

SHORT TITLE: Crimes and punishments; providing varying degrees of burglary. Effective date. Emergency.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1104

By: Leftwich

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1431, 1435, and 1436, as amended by Section 357, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1436), which relate to burglary; providing varying degrees of burglary; stating scheduling for burglary; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1431, is amended to read as follows:

Section 1431. Every person who breaks into and enters the dwelling house of another, in which there is at the time some human being, with intent to commit some crime therein, either:

1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter; or

2. By breaking in any other manner, being armed with a dangerous weapon or being assisted or aided by one or more confederates then actually present; or

3. By unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window, is guilty of burglary in the first degree.

Upon conviction, the violator shall be punished as provided in Section 1436 of this title.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1435, is amended to read as follows:

Section 1435. Every person who breaks and enters ~~any building~~ the unoccupied dwelling house of another or any part of ~~any building, room, booth, tent, railroad car, automobile, truck, trailer, vessel or other structure or erection,~~ the unoccupied dwelling house of another in which any property is kept, ~~or breaks into or forcibly opens, any coin operated or vending machine or device~~ with intent to steal any property therein or to commit any felony, is guilty of burglary in the second degree.

Upon conviction, the violator shall be punished as provided in Section 1436 of this title.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1435.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

Every person who breaks and enters into any building, structure or erection other than a dwelling house, or any booth, tent, railroad car, automobile, truck, trailer, or vessel, in which any property is kept, with intent to steal any property therein or to commit any felony, is guilty of burglary in the third degree.

Upon conviction, the violator shall be punished as provided in Section 1436 of Title 21 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1435.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

Every person who breaks into or forcibly opens any coin-operated or vending machine or device, with intent to steal any property therein or to commit any felony, is guilty of burglary in the fourth degree.

Upon conviction, the violator shall be punished as provided in Section 1436 of Title 21 of the Oklahoma Statutes.

SECTION 5. AMENDATORY 21 O.S. 1991, Section 1436, as amended by Section 357, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1436), is amended to read as follows:

Section 1436. A. Burglary in the first degree is a Schedule D felony.

B. Burglary in the second degree is a Schedule D-1 felony.

C. Burglary in the third degree is a Schedule E felony.

D. Burglary in the fourth degree is a Schedule G felony.

SECTION 6. This act shall become effective July 1, 1998.

SECTION 7. 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.

46-2-1853 NP