and may hold a license from each state;

2. a. An applicant may qualify for a license pursuant to the provisions of the Insurance Agents Licensing Act as a nonresident only if the applicant holds a resident agent's license in any state of the United States, a province of Canada, or any other foreign country, in which he or she claims residency and with which the Commissioner has executed a reciprocal licensing agreement. The applicant shall provide to the Commissioner an original certification of licensure status from the resident state of the applicant. A license issued to a nonresident of this state shall grant the same rights and privileges afforded a resident licensee, except as otherwise provided for by law. A corporation or partnership otherwise qualified to hold a license as a nonresident agent shall be licensed pursuant to the provisions of this section:

(1) if the principal purpose of the corporation or partnership is the transacting of insurance business,

(2) if said corporation or partnership is not a subsidiary or affiliate of a corporation or

partnership not so qualified unless the parent corporation is also qualified as a nonprofit corporation under the provisions of Section 501(c)(6) of the Internal Revenue Code on or before January 1, 1985, and the subsidiary corporation of the nonprofit parent corporation writes only group insurance for members of the parent corporation, and

(3) if such corporation or partnership does not own stock in or is not a partner in any corporation or partnership licensed as a resident pursuant to Section 1424 of this title.

b. The Commissioner shall not issue a license to any nonresident applicant until said applicant files with the Commissioner his or her designation of the Commissioner as the person upon whom may be served all lawful process in any action, suit, or proceeding instituted by or on behalf of any interested person arising out of the insurance business of the applicant in this state. This designation shall constitute an agreement that said service of process is of the same legal force and validity as personal service of process in this state upon the nonresident licensee. Service of process upon any such licensee in any such action or proceeding in any court of competent jurisdiction of this state may be made by serving the Commissioner with three copies thereof and by paying to the Commissioner a fee of Ten Dollars ($10.00). The Commissioner shall forward a copy of the process by mail with return receipt requested to the licensee at his or her last-known address of record or principal place of business, and the Commissioner shall keep a record of all process so served upon the licensee.

c. Service of process upon any such licensee in any action or proceeding instituted by the Commissioner pursuant to the provisions of this Code shall be made by the Commissioner by mailing the process by mail with return receipt requested to the licensee at his or her last-known address of record or principal place of business.

Service of process upon any nonresident licensee is sufficient, provided notice of the service and a copy of the process are sent within ten (10) days thereafter to the licensee at his or her last-known address of record or principal place of business by mail with return receipt requested.

d. If the Commissioner revokes or suspends any nonresident's license through a formal proceeding pursuant to the provisions of this Code, the Commissioner shall promptly notify the appropriate Commissioner of the licensee's state of residence of the action and of the particulars thereof.

e. A nonresident of this state may be licensed without taking an examination, as prescribed by the Commissioner, if the Commissioner of the state of residence of the applicant certifies by facsimile signature and seal that the applicant has passed a similar examination, or has been a continuous holder, prior to the time the examination was required, of a license similar to the license for which application is being made in this state.

f. When, by the laws or regulations of any other state or jurisdiction, any limitation of rights and privileges, conditions precedent, or any other requirements are imposed upon residents of this state who are nonresident applicants or licensees of the other state or jurisdiction in addition to or in excess of those imposed on nonresidents pursuant to the provisions of the Insurance Agents Licensing

Act, the same requirements shall be imposed upon such residents of the other state or jurisdiction;

3. An applicant for a surplus lines insurance broker's license shall be licensed in this state as a resident insurance agent qualified as to the line or lines of insurance to be written;

4. An applicant for any license required by the provisions of the Insurance Agents Licensing Act shall be deemed by the Commissioner to be competent, trustworthy, financially responsible, and of good personal and business reputation;

5. a. It shall be unlawful for any person whose license to act as an insurance agent, limited insurance representative, managing general agent, insurance consultant, surplus lines insurance broker, or customer service representative has been suspended, revoked, surrendered, or refused to do or perform any of the acts of an insurance agent, limited insurance representative, managing general agent, insurance consultant, surplus lines insurance broker, or customer service representative. Any person convicted of violating the provisions of this ~~section~~ subparagraph shall be guilty of a felony ~~and shall be punished by the imposition of a fine of not more than~~. The fine for a violation of this subparagraph shall not exceed One Thousand Dollars ($1,000.00) ~~or shall be committed to the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or be punished by both said fine and commitment to custody~~.

b. It shall be unlawful for any insurance agent, limited insurance representative, managing general agent, insurance consultant, surplus lines insurance broker, or customer service representative to assist, aid, or conspire with a person whose license as an insurance agent, limited insurance

representative, managing general agent, insurance consultant, surplus lines insurance broker, or customer service representative has been suspended, revoked, surrendered, or refused to engage in any acts as an insurance agent, limited insurance representative, managing general agent, insurance consultant, surplus lines insurance broker, or customer service representative. Any person convicted of violating the provisions of this ~~section~~ subparagraph shall be guilty of a felony ~~and shall be punished by the imposition of a fine of not more than~~. The fine for a violation of this subparagraph shall not exceed One Thousand Dollars ($1,000.00) ~~or shall be committed to the custody of the Department of Corrections for not less than one (1) year nor more than five (5) years, or be punished by both said fine and commitment to custody~~;

6. Except for those persons exempt from licensure as provided for in Section 1424 of this title, it shall be unlawful for any person to do or perform any of the acts of an insurance agent, limited insurance representative, managing general agent, surplus lines insurance broker, insurance consultant, or customer service representative without being duly licensed, or for any partnership or corporation, or any person acting on behalf of a partnership or corporation, to violate any of the provisions of subsection B of Section 1424 of this title. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than Five Hundred Dollars ($500.00) or imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or be punished by both said fine and imprisonment;

7. a. After completion and filing of the application with the Commissioner, except as provided in Section 1426 of this title, the Commissioner shall subject each applicant for license as an insurance agent,

insurance consultant, limited insurance representative, or customer service representative to an examination approved by the Commissioner as to competence to act as a licensee, which each applicant shall personally take and pass to the satisfaction of the Commissioner.

b. If the applicant is a partnership or corporation, the examination shall be taken by each individual who is to act for the corporation or partnership as an agent, limited insurance representative, or insurance consultant.

c. Each examination for a license shall be approved for use by the Commissioner and shall reasonably test the knowledge of the applicant as to the lines of insurance, policies, and transactions to be handled pursuant to the license applied for, the duties and responsibilities of the licensee, and the pertinent insurance laws of this state.

d. Examination for licensing shall be at such reasonable times and places as are designated by the Commissioner.

e. The Commissioner shall give, conduct, and grade all examinations in a fair and impartial manner and without discrimination among individuals examined.

f. The applicant shall pass the examination with a grade determined by the Commissioner to indicate satisfactory knowledge and understanding of the line or lines of insurance for which the applicant seeks qualification. Within ten (10) days after the examination, the Commissioner shall inform the applicant and the appointing insurer, when applicable, as to whether or not the applicant has passed. Formal evidence of said licensing shall be issued by the Commissioner to the licensee within a reasonable time.

g. An applicant who has failed to pass the first examination for the license applied for may take a second examination within thirty (30) days following the first examination. Examination fees for subsequent examinations shall not be waived.

h. An applicant who has failed to pass the first two examinations for the license applied for shall not be permitted to take a subsequent examination until the expiration of six (6) months after the last previous examination. A current application, company appointments, and applicable fees shall be submitted with each request to take a subsequent examination;

8. a. If the Commissioner finds that the applicant has not fully met the requirements for licensing, the Commissioner shall refuse to issue the license and promptly notify the applicant and the appointing insurer, when applicable, in writing, of the denial, stating the grounds therefor.

b. If for any reason a license is not issued by the Commissioner, all fees accompanying the application for the license as insurance agent, surplus lines insurance broker, insurance consultant, and limited insurance representative shall be deemed earned and shall not be refundable;

9. Every licensed agent shall notify the Commissioner of any change in address as shown on the license as issued within ten (10) days after the change; and

10. Every licensed agent shall provide a place of business which is accessible to the public. The provisions of this section shall not prohibit the business of insurance in the residence of a licensed agent.

K. If an agent or agents choose to use a facsimile signature stamp in their business, then such stamp shall be proof that the agent or agents have authorized the signing of any documents relating to the business of insurance.

L. It shall be unlawful for any insurer to discriminate among or between the agents it has appointed. Any person or company convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than Five Hundred Dollars ($500.00) or imprisonment in the county jail for not less than six (6) months nor more than one (1) year, or be punished by both said fine and imprisonment.

M. It shall be unlawful for any insurance agent to receive an ownership interest in any policy, by assignment or otherwise, unless the agent has an insurable interest in the life of the insured.

SECTION 448. AMENDATORY Section 8, Chapter 178, O.S.L. 1992 (36 O.S. Supp. 1996, Section 1658.2), is amended to read as follows:

Section 1658.2 (a) Any insurer failing, without just cause, to file any registration statement, summary, or other information as required in Article 16A of the Insurance Code shall be required, after notice and hearing, to pay a penalty of Two Hundred Dollars ($200.00) for each day's delay, to be recovered by the Commissioner of Insurance and the penalty so recovered shall be paid into the General Revenue Fund of this state. The maximum penalty under this section shall be Twenty Thousand Dollars ($20,000.00). The Commissioner may reduce the penalty if the insurer demonstrates to the Commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

(b) Every director or officer of an insurance holding company system who knowingly violates, participates in, or assents to, or who knowingly shall permit any of the officers or agents of the insurer to engage in transactions or make investments which have not been properly reported or submitted pursuant to Section 1654 or subsection (e) of Section 1655 of Title 36 of the Oklahoma Statutes, or which violate Article 16A of the Insurance Code, shall pay, in their individual capacity, a civil forfeiture of not more than Five Thousand Dollars ($5,000.00) per violation, after notice and hearing before the Commissioner. In determining the

amount of the civil forfeiture, the Commissioner shall take into account the appropriateness of the forfeiture with respect to the gravity of the violation, the history of previous violations, and such other matters as justice may require.

(c) Whenever it appears to the Commissioner that any insurer subject to Article 16A of the Insurance Code or any director, officer, employee or agent thereof has engaged in any transaction or entered into a contract which is subject to Section 1655 of Title 36 of the Oklahoma Statutes and which would not have been approved had such approval been requested, the Commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing the Commissioner may also order the insurer to void any such contracts and restore the status quo if such action is in the best interest of the policyholders, creditors or the public.

(d) Whenever it appears to the Commissioner that any insurer or any director, officer, employee or agent thereof has committed a willful violation of Article 16A of the Insurance Code, the Commissioner may submit such information to the district attorney for Oklahoma County for appropriate action. Any insurer which willfully violates Article 16A of the Insurance Code ~~may be fined not more than~~ shall be guilty of a felony. The fine for the violation shall not exceed Ten Thousand Dollars ($10,000.00). Any individual convicted of willfully violating a provision of Article 16A of the Insurance Code ~~may be fined in the individual capacity of such person not more than~~ shall be guilty of a felony. The fine for the violation shall not exceed Five Thousand Dollars ($5,000.00) ~~or be imprisoned for not more than three (3) years or be subject to both such fine and imprisonment~~ and shall be paid by the convicted person in the individual capacity of the person.

(e) Any officer, director or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the Commissioner in the performance of his duties under Article 16A of the Insurance Code, upon conviction thereof, shall be ~~imprisoned for not more than~~

~~three (3) years or fined~~ guilty of a felony. The fine for a violation of this subsection shall not exceed Five Thousand Dollars ($5,000.00) ~~or be subject to both such fine and imprisonment~~. Any fines imposed shall be paid by the officer, director or employee in the individual capacity of such person.

SECTION 449. AMENDATORY Section 37, Chapter 76, O.S.L. 1992 (36 O.S. Supp. 1996, Section 2737.1), is amended to read as follows:

Section 2737.1 A. Any person who willfully makes a false or fraudulent statement in or relating to an application for membership or for the purpose of obtaining money from or a benefit in any society, upon conviction, shall be guilty of a misdemeanor, punishable by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year, or both.

B. Any person who willfully makes a false or fraudulent statement in any verified report or declaration under oath required or authorized by this article, or of any material fact or thing contained in a sworn statement concerning the death or disability of a member for the purpose of procuring payment of a benefit named in the certificate, is guilty of the felony of perjury and is subject to the penalties therefor prescribed by law.

C. Any person who solicits membership for, or in any manner assists in procuring membership in, any society not licensed to do business in this state, upon conviction, shall be fined not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00).

D. Any person guilty of a willful violation of, or neglect of or refusal to comply with, the provisions of this article for which a penalty is not otherwise prescribed, shall, upon conviction, be subject to a fine not exceeding One Thousand Dollars ($1,000.00).

SECTION 450. AMENDATORY Section 21, Chapter 108, O.S.L. 1993 (36 O.S. Supp. 1996, Section 6621), is amended to read as follows:

Section 6621. A. All funds belonging to insurers, service warranty associations, or others received by a sales representative in transactions under his registration are trust funds so received by such agent in a fiduciary capacity; and the agent, in the applicable regular course of business, shall account for and pay such funds to the insurer, association, warranty holder, or other person entitled thereto.

B. Any sales representative who, not being entitled thereto, diverts or appropriates such funds or any portion thereof to his own use is guilty of the felony of embezzlement.

SECTION 451. AMENDATORY 37 O.S. 1991, Section 538, is amended to read as follows:

Section 538. A. Any person who shall operate a whiskey still with intent to produce alcoholic beverages or any person who shall carry on the business of a distiller without having in his possession a valid and existing distiller's license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall be guilty of a felony ~~and~~, upon conviction ~~be fined~~. The fine for a violation of this subsection shall be not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00)~~, or imprisoned in the State Penitentiary for not more than three (3) years, or both such fine and imprisonment~~.

B. Any person who shall file a false or fraudulent return in connection with any tax imposed by the Oklahoma Alcoholic Beverage Control Act, or willfully evade, or attempt to evade, any tax herein levied shall be guilty of a felony ~~and~~, upon conviction ~~be fined~~. The fine for a violation of this subsection shall be not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00)~~, or imprisoned in the State Penitentiary for not more than three (3) years, or both such fine and imprisonment~~.

C. Any person who shall knowingly engage in any activity or perform any transaction or act for which a license is required under the Oklahoma Alcoholic Beverage Control Act, not having such license, shall be guilty of a misdemeanor and for the first offense be fined not more than Two Thousand Five Hundred Dollars ($2,500.00) and imprisoned for not less than thirty (30) days nor more than six (6) months, and for a second or subsequent offense shall be guilty of a felony ~~and be fined not more than~~. The felony fine for a violation of this subsection shall not exceed Two Thousand Five Hundred Dollars ($2,500.00)~~, or imprisoned in the State Penitentiary for not more than one (1) year, or both such fine and imprisonment~~.

D. Any person holding a license issued pursuant to the Oklahoma Alcoholic Beverage Control Act who shall sell or deliver alcoholic beverage to any person not entitled to purchase or receive same, except as provided in subsection F of this section, or who shall possess for sale any alcoholic beverage which he is not entitled to sell under his license, or any person who buys any alcoholic beverage, either retail or wholesale, from any person other than a licensed dealer under the terms of the Oklahoma Alcoholic Beverage Control Act, shall be guilty of a misdemeanor and upon conviction be fined not more than One Thousand Five Hundred Dollars ($1,500.00), or imprisoned in the county jail for not more than six (6) months, or both such fine and imprisonment.

E. Any person under twenty-one (21) years of age who shall misrepresent his age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him alcoholic beverage or issue him a bottle club membership card, or who enters or attempts to enter a package store or a separate or enclosed bar area as designated by the ABLE Commission, shall be guilty of a misdemeanor and fined not more than Fifty Dollars ($50.00). In addition, if a person is convicted or pleads guilty to a violation of the provisions of this subsection in any court having jurisdiction over said offense, the court may order the Department of Public Safety to cancel or deny the offender's privilege to operate a motor vehicle

and, upon such order, shall require that the operator's or chauffeur's license, if any, be surrendered to the Department pursuant to Section 6-209 of Title 47 of the Oklahoma Statutes. The cancellation or denial period shall be for one (1) year, or until the person reaches twenty-one (21) years of age, whichever is longer.

Any person whose driving privileges are ordered cancelled or denied pursuant to this section may petition the court of original jurisdiction for review of the order. Upon notice and hearing, the court may modify or withdraw the order as the court deems appropriate except:

1. A court may not withdraw an order for at least ninety (90) days following the issuance of the order if it is the first such order issued regarding the person named; and

2. A court may not withdraw an order for at least six (6) months following the issuance of the order if it is the second or subsequent such order issued regarding the person named.

If the Department receives written notice from the court of original jurisdiction that it has withdrawn such an order, the Department shall immediately reinstate any driving privileges that have been canceled or denied under this section, without requiring payment of a reinstatement fee.

F. Any person who shall knowingly sell, furnish or give alcoholic beverage to a person under twenty-one (21) years of age shall be guilty of a felony~~, and shall be fined~~. The fine for a violation of this subsection shall be not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00)~~, or imprisoned in the State Penitentiary for not more than five (5) years, or both such fine and imprisonment~~. The ABLE Commission shall revoke the license of any person convicted of a violation of this subsection.

G. Any person who shall knowingly sell, furnish or give alcoholic beverage to an insane, mentally deficient, or intoxicated person shall be guilty of a felony~~, and shall be fined~~. The fine for a violation of this subsection shall be not less than Five Hundred Dollars ($500.00) nor more than One

Thousand Dollars ($1,000.00)~~, or imprisoned in the State Penitentiary for not more than one (1) year, or both such fine and imprisonment~~.

H. The payment of the special tax required of liquor dealers by the United States by any person within this state without a corresponding state license shall constitute prima facie evidence of an intention to violate the provisions of the Oklahoma Alcoholic Beverage Control Act.

I. Any person operating a cafe, restaurant, club or any place of recreation who permits any person to be drunk or intoxicated in said place of business shall be guilty of a misdemeanor, and shall be fined not more than One Hundred Dollars ($100.00), or imprisoned for not more than thirty (30) days or by both such fine and imprisonment.

J. Any person selling or keeping a package store open to sell any alcoholic beverage during any day or hours not authorized by the Oklahoma Alcoholic Beverage Control Act shall be guilty of a misdemeanor.

SECTION 452. AMENDATORY 37 O.S. 1991, Section 587, is amended to read as follows:

Section 587. Any person who shall make, without authorization of the Oklahoma Tax Commission, manufacture, counterfeit, duplicate, or in any way imitate any stamps provided for in the Oklahoma Alcoholic Beverage Control Act, or who shall have in his possession, transfer, utter, or deliver any imitation or counterfeit stamp or shall affix any counterfeit stamp to any container of alcoholic beverages, other than beer, or any case of beer shall be guilty of a felony ~~and~~, upon conviction~~, shall be punished by a fine of~~. The fine for the violation shall be not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) ~~and by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years~~. Any person who shall have in his possession any molds, dies, engraving, or other articles, things or machines used or capable of being used to counterfeit said stamps, shall be guilty of a felony ~~and~~, upon conviction~~, shall be punished by a fine of~~.

The fine for the violation shall be not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) ~~and by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years~~.

SECTION 453. AMENDATORY 40 O.S. 1991, Section 4-508, as last amended by Section 20, Chapter 340, O.S.L. 1995 (40 O.S. Supp. 1996, Section 4-508), is amended to read as follows:

Section 4-508. INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE. A. Except as otherwise provided by law, information obtained from any employing unit or individual pursuant to the administration of the Employment Security Act of 1980, and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or employer or agent of such person as authorized in writing shall be supplied with information from the records of the Commission, to the extent necessary for the proper presentation of his claim or complaint in any proceeding under the Employment Security Act of 1980, Section 1-101 et seq. of this title, with respect thereto.

B. Upon receipt of written request by any employer who maintains a Supplemental Unemployment Benefit (SUB) Plan, the Commission or its designated representative may release to such employer information regarding weekly benefit amounts paid its workers during a specified temporary layoff period, provided such Supplemental Unemployment Benefit (SUB) Plan requires benefit payment information before Supplemental Unemployment Benefits can be paid to such workers. Any information disclosed under this provision shall be utilized solely for the purpose outlined herein and shall be held strictly confidential by the employer.

C. The provisions of this section shall not prevent the Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to taxpayer or claimant a copy of any report or other paper filed by him pursuant to the provision of the act;

2. The disclosure of information to any person for a purpose as authorized by the taxpayer or claimant pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be notarized;

3. The Oklahoma Department of Commerce may have access to data obtained pursuant to the Oklahoma Employment Security Act of 1980 pursuant to rules promulgated by the Oklahoma Employment Security Commission. The information obtained shall be held confidential by the Department and any of its agents and shall not be disclosed or be open to public inspection. The Oklahoma Department of Commerce, however, may release aggregated data, either by industry or county, provided that such aggregation meets disclosure requirements of the Oklahoma Employment Security Commission;

4. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

5. The disclosing of information or evidence to the Attorney General or any district attorney when ~~said~~ the information or evidence is to be used by said officials or other parties to the proceedings to prosecute or defend allegations of violations of the act. ~~Said~~ The information disclosed to the Attorney General or any district attorney shall be kept confidential by them and not be disclosed except when presented to a court in a prosecution of a violation of the ~~act~~ Employment Security Act of 1980, and a violation by the Attorney General or district attorney by otherwise releasing the information shall be a felony;

6. The furnishing, at the discretion of the Commission, of any information disclosed by said records or files to any official person or body of this state, any other state or of the United States who is concerned with the administration of assessment of any similar tax in this state, any other state or the United States;

7. The furnishing of information to other state agencies for the limited purpose of aiding in the collection of debts owed by individuals to said requesting agencies;

8. The release to officials, employees, and agents of the Oklahoma Department of Transportation of information required for use in federally mandated regional transportation planning, which is performed as a part of their official duties;

9. The release to officials, employees and agents of the State Treasurer's office of information required to verify or evaluate the effectiveness of the Oklahoma Small Business Linked Deposit Program on job creation;

10. The release to officials, employees, and agents of the Attorney General or the State Insurance Fund for use in investigation of workers' compensation fraud;

11. The release to employees of the Oklahoma State Bureau of Investigation or release to employees of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for use in criminal investigations and the location of missing persons or fugitives from justice;

12. The release to officials, employees, and agents of the Center of International Trade, Oklahoma State University, of information required for the development of International Trade for employers doing business in the State of Oklahoma; or

13. The release to officials, employees, and agents of the Oklahoma State Regents for Higher Education of information required for use in the default prevention efforts and/or collection of defaulted student loans guaranteed by the Oklahoma Guaranteed Student Loan Program. Any information disclosed under this provision shall be utilized solely for the purpose outlined herein and shall be held strictly confidential by the Oklahoma State Regents for Higher Education.

D. All subpoenas or court orders for production of documents must provide a minimum of twenty (20) days from the date it is served for the Commission to produce the documents. If the date on which production of the documents is required is less than twenty (20) days from the date of service, the subpoena or order

shall be considered void on its face as an undue burden or hardship on the Commission.

E. Should any of the disclosures provided for in this section require more than casual or incidental staff time, the Commission may charge the cost of such staff time to the party requesting the information.

F. It is further provided that the provisions of this section shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the records and files of the Commission.

SECTION 454. AMENDATORY 40 O.S. 1991, Section 169, is amended to read as follows:

Section 169. Any person who shall hire, aid, abet or assist in hiring through private detective agencies or otherwise, persons to guard with arms or deadly weapons of any kind, other persons or property, or any person who shall come into this state armed with deadly weapons of any kind for any such purpose, without a permit, in writing, from the Governor, shall be guilty of a felony, ~~and~~ on conviction thereof ~~shall be imprisoned in the penitentiary not less than one (1) year nor more than five (5) years:~~. Provided, that nothing herein contained shall be construed to interfere with the right of any person, corporations, society, association or organization in guarding and protecting their property as provided by law; but this section shall be construed only to apply in cases where workmen are brought into the state or induced to go from one place to another in the state by any false pretenses, false advertising, or deceptive representation, or brought into the state under arms or removed from one place to another in the state under arms.

SECTION 455. AMENDATORY 40 O.S. 1991, Section 182, is amended to read as follows:

Section 182. Any officer, superintendent, foreman, boss, or other person in authority, who, on behalf of any railroad, corporation, or any other person, firm or corporation, using steam boilers, violating any of the provisions of the preceding section, shall be deemed guilty of a felony, ~~and shall~~ upon conviction~~, be~~

~~punished by imprisonment for a period of not less than one (1) year nor more than two (2) years~~.

SECTION 456. AMENDATORY 40 O.S. 1991, Section 196.13, is amended to read as follows:

Section 196.13 A. Any person who knowingly makes or receives, directly or indirectly, a kickback shall be guilty of a felony ~~and~~, upon conviction~~, shall be punished by a~~. The fine for a violation of this section shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00) or double the amount of the kickback ~~or by imprisonment in the State Penitentiary for a period not to exceed five (5) years, or both such fine and imprisonment~~.

B. Any person who is convicted of violating the provisions of subsection A of this section shall be ineligible to perform any construction work in any manner for any public body.

SECTION 457. AMENDATORY 41 O.S. 1991, Section 25, is amended to read as follows:

Section 25. Any person who shall remove any crops from leased or rented premises with intent to deprive the owner or landlord interested in said land of any of the rent due from said land, or who shall fraudulently appropriate the rent due the owner or landlord of said land, to himself or any person not entitled thereto, shall be ~~deemed~~ guilty of the felony of embezzlement and punished accordingly.

SECTION 458. AMENDATORY 42 O.S. 1991, Section 142.4, is amended to read as follows:

Section 142.4 Any original contractor who falsifies any statement regarding liens on labor or material to any owner of a dwelling, upon conviction, shall be guilty of a felony.

SECTION 459. AMENDATORY 42 O.S. 1991, Section 144.2, is amended to read as follows:

Section 144.2 A. Except as provided by subsection F of this section, the amount payable under any oil and gas well drilling contract, reworking contract, operating agreement, or monies payable as a condition of participation in the drilling of an oil and gas well under the terms of a pooling order issued by the Oklahoma Corporation Commission shall, upon receipt by any oil and

gas well operator, contractor or subcontractor, be held by such operator as trust funds for the payment of all lienable claims due and owing by such operator, contractor or subcontractor by reason of such drilling contract, reworking contract, operating agreement, or force pooling order.

B. The trust funds created under subsection A of this section shall be applied to the payment of said valid lienable claims and no portion thereof shall be used for any other purpose until all lienable claims due and owing or to become due and owing shall have been paid.

C. Any person willfully and knowingly appropriating such trust funds to a use not permitted by subsection A of this section, upon conviction, shall be guilty of the felony of embezzlement.

D. If the party receiving any money under subsection A of this section shall be a corporation, such corporation and its managing officers shall be liable for the proper application of such trust funds and subject to punishment under subsection C of this section.

E. The existence of such trust funds shall not prohibit the filing or enforcement of any labor, mechanic or materialmen's lien against the affected real property by any lien claimant, nor shall the filing of such a lien release the holder of such funds from the obligations created under this section.

F. The provisions of this section shall not be applicable or affect payments owed to royalty owners by the operator of an oil or gas well and shall not affect or alter the terms or provisions of Section 87.1 of Title 52 of the Oklahoma Statutes.

SECTION 460. AMENDATORY 42 O.S. 1991, Section 153, is amended to read as follows:

Section 153. (1) The trust funds created under Section 152 of this title shall be applied to the payment of said valid lienable claims and no portion thereof shall be used for any other purpose until all lienable claims due and owing or to become due and owing shall have been paid.

(2) Any person willfully and knowingly appropriating such trust funds to a use not permitted by subsection (1) of this section, upon conviction, shall be guilty of the felony of embezzlement ~~and shall be punished by imprisonment in the State Penitentiary for a period not to exceed five (5) years or by a fine not to~~. The fine for a violation of this subsection shall not exceed Ten Thousand Dollars ($10,000.00)~~, or by both such imprisonment and fine~~.

(3) If the party receiving any money under Section 152 of this title shall be a corporation, such corporation and its managing officers shall be liable for the proper application of such trust funds and subject to punishment under subsection (2) of this section.

(4) The existence of such trust funds shall not prohibit the filing or enforcement of a labor, mechanic or materialmen's lien against the affected real property by any lien claimant, nor shall the filing of such a lien release the holder of such funds from the obligations created under this section or Section 152 of this title.

SECTION 461. AMENDATORY 43 O.S. 1991, Section 14, is amended to read as follows:

Section 14. Any minister of the Gospel, or other person authorized to solemnize the rites of matrimony within this state, who shall knowingly solemnize the rites of matrimony between persons prohibited by this chapter, from intermarrying shall be deemed guilty of a felony, ~~and~~ upon conviction thereof~~, shall be fined in any sum not exceeding~~. The fine for a violation of this section shall not exceed Five Hundred Dollars ($500.00) ~~and imprisonment in the penitentiary not less than one (1) nor more than five (5) years~~. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 462. AMENDATORY 43 O.S. 1991, Section 123, is amended to read as follows:

Section 123. It shall be unlawful for either party to an action for divorce whose former husband or wife is living to marry

in this state a person other than the divorced spouse within six (6) months from date of decree of divorce granted in this state, or to cohabit with such other person in this state during said period if the marriage took place in another state; and if an appeal be commenced from said decree, it shall be unlawful for either party to such cause to marry any other person and cohabit with such person in this state until the expiration of thirty (30) days from the date on which final judgment shall be rendered pursuant to such appeal. Any person violating the provisions of this section by such marriage shall be deemed guilty of the felony of bigamy. Any person violating the provisions of this section by such cohabitation shall be deemed guilty of the felony of adultery.

An appeal from a judgment granting or denying a divorce shall be made in the same manner as in any other civil case.

SECTION 463. AMENDATORY 43 O.S. 1991, Section 124, is amended to read as follows:

Section 124. Every person convicted of bigamy as such offense is defined in ~~the foregoing section~~ Section 123 of this title shall be ~~punished by imprisonment in the penitentiary for a term of not less than one (1) year nor more than three (3) years~~ guilty of a felony.

SECTION 464. AMENDATORY 43 O.S. 1991, Section 527, as amended by Section 2, Chapter 132, O.S.L. 1994 (43 O.S. Supp. 1996, Section 527), is amended to read as follows:

Section 527. A. Any parent or other person who violates an order of any court of this state, granting the custody of the child under the age of eighteen (18) years, to any person, agency or institution, with the intent to deprive the lawful custodian of the custody of a child under the age of eighteen (18) years, shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a period of not more than five (5) years or by a fine not exceeding~~. The fine for a violation of this subsection shall not exceed Five Thousand Dollars ($5,000.00) ~~or by both such fine and imprisonment~~.

B. It shall be an affirmative defense either:

1. That the offender reasonably believes that the act was necessary to preserve the child from physical, mental or emotional danger to his welfare; or

2. That the child, being at the time more than fourteen (14) years old, was taken away at his own instigation without enticement and without purpose to commit a criminal offense with or against the child and that the offender had a reasonable belief that if not taken, the child would run away to a location unknown to either the custodial or noncustodial parent or would otherwise cause serious harm to himself. Provided, however, that such defenses shall not apply if the offender committed said act within thirty (30) days of an order of the district court relating to custody of the minor or unless the offender, within seventy-two (72) hours of the taking of the child:

a. notifies the Department of Human Services of such removal and of the location of the child, and

b. files an action for modification of the custody order with the court having proper jurisdiction of the case.

Upon receipt of such notification, the Department of Human Services shall immediately notify the local law enforcement agency nearest to the current location of the child of the taking and where the child is located.

C. If a child is removed from the custody of his lawful custodian, pursuant to the provisions of this section, any law enforcement officer may take such child into custody without a court order, and unless there is a specific court order directing a peace officer to take the child into custody and release or return the child to his lawful custodian, such child shall be held in protective custody until the right of custody is determined by the court having proper jurisdiction of the matter.

SECTION 465. AMENDATORY 44 O.S. 1991, Section 210, is amended to read as follows:

Section 210. Whenever the National Guard is called into service under proclamation of the Governor for the performance of any duties contemplated in this act, any person who willfully

assaults, or fires at, or throws any dangerous missile at, against, or upon any member or body of the National Guard so engaged, or civil officer or other persons lawfully aiding or assisting them in the discharge of their duties, shall be deemed guilty of a felony ~~and~~, upon conviction ~~shall be imprisoned in the State Penitentiary not more than two (2) years~~.

SECTION 466. AMENDATORY 45 O.S. 1991, Section 807, is amended to read as follows:

Section 807. No director, officer, agent or employee of the district shall be directly or indirectly interested in any contract for the purchase of any property or construction or any work by or for the district, and if any such person shall be or become so interested in such contract he shall be guilty of a felony ~~and~~, on conviction thereof ~~shall be subject to a fine in an amount not to~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00)~~, or to confinement in the penitentiary for not less than one (1) year or more than ten (10) years or both~~.

SECTION 467. AMENDATORY 43A O.S. 1991, Section 2-217, is amended to read as follows:

Section 2-217. Any officer or employee in the Department of Mental Health and Substance Abuse Services who shall sell anything to any institution within the Department or who shall make any contract in which he is personally interested with such institution or who shall accept any gift or fee for any purpose from any person who has at the time or has had a contract to do anything connected with the Department or any of its institutions shall be guilty of a felony ~~and~~, upon conviction~~, shall be fined~~. The fine for a violation of this section shall not ~~to~~ exceed One Thousand Dollars ($1,000.00) ~~or confined in the penitentiary not to exceed five (5) years, or both~~.

SECTION 468. AMENDATORY 43A O.S. 1991, Section 2-219, is amended to read as follows:

Section 2-219. Any officer or employee of any of said hospitals who shall maliciously assault, beat, batter, abuse, or use mechanical restraints without authority, or willfully aid,

abet, advise or permit any patient confined therein to be maliciously assaulted, beaten, battered, abused, or use mechanical restraints without authority shall be guilty of a felony, ~~and~~ on conviction thereof~~, shall be punished by imprisonment in the State Penitentiary for not more than five (5) years, or a~~. The fine for a violation of this section shall not ~~exceeding~~ exceed Five Hundred Dollars ($500.00)~~, or both said fine and imprisonment~~.

SECTION 469. AMENDATORY 43A O.S. 1991, Section 3-601, as amended by Section 52, Chapter 354, O.S.L. 1996 (43A O.S. Supp. 1996, Section 3-601), is amended to read as follows:

Section 3-601. A. Any Class II controlled dangerous substance, when used in this state by a narcotic treatment program for persons with a history of addiction to or physiologic dependence on controlled dangerous substances, shall only be used in treating persons with a history of addiction ~~of~~ for two (2) years or more, or persons with a one-year history, as defined by Chapter 1 of Title 21 of the Code of Federal Regulations, and documentation of attempting another type of treatment.

B. Any conviction for a violation of the provisions of this section or any rules promulgated pursuant to the provisions of this section shall be a felony.

C. For the purposes of this section, "narcotic treatment program" means a person, private physician, or organization that administers or dispenses a narcotic drug to a narcotic addict for the purposes of detoxification or maintenance treatment or provides, when necessary and appropriate, comprehensive medical and rehabilitation services. A narcotic treatment program shall be approved by the Alcohol and Drug Abuse Prevention, Training, Treatment and Rehabilitation Authority and registered with the federal Drug Enforcement Administration for the use of a narcotic drug to treat narcotic addiction.

D. The Authority shall establish a central registry of persons receiving Class II controlled dangerous substances as participants of a narcotic treatment program. Narcotic treatment programs shall participate in the registries of adjoining states

when the programs are within one hundred twenty-five (125) miles of the boundaries of the adjoining state.

E. Narcotic treatment programs shall notify the Authority of plans to close or relocate within a minimum of thirty (30) days prior to closure or relocation.

SECTION 470. AMENDATORY 43A O.S. 1991, Section 11-113, as amended by Section 13, Chapter 251, O.S.L. 1995 (43A O.S. Supp. 1996, Section 11-113), is amended to read as follows:

Section 11-113. A. Any person who willfully conceals, cancels, defaces, alters, or obliterates the advance directive for mental health treatment of another without the declarant's consent, or who falsifies or forges a revocation of an advance directive of another, shall be, upon conviction, guilty of a misdemeanor.

B. A person who in any way falsifies or forges the advance directive for mental health treatment of another person, or who willfully conceals or withholds personal knowledge of a revocation of an advance directive for mental health treatment, shall be, upon conviction, guilty of a misdemeanor.

C. A person who requires or prohibits the execution of an advance directive for mental health treatment as a condition for being insured for, or receiving, health care services shall be, upon conviction, guilty of a misdemeanor.

D. A person who coerces or fraudulently induces another person to execute a declaration or revocation shall be, upon conviction, guilty of a felony.

E. The sanctions provided in this section do not displace any sanction applicable under any other law.

SECTION 471. AMENDATORY 47 O.S. 1991, Section 4-102, is amended to read as follows:

Section 4-102. A person not entitled to possession of a vehicle or implement of husbandry who, without the consent of the owner and with intent to deprive ~~him~~ the owner, temporarily or otherwise, of the vehicle or implement of husbandry or its possession, takes, uses or drives the vehicle or implement of husbandry ~~is~~ shall be guilty of a felony.

SECTION 472. AMENDATORY 47 O.S. 1991, Section 4-103, is amended to read as follows:

Section 4-103. A person not entitled to the possession of a vehicle who receives, possesses, conceals, sells or disposes of it, knowing ~~it~~ the vehicle to be stolen or converted under circumstances constituting a crime, ~~is~~ shall be guilty of a felony.

SECTION 473. AMENDATORY 47 O.S. 1991, Section 4-107, is amended to read as follows:

Section 4-107. (a) Any person or persons who shall destroy, remove, cover, alter or deface, or cause to be destroyed, removed, covered, altered or defaced, the engine number or other distinguishing number of any vehicle in this state, without first giving notice of such act to the Oklahoma Tax Commission, upon such form as the Commission may prescribe, or any person who shall give a wrong description in any application for the registration of any vehicle in this state for the purpose of concealing or hiding the identity of such vehicle, shall be deemed guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years~~.

(b) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, knowing that the identification number of the vehicle or engine has been removed or falsified, shall, upon conviction, be guilty of a misdemeanor.

(c) A person who buys, receives, possesses, sells or disposes of a vehicle or an engine for a vehicle, with knowledge that the identification number of the vehicle or engine has been removed or falsified and with intent to conceal or misrepresent the identity of the vehicle or engine, shall, upon conviction, be guilty of a felony.

(d) A person who removes a license plate from a vehicle or affixes to a vehicle a license plate not authorized by law for use on said vehicle with intent to conceal or misrepresent the identity of the vehicle or its owner shall, upon conviction, be guilty of a misdemeanor.

(e) As used in this section:

1. "Identification number" includes an identifying number, serial number, engine number or other distinguishing number or mark, placed on a vehicle or engine by its manufacturer or by authority of the Oklahoma Tax Commission or in accordance with the laws of another state or country;

2. "Remove" includes deface, cover and destroy;

3. "Falsify" includes alter and forge.

(f) An identification number may be placed on a vehicle or engine by its manufacturer in the regular course of business or placed or restored on a vehicle or engine by authority of the Oklahoma Tax Commission without violating this section; an identification number so placed or restored is not falsified.

SECTION 474. AMENDATORY 47 O.S. 1991, Section 4-108, is amended to read as follows:

Section 4-108. Any person who shall knowingly make any false statement of a material fact, either in his application for the certificate of title herein provided for, or in any assignment thereof, or who, with intent to procure or pass title to a motor vehicle which he knows, or has reason to believe, has been stolen, shall receive or transfer possession of the same from or to another, or who shall have in his possession any motor vehicle which he knows or has reason to believe has been stolen, and who is not an officer of the law engaged at the time in the performance of his duty as such officer, shall be deemed guilty of a felony, ~~and~~ upon conviction thereof ~~shall be fined~~. The fine for a violation of this section shall be not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00)~~, or imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court~~. This provision shall not be exclusive of any other penalties prescribed by an existing or future law for the larceny or unauthorized taking of a motor vehicle.

SECTION 475. AMENDATORY 47 O.S. 1991, Section 4-109, is amended to read as follows:

Section 4-109. Any person who shall alter or forge, or cause to be altered or forged, any certificate of title issued by the Commission, pursuant to the provisions of this act, or any assignment thereof, or who shall hold or use any such certificate or assignment, knowing the same to have been altered or forged, shall be deemed guilty of a felony, ~~and~~ upon conviction thereof ~~shall be liable to pay a~~. The fine ~~of~~ for a violation of this section shall be not less than Fifty Dollars ($50.00), nor more than Five Thousand Dollars ($5,000.00)~~, or to imprisonment in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court~~.

SECTION 476. AMENDATORY 47 O.S. 1991, Section 4-110, is amended to read as follows:

Section 4-110. A. Except as otherwise authorized by law, it shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title or number plate issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate or number plate issued under the laws of this state or any other state;

3. To purchase identification or number plates on an assigned certificate of title. This paragraph shall be applicable to all persons except bona fide registered dealers in used motor vehicles who are holders of current and valid used motor vehicle dealers' licenses;

4. To sell or dispose of, in any manner, a used vehicle without delivering to the purchaser an Oklahoma certificate of title in such purchaser's name or one properly and completely assigned to ~~him~~ the purchaser at the time of sale.

Anyone violating any of the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be

fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

B. Except as otherwise authorized by law, no person shall:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Purchase identification, manufactured home registration receipt, Manufactured Home Registration Decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. Any violation of any portion of this section ~~where~~ for which a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

SECTION 477. AMENDATORY 47 O.S. 1991, Section 6-301, is amended to read as follows:

Section 6-301. It shall be unlawful for any person to commit any of the acts specified in paragraphs 1 or 2 of this section in relation to an Oklahoma driver's license or identification card authorized to be issued by the Department of Public Safety pursuant to the provisions of Sections 6-101 through 6-308 of this title or any driver license or other evidence of driving privilege or identification card authorized to be issued by the state of origin.

1. It is a misdemeanor for any licensee:

a. to display or cause or permit to be displayed his license after such license has been suspended, revoked or canceled or to possess his license after having received notice of its suspension, revocation, or cancellation~~;~~,

b. to lend his license or identification card to any other person or knowingly permit the use thereof by another~~;~~,

c. to display or cause or permit to be displayed or to possess a license or identification card issued to him which bears altered information concerning the date of birth, expiration date, sex, height, eye color, weight or license or card number~~;~~,

d. to fail or refuse to surrender to the Department upon its lawful demand any license or identification card which has been suspended, revoked or canceled~~;~~,

e. to permit any unlawful use of a license or identification card issued to him~~;~~, or

f. to do any act forbidden or fail to perform any act required by this chapter, excepting those acts as provided in paragraph 2 of this section.

2. It is a felony for any person:

a. to create, publish or otherwise manufacture an Oklahoma or other state license or identification card or facsimile thereof, or to create, manufacture or possess an engraved plate or other such device for the printing of an Oklahoma or other state license or identification card or facsimile thereof, except as authorized pursuant to this title~~;~~,

b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card~~;~~,

c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature~~;~~,

d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee~~;~~,

e. to display or represent as one's own any license or identification card not issued to him, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his duties~~;~~, or

f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to issue licenses or identification cards under this title to knowingly issue a license or identification card or knowingly cause a license or identification card to be issued:

a. to a person not entitled thereto~~;~~,

b. bearing erroneous information thereon~~;~~, or

c. bearing the photograph of a person other than the person named thereon.

4. The violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00); the violation of any of the provisions of paragraphs 2 or 3 of this section shall constitute a felony ~~and shall~~, upon conviction thereof~~, be punishable by a~~. The fine for a violation of paragraphs 2 or 3 of this section shall not ~~exceeding~~ exceed Ten Thousand Dollars ($10,000.00) ~~or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment~~.

5. Notwithstanding any provision of this section, the Commissioner of the Department of Public Safety may, upon the request of the chief administrator of a law enforcement agency,

authorize the issuance, display, manufacture and possession of a license which would otherwise be a violation of this section, for the sole purpose of aiding in a criminal investigation. While acting pursuant to such authorization by the Commissioner, such person shall not be prosecuted for a violation under this section. Upon termination of such criminal investigation or upon request of the Commissioner, the chief administrator shall forthwith cause such license to be returned to the Commissioner.

SECTION 478. AMENDATORY 47 O.S. 1991, Section 10-102, as amended by Section 5, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1996, Section 10-102), is amended to read as follows:

Section 10-102. A. The driver of any vehicle involved in an accident resulting in a nonfatal injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of this title. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony ~~punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a~~. The fine ~~of~~ for a violation of this section shall be not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

SECTION 479. AMENDATORY Section 6, Chapter 382, O.S.L. 1992 (47 O.S. Supp. 1996, Section 10-102.1), is amended to read as follows:

Section 10-102.1 A. The driver of any vehicle involved in an accident resulting in the death of any person shall immediately stop such vehicle at the scene of such accident or as close

thereto as possible but shall then forthwith return to and in every event shall remain at the scene of the accident until he has fulfilled the requirements of Section 10-104 of Title 47 of the Oklahoma Statutes. Every such stop shall be made without obstructing traffic more than is necessary.

B. Any person willfully, maliciously, or feloniously failing to stop to avoid detection or prosecution, or to comply with said requirements under such circumstances, shall upon conviction be guilty of a felony ~~punishable by imprisonment for not less than one (1) year nor more than ten (10) years, or by a~~. The fine ~~of~~ for a violation of this section shall be not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00)~~, or by both such fine and imprisonment~~.

C. The Commissioner of Public Safety shall revoke the license or permit to drive and any nonresident operating privilege of the person so convicted.

SECTION 480. AMENDATORY 47 O.S. 1991, Section 11-207, as amended by Section 3, Chapter 127, O.S.L. 1993 (47 O.S. Supp. 1996, Section 11-207), is amended to read as follows:

Section 11-207. A. No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic-control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof.

B. If a violation of subsection A of this section results in personal injury to or death of any person, the person committing the violation shall, upon conviction, be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a~~. The fine ~~of~~ for a violation of this section shall be not more than One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~.

SECTION 481. AMENDATORY 47 O.S. 1991, Section 11-902, as last amended by Section 3, Chapter 313, O.S.L. 1995 (47 O.S. Supp. 1996, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful ~~and punishable as provided in this section~~ for any person to drive, operate, or be in actual physical control of a motor vehicle within this state who:

1. Has a blood or breath alcohol concentration, as defined in Section 756 of this title, of ten-hundredths (0.10) or more at the time of a test of such person's blood or breath administered within two (2) hours after the arrest of such person;

2. Is under the influence of alcohol;

3. Is under the influence of any intoxicating substance other than alcohol which may render such person incapable of safely driving or operating a motor vehicle; or

4. Is under the combined influence of alcohol and any other intoxicating substance which may render such person incapable of safely driving or operating a motor vehicle.

B. The fact that any person charged with a violation of this section is or has been lawfully entitled to use alcohol or a controlled dangerous substance or any other intoxicating substance shall not constitute a defense against any charge of violating this section.

As used in this title, the term "other intoxicating substance" shall mean any controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, and any other substance, other than alcohol, which is capable of being ingested, inhaled, injected, or absorbed into the human body and is capable of adversely affecting the central nervous system, vision, hearing or other sensory or motor functions.

C. Every person who is convicted of a violation of the provisions of this section shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in jail for not less than ten (10) days nor more than one (1) year, and a fine of not more than One Thousand Dollars ($1,000.00). Any person who, within ten (10) years after a previous conviction of a violation of this section or a violation pursuant to the provisions of any law of another state prohibiting the offense provided in subsection A of this section, is convicted of a second

offense pursuant to the provisions of this section or has a prior conviction in a municipal criminal court of record for the violation of a municipal ordinance prohibiting the offense provided for in subsection A of this section and within ten (10) years of such municipal conviction is convicted pursuant to the provision of this section shall be deemed guilty of a felony ~~and shall be sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years, and a~~. The fine ~~of~~ shall be not more than Two Thousand Five Hundred Dollars ($2,500.00). Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment. Any person who is convicted of a second felony offense pursuant to the provisions of this section shall be ~~sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed seven (7) years and~~ subject to a fine of not more than Five Thousand Dollars ($5,000.00). Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment. Any person who is convicted of a third or subsequent felony offense pursuant to the provisions of this section shall be ~~sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and~~ subject to a fine of not more than Five Thousand Dollars ($5,000.00). Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment.

Provided, however, a conviction from another state shall not be used to enhance punishment pursuant to the provisions of this subsection if that conviction is based on a blood or breath alcohol concentration of less than ten-hundredths (0.10).

D. When a person is sentenced to the custody of the Department of Corrections, the person shall be processed through the Lexington Assessment and Reception Center. The Department of Corrections shall classify and assign the person to one or more of the following:

1. The Department of Mental Health and Substance Abuse Services pursuant to paragraph 1 of subsection A of Section 612 of Title 57 of the Oklahoma Statutes; or

2. T~~he Electronic Monitoring Program pursuant to Section 510.9 of Title 57 of the Oklahoma Statutes with participation in a substance abuse treatment program and follow-up treatment;~~

~~3.~~ A correctional facility operated by the Department of Corrections~~; or~~

~~4. Other alternative to incarceration authorized by law~~.

E. ~~In the event a felony conviction does not result in the person being sentenced to the custody of the Department of Corrections, the person shall be required to serve not less than ten (10) days of community service, or to undergo inpatient rehabilitation or treatment in a public or private facility with at least minimum security for a period of not less than forty-eight (48) consecutive hours, notwithstanding the provisions of Sections 991a, 991a-2 and 996.3 of Title 22 of the Oklahoma Statutes.~~

~~F.~~ The Department of Mental Health and Substance Abuse Services and the Department of Corrections may certify to the Department of Public Safety that a person has successfully completed a treatment program and is successfully complying with any follow-up treatment required by the Department of Corrections. In such case, the person shall be given credit therefor as fulfillment of all provisions of Section 3-453 of Title 43A of the Oklahoma Statutes and shall be permitted to apply for reinstatement of any suspension, revocation, cancellation or denial order withdrawing a privilege to drive.

~~G.~~ F. The Department of Public Safety is hereby authorized to reinstate any suspended or revoked license when the applicant meets the statutory requirements which affect the existing driving privilege.

~~H.~~ G. Any person who is found guilty of a violation of the provisions of this section shall be ordered to participate in, prior to sentencing, an alcohol and drug substance abuse evaluation program offered by a facility or qualified practitioner

certified by the Department of Mental Health and Substance Abuse Services for the purpose of evaluating the receptivity to treatment and prognosis of the person. The court shall order the person to reimburse the facility or qualified practitioner for the evaluation. The Department of Mental Health and Substance Abuse Services shall establish a fee schedule, based upon a person's ability to pay, provided the fee for an evaluation shall not exceed Seventy-five Dollars ($75.00). The evaluation shall be conducted at a certified facility, the office of a qualified practitioner or at another location as ordered by the court. The facility or qualified practitioner shall, within seventy-two (72) hours from the time the person is assessed, submit a written report to the court for the purpose of assisting the court in its final sentencing determination. No person, agency or facility operating an alcohol and drug substance abuse evaluation program certified by the Department of Mental Health and Substance Abuse Services shall solicit or refer any person evaluated pursuant to this section for any treatment program or alcohol and drug substance abuse service in which such person, agency or facility has a vested interest; however, this provision shall not be construed to prohibit the court from ordering participation in or any person from voluntarily utilizing a treatment program or alcohol and drug substance abuse service offered by such person, agency or facility. If a person is sentenced to the custody of the Department of Corrections and the court has received a written evaluation report pursuant to the provisions of this subsection, the report shall be furnished to the Department of Corrections with the judgment and sentence. Any evaluation report submitted to the court pursuant to the provisions of this subsection shall be handled in a manner which will keep such report confidential from the general public's review. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence in the event the defendant fails or refuses to comply with an order of the court to obtain the evaluation required by this subsection. As used in this subsection, "qualified practitioner" means a person with at least a bachelor's

degree in substance abuse treatment, mental health or a related health care field and at least two (2) years' experience in providing alcohol treatment, other drug abuse treatment, or both alcohol and other drug abuse treatment who is certified each year by the Department of Mental Health and Substance Abuse Services to provide these assessments. However, any person who does not meet the requirements for a qualified practitioner as defined herein, but who has been previously certified by the Department of Mental Health and Substance Abuse Services to provide alcohol or drug treatment or assessments, shall be considered a qualified practitioner provided all education, experience and certification requirements stated herein are met within two (2) years from June 7, 1994. Nothing contained in this subsection shall be construed to prohibit the court from ordering judgment and sentence and any other sanction authorized by law for failure or refusal to comply with an order of the court.

~~I.~~ H. Any person who is found guilty of a violation of the provisions of this section may be required by the court to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of the court the defendant has the ability to pay such fee.

SECTION 482. AMENDATORY 47 O.S. 1991, Section 11-904, is amended to read as follows:

Section 11-904. A. Any person who is involved in a personal injury accident while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection as follows:

1. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a misdemeanor for the first offense and shall be punished by imprisonment in the county jail for not less than ninety (90) days

nor more than one (1) year, and a fine of not more than Two Thousand Five Hundred Dollars ($2,500.00); and

2. Any person who is convicted of a second or subsequent violation of the provisions of this subsection shall be deemed guilty of a felony ~~and shall be punished by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Five Thousand Dollars ($5,000.00). Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment.

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself while driving or operating a motor vehicle within this state and who is in violation of the provisions of subsection A of Section 11-902 of this title may be charged with a violation of the provisions of this subsection. Any person who is convicted of a violation of the provisions of this subsection shall be deemed guilty of a felony ~~punishable by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a~~. The fine ~~of~~ for a violation of this subsection shall be for not more than Five Thousand Dollars ($5,000.00). Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment.

2. As used in this subsection, "great bodily injury" means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

SECTION 483. AMENDATORY 47 O.S. 1991, Section 11-1111, is amended to read as follows:

Section 11-1111. No person shall throw or drop any substance at a moving vehicle or any occupant thereof. A violation of this ~~act~~ section shall be deemed a felony ~~and~~, upon conviction~~, shall be punishable by imprisonment in a state penal institution for not more than ten (10) years~~.

SECTION 484. AMENDATORY 47 O.S. 1991, Section 17-102, is amended to read as follows:

Section 17-102. Any person who is convicted of a violation of any of the provisions of ~~this act herein~~ the Uniform Vehicle Code declared by the Code or by ~~the~~ other laws of this state ~~declared~~ to constitute a felony ~~shall be punished by imprisonment for not less than one (1) year nor more than five (5) years, or by a~~ shall be guilty of a felony. The fine ~~of~~ for a felony violation of the Uniform Vehicle Code, unless otherwise provided, shall not be less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

SECTION 485. AMENDATORY 47 O.S. 1991, Section 1151, as last amended by Section 1, Chapter 228, O.S.L. 1995 (47 O.S. Supp. 1996, Section 1151), is amended to read as follows:

Section 1151. A. It shall be unlawful for any person to commit any of the following acts:

1. To lend or to sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title, license plate or decal issued to or in the custody of the person so lending or permitting the use thereof;

2. To alter or in any manner change a certificate of title, registration certificate, license plate or decal issued under the laws of this or any other state;

3. To procure from another state or country, or display upon any vehicle owned by him or her within this state, except as otherwise provided in the Oklahoma Vehicle License and Registration Act, any license plate issued by any state or country other than this state, unless there shall be displayed upon such vehicle at all times the current license plate or decal assigned to it by the Commission;

4. To drive, operate or move, or for the owner to cause or permit to be driven or moved, upon the roads, streets or highways of this state, any vehicle loaded in excess of its registered laden weight, or which is licensed for a capacity less than the manufacturer's rated capacity as provided for in this act;

5. To operate a vehicle without proper license plate or decal or on which all taxes due the state have not been paid;

6. To buy, sell or dispose of, or have in his possession for sale, use or storage, any secondhand or used vehicle on which the registration or license fee has not been paid, as required by law, and on which vehicle said person neglects, fails or refuses to display at all times the license plate or decal assigned to it;

7. To give a fictitious name or fictitious address or make any misstatement of facts in application for certificate of title and registration of a vehicle;

8. To purchase a license plate on an assigned certificate of title. This particular paragraph shall be applicable to all persons except bona fide registered dealers in used cars who are holders of current and valid used car dealers' licenses;

9. To operate a vehicle upon the highways of this state after the registration deadline for that vehicle without a proper license plate, as prescribed by this act, for the current year;

10. For any owner of a vehicle registered on the basis of laden weight to fail or refuse to weigh or reweigh it when requested to do so by any enforcement officer charged with the duty of enforcing this law;

11. To operate or have in his possession any vehicle which bears a motor number or serial number other than the original number placed thereon by the factory except a number duly assigned and authorized by the state;

12. For any motor license agent to release a license plate, a manufactured home registration receipt, decal or excise tax receipt to any unauthorized person or source, including any dealer in new or used motor vehicles. Violation of this paragraph shall constitute sufficient grounds for discharge of a motor license agent by the Commission; or

13. To operate any vehicle registered as a commercial vehicle without the lettering requirements of Section 1102 of this title.

Any person convicted of violating the provisions of this subsection shall be deemed guilty of a misdemeanor and upon

conviction shall be punished by a fine not to exceed One Hundred Dollars ($100.00).

B. Except as otherwise authorized by law, it shall be unlawful to:

1. Lend or sell to, or knowingly permit the use of by, one not entitled thereto any certificate of title issued for a manufactured home, manufactured home registration receipt, manufactured home registration decal or excise tax receipt;

2. Alter or in any manner change a certificate of title issued for a manufactured home under the laws of this state or any other state;

3. Remove or alter a manufactured home registration receipt, manufactured home registration decal or excise tax receipt attached to a certificate of title or attach such receipts to a certificate of title with the intent to misrepresent the payment of the required excise tax and registration fees;

4. Buy, sell, or dispose of, or ~~have in his possession~~ possess for sale, use or storage any used manufactured home on which the registration fees or excise taxes have not been paid as required by law; or

5. Purchase identification, manufactured home registration receipt, manufactured home registration decal or excise tax receipt on an assigned certificate of title.

Anyone violating the provisions of this subsection, upon conviction, shall be guilty of a felony.

C. In the event a new vehicle is not registered within thirty (30) days from date of purchase, the penalty for the failure of the owner of the vehicle to register said vehicle within thirty (30) days shall be Twenty-five Dollars ($25.00), provided that in no event shall the penalty exceed an amount equal to the license fee. Provided however, that the penalty for new commercial vehicles shall be equal to the license fee for such vehicles.

If a used vehicle is brought into Oklahoma by a resident of this state and is not registered within thirty (30) days, a penalty of twenty-five cents ($0.25) per day shall be charged from the date of entry to the date of registration, such penalty to

accrue for thirty (30) days, upon failure to register, at the end of which time the penalty shall be Twenty-five Dollars ($25.00), provided that in no event shall the penalty exceed an amount equal to the license fee. Provided however, that the penalty for used commercial vehicles shall be equal to the license fee for such vehicles.

D. Any owner who knowingly makes or causes to be made any false statement of a fact required in this section to be shown in an application for the registration of one or more vehicles shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than One Thousand Dollars ($1,000.00), or shall be imprisoned in the county jail for not more than one (1) year, or both such fine and imprisonment.

E. Self-propelled or motor-driven cycles, known and commonly referred to as "minibikes" and other similar trade names, shall not be registered under the provisions of this act or be permitted to be operated on the streets or highways of this state. Provided that minibikes may be operated on the streets when used in a parade. Notwithstanding other provisions of this subsection, minibikes may be registered and operated in this state by food vendor services upon streets having a speed limit of thirty (30) miles per hour or less.

All minibikes offered for sale in this state shall bear the following notice to the customer:

> "This machine is not manufactured or sold for operation on the public streets or highways. Since it is not provided with equipment required by law for street or highway use, all persons are cautioned that any operation of this vehicle upon a public street or highway will be in violation of the motor vehicle laws of this state and will subject the violator to arrest."

Transfers and sales of such vehicles shall be subject to sales tax and not motor vehicle excise taxes.

The provisions of this subsection shall also apply to those motor-driven or operated vehicles known as "golf carts", "go-carts" and other motor vehicles which are manufactured principally

for use off the streets and highways. Provided that golf carts owned by the Oklahoma Tourism and Recreation Department, and operated by employees or agents of the Oklahoma Tourism and Recreation Department, may be operated on the streets and highways of this state during daylight hours or under regulation developed by the Oklahoma Tourism and Recreation Commission, when such streets and highways are located within the boundaries of a state park. The Department shall have warning signs placed at the entrance and other locations at those state parks allowing golf carts to be operated on the streets and highways of this state located within the boundaries of those state parks. The warning signs shall state that golf carts may be on such streets and highways and that motor vehicle operators shall take special precautions to be alert for the presence of the golf carts on such streets and highways.

F. Any person violating paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided ~~herein~~ in this section, shall pay as additional penalty a sum equal to the amount of license fees due on such vehicle or registration fees due on a manufactured home known to be in violation and said amount is hereby declared to be a lien upon said vehicle as provided in this act.

G. Each violation of any provision of this act for each and every day such violation has occurred shall constitute a separate offense.

H. Anyone violating any of the provisions heretofore enumerated in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

I. Any violation of any portion of this act where a specific penalty has not been imposed shall constitute a misdemeanor and upon conviction thereof the person having violated it shall be fined not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

J. Any provision of Section 1101 et seq. of this title providing for proportional registration under reciprocal

agreements and the International Registration Plan that relates to the promulgation of rules and regulations shall not be subject to the provisions of this section.

SECTION 486. AMENDATORY 47 O.S. 1991, Section 1503, is amended to read as follows:

Section 1503. A. Any person who knowingly and with intent that a violation of this section be committed:

1. Owns, operates, or conducts a chop shop;

2. Transports any motor vehicle or motor vehicle part to or from a location knowing it to be a chop shop; or

3. Sells, transfers, purchases, or receives any motor vehicle or motor vehicle part either to or from a location knowing it to be a chop shop,

upon conviction, is guilty of a felony~~, punishable by imprisonment for not more than ten (10) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall be for not more than One Hundred Thousand Dollars ($100,000.00)~~, or both such imprisonment and fine~~.

B. Any person who knowingly alters, counterfeits, defaces, destroys, disguises, falsifies, forges, obliterates, or knowingly removes a vehicle identification number, with the intent to misrepresent the identity or prevent the identification of a motor vehicle or motor vehicle part, upon conviction is guilty of a felony~~, punishable by imprisonment for not more than ten (10) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than One Hundred Thousand Dollars ($100,000.00)~~, or both such imprisonment and fine~~.

C. 1. Any person who buys, disposes, sells, transfers, or possesses a motor vehicle or motor vehicle part, with knowledge that the vehicle identification number of the motor vehicle or motor vehicle part has been altered, counterfeited, defaced, destroyed, disguised, falsified, forged, obliterated, or removed, upon conviction is guilty of a felony~~, punishable by imprisonment for not more than five (5) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Fifty Thousand Dollars ($50,000.00)~~, or both such imprisonment and fine~~.

2. The provisions of paragraph 1 of this subsection shall not apply to a motor vehicle scrap processor who, in the normal legal course of business and in good faith, processes a motor vehicle or motor vehicle part by crushing, compacting, or other similar methods, provided that any vehicle identification number is not removed from the motor vehicle or motor vehicle part prior to or during any such processing.

3. The provisions of paragraph 1 of this subsection shall not apply to any owner or authorized possessor of a motor vehicle or motor vehicle part which has been recovered by law enforcement authorities after having been stolen or where the condition of the vehicle identification number of the motor vehicle or motor vehicle part is known to or has been reported to law enforcement authorities. It shall be presumed that law enforcement authorities have knowledge of all vehicle identification numbers on a motor vehicle or motor vehicle part which are altered, counterfeited, defaced, disguised, falsified, forged, obliterated, or removed, when law enforcement authorities deliver or return the motor vehicle or motor vehicle part to its owner or authorized possessor after it has been recovered by law enforcement authorities after having been reported stolen.

D. A person commits an attempt when, with intent to commit a violation proscribed by subsections A, B or C of this section the person does any act which constitutes a substantial step toward the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony~~, punishable by imprisonment for not more than five (5) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Fifty Thousand Dollars ($50,000.00)~~, or both such imprisonment and fine~~.

E. A person commits conspiracy when, with an intent that a violation proscribed by subsections A, B or C of this section be committed, the person agrees with another to the commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of felony ~~punishable by imprisonment for not more than two (2) years, or by a~~. The fine ~~of~~ for a violation

of this subsection shall be not more than Twenty-five Thousand Dollars ($25,000.00)~~, or both such imprisonment and fine~~. No person may be convicted of conspiracy under this section unless an act in furtherance of such agreement is alleged and proved to have been committed by that person or a coconspirator.

F. A person commits solicitation when, with intent that a violation proscribed by subsections A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony~~, punishable by imprisonment for not more than two (2) years, or by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Ten Thousand Dollars ($10,000.00)~~, or both such imprisonment and fine~~.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by subsections A, B or C of this section, with the intent to promote or facilitate such commission, the person aids, abets, agrees or attempts to aid another in the planning or commission of the violation proscribed by subsections A, B or C of this section, and upon conviction is guilty of a felony~~, punishable by imprisonment for not more than one (1) year, or by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Five Thousand Dollars ($5,000.00)~~, or both such imprisonment and fine~~.

H. A person is an accessory after the fact who maintains, assists, or gives any other aid to an offender while knowing or having reasonable grounds to believe the offender to have committed a violation under subsections A, B, C, D, E, F or G of this section, and upon conviction is guilty of a felony ~~punishable by imprisonment for not more than one (1) year, or by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Five Thousand Dollars ($5,000.00)~~, or both such imprisonment and fine~~.

I. No prosecution shall be brought, and no person shall be convicted, of any violation under this section, where acts of the person, otherwise constituting a violation were done in good faith in order to comply with the laws or regulations of any state or

territory of the United States, or of the federal government of the United States.

J. The sentence imposed upon a person convicted of any violation of this section shall not be reduced to less than one (1) year imprisonment for a second conviction of any violation, or less than five (5) years for a third or subsequent conviction of any violation of this section, and no sentence imposed upon a person for a second or subsequent conviction of any violation of this section shall be suspended, or reduced, until such person shall have served the minimum period of imprisonment provided for herein. A person convicted of a second or subsequent violation of this section shall not be eligible for probation, parole, furlough or work release.

K. 1. In addition to any other punishment, a person who violates this section, shall be ordered to make restitution to the lawful owner or owners of the stolen motor vehicle or vehicles or the stolen motor vehicle part or parts, or to the owner's insurer to the extent that the owner has been compensated by the insurer, and to any other person for any financial loss sustained as a result of a violation of this section.

Financial loss shall include, but not be limited to, loss of earnings, out-of-pocket and other expenses, repair and replacement costs and claims payments. Lawful owner shall include an innocent bona fide purchaser for value of a stolen motor vehicle or stolen motor vehicle part who does not know that the motor vehicle or part is stolen; or an insurer to the extent that such insurer has compensated a bona fide purchaser for value.

2. The court shall determine the extent and method of restitution. In an extraordinary case, the court may determine that the best interests of the victim and justice would not be served by ordering restitution. In any such case, the court shall make and enter specific written findings on the record concerning the extraordinary circumstances presented which militated against restitution.

SECTION 487. AMENDATORY 51 O.S. 1991, Section 36.5, is amended to read as follows:

Section 36.5 Every public officer or employee who, in taking and subscribing to the oath or affirmation required by this act, states as true any material matter which he knows to be false, shall be guilty of the felony of perjury, ~~and~~ upon conviction ~~be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in~~. In addition ~~thereto~~ to any other punishment imposed, the person shall forfeit any public office or employment held ~~thereby~~ by the person.

SECTION 488. AMENDATORY 51 O.S. 1991, Section 36.6, is amended to read as follows:

Section 36.6 Every public officer or employee having taken and subscribed to the oath or affirmation required by this act and having entered upon the duties of his office or employment, who, while holding his office or while being so employed, advocates by the medium of teaching, or justifies, directly or indirectly, or becomes a member of or affiliated with the Communist Party or the Cominform, or with any party or organization, political or otherwise, known by him to advocate by the medium of teaching, or justify, directly or indirectly, revolution, sedition, treason or a program of sabotage, or the overthrow of the government of the United States or of the State of Oklahoma or a change in the form of government thereof by force, violence, or other unlawful means, shall be guilty of a felony ~~and~~, upon conviction~~, be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in~~. In addition ~~thereto~~ to any other punishment imposed, the person shall forfeit his or her office or employment.

SECTION 489. AMENDATORY 52 O.S. 1991, Section 47.6, as amended by Section 1, Chapter 271, O.S.L. 1992 (52 O.S. Supp. 1996, Section 47.6), is amended to read as follows:

Section 47.6 A. Any person who has been determined by the Commission to have violated any provisions of the Hazardous Liquid Transportation System Safety Act or any rule, regulation, or order issued pursuant to the provisions of the Hazardous Liquid Transportation System Safety Act shall be liable for a civil penalty of not more than Ten Thousand Dollars ($10,000.00) for

each day that said violation continues. The maximum civil penalty shall not exceed Five Hundred Thousand Dollars ($500,000.00) for any related series of violations.

B. The amount of the penalty shall be assessed by the Commission pursuant to the provisions of subsection A of this section, after notice and hearing. In determining the amount of the penalty, the Commission shall include but not be limited to consideration of the nature, circumstances, and gravity of the violation and, with respect to the person found to have committed the violation, the degree of culpability, the effect on ability of the person to continue to do business, and any show of good faith in attempting to achieve compliance with the provisions of the Hazardous Liquid Transportation System Safety Act.

All penalties collected pursuant to the provisions of this subsection shall be deposited in the Pipeline Enforcement Fund.

C. Any person who willfully and knowingly injures or destroys, or attempts to injure or destroy, any hazardous liquid transportation system, upon conviction, shall be ~~subject for each offense to a fine of not more than~~ guilty of a felony. The fine for a violation of this subsection shall not exceed Twenty-five Thousand Dollars ($25,000.00) ~~or imprisonment for a term not to exceed fifteen (15) years or both such fine and imprisonment~~.

SECTION 490. AMENDATORY 52 O.S. 1991, Section 108, is amended to read as follows:

Section 108. Every person who, having taken an oath that he will testify, declare or depose before the Commission, in any proceeding, or at any hearing before said Commission, authorized and provided for under the provisions of this act, shall willfully and contrary to such oath state any material matter which he knows to be false, is guilty of the felony of perjury, ~~and~~ upon conviction ~~shall be punished by imprisonment in the State Penitentiary not more than five (5) years~~.

SECTION 491. AMENDATORY 52 O.S. 1991, Section 109, is amended to read as follows:

Section 109. Any person who shall verify under oath any report, map or drawing or other statement or document authorized

or required by the provisions of this act, or by any order, rule or regulation of the Commission made under the provisions of this act to be filed with the Commission or with the Secretary of the Commission, or with any other officer, and who files or causes the same to be filed with the Secretary of the Commission or other officer, which states or contains any material matter which he knows to be false is guilty of the felony of perjury ~~and~~, upon conviction ~~thereof shall be punished by imprisonment in the State Penitentiary for not less than two (2) years, nor more than ten (10) years~~.

SECTION 492. AMENDATORY 52 O.S. 1991, Section 114, is amended to read as follows:

Section 114. Any person who knowingly and willfully delays or obstructs any Proration Umpire, any assistant or deputy of the Proration Umpire, or any agent or employee of the Commission, in the performance of any duty enjoined upon such proration umpire, assistant or deputy of such Proration Umpire, or agent, or employee of the Commission, by the provisions of this act or by any lawful order, rule or regulation of the Commission; or who knowingly and willfully delays or obstructs any public officer of the state, or of any municipal subdivision thereof in the discharge or attempted discharge of any duty of his office, arising by virtue of or growing out of the enforcement of or an attempt to enforce the provisions of this act, or any lawful order, rule, or regulation of the Commission made in pursuance of the provisions hereof; or who attempts by means of any threat or violence to deter or prevent any such Proration Umpire, assistant, or deputy of the Proration Umpire, or any agent or employee of the Commission from performing any duty imposed upon them when such duty arises by virtue of or grows out of the attempt to enforce the provisions of this act or of any lawful order, rule, or regulation of the Commission made hereunder, shall be guilty of a misdemeanor and upon conviction thereof may be punished by fine not exceeding Five Hundred Dollars ($500.00), or by confinement in the county jail not exceeding six (6) months, or both. If such threat or violence, or such attempted interference or obstruction

is accompanied by the use or attempted use of firearms by any such person so offending, then such person shall be guilty of a felony ~~and~~ upon conviction ~~may be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than five (5) years~~.

SECTION 493. AMENDATORY 52 O.S. 1991, Section 115, is amended to read as follows:

Section 115. If two or more persons conspire to violate any provision of this act, or any lawful order, rule, or regulation of the Commission fixing the method, manner, amount and rate of production of oil or gas from any common source of supply in the State of Oklahoma or conspire to produce oil or gas from any well or wells in any common source of supply in the State of Oklahoma in excess of the allowable production permitted from such well or wells as fixed and determined by any lawful order, rule, or regulation of the Commission or conspire to avoid making or filing any report, map or drawing, or to file any false report, map or drawing with respect to the method, manner, time, place, amount, or rate of production of oil or gas from any well or wells in any common source of supply in the State of Oklahoma, or conspire to avoid the making or filing of any report, map or drawing, or to file any false report, map or drawing, with respect to the removal or transportation of oil or gas by any means whatsoever, from any common source of supply, as may be prescribed or required by this act or by any lawful order, rule, or regulation of the Commission; or conspire to make any false statement therein with respect to any material matter contained therein, and one or more such parties shall do any act to effect the object of any such conspiracy, then each of the parties to any such conspiracy shall, upon conviction ~~in any court having jurisdiction of the offense, be fined not more than~~, be guilty of a felony. The fine for the offense shall not exceed Five Thousand Dollars ($5,000.00) ~~or imprisoned in the State Penitentiary for a period of not exceeding five (5) years, or both~~.

SECTION 494. AMENDATORY 52 O.S. 1991, Section 117, is amended to read as follows:

Section 117. Whoever corruptly gives, offers or promises to give to any member of the Commission, Proration Umpire, assistant or deputy of a Proration Umpire, Proration Attorney, or agent or employee of the Commission, any gift or gratuity whatsoever with an intent to influence any such officer or person in his acts or conduct with respect to (a) enforcing any order, rule or regulation of the Commission made under this act, or (b) the discharge of any duty by any such officer or person imposed upon him by the provisions of this act, or by any order, rule, or regulation of the Commission issued and promulgated under the provisions of this act, shall be ~~punished by imprisonment in the State Penitentiary not exceeding five (5) years, and by fine not exceeding~~ guilty of a felony. The fine for a violation of this section shall not exceed Five Thousand Dollars ($5,000.00). Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 495. AMENDATORY 52 O.S. 1991, Section 118, is amended to read as follows:

Section 118. Any member of the Commission, Proration Umpire, assistant, deputy, agent or employee of the Proration Umpire, Proration Attorney, or any agent or employee of the Commission who asks, receives or agrees to receive any gift or gratuity upon any agreement or understanding that his acts or conduct with respect to (a) enforcing any provision of this act or of any order, rule, or regulation of the Commission made under or in pursuance of this act, or (b) the discharge of any duty by any such officer or person imposed upon him by the provisions of this act, or by any order, rule, or regulation of the Commission issued and promulgated under the provisions of this act, shall be influenced thereby shall be ~~punishable by imprisonment in the penitentiary not exceeding ten (10) years, and by fine not exceeding~~ guilty of a felony. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00). Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 496. AMENDATORY 52 O.S. 1991, Section 235, is amended to read as follows:

Section 235. Any person or agent of a corporation, who takes gas, or aids or abets in the taking of gas, except as herein provided, either directly or indirectly, as an individual, officer, agent, or employee of any corporation, shall be guilty of the felony of grand larceny~~, and~~, upon conviction thereof~~, shall be sentenced to the penitentiary not to exceed five (5) years~~.

SECTION 497. AMENDATORY 56 O.S. 1991, Section 26.18, is amended to read as follows:

Section 26.18 Every applicant for emergency relief or general assistance shall make a written application, containing a written certification, under penalty of perjury, alleging that all facts set out in such application are true and correct. And said application shall be forthwith acted upon, with dispatch and without delay.

Any person, whose duty it is to pass upon the eligibility of persons to participate in any benefits provided in this act, who shall knowingly, willfully or intentionally allow, or cause to be allowed, any claim to any person known to be ineligible for such relief, or, who aids, or abets, or persuades any person to sign an application to obtain by means of a willfully false statement or representation or other fraudulent device, assistance to which an applicant is not entitled or assistance greater than that to which an applicant is justly entitled shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be imprisoned not less than one (1) year or more than five (5) years or be fined~~. The fine for a violation of this section shall be not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00)~~, or be both so fined and imprisoned in the discretion of the court~~.

SECTION 498. AMENDATORY 56 O.S. 1991, Section 183, as last amended by Section 2, Chapter 170, O.S.L. 1995 (56 O.S. Supp. 1996, Section 183), is amended to read as follows:

Section 183. A. All applications, information and records concerning any applicant or recipient obtained pursuant to law or as authorized by law by the Department of Human Services or any

other public or private entity shall be confidential and shall be open to inspection only:

1. To persons duly authorized by the Department of Human Services pursuant to rule promulgated in compliance with Article I of the Administrative Procedures Act or by the United States in connection with the performance of their official duties; or

2. As otherwise authorized by law.

Provided, however, the Department of Human Services shall maintain a process to allow an authorized representative of a client of the Department of Human Services to have access to confidential information when necessary for eligibility determination and the appeals process. For purposes of this section, "authorized representative" shall mean any person designated by a client of the Department of Human Services to review confidential information about the client pertinent to eligibility determination and the appeals process.

B. It shall be unlawful and a misdemeanor for any public officer or employee, to furnish or permit to be taken off of the records any information therein contained for commercial or political purposes.

C. It shall also be ~~unlawful and~~ a felony~~, punishable by imprisonment in the State Penitentiary for not to exceed two (2) years,~~ for any person, firm or corporation to publish, or to use for commercial or political purposes, any list or names obtained through access to such information or records.

SECTION 499. AMENDATORY 56 O.S. 1991, Section 185, is amended to read as follows:

Section 185. Whoever obtains or attempts to obtain, or aids, abets or assists any person to obtain, by means of a false statement or representation, or by false impersonation, or by a fictitious transfer, conveyance or encumbrance of property or income, or by a knowing and willful failure to report to the Department income, personal property, real property, household members, or other material eligibility factors at the time of application or during the receipt of assistance, or other fraudulent device, assistance to which an applicant is not

entitled or assistance greater than that to which an applicant is justly entitled shall be guilty of a misdemeanor, if the aggregate amount of assistance received as a result thereof is Five Hundred Dollars ($500.00) or less, and upon conviction thereof shall be fined not more than Five Hundred Dollars ($500.00) or be imprisoned for not more than three (3) months or both so fined and imprisoned in the discretion of the court; or shall be guilty of a felony, if the aggregate amount of assistance received as a result thereof is in excess of Five Hundred Dollars ($500.00), ~~and~~ upon conviction thereof ~~shall be fined not more than~~. The fine for a felony violation of this section shall not exceed Five Thousand Dollars ($5,000.00) ~~or be imprisoned in the penitentiary for a term not more than two (2) years or by both such fine and imprisonment in the discretion of the court~~.

SECTION 500. AMENDATORY 56 O.S. 1991, Section 243, as last amended by Section 1, Chapter 88, O.S.L. 1996 (56 O.S. Supp. 1996, Section 243), is amended to read as follows:

Section 243. A. No person shall:

1. Obtain;

2. Attempt to obtain;

3. Aid;

4. Abet;

5. Assist any person to obtain, by means of:

   a. a false statement or representation,

   b. false impersonation,

   c. a fictitious transfer, conveyance or encumbrance of property or income,

   d. knowing and willful failure to report to the Department of Human Services:

      (1) income,

      (2) personal property,

      (3) real property,

      (4) household members, or

      (5) other eligibility factors,

      at the time of application or during a period of receipt of assistance, or

e. any other fraudulent device:

(1) food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program, to which such applicant for food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program is not entitled, or

(2) a greater amount of food stamps or coupons, or a greater number of benefit or debit cards or any other device authorizing participation in the food stamp program than that amount or number which such applicant for food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program is justly entitled to;

6. Acquire, possess, use or transfer food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program, except as authorized by this act and the rules of the Commission for Human Services; or

7. Acquire or transfer food stamps or coupons, or any benefit or debit card or any other device authorizing participation in the food stamp program, except in exchange for food or food products for human consumption. For purposes of this paragraph, the phrase "food or food products for human consumption" shall not be construed as including alcoholic beverages, tobacco, beer, or imported foods.

B. 1. Any person, firm or corporation who violates any of the provisions of this section shall be guilty of a:

a. misdemeanor, if the aggregate amount of food stamps or coupons, or the aggregate value of any benefit or debit card or any other device authorizing participation in the food stamp program obtained or transferred is Five Hundred Dollars ($500.00) or

less, and, upon conviction thereof, shall be punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the State Penitentiary for not more than three (3) months, or by both such fine and imprisonment, in the discretion of the court, or

b. felony, if the aggregate amount of food stamps or coupons, or the aggregate value of any benefit card or debit card or any other device authorizing participation in the food stamp program obtained or transferred is in excess of Five Hundred Dollars ($500.00)~~, and~~, upon conviction thereof~~, shall be punishable by a fine of not more than~~. The fine for a felony violation of this section shall not exceed Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court~~.

2. Any store which allows purchases of prohibited items shall not be allowed to participate in the program.

3. Any person, firm or corporation who knowingly traffics in food stamps or coupons of an aggregate value of One Hundred Dollars ($100.00) or less, or any benefit or debit card or any other device authorizing participation in the food stamp program with an aggregate value of One Hundred Dollars ($100.00) or less, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than Five Hundred Dollars ($500.00), by imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment, in the discretion of the court.

4. Any person, firm or corporation who knowingly traffics in food stamps or coupons of an aggregate value exceeding One Hundred Dollars ($100.00), or any benefit or debit card or any other device authorizing participation in the food stamp program with an aggregate value exceeding One Hundred Dollars ($100.00), shall, upon conviction, be guilty of a felony~~, punishable by a fine of~~

~~not more than~~. The fine for a violation of this paragraph shall not exceed Five Thousand Dollars ($5,000.00)~~, by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court~~.

C. As used in this section, "to traffic or trafficking in food stamps" means:

1. To illegally transport, transfer, sell, barter, trade, purchase, receive, possess, or in any manner acquire, or otherwise dispose of or obtain control of:

a. food stamps or coupons,

b. any benefit or debit card,

c. any other device authorizing participation in the food stamp program, or

d. any counterfeit or stolen:

(1) food stamps or coupons,

(2) benefit or debit card, or

(3) other device purporting to authorize another, as consideration for anything of value; or

2. To make or obtain control of:

a. food stamps or coupons,

b. any benefit or debit card, or

c. any other device authorizing participation in the food stamp program, with intent to illegally transport, transfer, sell, barter, trade, purchase, receive, possess, or in any manner acquire, or otherwise dispose of or obtain control of such food stamps, coupons, benefit or debit card or other device authorizing participation in the food stamp program, in any manner or circumstance not specifically authorized under the Food Stamp Act of 1977 or the rules of the Department.

SECTION 501. AMENDATORY 56 O.S. 1991, Section 1006, is amended to read as follows:

Section 1006. A. Any person found to have committed any violation of paragraphs 1 through 6 of subsection A of Section 1005 of this title shall be deemed guilty of Medicaid fraud.

B. 1. Any person committing Medicaid fraud where the aggregate amount of payments illegally claimed or received is Two Thousand Five Hundred Dollars ($2,500.00) or more shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall pay a fine of~~. The fine for a felony Medicaid fraud violation shall be not more than three times the amount of payments illegally claimed or received or Ten Thousand Dollars ($10,000.00) whichever is greater~~, or imprisoned for not more than three (3) years, or both such fine and imprisonment~~.

2. Any person committing Medicaid fraud where the aggregate amount of payments illegally claimed or received is less than Two Thousand Five Hundred Dollars ($2,500.00) shall be guilty of a misdemeanor and upon conviction thereof shall pay a fine of not more than three times the amount of payments illegally claimed or received or One Thousand Dollars ($1,000.00) whichever is greater, or imprisoned for not more than one (1) year, or both such fine and imprisonment.

Any person who violates paragraph 7 of subsection A of Section 1005 of this title shall be guilty of a felony.

SECTION 502. AMENDATORY 57 O.S. 1991, Section 13, is amended to read as follows:

Section 13. If any person committed to prison, for the purpose of detaining him for trial, for a capital offense, shall break prison and escape, he shall be ~~imprisoned in the state prison for the term of two (2) years~~ guilty of a felony.

SECTION 503. AMENDATORY 57 O.S. 1991, Section 21, as last amended by Section 48, Chapter 274, O.S.L. 1995 (57 O.S. Supp. 1996, Section 21), is amended to read as follows:

Section 21. A. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating beverage or low-point beer as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, or money, shall be guilty of a felony ~~and~~

~~is subject to imprisonment in the State Penitentiary for not less than one (1) year or more than five (5) years, or a fine of~~. The fine for a violation of this subsection shall be not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00)~~, or both such fine and imprisonment~~.

B. If an inmate is found to be in possession of any such item, upon conviction, such inmate shall be guilty of a felony ~~and shall be subject to imprisonment for not less than five (5) years or more than twenty (20) years in the State Penitentiary~~.

C. If the person found to be in possession of any such item has, prior to the commission of said offense, committed two or more felony offenses, and said possession of contraband was within ten (10) years of the completion of the execution of the sentence, such person, upon conviction, ~~shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years~~ shall be guilty of a felony. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

SECTION 504. AMENDATORY 57 O.S. 1991, Section 222, as amended by Section 1, Chapter 160, O.S.L. 1992 (57 O.S. Supp. 1996, Section 222), is amended to read as follows:

Section 222. A. It shall be unlawful to use prisoners assigned to said public works project on any property other than public property, except that inmate labor may be used on private property for a public purpose.

B. As used in this section "public purpose" means a purpose affecting the inhabitants of the state or political subdivision utilizing the inmate labor, as a group, and not merely as individuals. The work performed shall be essentially public and for the general good of the inhabitants of the state or political subdivision, and may include eradication of graffiti on private buildings. For purposes of this section:

1. "Graffiti" shall include but not be limited to any inscription, slogan or drawing, crudely scratched, drawn, printed, painted or scribbled on a wall or other surface visible to the public and which is likely to endanger the health or safety of the

public. Provided, however, that this definition shall never be construed to include any sign or advertising device lawfully erected or installed by the owner of property or his lessee or authorized agent;

2. "Owner" means the owner of record as shown by the most current tax rolls of the county treasurer.

C. The purpose of the work performed shall be to aid the federal government, a state agency or a political subdivision, utilizing the inmate labor in the exercise of a governmental function. Any person convicted of willfully violating the provisions of this section shall be guilty of a felony.

SECTION 505. AMENDATORY 59 O.S. 1991, Section 15.26, as amended by Section 26, Chapter 272, O.S.L. 1992 (59 O.S. Supp. 1996, Section 15.26), is amended to read as follows:

Section 15.26 Any individual holding a certificate or license who knowingly falsifies any report or statement bearing on any examination, investigation, or audit made by him or subject to his direction shall be guilty of a felony, ~~and~~ upon conviction ~~shall be punishable by imprisonment for a period of not more than one (1) year, or by a fine of not more than~~. The fine for a violation of this section shall not exceed Twenty-five Thousand Dollars ($25,000.00)~~, or both such fine and imprisonment~~.

SECTION 506. AMENDATORY 59 O.S. 1991, Section 353.25, as amended by Section 17, Chapter 199, O.S.L. 1993 (59 O.S. Supp. 1996, Section 353.25), is amended to read as follows:

Section 353.25 A. The violation of any provision of the Oklahoma Pharmacy Act for which no penalty is specifically provided shall be punishable as a misdemeanor.

B. Any person who shall willfully make any false representations in procuring or attempting to procure for himself, or for another, registration under this act shall be guilty of the felony of perjury.

SECTION 507. AMENDATORY 59 O.S. 1991, Section 396.25, is amended to read as follows:

Section 396.25 Each and every person who embezzles, abstracts or willfully misapplies any of the monies, funds, security or

credit of the Board or who misuses any of the funds or fees so collected, by virtue of this act, and any person who with like intent, aids or abets any person in violation of this section or any portion thereof, shall be deemed guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by a fine of~~. The fine for a violation of this section shall be not less than Five Hundred Dollars ($500.00), nor exceeding Five Thousand Dollars ($5,000.00)~~, and imprisonment in the penitentiary for a period of not less than three (3) years and not more than fifty (50) years, and the~~. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. The principal offenders and those aiding and abetting same may be charged in the same count, and separate offenses may be charged, in separate counts, in the same indictment, and tried together.

SECTION 508. AMENDATORY 59 O.S. 1991, Section 475.20, as amended by Section 17, Chapter 165, O.S.L. 1992 (59 O.S. Supp. 1996, Section 475.20), is amended to read as follows:

Section 475.20 A. Criminal penalties:

Any person or entity who shall practice, or offer to practice, engineering or land surveying in this state without being registered in accordance with the provisions of this act, or any person, firm, partnership, organization, association, corporation or other entity using or employing the words "engineer" or "engineering" or "land surveyor" or "land surveying" or any modification or derivative thereof in its name or form of business or activity except as authorized in Section 475.1 et seq. of this title, or any person presenting or attempting to use the certificate of registration or the seal of another, or any person who shall give false or forged evidence of any kind to the Board or to any member thereof in obtaining or attempting to obtain a certificate of registration, or any person who shall falsely impersonate any other registrant of like or different name, or any person who shall attempt to use an expired, suspended or revoked or nonexistent certificate of registration, or who shall practice or offer to practice when not qualified, or any person who falsely

claims that he is registered under Section 475.1 et seq. of this title, or any person who shall violate any of the provisions of Section 475.1 et seq. of this title, shall be guilty of a ~~misdemeanor, for the first offense and a~~ felony ~~for the second offense~~, upon conviction thereof. Each violation of any provision of Section 475.1 et seq. of this title shall constitute a separate offense. ~~Upon conviction, the person or entity shall be sentenced to pay a fine of~~ The fine for a violation of this section shall be not less than Two Hundred Fifty Dollars ($250.00), nor more than Two Thousand Dollars ($2,000.00)~~, or be imprisoned for a period not exceeding one (1) year, or both, for each offense~~.

B. Administrative penalties:

1. Any person or entity who has been determined by the Board to have violated any provision of Section 475.1 et seq. of this title, or any rule, regulation or order issued pursuant to such provisions, may be liable for an administrative penalty of not more than Two Hundred Fifty Dollars ($250.00) for each day that the violation continues. The maximum administrative penalty shall not exceed Ten Thousand Dollars ($10,000.00) for any related series of violations.

2. The amount of the penalty shall be assessed by the Board pursuant to the provisions of subsection 1 of this section, after notice and hearing. In determining the amount of the penalty, the Board shall include, but not be limited to, consideration of the nature, circumstances and gravity of the violation, and with respect to the person or entity found to have committed the violation, the degree of culpability, the effect on ability of the person or entity to continue to do business and any show of good faith in attempting to achieve compliance with the provisions of Section 475.1 et seq. of this title. All monies collected from such administrative penalties shall be deposited with the State Treasurer and placed in the "Professional Engineers and Land Surveyors Fund".

3. Any certificate of registration or certificate of authorization holder may elect to surrender the certificate of registration or certificate of authorization in lieu of said fine,

but shall be permanently barred from obtaining a reissuance of the certificate of registration or certificate of authorization.

C. Legal Counsel:

The Attorney General of this state or his assistant shall act as legal advisor to the Board and render such legal assistance as may be necessary in carrying out the provisions of Section 475.1 et seq. of this title. The Board may employ counsel and necessary assistance to aid in the enforcement of such provisions, and the compensation and expenses therefor shall be paid from funds of the Board.

SECTION 509. AMENDATORY 59 O.S. 1991, Section 638, as amended by Section 19, Chapter 230, O.S.L. 1993 (59 O.S. Supp. 1996, Section 638), is amended to read as follows:

Section 638. A. Each of the following acts shall constitute a misdemeanor, punishable, upon conviction, by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) or by imprisonment in the county jail for not less than ninety (90) days nor more than one (1) year, or by both such fine and imprisonment:

1. The practice of osteopathic medicine or attempt to practice osteopathic medicine without a license issued by the State Board, and each visit, treatment, prescription, or attempted visit, treatment, or prescription shall constitute a separate and distinct offense;

2. Obtaining of, or attempting to obtain, a license under the provisions of this act, or obtaining, or attempting to obtain, money or any other thing of value, by fraudulent representation or false pretense;

3. Advertising as an osteopathic physician and surgeon, or practicing or attempting to practice osteopathic medicine under a false, assumed, or fictitious name, or a name other than the real name; or

4. Allowing any person in the licensee's employment or control to practice as an osteopathic physician and surgeon when not actually licensed to do so.

B. Any person making any willfully false oath or affirmation whenever oath or affirmation is required by the Oklahoma Osteopathic Medicine Act shall be deemed guilty of the felony of perjury, and upon conviction, shall be punished as prescribed by the general laws of this state.

SECTION 510. AMENDATORY 59 O.S. 1991, Section 1322, as amended by Section 4, Chapter 170, O.S.L. 1993 (59 O.S. Supp. 1996, Section 1322), is amended to read as follows:

Section 1322. A. Every "bondsman" shall file with the undertaking an affidavit stating whether or not he or anyone for his use has been promised or has received any security or consideration for his undertaking, and if so, the nature and description of security and amount thereof, and the name of the person by whom such promise was made or from whom such security or consideration was received. Any willful misstatement in such affidavit relating to the security or consideration promised or given shall ~~render the person making it subject to the same prosecution and penalty as one who commits~~ be the felony of perjury.

B. An action to enforce any indemnity agreement shall not lie in favor of the surety against such indemnitor, except with respect to agreements set forth in such affidavit. In an action by the indemnitor against the surety to recover any collateral or security given by the indemnitor, such surety shall have the right to retain only such security or collateral as it mentioned in the affidavit required above.

C. If security or consideration other than that reported on the original affidavit is received after the affidavit is filed with the court clerk, an amended affidavit shall be filed with the court clerk indicating such receipt of security or consideration.

SECTION 511. AMENDATORY 59 O.S. 1991, Section 1335, is amended to read as follows:

Section 1335. Whoever, having been admitted to bail for appearance before any district court in the State of Oklahoma, (1) incurs a forfeiture of the bail and willfully fails to surrender himself within thirty (30) days following the date of such

forfeiture, or (2) willfully fails to comply with the terms of his personal recognizance, shall be ~~fined not more than~~ guilty of a felony. The fine for a violation of this section shall not exceed Five Thousand Dollars ($5,000.00) ~~or imprisoned not more than two (2) years, or both~~.

SECTION 512. AMENDATORY 59 O.S. 1991, Section 1512, as amended by Section 5, Chapter 280, O.S.L. 1992 (59 O.S. Supp. 1996, Section 1512), is amended to read as follows:

Section 1512. A. Rule Making Power. The Administrator shall have the same authority to adopt, amend and repeal rules as is conferred upon him by paragraph (e) of subsection (1), and subsections (2) and (3) of Section 6-104 of Title 14A of the Oklahoma Statutes, as applicable, and such rules shall have the same effect as provided in subsection (4) of Section 6-104 thereunder. In addition, the Administrator may adopt, amend and repeal such other rules as are necessary for the enforcement of the provisions of Section 1501 et seq. of this title and consistent with all its provisions.

B. Administrative Enforcement. Compliance with the provisions of this act may be enforced by the Administrator who may exercise, for such purpose, all the powers enumerated in Part 1 of Article 6, Title 14A of the Oklahoma Statutes, in the same manner as in relation to consumer credit transactions under that act, as well as those powers conferred in this act.

C. Criminal Penalties. 1. Any person who engages in the business of operating a pawn shop without first securing the license prescribed by this act shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One Thousand Dollars ($1,000.00), by confinement in the county jail for not more than six (6) months or by both.

2. Any person selling or pledging property to a pawnbroker who uses false or altered identification or a false declaration of ownership as related to the provisions of Section 1515 of this title shall be guilty of a felony ~~and~~, upon conviction ~~shall be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year,~~

~~or by a fine not to~~. The fine for a violation of this paragraph shall not exceed Five Hundred Dollars ($500.00)~~, or by both such imprisonment and fine~~.

3. Any person who fails to repay a pawnbroker the full amount received from a pawn or buy transaction after being officially notified by a peace officer that the goods he pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term not to exceed six (6) months, or a fine not to exceed Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

D. Private Enforcement. 1. If any person engages in the business of operating a pawnshop without first securing the license prescribed by this act, or if any pawnbroker contracts for, charges or receives a pawn finance charge in excess of that authorized by this act, the pawn transaction shall be void and the customer is not obligated to pay either the amount financed or the pawn finance charge in connection with the transaction, and upon the customer's demand, the pawnbroker shall be obligated to return to the customer, as a refund, all amounts paid in connection with the transaction by the customer and the pledged goods delivered to the pawnbroker in connection with the pawn transaction or their value if the goods cannot be returned. If a customer is entitled to a refund under this section and a pawnbroker liable to the customer refuses to make the refund within a reasonable time after demand, the customer shall have an action against the pawnbroker and in the case of a successful action to enforce such liability, the costs of the action together with attorney's fees as determined by the court shall be awarded to the customer.

2. A pawnbroker who fails to disclose information to a customer entitled to the information under this act is liable to that person in an amount equal to the sum of:

a. twice the amount of the pawn finance charge in connection with the transaction, or One Hundred Dollars ($100.00), whichever is greater; and

b. in the case of a successful action to enforce the liability under paragraph 1 of this subsection, the costs of the action together with reasonable attorneys' fees as determined by the court.

SECTION 513. AMENDATORY 59 O.S. 1991, Section 1529, is amended to read as follows:

Section 1529. Willful violation of any of the provisions of this act shall be a misdemeanor upon first conviction punishable by not more than thirty (30) days in the county jail or by a fine not to exceed Five Hundred Dollars ($500.00) or both. Subsequent convictions of a willful violation of this act shall be a felony ~~punishable by not more than three (3) years in a state penitentiary~~.

SECTION 514. AMENDATORY 59 O.S. 1991, Section 1750.11, is amended to read as follows:

Section 1750.11 A. Unless otherwise prescribed by law, any person convicted of violating any provision of the Oklahoma Security Guard and Private Investigator Act or a rule or regulation promulgated pursuant to the Oklahoma Security Guard and Private Investigator Act shall be guilty of a misdemeanor punishable by imprisonment for not more than sixty (60) days, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by both such imprisonment and fine.

B. Any person who willfully makes a false statement, knowing such statement is false, in any application to the Council on Law Enforcement Education and Training for a license pursuant to the Oklahoma Security Guard and Private Investigator Act, or who otherwise commits a fraud in connection with such application, shall be guilty of a felony ~~punishable by a term of imprisonment for not less than two (2) years nor more than five (5) years, or by a fine of not more than~~. The fine for a violation of this subsection shall not exceed Two Thousand Dollars ($2,000.00)~~, or by both such imprisonment and fine~~.

SECTION 515. AMENDATORY 61 O.S. 1991, Section 114, is amended to read as follows:

Section 114. The chief administrative officer and members of the governing body of the awarding public agency authorizing or awarding or supervising the execution of a public construction contract, and their relatives within the third degree of consanguinity or affinity, are forbidden to be interested directly or indirectly through stock ownership, partnership interest or otherwise in any such contract. Contracts entered into in violation of this ~~provision~~ section shall be void ~~and persons~~. Persons willfully violating this ~~provision~~ section shall be guilty of a felony and shall be subject to removal from office.

SECTION 516. AMENDATORY 61 O.S. 1991, Section 115, is amended to read as follows:

Section 115. Any agreement or collusion among bidders or prospective bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding, or otherwise, shall render the bids of such bidders void ~~and persons~~. Persons willfully violating this ~~provision~~ section shall be guilty of a felony. Each bidder shall accompany his bid with a sworn statement that he has not been a party to any such agreement. The form of the statement shall be substantially as provided in Section 85.22 of Title 74, but modified in wording to refer to the appropriate public agency requesting bids.

SECTION 517. AMENDATORY 61 O.S. 1991, Section 116, as amended by Section 4, Chapter 239, O.S.L. 1992 (61 O.S. Supp. 1996, Section 116), is amended to read as follows:

Section 116. Any disclosure by an employee of a public agency of the terms of a bid submitted in response to a bid notice issued by a public agency in advance of the time set for opening of all bids so submitted shall be unlawful. It shall also be unlawful for any person to solicit, possess or receive information which is to be contained in a bid notice of a public agency, for use in preparing a bid, in advance of the date on which said bid notice is to be made equally and uniformly known to all prospective bidders and the public, and it shall further be unlawful for any employee of a public agency to withhold or impede the distribution of said information after notice of the bid has been given, unless

the solicitation of bids has been withdrawn or the particular information in question has been deleted or replaced through alteration of the bid notice and said withdrawal or alteration has been made equally and uniformly known. The public agency's engineering estimate of the actual cost of the project shall remain confidential until the bids have been opened. Any violation of this section shall ~~constitute~~ be a felony and shall render the proceedings void and require solicitation and award anew.

SECTION 518. AMENDATORY 62 O.S. 1991, Section 81, is amended to read as follows:

Section 81. Any official or employee thereof or any member or employee of any state board or state commission who shall fail, neglect or refuse to comply with the requirements of Section two (2) hereof, or any other provision of this act, shall forfeit and pay to the use of the State of Oklahoma the sum of Twenty-five Dollars ($25.00) per day for each and every day that he shall so fail, neglect or refuse to comply with requirements of said act, and shall forfeit and be removed from office; and any such official who shall issue, sign, attest or utter any false or illegal voucher against any monies deposited, as in this act provided, shall be liable to the state on his official bond for a sum double in amount of any such illegal or fraudulent voucher, and shall be ~~deemed~~ guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by a fine in a sum of~~. The fine for a violation of this section shall be not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) ~~and by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than five (5) years~~. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 519. AMENDATORY 62 O.S. 1991, Section 89.11, as amended by Section 4, Chapter 227, O.S.L. 1994 (62 O.S. Supp. 1996, Section 89.11), is amended to read as follows:

Section 89.11 A. The State Treasurer shall develop and implement a system of procedures to record and audit all

transactions, including electronic investment bidding transactions with outside financial concerns. Said system of procedures shall be promulgated pursuant to the Administrative Procedures Act and must be approved by the Cash Management and Investment Oversight Commission not later than October 1, 1994.

B. The Executive Review Committee must approve any proposed destruction or changes of any transaction records, including electronic investment bidding transactions. Any approved destructions or changes of such transactions shall be detailed in writing by the Executive Review Committee. The provisions of this subsection shall not apply to corrections of scrivener error in transaction records; however, for purposes of this section, "scrivener error" shall not be defined to include any deliberate change in a transaction record made:

1. For the purpose of causing a record to reflect a transaction having occurred which did not in fact occur;

2. For the purpose of causing a record to reflect that a transaction did not occur when in fact it did occur; or

3. Resulting in inaccuracy in a record which is material to determining whether an act or omission occurred if such act or omission constitutes a violation of any law, rule or requirement.

C. The State Auditor and Inspector, the Attorney General and other authorized law enforcement officers are authorized to inspect any transaction records or documents, including electronic investment bidding transactions created pursuant to this section.

D. The willful interference with the inspections authorized by subsection C of this section or the deliberate falsification or destruction of transaction records, other than as permitted by subsection B of this section, by the State Treasurer, any employee of the State Treasurer, or any other person or firm shall, upon conviction, be a felony ~~and shall be punishable by imprisonment in the State Penitentiary for a term not to exceed three (3) years, by a fine of~~. The fine for a violation of this subsection shall not exceed Ten Thousand Dollars ($10,000.00) ~~or by both such imprisonment and fine and~~. A violation of this section shall also constitute grounds for termination of such employee. A violation

of the requirements of subsection C of this section, shall be grounds for disciplinary action, including termination from employment.

SECTION 520. AMENDATORY 62 O.S. 1991, Section 604, is amended to read as follows:

Section 604. Any person who with intent to defraud uses on a public security:

(a) A facsimile signature, or any reproduction of it, of any authorized officer, or

(b) Any facsimile seal, or any reproduction of it, of this state or of any of its departments, agencies, or other instrumentalities or of any of its political subdivisions or districts

is guilty of a felony ~~and shall be punishable as provided by Title 21, Section 9, Oklahoma Statutes of 1951~~.

SECTION 521. AMENDATORY 63 O.S. 1991, Section 1-333, is amended to read as follows:

Section 1-333. Disposing of the body of a deceased person by cremation, dehydration, combustion or other similar means, within the State of Oklahoma, except in a crematory duly licensed as provided for ~~herein~~ in Section 1-331 of this title and under a special permit for cremation ~~thereof~~ issued in accordance with the provisions ~~hereof~~ of Section 1-329.1 of this title, is hereby declared to be a felony.

SECTION 522. AMENDATORY 63 O.S. 1991, Section 1-519, is amended to read as follows:

Section 1-519. It shall be unlawful and a felony for any person, after becoming an infected person and before being discharged and pronounced cured by a physician in writing, to marry any other person, or to expose any other person by the act of copulation or sexual intercourse to such venereal disease or to liability to contract the ~~same~~ venereal disease.

SECTION 523. AMENDATORY 63 O.S. 1991, Section 1-731, is amended to read as follows:

Section 1-731. A. No person shall perform or induce an abortion upon a pregnant woman unless that person is a physician

licensed to practice medicine in the State of Oklahoma. Any person violating this section shall be guilty of a felony ~~punishable by not less than one (1) year nor more than three (3) years in the State Penitentiary~~.

B. No person shall perform or induce an abortion upon a pregnant woman subsequent to the end of the first trimester of her pregnancy, unless such abortion is performed or induced in a general hospital.

SECTION 524. AMENDATORY 63 O.S. 1991, Section 1-732, is amended to read as follows:

Section 1-732. A. No person shall perform or induce an abortion upon a pregnant woman after such time as her unborn child has become viable unless such abortion is necessary to prevent the death of the pregnant woman or to prevent impairment to her health.

B. An unborn child shall be presumed to be viable if more than twenty-four (24) weeks have elapsed since the probable beginning of the last menstrual period of the pregnant woman, based upon either information provided by her or by an examination by her attending physician. If it is the judgment of the attending physician that a particular unborn child is not viable where the presumption of viability exists as to that particular unborn child, then he shall certify in writing the precise medical criteria upon which he has determined that the particular unborn child is not viable before an abortion may be performed or induced.

C. No abortion of a viable unborn child shall be performed or induced except after written certification by the attending physician that in his best medical judgment the abortion is necessary to prevent the death of the pregnant woman or to prevent an impairment to her health. The physician shall further certify in writing the medical indications for such abortion and the probable health consequences if the abortion is not performed or induced.

D. The physician who shall perform or induce an abortion upon a pregnant woman after such time as her unborn child has become

viable shall utilize the available method or technique of abortion most likely to preserve the life and health of the unborn child, unless he shall first certify in writing that in his best medical judgment such method or technique shall present a significantly greater danger to the life or health of the pregnant woman than another available method or technique.

E. An abortion of a viable unborn child shall be performed or induced only when there is in attendance a physician other than the physician performing or inducing the abortion who shall take control of and provide immediate medical care for the child. During the performance or inducing of the abortion, the physician performing it, and subsequent to it, the physician required by this section to be in attendance, shall take all reasonable steps in keeping with good medical practice, consistent with the procedure used, to preserve the life and health of the child, in the same manner as if the child had been born naturally or spontaneously. The requirement of the attendance of a second physician may be waived when in the best judgment of the attending physician a medical emergency exists and further delay would result in a serious threat to the life or physical health of the pregnant woman. Provided that, under such emergency circumstances and waiver, the attending physician shall have the duty to take all reasonable steps to preserve the life and health of the child before, during and after the abortion procedure, unless such steps shall, in ~~his~~ the best medical judgment of the physician, present a significantly greater danger to the life or health of the pregnant woman.

F. Any person violating subsection A of this section shall be guilty of homicide.

SECTION 525. AMENDATORY 63 O.S. 1991, Section 1-733, is amended to read as follows:

Section 1-733. No woman shall perform or induce an abortion upon herself, except under the supervision of a duly licensed physician. Any physician who supervises a woman in performing or inducing an abortion upon herself shall fulfill all the

requirements of this article which apply to ~~any~~ a physician performing or inducing an abortion.

SECTION 526. AMENDATORY 63 O.S. 1991, Section 1-734, is amended to read as follows:

Section 1-734. A. No person shall purposely take the life of a child born as a result of an abortion or attempted abortion which is alive when partially or totally removed from the uterus of the pregnant woman.

B. No person shall purposely take the life of a viable child who is alive while inside the uterus of the pregnant woman and may be removed alive therefrom without creating any significant danger to her life or health.

C. Any person who performs, induces, or participates in the performance or inducing of an abortion shall take all reasonable measures to preserve the life of a child who is alive when partially or totally removed from the uterus of the pregnant woman, so long as ~~such~~ the measures do not create any significant danger to her life or health.

D. Any person violating this section shall be guilty of homicide.

SECTION 527. AMENDATORY 63 O.S. 1991, Section 2-312.1, is amended to read as follows:

Section 2-312.1 A. A licensed practitioner as defined in Section 355 of Title 59 of the Oklahoma Statutes shall not prescribe, dispense, deliver, or administer an anabolic steroid or human growth hormone or cause an anabolic steroid or human growth hormone to be administered under the direction or supervision of the practitioner except for a valid medical purpose and in the course of a professional practice. A valid medical purpose for the use of anabolic steroids or human growth hormones shall not include bodybuilding, muscle enhancement or increasing muscle bulk or strength of a person who is in good health. This section shall not prohibit the use of anabolic steroids for the treatment of livestock or domestic animals in accordance with state or federal law.

B. The prescribing, dispensing, delivering or administering of an anabolic steroid by a licensed practitioner in violation of the provisions of subsection A of this section shall be grounds for revocation or nonrenewal of the license of such licensed practitioner to practice in this state. In addition, any licensed practitioner prescribing, dispensing, delivering or administering an anabolic steroid in violation of the provisions of subsection A of this section, upon conviction thereof shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a term of not more than three (3) years, or by a~~. The fine for a violation of this section shall not ~~to~~ exceed Ten Thousand Dollars ($10,000.00)~~, or by both such imprisonment and fine~~.

SECTION 528. AMENDATORY 63 O.S. 1991, Section 2-328, is amended to read as follows:

Section 2-328. A. A person or business who manufactures, sells, transfers, furnishes, or receives a precursor substance defined in Section ~~4~~ 2-322 of this ~~act~~ title commits an offense if the person:

1. Does not comply with the requirements of ~~Sections 4, 5 or 8~~ Section 2-322, 2-323 or 2-326 of this ~~act~~ title; or

2. Knowingly makes a false statement in a report or record required by Section ~~5~~ 2-323 or ~~8~~ 2-326 of this ~~act~~ title.

B. Except as provided by subsection C of this section, an offense under subsection A of this section is a misdemeanor and punishable by imprisonment in the county jail for a term not to exceed one year or by a fine not to exceed Ten Thousand Dollars ($10,000.00).

C. A person who manufactures, sells, transfers, or otherwise furnishes a precursor substance defined in Section ~~4~~ 2-322 of this ~~act~~ title commits an offense if the person manufactures, sells, transfers, or furnishes the substance with the knowledge or intent that the recipient shall use the substance to unlawfully manufacture a controlled substance or a controlled substance analog.

D. A second or subsequent violation of subsection A of this section shall be a felony ~~punishable by imprisonment in the State~~

~~Penitentiary for a term not more than ten (10) years or by a~~. The fine for a violation of this subsection shall not to exceed Twenty-five Thousand Dollars ($25,000.00) ~~or by both such fine and imprisonment~~. ~~Said~~ Any imprisonment imposed shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

E. A person who is required by ~~Sections 4~~ Section 2-322 or ~~6~~ 2-324 of this ~~act~~ title to have a permit for precursor substances commits an offense if the person:

1. Purchases, obtains, or possesses a precursor substance without having first obtained a permit;

2. Has in his possession or immediate control a precursor substance with no attached permit;

3. Knowingly makes a false statement in an application or report required by ~~Sections 6~~ Section 2-324 or ~~8~~ 2-326 of this ~~act~~ title; or

4. Manufacturers, sells, transfers, or otherwise furnishes any person or business a precursor substance defined in Section ~~4~~ 2-322 of this ~~act~~ title, who does not have a permit.

F. An offense under subsection C or E of this section is a felony ~~punishable by imprisonment in the State Penitentiary for a term not more than ten (10) years or by a~~. The fine for a violation of this subsection shall not to exceed Twenty-five Thousand Dollars ($25,000.00) ~~or by both such fine and imprisonment~~. ~~Said~~ Any imprisonment imposed shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

SECTION 529. AMENDATORY 63 O.S. 1991, Section 2-401, as last amended by Section 2, Chapter 307, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2-401), is amended to read as follows:

Section 2-401. A. Except as authorized by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, it shall be unlawful for any person:

1. To distribute, dispense, transport with intent to distribute or dispense, or solicit the use of or use the services of a person less than eighteen (18) years of age to cultivate,

distribute or dispense a controlled dangerous substance or possess with intent to manufacture, distribute, or dispense, a controlled dangerous substance;

2. To create, distribute, transport with intent to distribute or dispense, or possess with intent to distribute, a counterfeit controlled dangerous substance; or

3. To distribute any imitation controlled substance as defined by Section 2-101 of this title, except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services.

B. Any person who violates the provisions of this section with respect to:

1. A substance classified in Schedule I or II which is a narcotic drug or lysergic acid diethylamide (LSD), upon conviction, shall be guilty of a felony ~~and shall be sentenced to a term of imprisonment for not less than five (5) years nor more than life and a~~. The fine for a violation of this paragraph shall be ~~of~~ not more than One Hundred Thousand Dollars ($100,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. ~~Said~~ Any sentence to the custody of the Department of Corrections, with or without postimprisonment supervision, shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;

2. Any other controlled dangerous substance classified in Schedule I, II, III, or IV, upon conviction, shall be guilty of a felony ~~and shall be sentenced to a term of imprisonment for not less than two (2) years nor more than life and a~~. The fine ~~of~~ for a violation of this paragraph shall be not more than Twenty Thousand Dollars ($20,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. ~~Said~~ Any sentence to the custody of the Department of Corrections, with or without postimprisonment supervision, shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation except when the conviction is for a first offense;

3. A substance classified in Schedule V, upon conviction, shall be guilty of a felony ~~and shall be sentenced to a term of imprisonment for not more than five (5) years and a~~. The fine ~~of~~ for a violation of this paragraph shall be not more than One Thousand Dollars ($1,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment;

4. An imitation controlled substance as defined by Section 2-101 of this title, upon conviction, shall be guilty of a misdemeanor and shall be sentenced to a term of imprisonment in the county jail for a period of not more than one (1) year and a fine of not more than One Thousand Dollars ($1,000.00). A person convicted of a second violation of the provisions of this paragraph shall be guilty of a felony ~~and shall be sentenced to a term of imprisonment for not more than five (5) years and a~~. The fine ~~of~~ for a second violation of this paragraph shall be not more than Five Thousand Dollars ($5,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment; or

5. Except when authorized by the Food and Drug Administration of the United States Department of Health and Human Services, it shall be unlawful for any person to manufacture, distribute, or possess with intent to distribute a synthetic controlled substance. Any person convicted of violating the provisions of this paragraph is guilty of a felony ~~and shall be punished by imprisonment in the State Penitentiary for a term not to exceed life and a~~. The fine ~~of~~ shall not be more than Twenty-five Thousand Dollars ($25,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. A second or subsequent conviction for the violation of the provisions of this paragraph is a felony ~~punishable by imprisonment in the State Penitentiary for a term not less than ten (10) years and more than life and a~~. The fine ~~of~~ for a second or subsequent violation of this paragraph shall be not more than One Hundred Thousand Dollars ($100,000.00), which

shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

C. Any person convicted of a second or subsequent felony violation of the provisions of this section, except for paragraphs 4 and 5 of subsection B of this section ~~or subsection E of this section~~, shall be ~~punished by a term of imprisonment twice that otherwise authorized and by~~ subject to twice the fine otherwise authorized, which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Convictions for second or subsequent violations of the provisions of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

D. ~~Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age is punishable by twice the fine and by twice the imprisonment otherwise authorized.~~

~~E. Any person who violates any provision of this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled dangerous substance to a person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or public housing project shall be punished by:~~

~~1. For a first offense, a term of imprisonment, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section and shall serve a minimum of fifty percent (50%) of the sentence received~~

~~prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or~~

~~2. For a second or subsequent offense, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.~~

~~F.~~ Except as authorized by the Uniform Controlled Dangerous Substances Act, it shall be unlawful for any person to manufacture or attempt to manufacture any controlled dangerous substance. Any person violating the provisions of this section with respect to the unlawful manufacturing or attempting to unlawfully manufacture any controlled dangerous substance, upon conviction, is guilty of a felony ~~and shall be punished by imprisonment in the State Penitentiary for not less than twenty (20) years nor more than life and by a~~. The fine for a violation of this paragraph shall be ~~of~~ not less than Fifty Thousand Dollars ($50,000.00), which shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

~~Said~~ Any sentence to the custody of the Department of Corrections, with or without postimprisonment supervision, shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation. ~~A person convicted of a second or subsequent violation of the provisions of this subsection shall be required to serve at least ten (10) years of such person's sentence before becoming eligible for parole or any early release from incarceration.~~

Any person convicted of any offense described in this section may, in addition to the fine imposed, be assessed an amount not to exceed ten percent (10%) of the fine imposed. Such assessment shall be paid into a revolving fund for enforcement of controlled dangerous substances created pursuant to Section 2-506 of this title.

~~G. For purposes of this section, "public housing project" means any dwelling or accommodations operated as a state or~~

~~federally subsidized multifamily housing project by any housing authority, nonprofit corporation or municipal developer or housing projects created pursuant to the Oklahoma Housing Authority Act, Section 1051 et seq. of this title.~~

SECTION 530. AMENDATORY 63 O.S. 1991, Section 2-402, as last amended by Section 3, Chapter 147, O.S.L. 1995 (63 O.S. Supp. 1996, Section 2-402), is amended to read as follows:

Section 2-402. A. 1. It shall be unlawful for any person knowingly or intentionally to possess a controlled dangerous substance unless such substance was obtained directly, or pursuant to a valid prescription or order from a practitioner, while acting in the course of his professional practice, or except as otherwise authorized by this act.

2. It shall be unlawful for any person to purchase any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, pursuant to Section 2-313 of this title in an amount or within a time interval other than that permitted by Section 2-313 of this title.

3. It shall be unlawful for any person or business to sell, market, advertise or label any product containing ephedrine, its salts, optical isomers, or salts of optical isomers, for the indication of stimulation, mental alertness, weight loss, appetite control, muscle development, energy or other indication which is not approved by the pertinent federal OTC Final Monograph, Tentative Final Monograph, or FDA-approved new drug application or its legal equivalent. In determining compliance with this requirement, the following factors shall be considered:

a. the packaging of the product,

b. the name of the product, and

c. the distribution and promotion of the product, including verbal representations made at the point of sale.

B. Any person who violates this section with respect to:

1. Any Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206 <u>of this title</u>,

is guilty of a felony ~~punishable by imprisonment for not less than two (2) years nor more than ten (10) years~~. A second or subsequent violation of this section with respect to Schedule I or II substance, except marihuana or a substance included in subsection D of Section 2-206 of this title, is a felony ~~punishable by imprisonment for not less than four (4) years nor more than twenty (20) years~~.

2. Any Schedule III, IV or V substance, marihuana, a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is guilty of a misdemeanor punishable by confinement for not more than one (1) year. A second or subsequent violation of this section with respect to any Schedule III, IV or V substance, ~~marihuana,~~ a substance included in subsection D of Section 2-206 of this title, or any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act is a felony ~~punishable by imprisonment for not less than two (2) nor more than ten (10) years~~. A second or subsequent violation of this section with respect to marihuana, other than possession of marihuana, shall be a felony.

C. Any person who violates any provision of this section by possessing or purchasing a controlled dangerous substance from any person, in or on, or within one thousand (1,000) feet of the real property comprising a public or private elementary or secondary school, public vocational school, public or private college or university, or other institution of higher education, recreation center or public park, including state parks and recreation areas, or in the presence of any child under twelve (12) years of age, shall be ~~punished by:~~ guilty of a felony.

1. For a first offense, ~~a term of imprisonment, or by~~ the ~~imposition of a~~ fine ~~or by both,~~ shall not ~~exceeding~~ exceed twice that authorized by the appropriate provision of this section ~~and~~. In addition, the person shall serve a minimum of fifty percent (50%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence; or

2. For a second or subsequent offense, ~~a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and~~ the person shall serve a minimum of ninety percent (90%) of the sentence received prior to becoming eligible for state correctional institution earned credits toward the completion of said sentence.

SECTION 531. AMENDATORY 63 O.S. 1991, Section 2-404, is amended to read as follows:

Section 2-404. A. It shall be unlawful for any person:

1. Who is subject to the requirements of Article III of this act to distribute or dispense a controlled dangerous substance in violation of Section 2-308 of this title;

2. Who is a registrant to manufacture, distribute, or dispense a controlled dangerous substance not authorized by his registration to another registrant or other authorized person;

3. To omit, remove, alter, or obliterate a symbol required by the Federal Controlled Substances Act or this act;

4. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this act;

5. To refuse any entry into any premises or inspection authorized by this act; or

6. To keep or maintain any store, shop, warehouse, dwelling house, building, vehicle, boat, aircraft, or any place whatever, which is resorted to by persons using controlled dangerous substances in violation of this act for the purpose of using such substances, or which is used for the keeping or selling of the same in violation of this act.

B. Any person who violates this section is punishable by a civil fine of not more than One Thousand Dollars ($1,000.00); provided, that, if the violation is prosecuted by an information or indictment which alleges that the violation was committed knowingly or intentionally, and the trier of fact specifically finds that the violation was committed knowingly or intentionally, such person is guilty of a felony ~~punishable by imprisonment for not more than five (5) years, and a~~. The fine ~~of~~ for a violation

of this subsection shall be for not more than Ten Thousand Dollars ($10,000.00), except that if such person is a corporation it shall be subject to a civil penalty of not more than One Hundred Thousand Dollars ($100,000.00). The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment.

C. Any person convicted of a second or subsequent violation of this section is punishable ~~by a term of imprisonment twice that otherwise authorized and~~ by twice the fine otherwise authorized. The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment.

SECTION 532. AMENDATORY 63 O.S. 1991, Section 2-405, is amended to read as follows:

Section 2-405. A. No person shall use tincture of opium, tincture of opium camphorated, or any derivative thereof, by the hypodermic method, either with or without a medical prescription therefor.

B. No person shall use or possess drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act, except those persons holding an unrevoked license in the professions of podiatry, dentistry, medicine, nursing, optometry, osteopathy, veterinary medicine or pharmacy.

C. No person shall deliver, possess or manufacture drug paraphernalia knowing it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of the Uniform Controlled Dangerous Substances Act.

D. Any person eighteen (18) years of age or over who violates subsection C of this section by delivering drug paraphernalia to a

person under eighteen (18) years of age who is at least three (3) years ~~his junior~~ younger than that person shall, upon conviction, be guilty of a felony.

E. Any person who violates subsections A, B or C of this section shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or a fine of not more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

SECTION 533. AMENDATORY 63 O.S. 1991, Section 2-406, is amended to read as follows:

Section 2-406. A. It shall be unlawful for any registrant knowingly or intentionally:

1. To distribute, other than by dispensing or as otherwise authorized by this act, a controlled dangerous substance classified in Schedules I or II, in the course of his legitimate business, except pursuant to an order form as required by Section 2-308 of this ~~act~~ title;

2. To use in the course of the manufacture or distribution of a controlled dangerous substance a registration number which is fictitious, revoked, suspended or issued to another person;

3. To acquire or obtain possession of a controlled dangerous substance by misrepresentation, fraud, forgery, deception or subterfuge;

4. To furnish false or fraudulent material information in, or omit any material information from, any application, report, or other document required to be kept or filed under this act, or any record required to be kept by this act;

5. To make, distribute, or possess any punch, die, plate, stone, or other thing designed to print, imprint, or reproduce the trademark, trade name, or other identifying mark, imprint, or device of another or any likeness of any of the foregoing upon any drug or container or labeling thereof so as to render such drug a counterfeit controlled dangerous substance.

B. Any person who violates this section is guilty of a felony ~~punishable by imprisonment for not more than twenty (20) years or a~~. The fine ~~of~~ for a violation of this subsection shall be not

more than Two Hundred Fifty Thousand Dollars ($250,000.00)~~, or both~~.

C. Any person convicted of a second or subsequent violation of this section is punishable ~~by a term of imprisonment twice that otherwise authorized and~~ by twice the fine otherwise authorized. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

SECTION 534. AMENDATORY 63 O.S. 1991, Section 2-407, as amended by Section 9, Chapter 306, O.S.L. 1996 (63 O.S. Supp. 1996, Section 2-407), is amended to read as follows:

Section 2-407. A. No person shall obtain or attempt to obtain any preparation excepted from the provisions of the Uniform Controlled Dangerous Substances Act pursuant to Section 2-313 of this title in a manner inconsistent with the provisions of paragraph 1 of subsection B of Section 2-313 of this title, or a controlled dangerous substance or procure or attempt to procure the administration of a controlled dangerous substance:

1. By fraud, deceit, misrepresentation, or subterfuge;

2. By the forgery of, alteration of, adding any information to or changing any information on a prescription or of any written order;

3. By the concealment of a material fact; or

4. By the use of a false name or the giving of a false address.

B. Except as authorized by this act, a person shall not manufacture, create, deliver, or possess with intent to manufacture, create, or deliver or possess a prescription form, an original prescription form, or a counterfeit prescription form. This shall not apply to the legitimate manufacture or delivery of prescription forms, or a person acting as an authorized agent of the practitioner.

C. Information communicated to a physician in an effort unlawfully to procure a controlled dangerous substance, or unlawfully to procure the administration of any such drug, shall not be deemed a privileged communication.

D. Any person who violates this section is guilty of a felony ~~punishable by imprisonment for not more than ten (10) years, by a~~. The fine ~~of~~ for a violation of this subsection shall be not more than Ten Thousand Dollars ($10,000.00) ~~or both such fine and imprisonment~~. A second or subsequent offense under this section is a felony ~~punishable by imprisonment for not less than four (4) nor more than twenty (20) years, by a~~. The fine ~~of~~ for a second or subsequent violation of this subsection shall be not more than Twenty Thousand Dollars ($20,000.00) ~~or both such fine and imprisonment~~.

E. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

SECTION 535. AMENDATORY 63 O.S. 1991, Section 2-415, as amended by Section 1, Chapter 21, O.S.L. 1993 (63 O.S. Supp. 1996, Section 2-415), is amended to read as follows:

Section 2-415. A. The provisions of the Trafficking in Illegal Drugs Act, Section 2-414 et seq. of this title, shall apply to persons convicted of violations with respect to the following substances:

1. Marihuana;

2. Cocaine or coca leaves;

3. Heroin;

4. Amphetamine or methamphetamine;

5. Lysergic acid diethylamide (LSD);

6. Phencyclidine (PCP); or

7. Cocaine base, commonly known as "crack" or "rock".

B. Except as otherwise authorized by the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, it shall be unlawful for any person to:

1. Knowingly distribute, manufacture, bring into this state or possess a controlled substance specified in subsection A of this section in the quantities specified in subsection C of this section; or

2. Possess any controlled substance with the intent to manufacture a controlled substance specified in subsection A of

this section in quantities specified in subsection C of this section; or

3. Use or solicit the use of services of a person less than eighteen (18) years of age to distribute or manufacture a controlled dangerous substance specified in subsection A of this section in quantities specified in subsection C of this section.

Violation of this section shall be known as "trafficking in illegal drugs".

Any person who commits the conduct described in paragraph 1, 2 or 3 of this subsection and represents the quantity of the controlled substance to be an amount described in subsection C of this section shall be punished under the provisions appropriate for the amount of controlled substance represented, regardless of the actual amount.

C. In the case of a violation of the provisions of subsection B of this section, involving:

1. Marihuana:

a. twenty-five (25) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

2. Cocaine or coca leaves:

a. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. three hundred (300) grams or more of a mixture or substance containing a detectable amount of cocaine or coca leaves, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

3. Heroin:

a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

4. Amphetamine or methamphetamine:

a. twenty (20) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Two Hundred Thousand Dollars ($200,000.00), or

b. two hundred (200) grams or more of a mixture or substance containing a detectable amount of amphetamine or methamphetamine, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

5. Lysergic acid diethylamide (LSD):

a. if the quantity involved is not less than fifty (50) dosage units and not more than one thousand (1,000) dosage units, such violation shall be punishable by

a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. if the quantity involved is more than one thousand (1,000) dosage units, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00);

6. Phencyclidine (PCP):

a. one (1) ounce or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Twenty Thousand Dollars ($20,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. eight (8) ounces or more of a substance containing a mixture or substance containing a detectable amount of phencyclidine (PCP), such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00); and

7. Cocaine base:

a. five (5) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. fifty (50) grams or more of a mixture or substance described in paragraph 2 of this subsection which contains cocaine base, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00).

D. Any person who violates the provisions of this section with respect to a controlled substance specified in subsection A

of this section in a quantity specified in subsection C of this section shall, in addition to any fines specified by this section, be ~~punishable by a term of imprisonment as follows:~~

~~1. Not less than twice the term of imprisonment provided for in Section 2-401 of this title;~~

~~2. If the person has previously been convicted of one violation of this section or has been previously convicted of a felony violation of the Uniform Controlled Dangerous Substances Act arising from separate and distinct transactions, not less than three times the term of imprisonment provided for in Section 2-401 of this title; and~~

~~3. If the person has previously been convicted of two or more violations of this section or any provision of the Uniform Controlled Dangerous Substances Act which constitutes a felony, or a combination of such violations arising out of separate and distinct transactions, life without parole~~ guilty of a felony.

~~The terms of imprisonment specified in this subsection~~ E. Any person sentenced to the custody of the Department of Corrections, with or without postimprisonment supervision, shall not be subject to statutory provisions for suspension, deferral or probation, or state correctional institution earned credits accruing from and after November 1, 1989, except for the achievement earned credits authorized by subsection F of Section 138 of Title 57 of the Oklahoma Statutes. To qualify for such achievement credits, such inmates must also be in compliance with the standards for Class level 2 behavior, as defined in subsection C of Section 138 of Title 57 of the Oklahoma Statutes.

Persons convicted of violations of this section shall not be eligible for appeal bonds.

SECTION 536. AMENDATORY 63 O.S. 1991, Section 2-509, as amended by Section 2, Chapter 335, O.S.L. 1994 (63 O.S. Supp. 1996, Section 2-509), is amended to read as follows:

Section 2-509. A. All species of plants from which controlled dangerous substances in Schedules I and II may be derived are hereby declared inimical to health and welfare of the

public, and the intent of the Legislature is to control and eradicate these species of the plants in the State of Oklahoma.

B. It shall be unlawful for any person to cultivate or produce, or to knowingly permit the cultivation, production, or wild growing of any species of such plants, on any lands owned or controlled by such person, and it is hereby declared the duty of every such person to destroy all such plants found growing on lands owned or controlled by him.

C. 1. Whenever any peace officer of the state shall receive information that any species of any such plants has been found growing on any private lands in the State of Oklahoma, he shall notify the sheriff and county commissioners of the county wherein such plants are found growing. Within five (5) days of receipt of such notice, the county commissioners shall notify the owner or person in possession of such lands that such plants have been found growing on the said lands and that the same must be destroyed or eradicated within fifteen (15) days. When the fifteen (15) days have elapsed, the reporting peace officer shall cause an investigation to be made of the aforesaid lands, and if any such plants be found growing thereon, the commissioners shall cause the same to be destroyed or eradicated by either cutting and burning or by applications of herbicides approved for such purpose by the Department of Agriculture.

2. Whenever any such plants are destroyed or eradicated by order of the commissioners as provided herein, the cost of the same shall, if the work or labor be furnished by the commissioners, be taxed against the lands whereon the work was performed, and shall be a lien upon such land in all manner and respects as a lien of judgment, if the owner is charged with a violation of subsection B of this section. If the violation of subsection B of this section is by a person other than the owner of the land, without the knowledge of the owner, the costs shall be paid by the initiating law enforcement agency.

D. Knowingly violating the provisions of subsection B of this section is hereby declared, as to the owner, or person in possession of such lands, to be a felony ~~and punishable as such by~~

~~a~~. The fine for a violation of this section shall ~~of~~ not to exceed Fifty Thousand Dollars ($50,000.00) ~~and imprisonment in the State Penitentiary for not less than two (2) years nor more than life~~. The fine provided for in this subsection shall be in addition to other punishments provided by law and shall not be in lieu of other punishment. Any person convicted of a second or subsequent violation of subsection B of this section ~~is punishable by a term of imprisonment twice that otherwise authorized and by~~ shall be subject to twice the fine otherwise authorized. ~~Said~~ Any sentence to the custody of the Department of Corrections, with or without postimprisonment supervision, shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation, except when the conviction is for a first offense.

E. It shall be the duty of any peace officer of the State of Oklahoma who receives information of such plants growing in the State of Oklahoma, to make notice, in writing, to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the future destruction or eradication of the annual growth of such plants shall be supervised by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control. Any destruction or eradication of the annual growth of such plants supervised by the Bureau shall be by cutting and burning the same or by destruction and eradication through applications of herbicides approved for such purpose by the Department of Agriculture.

F. Any application of herbicides authorized by this section shall be made pursuant to the provisions of Section 2-505 of this title.

G. In lieu of the eradication procedures provided for in subsections B and C of this section, all species of plants from which controlled dangerous substances in Schedules I and II of the Uniform Controlled Dangerous Substances Act may be derived, may be disposed of pursuant to the provisions of subsection C of Section 2-505 of this title.

SECTION 537. AMENDATORY 64 O.S. 1991, Section 64, is amended to read as follows:

Section 64. Any person who shall execute or make any sworn statement or affidavit containing false information in connection with any loan to be made from the funds held by the Commissioners of the Land Office shall be guilty of the felony of perjury ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term not to exceed one (1) year~~.

SECTION 538. AMENDATORY 64 O.S. 1991, Section 88, is amended to read as follows:

Section 88. Any person who hereafter, without written authority from the Commissioners of the Land Office, cuts timber, injures or destroys improvements, removes anything of value, assumes possession without a lease, or who refuses to surrender possession at the expiration of his lease term, or upon cancellation of a certificate of purchase on state-owned lands, shall be deemed guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by a fine of~~. The fine for a violation of this section shall be not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1,000.00)~~, or by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment~~. The Commissioners of the Land Office are hereby given authority to issue a writ of ouster, after hearing upon ten (10) days' notice by registered mail to the occupant, over the signature of the Chairman or Vice Chairman and under the Seal of the Secretary, directed to the sheriff to oust and dispossess any such person or persons so unlawfully using or possessing any such state-owned lands.

SECTION 539. AMENDATORY 64 O.S. 1991, Section 111, is amended to read as follows:

Section 111. Any appraiser or other employee of the Commissioners of the Land Office who shall either directly or indirectly receive a commission, or take property (either real or personal), or accept a bribe for the recommendation of any loan to be made by the Commissioners of the Land Office, or who shall directly or indirectly receive any part of the proceeds of any loan made by the Commissioners of the Land Office, or who shall

willfully place a false estimate of value upon property offered to the Commissioners of the Land Office as security for a loan, with the intent to defraud the state, shall be deemed guilty of a felony, ~~and~~ upon conviction ~~shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by fine not exceeding~~. The fine for a violation of this section shall not exceed Three Thousand Dollars ($3,000.00)~~, and imprisonment in jail not exceeding one (1) year~~.

SECTION 540. AMENDATORY 64 O.S. 1991, Section 112, is amended to read as follows:

Section 112. Any person who shall offer to pay a commission, or to convey property (either real or personal), or to pay any part of the proceeds of any loan made by the Commissioners of the Land Office, or to pay a bribe to any appraiser or other employee of the Commissioners of the Land Office for the making or recommendation of a loan to be made by the Commissioners of the Land Office, shall be deemed guilty of a felony ~~and~~, upon conviction ~~shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by fine not exceeding~~. The fine for a violation of this section shall not exceed Three Thousand Dollars ($3,000.00) ~~and imprisonment in jail not exceeding one (1) year~~.

SECTION 541. AMENDATORY 64 O.S. 1991, Section 114, is amended to read as follows:

Section 114. Any employee of the Commissioners of the Land Office who shall be ~~guilty~~ convicted of embezzling any of the funds or monies of the Commissioners of the Land Office shall be ~~punished by confinement in the State Penitentiary not exceeding five (5) years~~ guilty of a felony and, in addition thereto it is hereby made the mandatory duty of the Commissioners of the Land Office to immediately discharge any such employee upon the discovery of the act or acts of embezzlement.

SECTION 542. AMENDATORY 64 O.S. 1991, Section 115, is amended to read as follows:

Section 115. Any employee of the Commissioners of the Land Office who shall destroy, forge, falsify, steal, mutilate, hide or

intentionally misplace any of the records of the Commissioners of the Land Office, or who permits or causes such destruction, forgery, falsifying, stealing, mutilating, hiding or intentional misplacing of any of such records of the Commissioners of the Land Office, shall be deemed guilty of a felony, ~~and~~ upon conviction ~~shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years~~ and in addition thereto shall be immediately discharged by the Commissioners of the Land Office upon the discovery of such acts.

SECTION 543. AMENDATORY 64 O.S. 1991, Section 123, is amended to read as follows:

Section 123. The Cash Journal shall be balanced daily and the total of each day's receipts shall be deposited with the State Treasurer as now required by the State Depository Law. It shall be the duty of the Commissioners of the Land Office to notify each debtor to make their checks, drafts, or other transfer of monies payable to the order of the Commissioners of the Land Office. No person shall have authority to endorse such checks, drafts or orders for monies unless specifically authorized by a resolution of a majority of the Commissioners. The endorsements on the checks, drafts or other evidence of transfers of monies shall be in the following words:

"Pay to the order of the Treasury of the State of Oklahoma, for credit only to the Commissioners of the Land Office", and shall be signed by the person so designated by the Commissioners of the Land Office for such purpose. No person, firm or corporation shall cash or pay out on any such check, voucher, draft, money order or other evidence of transfers of money, or its equivalent, without said endorsements, and the endorsement of the State Treasurer appearing thereon.

Any person, firm or corporation violating this provision shall be guilty of a felony, ~~and~~ upon conviction~~, shall be punished by a fine of~~. The fine for a violation of this provision shall be not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00)~~, or by imprisonment in the State Penitentiary for a term of not more than three (3) years or both such fine and~~

~~imprisonment~~; and shall be civilly liable to the State of Oklahoma, for the use and benefit of the fund which has sustained such loss in double the amount of the check, voucher, money order, draft or other evidence of transfer of money, so cashed or paid.

All checks or vouchers drawn against any Special Agency Account by the Commissioners of the Land Office shall be issued only by the principal fiscal officer upon written application of the head of the division of the School Land Department, said check or voucher shall be signed in the name of the Commissioners of the Land Office by the Secretary or in his absence by the Assistant Secretary and shall be countersigned by the principal fiscal officer. The form of check or voucher shall be prescribed by the State Treasurer and shall indicate on its face the purpose for which drawn, the amount and the account to which chargeable; and, no check shall leave the office until protected by some suitable protectograph. The checks shall be issued in triplicate, the original to be given to the payee, the duplicate to be delivered to the head of the division who made application for said check, and the triplicate shall remain in the files in the office of the principal fiscal officer to become a part of the permanent records.

SECTION 544. AMENDATORY 64 O.S. 1991, Section 132, is amended to read as follows:

Section 132. This act shall be strictly complied with and if any official or employee of the Commissioners of the Land Office fails or neglects to comply with the provisions herein, or if any official or employee transacts any business of the Department contrary to the provisions herein, he shall be deemed guilty of a felony ~~and~~, upon conviction ~~shall be punished by a fine of~~. The fine for a violation of this section shall be not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) ~~and by imprisonment in the State Penitentiary for a term of not less than three (3) years nor more than ten (10) years or by both such fine and imprisonment~~.

SECTION 545. AMENDATORY 64 O.S. 1991, Section 157, is amended to read as follows:

Section 157. Any person who shall execute or make any sworn statement or affidavit containing false information in connection with any loan, lease, sale or contract made or to be made by the Commissioners of the Land Office shall be guilty of the felony of perjury and upon conviction thereof in a court of competent jurisdiction shall be punished by a fine not to exceed Three Thousand Dollars ($3,000.00) ~~or by imprisonment in the State Penitentiary not exceeding five (5) years or by both such fine and imprisonment~~.

SECTION 546. AMENDATORY 64 O.S. 1991, Section 251, is amended to read as follows:

Section 251. The Commissioners of the Land Office and the Secretary thereof shall have the power to administer oaths to witnesses and take affidavits to petitions and other instruments filed before the Secretary or the Commissioners in the same manner as the clerks of the district courts of the State of Oklahoma; said affidavits shall be attested under seal of the Commissioners of the Land Office, which seal they shall provide, the Secretary to the Commissioners of the Land Office being custodian thereof; and any person, either as a witness or party interested, who makes false statements under oath in any matter or hearing pending before the Secretary or Commissioners of the Land Office, shall be deemed guilty of the felony of perjury ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) nor more than three (3) years~~. Any person who executes any written instrument, petition or affidavit before the Commission or the Secretary under oath, and who in said petition, affidavit or other instrument, makes false statements shall be guilty of the felony of perjury and shall be punished as herein provided.

SECTION 547. AMENDATORY 64 O.S. 1991, Section 459, is amended to read as follows:

Section 459. Any person who prospects for minerals owned by the State of Oklahoma, under the jurisdiction and control of the Commissioners of the Land Office, without a prospecting permit, or who removes any such minerals without a lease contract, contrary

to the provisions of this act, or who violates any other terms or provisions of this act, shall be guilty of a felony ~~and~~, upon conviction ~~shall be punished by a fine of~~. The fine for a violation of this section shall be not less than Fifty Dollars ($50.00) and not to exceed Fifty Thousand Dollars ($50,000.00)~~, or by imprisonment for not less than thirty (30) days and not to exceed ten (10) years, or by both such fine and imprisonment~~.

SECTION 548. AMENDATORY 66 O.S. 1991, Section 304, is amended to read as follows:

Section 304. A. The Department is hereby authorized and empowered:

1. To acquire, construct, reconstruct, repair, replace, operate and maintain railroad rights-of-way and trackage projects at such locations and on such routes as it shall determine to be feasible and economically sound;

2. To enter into agreements with the owners of operating railroads for the acquisition and/or use of railroad rights-of-way and trackage on such terms, conditions, rates or rentals as the Department may consider to be in the best interests of the state;

3. To enter directly into agreements with owners of operating railroads or persons intending to operate as common carriers by rail to sell, lease, or sell by lease-purchase agreement any state-owned railroad property on such terms, conditions or amounts as the Department may consider to be in the best interests of the state and to promote the purposes of this act;

4. To acquire and hold real or personal property in the exercise of its powers for the performance of its duties as authorized by this act. Surplus property may be disposed of by the Department;

5. To acquire in the name of the Department, by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation, such public or private lands and personalty, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, trackage, property, rights, easements, and

interests, as it may deem necessary for carrying out the provisions of this act;

6. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this act, and to employ rail planning and management consultants, consulting engineers, attorneys, accountants, construction and financial consultants, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation; provided, that all such expenses shall be payable solely from funds made available under and pursuant to the provisions of this act or from revenues; provided, further, no attorney employed by the Department, nor any member of any law firm of which he may be connected, shall ever be paid any fee or compensation for any special or extraordinary services;

7. To receive, accept and expend funds from the state, any federal agency, or from private sources, for rail planning and for administration of railroad assistance projects, and for or in aid of the acquisition, construction, reconstruction, replacement, repair, maintenance and operation of railroad rights-of-way and trackage and for rail service continuation payments to railroad companies for operating losses sustained by reasons of continuing service on a line which may otherwise be abandoned or which may experience a reduced level of service not in the public interest, where such continuation of service is carried out under a written agreement with the Department establishing the terms and conditions for such payments, and to receive and accept funds, aid or contributions from any source of either money, property, labor or other things of value, to be held, used and applied only for the purposes for which such funds, aid or contributions may be made;

8. To adopt such rules and regulations and to do any and all things necessary to comply with rules, regulations or requirements of the United States Department of Transportation, any successor thereof, the Interstate Commerce Commission or any federal agency administering any law enacted by the Congress of the United States

or having funds available for the purpose of the Department that are not inconsistent with or contrary to the prohibitions and restrictions of Oklahoma law or public interest;

9. To expend income and funds from the Oklahoma Railroad Maintenance Revolving Fund in the exercise of any or all of the foregoing powers;

10. To do all things necessary or convenient to carry out the powers expressly granted in this act.

B. It shall be unlawful for any member, officer or employee of the Department to transact with the Department, either directly or indirectly, any business for profit of such member, officer or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer or employee.

Violation of this provision shall constitute a felony ~~and~~, upon conviction ~~shall be punishable by a fine of~~. The fine for a violation of this provision shall be not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment~~.

C. All meetings of the Department shall be open public meetings, and all records shall be public records, except when considering personnel.

SECTION 549. AMENDATORY 67 O.S. 1991, Section 83, is amended to read as follows:

Section 83. If any officer or person having possession, custody or control of any record, book, paper taxroll, assessment, or any other file or matter of record, authorized herein to be copied or transcribed, shall fail, refuse, or neglect, or in any manner hinder or delay, after demand shall have been made to permit such transcribing or copying, or who shall destroy, mutilate, conceal or remove any such record, book, paper, taxroll, assessment, or any other file or matter of record, or

other evidence so required to be copied or transcribed, or who shall cause or permit to be removed from its customary place any such record, book, paper, taxroll, assessment, or any other file or matter of record, or who shall refuse upon request to divulge the location of any such record, book, paper, taxroll, assessment, or any other file or matter of record, shall be deemed guilty of a felony, ~~and~~ upon conviction ~~in any court of competent jurisdiction shall be fined in any sum~~. The fine for a violation of this section shall be not less than Two Hundred Fifty Dollars ($250.00) nor more than Three Thousand Five Hundred Dollars ($3,500.00), ~~and confined in the penitentiary for a term of not less than one (1) year and not more than five (5) years, and any~~. The fine for a violation of this section shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment. Any person so convicted shall be forever barred from holding any office of profit or trust within the State of Oklahoma.

SECTION 550. AMENDATORY 68 O.S. 1991, Section 103, is amended to read as follows:

Section 103. In the performance of its duties, as defined by law, the Tax Commission, or any member thereof, shall have the power to administer oaths, to conduct hearings, and to compel the attendance of witnesses and the production of the books, records and papers of any person, firm, association or corporation.

Any person, or any member of any firm or association, or any official, agent or employee of any corporation, who shall fail or refuse to testify, or who shall fail or refuse to produce any books, records or papers which the Commission shall require; or who shall fail or refuse to permit the examination of the same; or who shall fail or refuse to furnish any other evidence or information which the Commission, or any member thereof, may require; or who shall fail or refuse to answer any question which may be put to him by said Commission, or any member thereof, touching the business, property, assets or effects of any such person, firm, association or corporation, or the valuation thereof or the income or profits therefrom, shall be guilty of a

misdemeanor, and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the jail of the county where such offense shall have been committed for not more than one (1) year, or by both such fine and imprisonment.

Any person, or member of any firm or association, or any official, agent or employee of any corporation, who shall knowingly make false answer to any question which may be put to him by the Commission, or any member thereof, touching the business, property, assets or effects of any such person, firm, association or corporation, or the valuation thereof or the income or profits therefrom; or who shall make or present any false affidavit concerning any list, schedule, statement, report or return, or for any other purpose, filed with the Commission or required to be filed by this Code or by any other law of the State, shall be guilty of the felony of perjury, and, upon conviction, shall be punished as provided by law.

SECTION 551. AMENDATORY 68 O.S. 1991, Section 218.1, is amended to read as follows:

Section 218.1 A. Any person who shall knowingly give a false or bogus check, as defined in this section, of a value less than Fifty Dollars ($50.00) in payment or remittance of any taxes, fees, penalties, or interest levied pursuant to any state tax law shall be, upon conviction, guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for not more than one (1) year, or by both such fine and imprisonment. If the value of the false or bogus check referred to in this subsection is Fifty Dollars ($50.00) or more, such person shall be, upon conviction, guilty of a felony ~~punishable by a fine not to~~. The fine for the violation shall not exceed Five Thousand Dollars ($5,000.00) ~~or by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by both such fine and imprisonment~~.

B. Any person who shall knowingly give two or more false or bogus checks, the total sum of which is Fifty Dollars ($50.00) or more, even though each separate instrument is written for less

than Fifty Dollars ($50.00), in payment or remittance of any taxes, fees, penalties, or interest levied pursuant to any state tax law shall be, upon conviction, guilty of a felony ~~punishable by a fine not to~~. The fine for a violation of this subsection shall not exceed Five Thousand Dollars ($5,000.00) ~~or by imprisonment in the State Penitentiary for a term of not more than ten (10) years, or by both such fine and imprisonment~~.

C. For purposes of this section, the term "false or bogus check or checks" shall include any check or order which is not honored on account of insufficient funds of the maker to pay same, or because the check or order was drawn on a closed account or on a nonexistent account. The making, drawing, uttering or delivering of a check or order, the payment of which is refused by the drawee, shall be prima facie evidence of the knowledge of insufficient funds, a closed account, or a nonexistent account with such bank or other depository drawee. Said term shall not include any check or order not honored on account of insufficient funds if the maker or drawer shall pay the drawee thereof the amount due within five (5) days from the date the same is presented for payment nor any check or order that is not presented for payment within thirty (30) days after same is delivered and accepted.

SECTION 552. AMENDATORY 68 O.S. 1991, Section 240.1, is amended to read as follows:

Section 240.1 A. Any taxpayer who, with intent to defraud the state or evade the payment of any state tax, fee, interest, or penalty which shall be due pursuant to any state tax law, shall fail or refuse to file any report or return required to be filed pursuant to the provisions of any state tax law, or shall fail or refuse to furnish a supplemental return or other data required by the Tax Commission, shall be guilty, upon conviction, of a felony ~~and shall be punished by imposition of a fine of~~. The fine for a violation of this subsection shall be not less than One Thousand Dollars ($1,000.00) and not more than Fifty Thousand Dollars ($50,000.00) ~~or by imprisonment in the State Penitentiary for not~~

~~less than two (2) years and not more than five (5) years, or by both such fine and imprisonment~~.

B. The venue for prosecutions arising pursuant to the provisions of this section shall be in the district court of any county in which such taxpayer resides or, if such taxpayer is not a resident of this state, any county in which such taxpayer conducts business or maintains an established place of business.

C. Failure or refusal of a taxpayer to file any report or return required to be filed pursuant to the provisions of any state law, or failure or refusal of a taxpayer to furnish a supplemental return or other data required by the Tax Commission within thirty (30) days after notice by personal service or by registered or certified mail with return receipt requested of the due date of such report or return, shall be, for purposes of this section, prima facie evidence of intent of the taxpayer to defraud the state and evade the payment of such tax. The provisions of this subsection shall be set forth in full in such notice to the taxpayer.

D. The Tax Commission may grant additional time to the taxpayer to furnish such return or other data. In such event, a failure of the taxpayer to furnish such return or other data within thirty (30) days from the date to which the time is extended shall, for purposes of this section, be prima facie evidence of the intent of the taxpayer to defraud the state and evade the payment of such tax.

SECTION 553. AMENDATORY 68 O.S. 1991, Section 241, is amended to read as follows:

Section 241. A. Any person required to make, render, sign or verify any report, return, statement, claim, application, or other instrument, pursuant to the provisions of this title or of any state tax law who, with intent to defeat or evade the payment of the tax, shall make a false or fraudulent return, statement, report, claim, invoice, application, or other instrument, or any person who shall aid or abet another in filing with the Tax Commission such a false or fraudulent report or statement, shall be guilty, upon conviction, of a felony ~~and shall be punished by~~

~~the imposition of a fine of~~. The fine for a violation of this subsection shall be not less than One Thousand Dollars ($1,000.00) and not more than Fifty Thousand Dollars ($50,000.00)~~, or shall be imprisoned in the State Penitentiary for not less than two (2) years and not more than five (5) years, or shall be punished by both said fine and imprisonment~~.

B. The venue of prosecutions arising pursuant to the provisions of this section shall be in the district court of any county where such return or report was verified.

SECTION 554. AMENDATORY 68 O.S. 1991, Section 244, is amended to read as follows:

Section 244. Any person, or member of any firm or association, or any official, agent, or employee of any corporation, who shall knowingly make false answer to any question which may be put to him by the Tax Commission, touching the business, property, assets, or effects of any such person, firm, association, or corporation, or the valuation thereof, or the income or profits therefrom, or who shall make or present any false affidavit concerning any list, schedule, statement, report or return, or for any other purpose, filed with said Tax Commission or required to be filed by this title or by any state tax law, shall be guilty of the felony of perjury, and, upon conviction, shall be punished as provided for in Section 246 of this title.

SECTION 555. AMENDATORY 68 O.S. 1991, Section 246, is amended to read as follows:

Section 246. Any person who shall knowingly verify, by oath, affirmation, or declaration, any false report or false return or other matter which is false, which by statute is required to be verified by oath, affirmation, or declaration and filed with the Tax Commission, shall be guilty, upon conviction, of the felony of perjury ~~and shall be punished by the imposition of a fine of~~. The fine for the violation shall be not less than Five Hundred Dollars ($500.00) or more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the county jail for not less than ninety (90) days or more than one (1) year or by imprisonment in a state~~

~~correctional institution for not less than ninety (90) days, or more than ten (10) years~~.

SECTION 556. AMENDATORY 68 O.S. 1991, Section 317, is amended to read as follows:

Section 317. (a) Any person who shall, without the authorization of the Tax Commission, make or manufacture, or who shall falsely or fraudulently forge, counterfeit, reproduce, or possess any stamps, impression, copy, facsimile, or other evidence for the purpose of indicating the payment of the tax levied by the Cigarette Stamp Tax Law, Sections 301 through 325, Title 68 of the Oklahoma Statutes, prescribed for use in the administration of this article, or who shall knowingly or by any deceptive act use or pass, or tender as true, or affix, impress or imprint, by use of any device, rubber stamp or by any other means, on any package containing cigarettes, any unauthorized, false, altered, forged, counterfeit or previously used stamps, impressions, copies, facsimiles or other evidence of cigarette tax payment, shall be guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by imprisonment in the penitentiary for a term of not more than twenty (20) years, or by a fine of not more than~~. The fine for a violation of this subsection shall not exceed Ten Thousand Dollars ($10,000.00)~~, or by both such imprisonment and fine~~.

(b) Each person violating any other provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not more than twelve (12) months, or by a fine of not more than Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

SECTION 557. AMENDATORY Section 4, Chapter 339, O.S.L. 1992 (68 O.S. Supp. 1996, Section 349), is amended to read as follows:

Section 349. A. There is hereby levied upon the sale of cigarettes at a tribally owned or licensed store a tax in the amount of seventy-five percent (75%) of the cigarette excise taxes imposed by Section 301 et seq. of Title 68 of the Oklahoma

Statutes, which tax shall be in lieu of all sales and excise taxes on such cigarettes.

B. A federally recognized Indian tribe or nation may receive a refund for a portion of the tax imposed pursuant to the provisions of this section if it can provide sufficient documentation that sales of cigarettes to its tribal members exceed twenty-five percent (25%) of its total sales of cigarettes. The amount of the refund shall be the amount of tax paid which is attributable to sales of cigarettes made to tribal members which is in excess of twenty-five percent (25%) of the tribe's or nation's total sales of cigarettes. Refunds shall be paid quarterly. The Tax Commission shall promulgate rules and regulations to administer the provisions of this subsection.

C. All cigarettes which are sold or held for sale at a tribally owned or licensed store shall have affixed thereto a stamp or stamps evidencing payment of the in lieu tax required by subsection A of this section.

D. It shall be unlawful for any person knowingly to ship, transport, receive, possess, sell, distribute or purchase contraband cigarettes. Any person who engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband cigarettes shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00). ~~Any person convicted of a second or subsequent violation hereof shall be guilty of a felony and shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00), by a term of imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment.~~

E. Any person who knowingly engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband cigarettes shall be subject to the forfeiture of property as is provided by Section 305 of Title 68 of the Oklahoma Statutes and assessment of penalty as provided thereby and assessment for any delinquent taxes found to be owing.

SECTION 558. AMENDATORY Section 10, Chapter 339, O.S.L. 1992 (68 O.S. Supp. 1996, Section 426), is amended to read as follows:

Section 426. A. There is hereby levied upon the sale of tobacco products at a tribally owned or licensed store a tax in the amount of seventy-five percent (75%) of the tobacco products excise taxes imposed by Section 401 et seq. of Title 68 of the Oklahoma Statutes, which tax shall be in lieu of all sales and excise taxes on said tobacco products.

B. A federally recognized Indian tribe or nation may receive a refund for a portion of the tax imposed pursuant to the provisions of this section if it can provide sufficient documentation that sales of tobacco products to its tribal members exceed twenty-five percent (25%) of its total sales of tobacco products. The amount of the refund shall be the amount of tax paid which is attributable to sales of tobacco products made to tribal members which is in excess of twenty-five percent (25%) of the tribe's or nation's total sales of tobacco products. Refunds shall be paid quarterly. The Tax Commission shall promulgate rules and regulations to administer the provisions of this subsection.

C. It shall be unlawful for any person knowingly to ship, transport, receive, possess, sell, distribute or purchase contraband tobacco products. Any person who engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband tobacco products shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00). ~~Any person convicted of a second or subsequent violation hereof shall be guilty of a felony and shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00), by a term of imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment.~~

D. Any person who knowingly engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband tobacco products shall be subject to the

forfeiture of property as is provided by Section 417 of Title 68 of the Oklahoma Statutes and assessment of penalty as provided thereby and assessment for any delinquent taxes found to be owing.

SECTION 559. AMENDATORY 68 O.S. 1991, Section 450.8, is amended to read as follows:

Section 450.8 A. Any dealer violating the provisions of this act, except Section 9 of this act, shall pay a civil penalty of one hundred percent (100%) of the amount of the tax levied in Section 2 of this act in addition to the actual tax levied in said section.

B. Any dealer manufacturing, distributing, producing, shipping, transporting, importing or possessing any controlled dangerous substance without affixing the appropriate stamp, upon conviction, is guilty of a felony ~~punishable by imprisonment in the State Penitentiary for not more than five (5) years or by the imposition of a fine of not more than~~. The fine for a violation of this subsection shall not exceed Ten Thousand Dollars ($10,000.00)~~, or by both such imprisonment and fine~~.

C. Nothing in this act may in any manner provide immunity for a dealer from criminal prosecution pursuant to Oklahoma law.

SECTION 560. AMENDATORY 68 O.S. 1991, Section 450.9, is amended to read as follows:

Section 450.9 A. No person shall willfully remove or otherwise prepare any adhesive stamps, with intent to use, or cause the same to be used, after it has already been used or knowingly or willfully buy, sell, offer for sale, or give away, any such washed or restored stamp to any person, or knowingly use the same, or have in his possession any washed, restored, or altered stamp which has been removed from the controlled dangerous substance to which it had been previously affixed.

B. No person shall for the purpose of indicating the payment of any tax levied by Section ~~2~~ 450.2 of this ~~act~~ title, reuse any stamp which has heretofore been used for the purpose of paying any tax levied by Section ~~2~~ 450.2 of this ~~act~~ title, or buy, sell, offer for sale, or have in his possession, any counterfeit stamps.

C. Any person convicted of violating any provision of this section shall be guilty of a felony ~~and shall be punished by a fine of not more than~~. The fine for a violation of this section shall not exceed One Thousand Dollars ($1,000.00)~~, or by imprisonment for not more than five (5) years, or by both such fine and imprisonment~~.

SECTION 561. AMENDATORY 68 O.S. 1991, Section 1361, as last amended by Section 5, Chapter 288, O.S.L. 1996 (68 O.S. Supp. 1996, Section 1361), is amended to read as follows:

Section 1361. Consumer to pay tax - Vendor to collect tax - Penalties for failure to collect.

A. Except as otherwise provided by subsection C of this section, the tax levied by Section 1350 et seq. of this title shall be paid by the consumer or user to the vendor as trustee for and on account of this state. Except as otherwise provided by subsection C of this section, each and every vendor in this state shall collect from the consumer or user the full amount of the tax levied by Section 1350 et seq. of this title, or an amount equal as nearly as possible or practicable to the average equivalent thereof. Every person required to collect any tax imposed by Section 1350 et seq. of this title, and in the case of a corporation, each principal officer thereof, shall be personally liable for the tax. In the case of a limited liability company, all managers and members under a duty to collect and remit taxes for the limited liability company shall be liable for the tax. If no managers or members have been specified to be under the duty of withholding and remitting taxes, then all managers and members shall be liable for the tax.

However, if the Oklahoma Tax Commission finds that a consumer or user improperly presented a sales tax permit or other certification or used the property purchased exempt from tax in a manner that would not have qualified for exemption, the purchaser shall be liable for the remittance of the tax, interest and penalty due thereon and the Tax Commission shall pursue collection thereof from the purchaser in any manner in which sales tax may be collected from a vendor. Upon such determination, the vendor

shall be relieved of any liability for any sales tax imposed by the provisions of this section upon such vendor with respect to such sale.

B. Except as otherwise provided by subsection C of this section, vendors shall add the tax imposed by Section 1350 et seq. of this title, or the average equivalent thereof, to the sales price, charge, consideration, gross receipts or gross proceeds of the sale of tangible personal property or services taxed by Section 1350 et seq. of this title, and when added such tax shall constitute a part of such price or charge, shall be a debt from the consumer or user to vendor until paid, and shall be recoverable at law in the same manner as other debts.

C. A person who has obtained a direct payment permit as provided in Section 1364.1 of Title 68 of the Oklahoma Statutes shall accrue all taxes imposed pursuant to Sections 1354 or 1402 of this title on all purchases made by the person pursuant to the permit at the time the purchased items are first used or consumed in a taxable manner and pay the accrued tax directly to the Oklahoma Tax Commission on reports as required by Section 1365 of this title.

D. Except as otherwise provided by subsection C of this section, a vendor who willfully or intentionally fails, neglects or refuses to collect the full amount of the tax levied by Section 1350 et seq. of this title, or willfully or intentionally fails, neglects or refuses to comply with the provisions of Section 1350 et seq. of this title, or remits or rebates to a consumer or user, either directly or indirectly, and by whatsoever means, all or any part of the tax levied by Section 1350 et seq. of this title, or makes in any form of advertising, verbally or otherwise, any statement which implies that the vendor is absorbing the tax, or paying the tax for the consumer or user by an adjustment of prices or at a price including the tax, or in any manner whatsoever, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than Five Hundred Dollars ($500.00), and upon conviction for a second or other subsequent offense shall be fined not more than One Thousand Dollars

($1,000.00), or incarcerated for not more than sixty (60) days, or both. Provided, sales by vending machines may be made at a stated price which includes state and any municipal sales tax.

E. A consumer or user who willfully or intentionally fails, neglects or refuses to pay the full amount of tax levied by Section 1350 et seq. of this title or willfully or intentionally uses a sales tax permit or direct payment permit which is invalid, expired, revoked, canceled or otherwise limited to a specific line of business or willfully or intentionally issues a resale certificate to a vendor to evade the tax levied by Section 1350 et seq. of this title shall be subject to a penalty in the amount of Five Hundred Dollars ($500.00) per reporting period upon determination thereof, which shall be apportioned as provided for the apportionment of the tax.

F. Any sum or sums collected or accrued or required to be collected or accrued in Section 1350 et seq. of this title shall be deemed to be held in trust for the State of Oklahoma, and, as trustee, the collecting vendor or holder of a direct payment permit as provided for in Section 1364.1 of Title 68 of the Oklahoma Statutes shall have a fiduciary duty to the State of Oklahoma in regards to such sums and shall be subject to the trust laws of this state. Any vendor who willfully or intentionally fails to remit the tax, after the tax levied by Section 1350 et seq. of this title was collected from the consumer or user, and appropriates the tax held in trust to his or her own use, or to the use of any person not entitled thereto, without authority of law, shall be guilty of the felony of embezzlement. Any holder of a direct payment permit who willfully or intentionally fails to remit the tax levied by Section 1350 et seq. of this title and appropriates the tax held in trust to his or her own use, or to the use of any person not entitled thereto, without authority of law, shall be guilty of the felony of embezzlement.

SECTION 562. AMENDATORY 68 O.S. 1991, Section 1364, is amended to read as follows:

Section 1364. Permits to do business.

(A) Every person desiring to engage in a business within this state who would be designated as a Group One or Group Three vendor, pursuant to Section 1363 of this title, shall be required to secure from the Oklahoma Tax Commission every three (3) years a written permit for a fee of Twenty Dollars ($20.00) prior to engaging in such business in this state. Each such person shall file with the Tax Commission an application for a permit to engage in or transact business in this state, setting forth such information as the Tax Commission may require. The application shall be signed by the owner of the business or representative of the business entity and as a natural person, and, in the case of a corporation, as a legally constituted officer thereof.

(B) Upon verification that the applicant is a Group One vendor, the Tax Commission shall issue a permit for the place of business set forth in the application for permit. Upon verification that the applicant is a Group Three vendor, the Tax Commission may require such applicant to furnish a surety bond or other security as the Commission may deem necessary to secure payment of taxes under this article, prior to issuance of a permit for the place of business set forth in the application for permit. Provided, the Tax Commission is hereby authorized to set guidelines, by adoption of regulations, for the issuance of sales tax permits. Pursuant to said guidelines the Tax Commission may refuse to issue permits to any Group Three vendors, or any class of vendors included in the whole classification of Group Three vendors, if the Commission determines that it is likely this state will lose tax revenue due to the difficulty of enforcing this article for any reasons stated in subsection (T) of Section 1354 of this title.

(C) A separate permit for each additional place of business to be operated must be obtained from the Tax Commission for a fee of Ten Dollars ($10.00). Such permit shall be good for a period of three (3) years. The Tax Commission shall grant and issue to each applicant a separate permit for each place of business in this state, upon proper application therefor and verification thereof by the Tax Commission.

(D) A permit is not assignable and shall be valid only for the person in whose name it is issued and for the transaction of business at the place designated therein. The permit shall at all times be conspicuously displayed at the place of business for which issued in a position where it can be easily seen. Said permit shall be in addition to all other permits required by the Statutes of Oklahoma. Provided, if the location of the business is changed, such person shall file with the Tax Commission an application for a permit to engage in or transact business at the new location. Upon issuance of the permit to the new location of such business, no additional permit fee shall be due until the expiration of the permit issued to the previous location of such business.

(E) It shall be unlawful for any person coming within the class designated as Group One or the class designated as Group Three to engage in or transact a business of reselling tangible personal property or services within this state unless a written permit or permits shall have been issued to him. Any person who engages in a business subject to the provisions of this section without a permit or permits, or after a permit has been suspended, upon conviction, shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00). ~~Any person convicted of a second or subsequent violation hereof shall be guilty of a felony and punishable by a fine of not more than Five Thousand Dollars ($5,000.00) or by a term of imprisonment in the State Penitentiary for not more than two (2) years, or both such fine and imprisonment.~~

(F) Any person operating under a permit as provided in this article shall, upon discontinuance of business by sale or otherwise, return such permit to the Tax Commission for cancellation, together with a remittance for any unpaid or accrued taxes. Failure to surrender a permit and pay any and all accrued taxes will be sufficient cause for the Tax Commission to refuse to issue a permit subsequently to such person to engage in or transact any other business in this state. In the case of a sale of any business, the tax shall be deemed to be due on the sale of

the fixtures and equipment, and the Tax Commission shall not issue a permit to continue or conduct said business to the purchaser until all tax claims due the State of Oklahoma have been settled.

(G) All permits issued under the provisions of this article shall expire three (3) years from the date of issuance at the close of business at each place or location of the business within this state. No refund of the fee shall be made if the business is terminated prior to the expiration of the permit.

(H) Whenever a holder of a permit fails to comply with any provisions of this article, the Tax Commission, after giving ten (10) days' notice in writing of the time and place of hearing to show cause why his permit should not be revoked, may revoke or suspend the permit, said permit to be renewed upon removal of cause or causes of revocation or suspension. However, if a holder of a permit becomes delinquent for a period of three (3) months or more in reporting or paying of any tax due under this article, any duly authorized agent of the Tax Commission may remove the permit from the taxpayer's premises and it shall be returned or renewed only upon the filing of proper reports and payment of all taxes due under this article.

(I) Permits are not required of persons coming within the classification designated as Group Two. The Oklahoma Tax Commission shall issue a limited permit to Group Five vendors. The permit shall be in such form as the Commission may prescribe.

(J) Nothing in this article shall be construed to allow a permit holder to purchase, tax exempt, anything for resale that he is not regularly in the business of reselling.

(K) All monies received pursuant to issuance of such permits to do business shall be paid to the State Treasurer and placed to the credit of the General Revenue Fund of the State Treasury.

(L) Notwithstanding the provisions of Section 205 of this title, the Oklahoma Tax Commission is authorized to release the following information contained in the Master Sales and Use Tax File to vendors:

(1) Permit number;

(2) Name in which permit is issued;

(3) Name of business operation if different from ownership (DBA);

(4) Mailing address;

(5) Business address;

(6) Business class or Standard Industrial Code (SIC); and

(7) Effective date and expiration or cancellation date of permit.

Release of such information shall be limited to tax remitters for the express purpose of determining the validity of sales permits presented as evidence of purchasers' sales tax resale status under this Code.

The provisions of this subsection shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the records and files of the Tax Commission relating to sales tax or to any other taxes.

This information may be provided on a subscription basis, with periodic updates, and sufficient fee charged, not to exceed One Hundred Fifty Dollars ($150.00) per year, to offset the administrative costs of providing the list. All revenue received by the Oklahoma Tax Commission from such fees shall be deposited to the credit of the Oklahoma Tax Commission Revolving Fund. No liability whatsoever, civil or criminal, shall attach to any member of the Tax Commission or any employee thereof for any error or omission in the disclosure of information pursuant to this subsection.

SECTION 563. AMENDATORY 68 O.S. 1991, Section 1625, is amended to read as follows:

Section 1625. The following license fees shall be due and payable on or before March 1 of each and every year beginning March 1, 1981, to the Oklahoma Tax Commission.

(a) A license fee of One Thousand Dollars ($1,000.00) annually shall be charged for the license to do business within this state as a manufacturer. Provided no manufacturer's license shall be issued without: (1) proof of inspection by the State Fire Marshal pursuant to Section 1633 of this title; and (2) without proof of

workers' compensation coverage pursuant to the provisions of Title 85 of the Oklahoma Statutes.

(b) A license fee of One Thousand Dollars ($1,000.00) annually shall be charged for the license to do business within this state as a distributor.

(c) A license fee of Five Hundred Dollars ($500.00) annually shall be charged for the license to do business within this state as a wholesaler.

(d) Any person operating a retail location where fireworks are sold directly to the consumer shall be required to purchase a retail fireworks license. The retail license fee shall be Ten Dollars ($10.00) annually and may be purchased from any licensed wholesaler, manufacturer or distributor. These serially numbered licenses shall be made available at any time to the licensed wholesalers, manufacturers or distributors in books of twenty (20) licenses to a book. Retail licenses which are unsold may be exchanged for new licenses. Any person purchasing a retail fireworks license pursuant to this paragraph shall, at the time of purchasing such license, sign an affidavit attesting to the fact that the name, mailing address and telephone number of the purchaser as it appears on such license is correct and that the purchaser operates a retail location where fireworks are sold directly to the consumer. Said affidavit shall be an integral but easily detachable part of the application form for a retail fireworks license. Any person who signs said affidavit as required by this paragraph when such person knows that it is not true, upon conviction, shall be guilty of the felony of perjury and shall be punished as provided for by law.

SECTION 564. AMENDATORY 68 O.S. 1991, Section 2376, is amended to read as follows:

Section 2376. A. Any person, natural or corporate, or any officer or agent of any corporation who, with the intent to defraud the state or evade the payment of any income tax, shall fail to file a state income tax return when such person is required to do so by the statutes of Oklahoma, and within the time in which such returns are required to be filed, or within a time

extension if obtained from the Tax Commission shall be guilty, upon conviction, of a felony and shall be punished as provided for in Section ~~11~~ 240.1 of this ~~act~~ title.

B. Any person, natural or corporate, or any officer or agent of any corporation who, with the intent to defraud the state, or evade the payment of any income tax, files a state income tax return which is false in any material items or particular, shall be guilty, upon conviction, of a felony and shall be punished as provided for in subsection A of Section 241 of this title.

C. Nothing in this section shall be construed to prevent the state or any agency thereof from collecting any fees or penalties as provided by law. Any corporate violator may be so fined.

D. Offenses defined in this section shall be reported to the appropriate district attorney of this state by the Oklahoma Tax Commission as soon as said offenses are discovered by the Commission or its agents or employees. Any other provision of law to the contrary notwithstanding, the Commission shall make available to the appropriate district attorney, or to the authorized agent of said district attorney, its records and files pertinent to such prosecutions, and such records and files shall be fully admissible for the purpose of such prosecutions.

SECTION 565. AMENDATORY 68 O.S. 1991, Section 2861, as amended by Section 1, Chapter 117, O.S.L. 1995 (68 O.S. Supp. 1996, Section 2861), is amended to read as follows:

Section 2861. A. A county board of equalization is hereby created for each county in the state. Said board shall consist of three (3) members.

B. Members of the county board of equalization shall be appointed as follows:

1. One member shall be appointed by the Oklahoma Tax Commission;

2. One member shall be appointed by the board of county commissioners; and

3. One member shall be appointed by the district judge or a majority of the district judges in all judicial districts where more than one district judge is elected.

C. The tenure of office of each county board of equalization member shall be coterminous with that of the first county commissioner district and the third county commissioner district.

D. The qualifications of the members of the county board of equalization shall be as follows:

1. The member must be a qualified elector and resident of the county;

2. The member may not hold an elected office of the state, county, school district or municipal subdivision;

3. The member may not file for any elected office of the state, county, school district or municipal subdivision without first resigning from the county board of equalization; and

4. Not more than one member shall live in any one county commissioner's district; provided, any member serving on the effective date of this act may continue to serve until completion of the member's tenure of office pursuant to the provisions of subsection C of this section notwithstanding the provisions of this paragraph.

E. The county clerk shall serve as secretary and clerk of said board without additional compensation.

F. If there is a conflict or dispute as to the membership, the eligibility of any appointee for membership, the priority of an appointment or appointments, one as opposed to another, or the right of any appointee to serve in any county commissioner's district, then, such conflict or dispute shall be resolved by a determination and order of the Oklahoma Tax Commission.

G. It shall be unlawful for any member of the county board of equalization to sell or contract to sell, or to lease or contract to lease, or to represent any person, firm, corporation or association in the sale or the lease of any machinery, supplies, equipment, material, or other goods, wares, or merchandise to any county or city or town of the county. It shall also be unlawful for any member of the county board of equalization to serve as employee, official, or attorney for any county or city, or town of the county, or for any such member to represent any taxpayer before the board in any manner, or to use the position as a board

member to further the member's own interests. It shall also be unlawful for any taxpayer or interested party to employ any member of the county board of equalization in any matter coming before the board.

H. Any person violating any of the provisions of this section shall be deemed guilty of a felony, ~~and~~ upon conviction thereof ~~shall be punished by a fine of~~. The fine for a violation of this section shall be not less than Two Hundred Dollars ($200.00) and not more than One Thousand Dollars ($1,000.00) ~~or by imprisonment in the State Penitentiary for not less than six (6) months or more than two (2) years, or by both such fine and imprisonment~~.

I. Any action taken by a county excise board after August 24, 1989, and before May 30, 1990, are hereby declared to be official actions of a duly constituted county excise board.

SECTION 566. AMENDATORY 68 O.S. 1991, Section 2900, is amended to read as follows:

Section 2900. If any person make any false or fraudulent claim for exemption, or make any false statement or false representation of a material fact, in support of such claim, or any person who assists another in the preparation of any such false or fraudulent claim, or enters into any collusion with another by the execution of a fictitious deed, or other instrument, for the purpose of obtaining unlawful homestead exemption pursuant to the provisions of this Code, shall be guilty of a misdemeanor and subject, upon conviction thereof, to a forfeiture of the exemption herein granted for a period of two (2) years from date of conviction, and to a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00), or by imprisonment in the county jail for not more than six (6) months, or both. Any person who shall make oath to any false or fraudulent homestead exemption application shall be guilty of the felony of perjury and, upon conviction, subject to the penalty provided by law for the felony of perjury.

SECTION 567. AMENDATORY 68 O.S. 1991, Section 2920, is amended to read as follows:

Section 2920. If any county treasurer in this state or his deputy, or any other person shall knowingly and willfully make, issue, and deliver any tax receipt, or duplicate tax receipt, required to be issued, by fraudulently making the tax receipt and its duplicate, or the paper purporting to be its duplicate, different from each other with the intent to defraud the State of Oklahoma or any county in said state or any person whomsoever, such county treasurer or deputy treasurer or other person shall be deemed guilty of a felony, ~~and~~ on conviction thereof ~~shall be sentenced to imprisonment in the penitentiary for a time not less than one (1) year nor more than five (5) years~~.

SECTION 568. AMENDATORY 68 O.S. 1991, Section 2945, is amended to read as follows:

Section 2945. A. If any person shall knowingly and willfully make or give under oath or affirmation a false and fraudulent list of his taxable personal property, or a false and fraudulent list of any taxable personal property under his control or required to be listed by him, or shall knowingly and willfully make false answer to any question which may be put to him under oath by any person, board or commission authorized to examine persons under oath in relation to the value or amount of any taxable personal property, such person shall be deemed guilty of <u>the felony of</u> perjury, and upon conviction thereof shall be punished therefor as is provided by law for the punishment of <u>the felony of</u> perjury.

B. If any taxpayer, or any official, employee, or agent of such taxpayer, shall fail or refuse, upon proper request, to permit the inspection of any property or the examination of any books, records and papers by any person authorized by the Ad Valorem Tax Code to do so, or shall fail or refuse to comply with any subpoena duces tecum legally issued under authority of this Code, such taxpayer shall be stopped from questioning or contesting the amount or validity of any assessment placed upon his property.

SECTION 569. AMENDATORY 69 O.S. 1991, Section 310, is amended to read as follows:

Section 310. (a) No official or employee of the Commission, governing body or other governmental instrumentality who is authorized in his official capacity to negotiate, make, accept, or approve, or to take part in negotiating, making, accepting or approving any contract or subcontract in connection with a project shall have, directly or indirectly, any financial or other personal interest in any such contract or subcontract. No engineer, attorney, appraiser, inspector or other person performing services for the Commission, governing body, or other governmental instrumentality in connection with a project shall have, directly or indirectly, a financial or other personal interest, other than his employment or retention by the Commission, governing body, or other governmental instrumentality, in any contract or subcontract in connection with such project. No officer or employee of such person retained by the Commission, governing body or other governmental instrumentality shall have, directly or indirectly, any financial or other personal interest in any real property acquired for a project unless such interest is openly disclosed upon the public records of the Commission, the governing body or other governmental instrumentality, and such officer, employee or person has not participated in such acquisition for and in behalf of the Commission, the governing body or other governmental instrumentality.

(b) Any official or employee of the Commission, governing body or other governmental instrumentality, or officer or employee of such person retained by the Commission, the governing body or other governmental instrumentality who knowingly violates any of the provisions of this section shall be guilty of a felony ~~and~~, upon conviction thereof ~~shall be punished by imprisonment in the State Penitentiary for a term of not to exceed five (5) years, or by a fine not exceeding~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00)~~, or by both such imprisonment and fine~~. In addition, if the Commission or the Director enters into any contract on the part of the Department in which the Director or any member of the Commission is interested, directly or indirectly, and the state suffers a loss due to

excessive charges or otherwise, the members of the Commission knowingly voting to enter into or to approve such contract, and the Director knowingly entering into, approving, or recommending any such contract, and the contracting party, shall be jointly and individually liable for any loss the state may suffer. The official bonds of such officer shall be liable for such loss. The provisions of this section shall be cumulative to existing law. The members of the Commission and the Director found guilty of violating any of the provisions of this section shall in addition to the penalty heretofore set out forfeit their respective offices.

(c) Any employee of the Department, Director or Commission, who in the course of such employment knowingly accepts, approves, or recommends for approval or payment any material, service, job, project, or structure, or any part thereof, which does not meet the specifications therefor, or is to his knowledge otherwise more deficient in quality, quantity or design than was provided for in the plans, purchase orders or any minimum standard provided by any state agency or official, or by law, shall be guilty of a felony and, upon conviction, shall be punished and penalized as provided by this section.

(d) The ownership by any member of the Commission, or the Director, of less than five percent (5%) of the stocks or shares actually issued by a corporation contracting with the Department shall not be considered an interest, directly or indirectly, in a contract with such corporation within the meaning of this section, and such ownership shall not affect the validity of any contract, or impose liability under this section unless the owner of such stock or shares is also an officer or agent of the corporation or association. Ownership shall include any stock or shares standing in the name of a member of the Commissioners' or Director's immediate family or a family trust.

SECTION 570. AMENDATORY 69 O.S. 1991, Section 1213, as amended by Section 4, Chapter 127, O.S.L. 1993 (68 O.S. Supp. 1996, Section 1213), is amended to read as follows:

Section 1213. (a) Any person or persons who shall willfully or knowingly obstruct or damage any public road or highway by obstructing the side or cross drain or ditches thereof, or by turning water upon such road or highway or right-of-way, or by throwing or depositing brush, trees, stumps, logs, or any refuse or debris whatsoever in the road or highway, or on the sides or in the ditches thereof, or by fencing across or upon the right-of-way of the same, or by planting any hedge within the lines established for such road or highway, or by changing the location thereof, or shall obstruct said road, highway or drains in any other manner whatsoever, or, except as provided in subsection (b) of this section, any person or persons who shall willfully or knowingly deface, damage, destroy or remove any traffic-control device, road sign, signboard, guide sign or signpost shall be deemed guilty of a misdemeanor.

(b) If any person or persons willfully or knowingly defaces, damages, destroys or removes any traffic-control device, road sign, signboard, guide sign or signpost and such action results in personal injury to or death of any person, the person or persons responsible for such action shall be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than~~. The fine for a violation of this subsection shall not exceed One Thousand Dollars ($1,000.00)~~, or by both such fine and imprisonment~~. Notice of this provision shall be placed in the manual provided by the Department of Public Safety which manual is issued for purpose of passing driving privilege.

(c) The governing body who finds any road or highway obstructed as above specified shall notify the person violating the provisions of this section, verbally or in writing, to remove such obstruction forthwith, and if such person does not remove the obstruction within ten (10) days after being notified, he shall pay the sum of Five Dollars ($5.00) for each and every day after the tenth day such obstruction is maintained or permitted to remain, such fine to be recovered by suit brought by the governing body in any court of competent jurisdiction.

SECTION 571. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 3, Chapter 303, O.S.L. 1993 (69 O.S. Supp. 1996, Section 1705), is amended to read as follows:

Section 1705. The Authority is hereby authorized and empowered:

(a) To adopt bylaws for the regulation of its affairs and conduct of its business.

(b) To adopt an official seal and alter the same at pleasure.

(c) To maintain an office at such place or places within the state as it may designate.

(d) To sue and be sued in contract, reverse condemnation, equity, mandamus and similar actions in its own name, plead and be impleaded; provided, that any and all actions at law or in equity against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or the county where the cause of action arose. All privileges granted to the Authority and duties enjoined upon the Authority by the provisions of Sections 1701 through 1734 of this title may be enforced in a court of competent jurisdiction in an action in mandamus.

(e) To construct, maintain, repair and operate turnpike projects and highways, with their access and connecting roads, at such locations and on such routes as it shall determine to be feasible and economically sound; provided, that until specifically authorized by the Legislature, the Authority shall be authorized to construct and operate toll turnpikes only at the following locations:

(1) The Turner Turnpike between Oklahoma City and Tulsa.

(2) The Southwestern (H.E. Bailey) Turnpike between Oklahoma City and Wichita Falls, Texas.

(3) The Northeastern (Will Rogers) Turnpike between Tulsa and Joplin, Missouri.

(4) The Eastern (Indian Nation) Turnpike between Tulsa and Paris, Texas, including all or any part thereof between McAlester and the Red River south of Hugo.

(5) The Cimarron Turnpike between Tulsa and Interstate Highway 35 north of Perry, including a connection to Stillwater.

(6) The Muskogee Turnpike between Broken Arrow and Interstate Highway 40 west of Webbers Falls.

(7) All or any part of an extension of the Muskogee Turnpike, beginning at a point on Interstate Highway 40 near the present south terminus of the Muskogee Turnpike, and extending in a southeasterly direction on an alignment near Stigler, Poteau and Heavener to the vicinity of the Arkansas State Line to furnish access to Hot Springs, Texarkana, Shreveport and New Orleans.

(8) A tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and in the vicinity of the intersection of State Highway 33 and Turner Turnpike in Creek County, Oklahoma, or in the vicinity of the intersection of State Highway 33 and Turner Turnpike or U.S. Highway 66 in Creek County, Oklahoma, from any monies available to the Turnpike Authority.

(9) Add on the Will Rogers Turnpike a northbound automatic tollgate onto State Highway 28 and a southbound on-ramp from State Highway 28.

(10) A turnpike or any part or parts thereof beginning in the vicinity of Duncan extending east to the vicinity of the City of Davis, and extending in a northeasterly direction, by way of the vicinity of the City of Ada, to a connection in the vicinity of Henryetta or in the vicinity of the intersection of State Highway 48 and Interstate 40; and a turnpike or any part or parts thereof from the vicinity of Snyder extending north to the vicinity of Woodward.

(11) A turnpike or any part or parts thereof beginning at a point in the vicinity of Ponca City, or at a point on the Kansas-Oklahoma state boundary line east of the Arkansas River and west of the point where Oklahoma State Highway No. 18 intersects said state boundary line, and extending in a southeasterly direction to a connection with the Tulsa Urban Expressway System in the general area of the Port of Catoosa.

(12) All or any part of an Oklahoma City toll expressway system connecting the residential, industrial and State Capitol

Complex in the north part of Oklahoma City with the residential, industrial and Will Rogers World Airport Complex in the south and southwest parts of Oklahoma City.

(13) A turnpike (The Industrial Parkway) or any part or parts thereof beginning at a point on the Oklahoma-Kansas state boundary line between the point where U.S. Highway 66 intersects said boundary line and the northeast corner of Oklahoma and ending by means of a connection or connections with Shreveport, Louisiana, and Houston, Texas, in southeastern Oklahoma and at no point to exceed thirty (30) miles west of the Missouri or Arkansas border.

(14) A turnpike or any part or parts thereof beginning in the vicinity of Velma or County Line to a point intersecting with Interstate 35 in the area south of Davis.

(15) A turnpike or any part or parts thereof beginning in the vicinity of Watonga and extending south and/or east to the vicinity of north and/or west Oklahoma City.

(16) A new turnpike or parts thereof from the Kansas State Line south to McAlester, in the vicinity of U.S. Highway 69.

(17) A tollgate on the Will Rogers Turnpike near the intersection of State Highway 137 and the Will Rogers Turnpike, located south of Quapaw.

(18) A tollgate on the Muskogee Turnpike in the vicinity of Porter, Oklahoma, a tollgate on the Will Rogers Turnpike in the vicinity of Adair, Oklahoma, a tollgate on the Turner Turnpike in the vicinity of Luther, Oklahoma, and a tollgate on the H.E. Bailey Turnpike at Elgin, Oklahoma, from any monies available to the Turnpike Authority.

(19) A tollgate on the Turner Turnpike in the vicinity of Wellston, Oklahoma, from any monies available to the Turnpike Authority.

(20) A tollgate on the Muskogee Turnpike in the vicinity of Brushy Mountain, Oklahoma, and in the vicinity of Elm Grove, Oklahoma, from any monies available to the Turnpike Authority.

(21) All or any part of an Oklahoma City Outer Loop expressway system beginning in the vicinity of I-35 and the Turner Turnpike and extending west into Canadian County and then south to

I-40; and then south and east to I-35 in the vicinity of Moore and Norman; and then extending east and north to I-40 east of Tinker Field; and then extending north to the Turner Turnpike to complete the Outer Loop.

(22) All or any part of the Tulsa south bypass expressway system beginning in the vicinity of the Turner Turnpike near Sapulpa and extending south and east to U.S. 75 in the vicinity of 96th Street to 121st Street; and then east across the Arkansas River to a connection with the Mingo Valley Expressway; and then south and/or east to a point on the Tulsa-Wagoner County Line near 131st street south in the city of Broken Arrow.

(23) A new turnpike or any part thereof from near the west gate of the Will Rogers Turnpike south to the west end of south Tulsa Turnpike at the Tulsa-Wagoner County Line.

(24) A new turnpike or any parts thereof from the vicinity of the connection between State Highway 33 and U.S. 69 easterly to the Arkansas State Line.

(25) A four-lane extension of the Muskogee Turnpike from Interstate Highway 40 west of Webbers Falls to the Poteau vicinity.

(26) A new turnpike or any part or parts thereof beginning at a point in the vicinity of northwest Tulsa, and extending in a northwesterly direction, by means of a connection or connections with the cities of Pawhuska and Newkirk, to a point intersecting in the vicinity of US Highway No. 77 and the Kansas State Line.

(27) A full access interchange on the Indian Nation Turnpike south of Interstate 40, in the vicinity of Henryetta, Oklahoma, and in the vicinity of the proposed theme park, from any monies available to the Turnpike Authority.

(28) A new turnpike beginning at a point directly west of the Arkansas line and four-laning Highway 70 from that point to the farthest western reach of Highway 70 creating a southern route through Oklahoma.

(29) A new turnpike and bridge or any parts thereof from a point in the vicinity of the city of Mustang southerly across the South Canadian River to the H.E. Bailey Turnpike in the vicinity

of the city of Tuttle; and then easterly across the South Canadian River to a point in the vicinity of the city of Norman.

(30) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Altus and extending in a northwesterly direction to a point in the vicinity of the city of Sayre.

(31) A new turnpike or any parts thereof beginning at a point in the vicinity of the city of Enid and extending in a westerly direction to a point in the vicinity of the city of Woodward.

All access roads, interchanges, or lead roads connecting such turnpikes with existing highways must be built by funds furnished by the Authority.

The minimum and maximum wages for the construction of the roads, highways and projects provided for in Sections 1701 through 1734 of this title shall be in accordance with the schedules of wages used or adopted by the Commission in construction of state highways.

The Authority is hereby authorized to enter into contracts or agreements with agencies and instrumentalities of other states or the national government for construction, maintenance and operation of interstate turnpikes or highways.

The Authority is hereby required to construct and install automatic tollgates on the Will Rogers Turnpike at State Highway No. 28 near Adair.

(f) To issue turnpike revenue bonds of the Authority, payable solely from revenues, including the revenues accruing to the trust fund created by Sections 1701 through 1734 of this title, for the purpose of paying all or any part of the cost of any one or more turnpike projects. Provided that any bonds issued for the construction of the proposed turnpike referred to in subparagraphs (10), (20), (21) and (22) of paragraph (e) of this section shall be issued as one issue for all four of the proposed turnpikes and shall be financed, constructed and operated under one bond indenture.

(g) To fix and revise from time to time tolls for the use of any turnpike projects.

Any common carrier having authority at the time of opening any turnpike project to operate upon a highway approximately paralleling the turnpike project shall be granted without further showing authority to operate over the turnpike project to all municipalities which such carrier is serving at the time the turnpike project is opened to traffic. But nothing herein shall be construed as granting any new operation rights to any common carriers.

(h) To acquire, hold, and dispose of real and personal property in the exercise of its powers and the performance of its duties.

(i) To acquire in the name of the Authority by purchase or otherwise on such terms and conditions and in such manner as it may deem proper, or by exercise of the right of condemnation in manner hereinafter provided, such public or private lands, including public parks, playgrounds, or reservations, or parts thereof or rights therein, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of Sections 1701 through 1734 of this title; provided, that all public property damaged in carrying out the powers granted by Sections 1701 through 1734 of this title shall be restored or repaired and placed in its original condition as nearly as practicable.

(j) To designate, except as is provided for herein, the location, and establish, limit and control such points of ingress to and egress from each turnpike project as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such project, and to prohibit entrance to such project from any point or points not so designated.

(k) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

provided, that all such expenses shall be payable solely from the proceeds of turnpike revenue bonds issued under the provisions of Sections 1701 through 1734 of this title or from revenues; provided, further, no attorney employed by the Authority, nor any member of any law firm of which he may be connected, shall ever be paid any fee or compensation for any special or extraordinary services.

(l) To receive and accept from any federal agency grants for or in aid of the construction of any turnpike project, provided, the acceptance of such grants will not reduce the amount of federal aid for the construction, repair, or maintenance of farm-to-market roads and other highways and bridges in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made.

(m) To adopt such rules and regulations, and to do any and all things necessary to comply with rules, regulations, or requirements of the Bureau of Public Roads, Multistate Economic Development Regional Commission, as defined in Sections 1151 through 1153, inclusive, of Title 74 of the Oklahoma Statutes, Ozarka Region Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage the construction of highways.

(n) To do all things necessary or convenient to carry out the powers expressly granted in Sections 1701 through 1734 of this title. On all turnpike projects alternate bids for paving work shall be taken on asphalt concrete and portland cement concrete and the design standards for such paving shall comply with the design standards of the American Association of State Highway and Transportation Officials as modified by the Oklahoma Department of Transportation. All contracts for construction work on turnpike projects shall be let to the lowest responsible bidder, or bidders, after notice by publication in a newspaper published in the county where the work is to be done in two consecutive weekly issues of the newspaper. In all cases where more than eight (8)

miles of construction is let at the same time, such advertisement shall provide for bids on sections of the turnpike not to exceed eight (8) miles. Subject to the following restrictions and limitations: The Authority shall, when contracting for construction work, divide such work into paving projects, bridge projects, including underpasses and overpasses, and earthmoving or miscellaneous projects, according to the type of work to be done and each project shall be let under a separate contract or contracts and no contract or project shall include more than one of such types of construction work. Each contract for construction work shall contain a provision that ninety percent (90%) of all labor employed on the project shall be residents of Oklahoma. Provided, however, that no tie bids shall be accepted, and provided, further, that contracts for bridges may include earthwork and structures for the approaches thereto, and provided, further, that any one bridge or tunnel and the approaches thereto may be included in one contract.

(o) It shall be unlawful for any member, officer or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm, or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift, or consideration to such member, officer, or employee.

Violation of this provision shall constitute a felony ~~and shall be punishable by a fine of~~. The fine for a violation of this provision shall be not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment~~.

(p) In the event of a national emergency, the Authority, subject to any vested rights or claims, may enter into contracts with the federal government or any authorized agency thereof to allow the federal government or agency thereof to use such

turnpikes partly or exclusively during the existence of such emergency, provided, that the federal government agrees in such contract to pay, during the term of such contract, an amount sufficient, when added to any tolls collected, to meet all operating and maintenance expenses, interest payments, and the minimum sinking fund and reserve requirements of the trust agreement for the turnpike covered by the contract.

(q) All meetings of the Authority shall be open public meetings, and all records shall be public records, except when considering personnel or litigation.

SECTION 572. AMENDATORY 69 O.S. 1991, Section 1802, is amended to read as follows:

Section 1802. Any person who is convicted of a violation of any of the provisions of this Code herein or by the laws of this state declared to constitute a felony, and for which another penalty is not provided in this Code, shall be punished by ~~imprisonment for not less than one (1) year nor more than five (5) years, or by~~ a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00)~~, or by both such fine and imprisonment~~.

SECTION 573. AMENDATORY 70 O.S. 1991, Section 16-122, as last amended by Section 12, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1996, Section 16-122), is amended to read as follows:

Section 16-122. Any person who directly or indirectly promises or offers to give, or causes to be promised, offered or given, any money, books, bribe, present or reward or any valuable thing whatsoever to any member of the State Board of Education, the State Textbook Committee, or a local textbook committee, or any member of a board of education, teacher or other person with the intent to influence a decision on any question, matter, cause or proceeding in the selection or adoption of any textbooks, or series of textbooks, upon conviction, shall be guilty of a felony ~~and punishable as such~~. Any teacher in the public schools of Oklahoma, any superintendent of a school district or any employee of a school district who shall in any way be interested in the profits, proceeds or sale of any school textbook used in the

public schools under such person's charge, or with which such person is connected in any official capacity, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than Two Hundred Dollars ($200.00), and shall in addition thereto forfeit the office or position.

SECTION 574. AMENDATORY 70 O.S. 1991, Section 16-123, as last amended by Section 13, Chapter 360, O.S.L. 1993 (70 O.S. Supp. 1996, Section 16-123), is amended to read as follows:

Section 16-123. Any member of the State Board of Education and any member of the State Textbook Committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent, and which will have the effect, to influence a decision on any question, matter, cause or proceeding in the selection or adoption of any textbook or series of textbooks provided for in this article, upon conviction, shall be guilty of a felony ~~and punishable as such~~.

Any superintendent of schools, any member of a board of education, and any member of a local textbook committee who directly or indirectly solicits, receives or agrees to receive any money, goods, bribe, present, reward or any valuable thing whatsoever with the intent and which will have the effect to influence a decision on any question, matter, cause or proceeding in the selection or adoption of any textbook or series of textbooks, upon conviction, shall be guilty of a misdemeanor, and shall be punished by a fine of not to exceed Five Hundred Dollars ($500.00), or by imprisonment in the county jail for a term of not to exceed six (6) months, or both such fine and imprisonment.

SECTION 575. AMENDATORY 70 O.S. 1991, Section 17-110, is amended to read as follows:

Section 17-110. Any person who shall knowingly make any false statement or shall falsify or permit to be falsified, any record or records of this retirement system in any attempt to defraud such system as a result of such act shall be guilty of a felony~~, and shall be punished as provided for under the laws of Oklahoma~~.

Should any charge or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error, and so far as practicable, shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid, and to take from the Interest Fund sufficient to reimburse the Fund where an overpayment had already been made, and any such overpayment recovered from the member shall be placed in the Interest Fund.

SECTION 576. AMENDATORY 70 O.S. 1991, Section 23-106, is amended to read as follows:

Section 23-106. The Authority is hereby authorized and empowered:

1. To accept, assume and control the television channels assigned by the Federal Communications Commission to the State of Oklahoma for educational purposes;

2. To adopt bylaws for the regulation of its affairs and the conduct of its business;

3. To adopt an official seal and alter the same at pleasure;

4. To maintain an office at such place or places within the state as it may designate;

5. To sue and be sued in its own name, plead and be impleaded; provided, however, that any and all actions, at law or in equity, against the Authority shall be brought in the county in which the principal office of the Authority shall be located, or in the county of the residence of the plaintiff, or in the county where the cause of action arose;

6. To construct, maintain, repair and operate television facilities which with their access connections are designated ultimately to extend to and include all sections and areas of the State of Oklahoma;

7. To issue revenue bonds of the Authority, payable solely from dedicated revenues, for the purpose of paying all or any part of the cost of needed facilities;

8. To fix and revise from time to time any necessary charges for the use of any facilities;

9. To pay for the annual cost of the operation, maintenance and repair of such facilities;

10. To pay as and when due the principal and interest on the revenue certificates or bonds issued to pay for such facilities;

11. To accumulate and maintain such reserves as are provided for in the resolution or trust indenture under which such bonds are issued or secured;

12. To acquire, hold, or dispose of real and personal property in the exercise of its powers and the performance of its duties under this act;

13. To acquire in the name of the Authority by purchase or otherwise, on such terms and conditions and in such manner as it may deem proper, or by the exercise of the right of condemnation in manner hereinafter provided, such public or private lands, rights-of-way, property, rights, easements, and interests, as it may deem necessary for carrying out the provisions of this article; and it is the intent of the Legislature that all public property damaged in carrying out the powers granted by this article shall be restored or repaired and placed in its original condition as nearly as practicable;

14. To designate, except as is provided for herein, the locations; and to establish, limit and control such points of ingress to and egress from each facility as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such facility;

15. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this article, and to employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment, and to fix their compensation;

16. To receive appropriations from the State Legislature and accept from any federal agency grants for or in aid of the

construction and operation of any project; provided, the acceptance of such grants or appropriations will not reduce the amount of federal aid for other education in this state; and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value;

17. To do any and all things necessary to comply with rules, regulations, or requirements of the Federal Communications Commission or any other federal agency administering any law enacted by the Congress of the United States to aid or encourage education;

18. To do all things necessary or convenient to carry out the powers expressly granted in this article.

It shall be unlawful for any member, officer, or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member, officer, or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift or consideration to such member, officer or employee.

Any person found guilty of violating any of the provisions of this section shall be guilty of a felony~~, and shall be punishable by a~~. The fine ~~of~~ for a violation of this section shall not be less than Five Hundred Dollars ($500.00), and not be more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment~~.

SECTION 577. AMENDATORY 70 O.S. 1991, Section 3909, as last amended by Section 13, Chapter 290, O.S.L. 1996 (70 O.S. Supp. 1996, Section 3909), is amended to read as follows:

Section 3909. A. In addition to such other audits as may be required of or desired by the various boards of regents responsible for the institutions of The Oklahoma State System of Higher Education, each board shall annually obtain the services of an independent accounting firm or individual holding a permit to

practice public accounting in this state to perform a complete financial audit for the preceding fiscal year of each institution for which the board is responsible. The Oklahoma State Regents for Higher Education shall likewise annually obtain the services of an independent accounting firm or individual holding a permit to practice public accounting in this state to perform a complete financial audit of all the offices, operations, and accounts of the State Regents which are not subject to the control of other boards of regents. The audits shall be filed in accordance with the requirements set forth for financial statement audits in Section 212A of Title 74 of the Oklahoma Statutes.

B. Each board of regents shall appoint a standing Audit Committee of the board consisting of not fewer than three (3) board members. The Audit Committee shall be responsible for establishing the qualifications of any accounting firm or individual seeking to be hired to perform an audit for the board and shall recommend to the board the firms or individuals whom the board shall invite to submit competitive bids. The full board shall select the auditor from among the competitive bidders. Audit committees shall not recommend any firm or individual unwilling to meet the following specifications. The specifications shall be among the terms and conditions of any contract awarded:

1. All revolving fund accounts, special accounts, special agency accounts, auxiliary enterprise accounts, and technical area school district accounts, if any, shall be included within the scope of the audit;

2. Where operations of constituent agencies or technical area school districts are relevant to the complete financial audit of the institution, records of those enterprises shall be included within the scope of the audit;

3. To the extent required by subsection (d) of Section 4306 of this title, records of college- or university-related foundations shall be included within the scope of the audit;

4. At the conclusion of the audit, the auditor shall meet with the president of the institution and the Audit Committee to

review the audit report to be issued, the management letter or other comments or suggestions to be issued, and any other findings; and

5. Findings of material weaknesses, qualifications of the auditor's report other than those deriving from inadequate plant records, and of defalcations, or a report of lack of such findings, shall be communicated in writing to the board, the State Auditor and Inspector, the Legislative Service Bureau, and the Oklahoma State Regents for Higher Education with or in advance of the filing of the audit report required by Section 452.10 of Title 74 of the Oklahoma Statutes; and such written communications shall include any responses or other comments which the president or the Audit Committee wishes to have included.

C. The State Auditor and Inspector whenever he or she deems it appropriate, or upon receiving a written request to do so by the Governor, Attorney General, President Pro Tempore of the Senate, the Speaker of the House of Representatives, the governing board of an institution of higher education, the Oklahoma State Regents for Higher Education or the president of an institution of higher education, shall conduct a special audit of any institution of higher education within The Oklahoma State System of Higher Education. The special audit shall include, but not necessarily be limited to, a compliance audit as defined in subsection C of Section 213 of Title 74 of the Oklahoma Statutes. The State Auditor and Inspector shall have the power to take custody of any records necessary to the performance of the audit but shall minimize actual physical removal of or denial of access to such records. At the conclusion of the audit, the State Auditor and Inspector shall meet with the president of the institution and the Audit Committee of the board which governs the component audited to review the audit report to be issued. The report, when issued, shall include any responses to the audit which the president or the Audit Committee wishes to have included and shall be presented to the full board, the Legislative Service Bureau, and the Oklahoma State Regents for Higher Education with or in advance of the filing required by Section 452.10 of Title 74 of the Oklahoma

Statutes. The cost of such audit shall be borne by the audited entity and may be defrayed in whole or in part by any federal funds available for that purpose.

D. Each board of regents shall require the employment of a sufficient number of internal auditors to meet the board's fiduciary responsibilities. Internal audits shall be conducted in accordance with the provisions of Sections 228 and 229 of Title 74 of the Oklahoma Statutes. The internal auditors shall submit a report directly and simultaneously to the audit committee of the board and the president of the institution; all members of the board of regents governing the institution, however, shall receive all internal audit reports and the board of regents shall, at least annually, review and prescribe the plan of work to be performed by the internal auditors.

E. Any person who alters or destroys records needed for the performance of an audit or causes or directs a subordinate to do such acts shall be guilty of a felony ~~punishable by imprisonment in the custody of the Department of Corrections for a period of not more than five (5) years or by a~~. The fine ~~of~~ for a violation of this section shall not be more than Twenty Thousand Dollars ($20,000.00)~~, or by both such fine and imprisonment~~. Such person shall also be subject to immediate removal from office or employment.

SECTION 578. AMENDATORY 70 O.S. 1991, Section 4306, is amended to read as follows:

Section 4306. (a) All state educational institutions are hereby authorized to accept and receive any and all gifts, devises and bequests of money or property, either real or personal, which may be, or which may heretofore have been tendered to them by will or gift, conditionally or unconditionally; and the Board of Regents of said institutions are hereby directed, authorized and empowered to hold such funds or property in trust, or invest or sell them and use either principal or interest or the proceeds of sale for the benefit of such institutions or the students or others for whose benefit such institutions are conducted; all in any manner which is consistent with the terms of the gift as

stipulated by the donor and with the provisions of any applicable laws. Money donated to a college- or university-related foundation for student scholarships or grants to students of an institution of The Oklahoma State System of Higher Education shall not be loaned or given to any regent, officer, director, or employee of such foundation or institution or to any relative of such person within the third degree of affinity or consanguinity. The following, however, shall not be prohibited: (1) students in the employ of such foundation or institution may be given scholarships, and (2) scholarships may be awarded to an otherwise disqualified relative of any faculty member, staff employee, foundation or institution officer or maintenance worker of such foundation or institution if such relative is meritoriously qualified.

(b) Any person willfully violating the prohibitions of subsection (a) of this section shall be guilty of a felony ~~punishable by imprisonment in the State Penitentiary for a period of not more than five (5) years or by a~~. The fine ~~of~~ for a violation of this section shall not be more than Twenty Thousand Dollars ($20,000.00)~~, or by both such fine and imprisonment~~. Any person found guilty of said violations shall also be subject to immediate removal from office or employment where applicable.

(c) The Oklahoma State Regents for Higher Education, any institution or agency of The Oklahoma State System of Higher Education or the regents or governing board of such institution or agency shall not directly or indirectly transfer any funds to any college- or university-related foundation or render services or provide any thing of value to any such foundation without receiving documented adequate payment or reimbursement therefor according to written contract; provided, nothing herein shall be construed as prohibiting payment by the institution or agency of claims for expenses of fund raising for the benefit of the institution or agency by state employees if such fund raising activities are approved in advance by the governing board of regents responsible for such institution or agency and made a part of the minutes of the meeting of the board.

(d) Neither the Oklahoma State Regents for Higher Education nor any institution or agency of The Oklahoma State System of Higher Education shall receive any funds, services, or thing of value from any college- or university-related foundation which has any officers or employees who are officers or employees of any institution or agency of the State System or State Regents unless such foundation makes all its financial records and documents, including work papers, except for names of donors, available to auditors who are performing audits of the institution or agency.

SECTION 579. AMENDATORY 71 O.S. 1991, Section 407, is amended to read as follows:

Section 407. (a) Any person who willfully violates any provision of this act except Section 403 of this title, or who willfully violates any rule or order under this act, or who willfully violates Section 403 of this title knowing the statement made to be false or misleading in any material respect, shall be guilty of a felony, ~~and shall~~ upon conviction ~~be fined~~. The fine for such violation shall not be more than Ten Thousand Dollars ($10,000.00) ~~or imprisoned not more than ten (10) years, or both~~.

(b) The Administrator may refer such evidence as is available concerning violations of this act or of any rule or order hereunder to the Attorney General of the State of Oklahoma or the district attorney for the county where a violation occurred and the Attorney General or the district attorney as the case may be may institute or cause to be filed an information or indictment for violation of the provisions of this act. The Attorney General or district attorney may designate and appoint one or more lawyers of the Department as special assistants as available for the purpose of assisting in or conducting all criminal prosecutions arising by reason of proceedings under this section.

(c) Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime by statutes.

SECTION 580. AMENDATORY 71 O.S. 1991, Section 460, is amended to read as follows:

Section 460. A. Any person who violates, and a controlling person of an offeror or target company who knowingly violates, any provision of this act or any rule thereunder, or any order of the Administrator of which this person has notice, ~~may be fined~~ shall be guilty of a felony. The fine for such violation shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or imprisoned not more than five (5) years or both~~. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense. No indictment or information may be returned under this act more than two (2) years after the alleged violation.

B. The Administrator may refer such evidence as is available concerning violations of this act or of any rule or order hereunder to the Attorney General or the district attorney for the appropriate county who may, with or without any reference, institute the appropriate criminal proceedings under this act. If referred to a district attorney, he shall, within ninety (90) days, file with the Administrator a statement concerning any action taken or, if no action is taken, the reasons therefor.

C. Nothing in this act limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

D. All shares acquired from an Oklahoma resident in violation of any provision of this act or any rule thereunder, or any order of the Administrator of which the person has notice, shall be denied voting rights for one (1) year after acquisition, the shares shall be nontransferable on the books of the target company for one (1) year after acquisition and the target company shall, during this one-year period, have the option to call the shares for redemption either at the price at which the shares were acquired or at book value per share as of the last day of the fiscal quarter ended prior to the date of the call for redemption. Such a redemption shall occur on the date set in the call notice, but not later than sixty (60) days after the call notice is given.

SECTION 581. AMENDATORY 71 O.S. 1991, Section 658, is amended to read as follows:

Section 658. A. Any person who willfully violates any provision of this Code except Section 654 of this title, or any rule under this Code, or any order of which ~~he~~ the person has notice, or who violates Section 654 of this title, knowing or having reasonable cause to believe that the statement made was false or misleading in any material respect, ~~may be fined~~ shall be guilty of a felony. The fine for such violation shall not be more than Twenty-five Thousand Dollars ($25,000.00) ~~or imprisoned not more than three (3) years, or both~~.

B. The Administrator may refer such evidence as is available concerning violations of this Code or any rule or order hereunder to the Attorney General or the district attorney of the appropriate district, who may, with or without any reference, institute the appropriate criminal proceedings. The Attorney General or district attorney may designate and appoint one or more lawyers of the Department of Securities as special assistants as available for the purpose of assisting in or conducting all criminal prosecutions arising by reason of proceedings under this section.

C. Nothing in this Code limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

SECTION 582. AMENDATORY 71 O.S. 1991, Section 823, is amended to read as follows:

Section 823. A. Any person who willfully violates Section ~~6~~ 806, subsection A of Section ~~8~~ 808, subsection A of Section ~~9~~ 809, Sections ~~11~~ 811, ~~19~~ 819, ~~21~~ 821 or ~~22~~ 822 of ~~the Oklahoma Business Opportunity Sales Act~~ this title or who willfully violates any rule under the act or who willfully violates any order of which the person has notice, or who violates Section ~~20~~ 820 of ~~the Oklahoma Business Opportunity Sales Act~~ this title knowing that the statement made was false or misleading in any material respect, shall be guilty of a felony ~~and may~~, upon conviction ~~be fined~~. The fine for such violation shall not be more than Ten

Thousand Dollars ($10,000.00) ~~or imprisoned not more than ten (10) years or both for each offense~~. Each of the acts specified shall constitute a separate offense and a prosecution or conviction for any one of such offenses shall not bar prosecution or conviction for any other offense.

B. The Administrator may refer such evidence as may be available concerning violations of the Oklahoma Business Opportunity Sales Act or any rule or order hereunder to the Attorney General of the State of Oklahoma or the district attorney for the county where a violation occurred, who may, with or without such a reference, institute the appropriate criminal proceedings under the act. The Attorney General or district attorney may designate and appoint one or more lawyers of the Department as special assistants available for the purpose of assisting in or conducting all criminal prosecutions arising by reason of proceedings under this section.

C. Nothing in the Oklahoma Business Opportunity Sales Act limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

SECTION 583. AMENDATORY 73 O.S. 1991, Section 162, is amended to read as follows:

Section 162. (a) It shall be unlawful for any member or employee of the Authority to transact with the Authority, either directly or indirectly, any business for profit of such member or employee; and any person, firm, or corporation knowingly participating therein shall be equally liable for violation of this provision.

(b) The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift or consideration to such member or employee.

(c) Violation of any of the provisions of this section shall constitute a felony ~~and shall be punishable by a fine of~~. The fine for a violation of this section shall be not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00)~~, or by imprisonment in the State Penitentiary for not~~

~~less than one (1) year and not more than five (5) years or by both such fine and imprisonment~~.

SECTION 584. AMENDATORY 74 O.S. 1991, Section 71, is amended to read as follows:

Section 71. The taking or receiving by any officer of said ~~Office of Public Affairs~~ Department of Central Services of any rebate, percentage of contract, money, or any other thing of value from any person, firm, or corporation offering, bidding for, or in the open market and seeking to make sales to said ~~Office~~ Department, shall be ~~deemed~~ a felony. ~~Any officer of said Office convicted under this section shall be punished by a fine not to~~ The fine for a violation of this section shall not exceed Five Thousand Dollars ($5,000.00) ~~and by imprisonment in the penitentiary not less than five (5) nor more than ten (10) years~~. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 585. AMENDATORY 74 O.S. 1991, Section 85.45h, is amended to read as follows:

Section 85.45h A. It shall be unlawful for a person to:

1. Knowingly and with intent to defraud, fraudulently obtain, retain, attempt to obtain or retain, or aid another in fraudulently obtaining or retaining or attempting to obtain or retain, certification as a minority business enterprise for the purposes of this act.

2. Knowingly and willfully make a false statement with the intent to defraud, whether by affidavit, report, or other representation, to a state official or employee for the purpose of influencing the certification or denial of certification of any entity as a minority business enterprise.

3. Knowingly and willfully obstruct, impede, or attempt to obstruct or impede any state official or employee who is investigating the qualifications of a business entity which has requested certification as a minority business enterprise.

4. Knowingly and willfully with intent to defraud, fraudulently obtain, attempt to obtain, or aid another person in

fraudulently obtaining or attempting to obtain, public monies to which the person is not entitled under this act.

5. Knowingly and willfully assign any contract awarded pursuant to the Oklahoma Minority Business Enterprise Assistance Act to any other business enterprise without prior written approval of the State Purchasing Director pursuant to Section ~~9~~ 85.45g of this ~~act~~ title.

B. Any person convicted of violating any provision of the Oklahoma Minority Business Enterprise Assistance Act shall be guilty of a felony~~, punishable by imprisonment in the State Penitentiary for not more than five (5) years, or a fine of not more than~~. The fine for a violation of the Minority Business Enterprise Assistance Act shall not exceed Ten Thousand Dollars ($10,000.00)~~, or by both such imprisonment and fine~~.

C. If a contractor, subcontractor, supplier, subsidiary, principal or affiliate thereof, has been found to have violated this act and that violation occurred within three (3) years of another violation of this act, the ~~Office of Public Affairs~~ Department of Central Services shall prohibit that contractor, subcontractor, supplier, subsidiary, or affiliate thereof, from entering into a state project or state contract and from further bidding to a state entity, and from being a subcontractor to a contractor for a state entity and from being a supplier to a state entity.

SECTION 586. AMENDATORY 74 O.S. 1991, Section 85.47h, is amended to read as follows:

Section 85.47h A. A person shall not knowingly make or cause any false statement or report to be made in any application or in any document furnished to the Administrator.

B. A person shall not knowingly make or cause any false statement or report to be made for the purpose of influencing the action of the Administrator on an application for assistance or for the purpose of influencing any action of the Administrator affecting bonding assistance whether or not such assistance may have already been extended.

C. Any person who violates any provision of this section shall be guilty of a felony ~~and~~, upon conviction~~, shall be subject to a fine not exceeding~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or imprisonment of up to five (5) years, or both such fine and imprisonment~~.

SECTION 587. AMENDATORY 74 O.S. 1991, Section 215, is amended to read as follows:

Section 215. All officers of the state and counties of the state and all officers and employees of other institutions mentioned in this article, must afford reasonable facilities for the investigation provided for in this article, and all such officers, manager and employees must make written exhibits to the Auditor and Inspector under oath in such form and in such manner as he may prescribe, and each and every person so required who shall refuse and neglect to make such written exhibit, or to make or to give such information as may be required by said State Auditor and Inspector, shall be deemed guilty of a misdemeanor; and if any person in making such exhibit or giving such information or affording any statement required under this article, on his oath, shall knowingly swear falsely concerning the same, he shall be deemed guilty of the felony of perjury and punished accordingly. The State Auditor and Inspector shall have full power and authority for the various purposes named to examine books, papers, accounts, bills, vouchers and any other documents, or property of any or all of the aforesaid state institutions, all state officers and custodians of any county or state funds, also to examine under oath, county or state officers and custodians of county and state funds aforesaid. The State Auditor and Inspector is empowered to issue subpoenas and administer oath in the performance of his duty, and any persons refusing access to said examiner to any such books or papers, or any officer, clerk, employee, or other persons aforesaid, who shall obstruct access and refuse to search for any required information, or who shall in any manner hinder the examination required by this article of the records, and books of the officers of public institutions or pertaining to the county and state officers aforesaid, shall be

deemed guilty of a misdemeanor and shall be liable on conviction to a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment in the county jail for a period of not more than one (1) year or by both such fine and imprisonment in the discretion of the court.

SECTION 588. AMENDATORY 74 O.S. 1991, Section 217, is amended to read as follows:

Section 217. If by reason of sickness, absence or other cause, the State Auditor and Inspector is temporarily unable to perform the duties of his office the said assistant shall perform the duties of the office of State Auditor and Inspector until such disability ceases, whenever the same will not be inconsistent with the Constitution.

The State Auditor and Inspector, and his clerical and stenographic assistants, shall be reimbursed actual and necessary travel expenses when traveling on official state business as provided by the State Travel Reimbursement Act.

If said State Auditor and Inspector, or any deputy, or employee, shall at any time, directly or indirectly receive compensation for his service, or neglect of service, other than that provided for in this article, he shall be ~~deemed~~ guilty of a felony. The making of a false report knowingly by the State Auditor and Inspector, or any assistant or deputy, authorized by this article, of the financial condition of any office or institution required or authorized to be examined by this article, shall ~~constitute~~ be a felony, and any failure to perform the duties required of them to be performed by this article shall constitute a misdemeanor.

SECTION 589. AMENDATORY 74 O.S. 1991, Section 316, is amended to read as follows:

Section 316. The State Fire Marshal and the Assistant Fire Marshal shall each have power in any county in the State of Oklahoma to summons and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which by any of the provisions of this act is made a subject of inquiry and investigation and may require the production of any

books, papers or documents deemed pertinent thereto by them, or either of them. Said State Fire Marshal, Assistant Fire Marshal are each hereby authorized and empowered to administer oaths or affirmations to any person appearing as witness before them and false swearing in any matter or proceedings aforesaid shall be ~~deemed~~ the felony of perjury and shall be punished as such. Any witness who refuses to be sworn or refuses to testify or who disobeys any lawful order of the said State Fire Marshal, Assistant State Fire Marshal, or who fails or refuses, to produce any book, paper or document, touching on any matter under examination, or who is guilty of any contemptuous conduct after being summoned by them or either of them, to appear before them, or either of them, to give testimony in relation to any matter or subject under investigation as aforesaid, shall be deemed guilty of a misdemeanor and it shall be the duty of the State Fire Marshal, Assistant State Fire Marshal, or either of them to make complaint against said person or persons so refusing to comply with the summons or order of the said State Fire Marshal, or Assistant State Marshal, before any justice of the peace, police magistrate, or any court of record in the county in which said investigation is being had, and upon the filing of such complaint such court shall proceed in the same manner as other criminal cases and upon conviction of any such person guilty of violation of the provisions of this act, shall be fined in a sum of not exceeding Twenty-five Dollars ($25.00) and imprisonment until such fine is paid; provided, however, that any person so convicted shall have the right of appeal. Said State Fire Marshal and his subordinates or either of them shall have the authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon and examine any building or premises where any fire has occurred and other buildings adjoining or near the same. All investigations held by or under the direction of the said State Fire Marshal, may, in his discretion be private, and persons other than those required to be present by the provisions of this act, may be excluded from the place where such investigation is held and ~~witness~~ witnesses may

be kept separate and apart from each other and not be allowed to communicate with each other until they have been examined.

SECTION 590. AMENDATORY 74 O.S. 1991, Section 3404, is amended to read as follows:

Section 3404. Any person who shall knowingly make or receive, either directly or indirectly, a kickback shall be guilty of a felony~~, and upon conviction shall be fined not more than~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) or double the amount of the financial gain ~~or be imprisoned for not more than five (5) years, or both~~.

SECTION 591. AMENDATORY 79 O.S. 1991, Section 27, is amended to read as follows:

Section 27. Any person who shall violate any of the provisions of this article, or take part, or aid, or advise in any such violation provisions, or who shall, as officer, manager, director, agent, servant, or employee of any firm, corporation or association knowingly carry out any of the stipulations, purposes, prices, rates, or furnish any information, knowingly, to assist in carrying out such purposes, or in pursuance thereof, in violation of said provisions, shall be ~~punished by a fine of~~ guilty of a felony. The fine for a violation of this section shall be not less than Fifty Dollars ($50.00) nor more than Ten Thousand Dollars ($10,000.00)~~, and by imprisonment not less than ten (10) days nor more than ten (10) years at the discretion of the court~~. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment; and each day's violation of any of the provisions of this article, shall constitute a separate offense. And any sum which might be assessed as a fine by way of punishment for a crime as herein provided, may be recovered by the state as a penalty in civil action in addition to, or irrespective of, the assessment and assessability of said fine, either before, after, or simultaneously with the pendency of said criminal action.

SECTION 592. AMENDATORY 79 O.S. 1991, Section 103, is amended to read as follows:

Section 103. Any bridge or other contractor, partnership, corporation, association of contractors, or any other person, or any director, officer or any receiver, trustee, clerk or agent, or other person acting for them or employed by them, who alone or acting with any other contractor or other person, partnership, corporation or association, shall willfully do or cause to be done, or shall willfully suffer or permit to be done, any act, matter or thing herein prohibited or declared to be unlawful, or who shall aid or abet therein, or shall willfully omit or fail to do any act, matter or thing herein required to be done, or shall willfully cause, suffer or permit any thing directed to be done, not to be so done, or shall aid or abet or advise such omission or failure, or shall be guilty of any infraction of this article, shall be guilty of a felony, ~~and~~ upon conviction thereof ~~shall be fined in any sum not exceeding~~. The fine for a violation of this section shall not exceed Five Thousand Dollars ($5,000.00)~~, or imprisoned in the penitentiary of the state not exceeding five (5) years, or both, at the discretion of the court~~.

SECTION 593. AMENDATORY 82 O.S. 1991, Section 674, is amended to read as follows:

Section 674. The making of profit, directly or indirectly, by any officer of any district organized under this act, or by any public officer within the state, out of any contracts entered into by the district, or by use of any contracts entered into by the district, or by use of any money belonging to a district by lending it or otherwise using it, or by depositing the same in any manner, contrary to law, or by removal of any money by any such officer or by his consent and placing elsewhere than is prescribed either by law or by the official acts of the board of directors for the purpose of profit, or any person who shall misrepresent any material fact concerning the proposed project to any property owner when procuring signatures to a petition to inaugurate such project, shall constitute a felony, ~~and~~ on conviction thereof ~~shall subject such officer to imprisonment in the State Penitentiary for a term not exceeding two (2) years, or a fine not exceeding~~. The fine for a violation of this section shall not

exceed Five Thousand Dollars ($5,000.00)~~, or both such fine and imprisonment~~, and the officer offending shall be liable personally and upon his official bond for all losses to such district and for all profits realized by such unlawful use of monies.

SECTION 594. AMENDATORY 82 O.S. 1991, Section 867, is amended to read as follows:

Section 867. No director, officer, agent, or employee of the district shall be directly or indirectly interested in any contract for the purchase of any property or construction of any work by or for the district, and if any such person shall be or become so interested in any such contract, he shall be guilty of a felony ~~and~~, on conviction thereof ~~shall be subject to a fine in an amount not exceeding~~. The fine for a violation of this section shall not exceed Ten Thousand Dollars ($10,000.00) ~~or to confinement in the county jail for not less than one year nor more than ten (10) years, or both~~.

SECTION 595. AMENDATORY 82 O.S. 1991, Section 1086.3, is amended to read as follows:

Section 1086.3 A. It shall be unlawful for any member, officer or employee of the Water Resources Board to transact with the Board, either directly or indirectly, any business for profit of such member, officer or employee; and any person, firm or corporation knowingly participating therein shall be equally liable for violation of this provision.

B. The term "business for profit" shall include, but not be limited to, the acceptance or payment of any fee, commission, gift or consideration to such member, officer or employee.

C. Violation of this provision shall constitute a felony ~~and shall be punishable by a fine of~~. The fine for a violation of this provision shall be not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00) ~~or by imprisonment in the state penitentiary for not more than five (5) years, or by both such fine and imprisonment~~.

SECTION 596. AMENDATORY 82 O.S. 1991, Section 1281, is amended to read as follows:

Section 1281. Except for contracts of employment, directors and employees shall not have a financial interest, directly or indirectly, in any contract entered into by the district. Directors and employees shall not receive any bonus, gratuity or bribe. They shall not spend funds of the district, directly or indirectly, for political purposes or political educational purposes, shall not engage in political campaigns in the name of the district, and shall not permit any property of the district to be used for any such purpose. Any violation of this section shall be ~~deemed~~ a felony~~,~~ and shall work a forfeiture of office or employment ~~and shall be punishable by a fine not exceeding~~. The fine for a violation of this section shall not exceed Five Hundred Dollars ($500.00)~~, or by imprisonment in the penitentiary not exceeding five (5) years, or both~~.

SECTION 597. AMENDATORY 84 O.S. 1991, Section 55, as amended by Section 1, Chapter 107, O.S.L. 1996 (84 O.S. Supp. 1996, Section 55), is amended to read as follows:

Section 55. Every will, other than a nuncupative will, must be in writing; and every will, other than a holographic will and a nuncupative will, must be executed and attested as follows:

1. It must be subscribed at the end thereof by the testator himself, or some person, in his presence and by his direction, must subscribe his name thereto.

2. The subscription must be made in the presence of the attesting witnesses, or be acknowledged by the testator to them, to have been made by him or by his authority.

3. The testator must, at the time of subscribing or acknowledging the same, declare to the attesting witnesses that the instrument is his will.

4. There must be two attesting witnesses, each of whom must sign his name as a witness at the end of the will at the testator's request and in his presence.

5. Every will, other than a holographic and a nuncupative will, and every codicil to such will or to a holographic will may, at the time of execution or at any subsequent date during the lifetimes of the testator and the witnesses, be made self-proved,

and the testimony of the witnesses in the probate thereof may be made unnecessary by:

a. the acknowledgment thereof by the testator and the affidavits of the attesting witnesses, each made before an officer authorized to take acknowledgments to deeds of conveyance and to administer oaths under the laws of this state, such acknowledgments and affidavits being evidenced by the certificate, with official seal affixed, of such officer attached or annexed to such testamentary instrument in form and contents substantially as follows:

THE STATE OF OKLAHOMA

COUNTY OF _____

Before me, the undersigned authority, on this day personally appeared _____, _____, and _____, known to me to be the testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and, all of said persons being by me first duly sworn, said _____, testator, declared to me and to the said witnesses in my presence that said instrument is his last will and testament or a codicil to his last will and testament, and that he had willingly made and executed it as his free and voluntary act and deed for the purposes therein expressed; and the said witnesses, each on his oath stated to me, in the presence and hearing of the said testator, that the said testator had declared to them that said instrument is his last will and testament or codicil to his last will and testament, and that he executed same as such and wanted each of them to sign it as a witness; and upon their oaths each witness stated further that they did sign the same as witnesses in the presence of the said testator and at his request and that said testator was at that time eighteen (18) years of age or over and was of sound mind.

_____ _____

_____Testator

_____

Witness (signature)

_____

Name and Residence (printed)

_____ _____

Witness (signature)

_____

Name and Residence (printed)

Subscribed and acknowledged before me by the said _____, testator, and subscribed and sworn before me by the said _____,
and _____ witnesses, this _____ day of _____, A.D., _____.

(SEAL)_____(SIGNED) _____

_____ _____

_____(OFFICIAL CAPACITY

_____OF OFFICER); or

b. the written declaration of the testator and the written declarations of the attesting witnesses made in substantially the following form:

We the undersigned are the testator and the witnesses, respectively, whose names are subscribed to the annexed or foregoing instrument in their respective capacities, and we do hereby declare that said _____, testator, declared to said witnesses that said instrument is his last will and testament or a codicil to his last will and testament, and that he willingly made and executed it as his free and voluntary act and deed for the purposes therein expressed; and said witnesses further declare that the said testator declared to them that said instrument is his last will and testament or codicil to his last will and testament, and that he executed same as such and wanted each of us to sign it as a witness; and that we did sign the same as witnesses in the presence of the said testator and at his request and that said testator was at that time eighteen (18) years of age or over and was of sound mind, all of which we declare and sign under penalty of perjury this _____ day of _____.

_____ _____

_____Testator

_____

Witness (signature)

_____

Name and Residence (printed)

_____ _____

Witness (signature)

_____

Name and Residence (printed)

6. Any person falsely executing a written declaration as a witness or misrepresenting his or her identity with the intent to defraud another person pursuant to subparagraph b of paragraph 5 of this subsection shall, upon conviction, be deemed guilty of the ~~crime~~ felony of perjury and shall be subject to the penalties prescribed by law.

7. A self-proved testamentary instrument shall be admitted to probate without the testimony of any subscribing witness, unless contested, but otherwise it shall be treated no differently than a will or codicil not self-proved. Furthermore, a self-proved testamentary instrument may be revoked or amended by a codicil in exactly the same fashion as a will or codicil not self-proved and such a testamentary instrument may be contested as a will not self-proved.

SECTION 603. REPEALER 21 O.S. 1991, Sections 51, 51A, 52 and 62, are hereby repealed.

SECTION 604. REPEALER 22 O.S. 1991, Sections 860, 926, 927, 928, 991a-5, 991a-6, 991a-7, 991a-8, 991a-9, 991a-10, 991a-11, as amended by Section 2, Chapter 235, O.S.L. 1993, and 991a-12 (22 O.S. Supp. 1996, Section 991a-11), are hereby repealed.

SECTION 605. REPEALER Sections 13 and 15, Chapter 355, O.S.L. 1994 (22 O.S. Supp. 1996, Sections 1513 and 1515), are hereby repealed.

SECTION 606. REPEALER 22 O.S. 1991, Sections 991a, as last amended by Section 2, Chapter 188, O.S.L. 1994 and 991a, as last amended by Section 1, Chapter 40, O.S.L. 1994 (22 O.S. Supp. 1996, Section 991a), are hereby repealed.

SECTION 607. REPEALER 22 O.S. 1991, Section 991a-4, as last amended by Section 67 of this act, is hereby repealed effective July 1, 1999.

SECTION 608. REPEALER 57 O.S. 1991, Section 353, is hereby repealed.

SECTION 609. REPEALER Sections 4 and 5, Chapter 187, O.S.L. 1993 (57 O.S. Supp. 1996, Sections 610 and 611), are hereby repealed.

SECTION 610. REPEALER 57 O.S. 1991, Section 574.1, as amended by Section 11, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1996, Section 574.1), is hereby repealed.

SECTION 611. REPEALER 63 O.S. 1991, Section 2-419, is hereby repealed.

SECTION 612. NONCODIFICATION The provisions of Section 1 of this act shall not be codified in the Oklahoma Statutes.

SECTION 613. The provisions of Sections 1 through 25, 27, 32, 33, 46 through 50, 54, 56 through 62, 64 through 66, 68 through 75, 85 through 603, 607, 610 and 611 of this act shall become effective July 1, 1998.

SECTION 614. The provisions of Sections 26, 28, 29, 31, 39 through 45, 51 through 53, 55, 63, 67, 76 through 84 and 609 of this act shall become effective July 1, 1997.

SECTION 615. 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.

46-1-7413 SD