STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1613 By: Graves

AS INTRODUCED

An Act relating to crimes and punishments; enacting the Oklahoma Life Imprisonment without Parole for Persistent Offenders Act; providing short title; providing findings and intent of Legislature; defining terms; providing certain punishment for persistent offenders; prohibiting eligibility in programs for persistent offenders; providing for codification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 55 of Title 21, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Life Imprisonment without Parole for Persistent Offenders Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 56 of Title 21, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Legislature finds that a substantial amount of serious and violent crime is committed by persistent offenders who repeatedly continue to commit serious, violent or reprehensible acts of crime against innocent victims in this state regardless of

the number of convictions, incarcerations or other sanctions imposed upon them.

The Legislature further finds that for such career criminals, the only effective sanction and the only sure means to prevent their continued criminal careers, and further victimization of the citizens of this state, is to cause their permanent removal from society.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 57 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Serious or violent offense" means any of the following felonies, an attempt to commit any of the following felonies or a conspiracy to commit any of the following felonies:

a. murder,

b. kidnapping,

c. robbery with a dangerous weapon,

d. rape in the first degree,

e. assault and battery with a dangerous weapon,

f. use of firearm or other offensive weapon while committing a felony,

g. arson in the first degree,

h. shooting with intent to kill,

i. discharging a firearm, crossbow or other weapon from a vehicle pursuant to subsection B of Section 652 of Title 21 of the Oklahoma Statutes, or

j. any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a serious or violent offense under this section; and

2. "Persistent offender" means a person who:

a. has been convicted in this state of any felony considered a serious or violent offense, and

b. has been previously convicted of two or more serious or violent offenses not committed on the same occasion.

B. A persistent offender shall be sentenced to a term of life imprisonment without parole, notwithstanding the maximum sentence under any other law.

C. Offenders subject to the provisions of this section shall not be eligible for suspension or deferment of sentence, probation, parole, preparole conditional supervision, electronic home monitoring, the Prison Population Management Act of 1993, any other type of release program, any type of work or work release program or any other form of authorized leave of absence from the correctional facility while not in the direct custody of a corrections officer or officers during such terms of total confinement, except in the case of an offender in need of emergency medical treatment.

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

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