SHORT TITLE: Truth in sentencing; amending penalty provisions; deleting schedule listing. Effective date. Emergency.

STATE OF OKLAHOMA

1st Extraordinary Session of the 46th Legislature (1998)

SENATE BILL NO. 4X By: Smith of the Senate

and

Morgan of the House

AS INTRODUCED

An Act relating to truth in sentencing; amending Section 6, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 16), which relates to crimes and punishments; amending 2 O.S. 1991, Section 6-125, as amended by Section 86, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-125), 2 O.S. 1991, Section 6-155, as amended by Section 87, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-155), 2 O.S. 1991, Section 6-207, as amended by Section 88, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-207), 2 O.S. 1991, Section 6-194, as amended by Section 89, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-194), 2 O.S. 1991, Section 6-206, as amended by Section 90, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-206), 2 O.S. 1991, Section 6-208, as amended by Section 91, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-208), 2 O.S. 1991, Section 6-262, as amended by Section 92, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-262), 2 O.S. 1991, Section 9-34, as amended by Section 93, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-34), 2 O.S. 1991, Section 9-35, as amended by Section

94, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-35), 2 O.S. 1991, Section 9-36, as amended by Section 95, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-36), 2 O.S. 1991, Section 9-37, as amended by Section 96, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-37), 2 O.S. 1991, Section 9-132, as last amended by Section 97, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 9-132), 2 O.S. 1991, Section 1301-205, as amended by Section 98, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 1301-205), Section 6, Chapter 238, O.S.L. 1995, as amended by Section 103, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 1301-310.3), Section 9, Chapter 238, O.S.L. 1995, as amended by Section 104, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 1301-310.6), and 2 O.S. 1991, Section 1907, as amended by Section 105, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 1907), which relate to agriculture and criminal offenses; amending 3 O.S. 1991, Section 258, as amended by Section 106, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, Section 258), 3 O.S. 1991, Section 259, as amended by Section 107, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, Section 259), 3 O.S. 1991, Section 281, as amended by Section 108, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, Section 281), 3 O.S. 1991, Section 301, as amended by Section 109, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, Section 301), and 3 O.S. 1991, Section 321, as amended by Section 110, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, Section 321), which relate to aircraft and airports

and criminal offenses; amending 3A O.S. 1991, Section 203.6, as amended by Section 111, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 203.6), 3A O.S. 1991, Section 208.4, as last amended by Section 112, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.4), 3A O.S. 1991, Section 208.6, as amended by Section 113, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.6), 3A O.S. 1991, Section 208.7, as amended by Section 114, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.7), 3A O.S. 1991, Section 208.8, as amended by Section 115, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.8), 3A O.S. 1991, Section 208.9, as amended by Section 116, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.9), 3A O.S. 1991, Section 208.10, as amended by Section 117, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.10), Section 1, Chapter 85, O.S.L. 1993, as amended by Section 116, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 208.11), and Section 5, Chapter 199, O.S.L. 1994, as amended by Section 120, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, Section 505), which relate to amusements and sports and criminal offenses; amending 4 O.S. 1991, Section 85.11, as amended by Section 121, Chapter 133, O.S.L. 1997 (4 O.S. Supp. 1997, Section 85.11), and 4 O.S. 1991, Section 268, as last amended by Section 122, Chapter 133, O.S.L. 1997 (4 O.S. Supp. 1997, Section 268), which relate to animals and criminal offenses; amending 6 O.S. 1991, Section 808, as amended by Section 123, Chapter 133, O.S.L. 1997 (6

O.S. Supp. 1997, Section 808), 6 O.S. 1991, Section 809, as last amended by Section 124, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1997, Section 809), and 6 O.S. 1991, Section 1414, as amended by Section 125, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1997, Section 1414), which relate to banks and trust companies and criminal offenses; amending Section 11, Chapter 353, O.S.L. 1995, as last amended by Section 126, Chapter 133, O.S.L. 1997 (10 O.S. Supp. 1997, 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 127, Chapter 133, O.S.L. 1997 (10 O.S. Supp. 1997, Section 7115), which relate to children and criminal offenses; amending 11 O.S. 1991, Section 16-306, as amended by Section 128, Chapter 133, O.S.L. 1997 (11 O.S. Supp. 1997, Section 16-306), and 11 O.S. 1991, Section 39-113, as amended by Section 129, Chapter 133, O.S.L. 1997 (11 O.S. Supp. 1997, Section 39-113), which relate to cities and towns and criminal offenses; amending 12 O.S. 1991, Section 65, as amended by Section 130, Chapter 133, O.S.L. 1997 (12 O.S. Supp. 1997, Section 65), and 12 O.S. 1991, Section 923, as amended by Section 131, Chapter 133, O.S.L. 1997 (12 O.S. Supp. 1997, Section 923), which relates to civil procedure and criminal offenses; amending 13 O.S. 1991, Section 176.3, as amended by Section 132, Chapter 133, O.S.L. 1997 (13 O.S. Supp. 1997, Section 176.3), which relates to common carriers and criminal offenses; amending 15 O.S. 1991, Section 567, as amended by Section 133, Chapter

133, O.S.L. 1997 (15 O.S. Supp. 1997, Section 567), 15 O.S. 1991, Section 761.1, as last amended by Section 134, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1997, Section 761.1), and 15 O.S. 1991, Section 767, as amended by Section 135, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1997, Section 767), which relate to contracts and criminal offenses; amending Section 2, Chapter 271, O.S.L. 1992, as amended by Section 136, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, Section 6.1), 17 O.S. 1991, Section 16, as amended by Section 137, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, Section 16), 17 O.S. 1991, Section 158.59, as amended by Section 138, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, Section 158.59), and 17 O.S. 1991, Section 191.11, as amended by Section 139, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, Section 191.11), which relate to the Corporation Commission and criminal offenses; amending 18 O.S. 1991, Section 411, as amended by Section 140, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, Section 411), 18 O.S. 1991, Section 552.11, as amended by Section 141, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, Section 552.11), 18 O.S. 1991, Section 552.18, as amended by Section 142, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, Section 552.18), and 18 O.S. 1991, Section 553.3, as amended by Section 143, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, Section 553.3), which relate to corporations and criminal offenses; amending 19 O.S. 1991, Section 28, as amended by Section 144, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 28), 19 O.S. 1991,

Section 29, as amended by Section 145, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 29), 19 O.S. 1991, Section 90, as amended by Section 146, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 90), 19 O.S. 1991, Section 91, as amended by Section 147, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 91), 19 O.S. 1991, Section 92, as amended by Section 148, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 92), 19 O.S. 1991, Section 112, as amended by Section 149, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 112), 19 O.S. 1991, Section 333.1, as amended by Section 150, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 333.1), 19 O.S. 1991, Section 641, as amended by Section 151, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 641), and 19 O.S. 1991, Section 686, as amended by Section 152, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 686), which relate to counties and county officers and criminal offenses; amending 21 O.S. 1991, Section 53, as amended by Section 153, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 53), 21 O.S. 1991, Section 175, as amended by Section 154, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 175), Section 2, Chapter 343, O.S.L. 1995, as amended by Section 155, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 187.1), Section 3, Chapter 343, O.S.L. 1995, as amended by Section 156, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 187.2), 21 O.S. 1991, Section 265, as amended by Section 157, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 265),

21 O.S. 1991, Section 266, as amended by Section 158, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 266), 21 O.S. 1991, Section 275, as amended by Section 159, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 275), 21 O.S. 1991, Section 301, as amended by Section 160, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 301), 21 O.S. 1991, Section 303, as amended by Section 161, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 303), 21 O.S. 1991, Section 305, as amended by Section 162, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 305), 21 O.S. 1991, Section 306, as amended by Section 163, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 306), 21 O.S. 1991, Section 307, as amended by Section 164, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 307), 21 O.S. 1991, Section 308, as amended by Section 165, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 308), 21 O.S. 1991, Section 309, as amended by Section 166, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 309), 21 O.S. 1991, Section 320, as amended by Section 167, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 320), 21 O.S. 1991, Section 322, as amended by Section 168, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 322), Section 4, Chapter 343, O.S.L. 1995, as amended by Section 169, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 334), 21 O.S. 1991, Section 341, as amended by Section 170, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 341), 21 O.S. 1991, Section 349, as amended by Section 171, Chapter 133, O.S.L. 1997 (21 O.S.

Supp. 1997, Section 349), 21 O.S. 1991, Section 350, as amended by Section 172, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 350), 21 O.S. 1991, Section 357, as amended by Section 173, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 357), 21 O.S. 1991, Section 359, as amended by Section 174, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 359), Section 5, Chapter 343, O.S.L. 1995, as amended by Section 175, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 360), 21 O.S. 1991, Section 372, as amended by Section 176, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 372), 21 O.S. 1991, Section 373, as amended by Section 177, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 373), 21 O.S. 1991, Section 374, as amended by Section 178, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 374), 21 O.S. 1991, Section 380, as amended by Section 179, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 380), 21 O.S. 1991, Section 381, as amended by Section 180, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 381), 21 O.S. 1991, Section 382, as amended by Section 181, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 382), 21 O.S. 1991, Section 383, as amended by Section 182, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 383), 21 O.S. 1991, Section 384, as amended by Section 183, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 384), 21 O.S. 1991, Section 399, as amended by Section 184, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 399), 21 O.S. 1991, Section 400, as amended by Section 185,

Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 400), 21 O.S. 1991, Section 421, as amended by Section 186, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 421), 21 O.S. 1991, Section 422, as amended by Section 187, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 422), 21 O.S. 1991, Section 424, as amended by Section 188, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 424), 21 O.S. 1991, Section 434, as amended by Section 189, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 434), 21 O.S. 1991, Section 436, as amended by Section 190, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 436), 21 O.S. 1991, Section 437, as amended by Section 191, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 437), 21 O.S. 1991, Section 438, as amended by Section 192, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 438), 21 O.S. 1991, Section 440, as amended by Section 193, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 440), 21 O.S. 1991, Section 443, as last amended by Section 194, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 443), 21 O.S. 1991, Section 444, as amended by Section 195, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 444), 21 O.S. 1991, Section 445, as amended by Section 196, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 445), 21 O.S. 1991, Section 451, as amended by Section 197, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 451), 21 O.S. 1991, Section 453, as amended by Section 198, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 453), 21 O.S. 1991, Section

455, as last amended by Section 199, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 455), 21 O.S. 1991, Section 456, as amended by Section 200, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 456), 21 O.S. 1991, Section 461, as amended by Section 201, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 461), 21 O.S. 1991, Section 462, as amended by Section 202, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 462), 21 O.S. 1991, Section 463, as amended by Section 203, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 463), 21 O.S. 1991, Section 500, as amended by Section 204, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 500), 21 O.S. 1991, Section 504, as amended by Section 205, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 504), 21 O.S. 1991, Section 521, as amended by Section 206, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 521), 21 O.S. 1991, Section 531, as amended by Section 207, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 531), 21 O.S. 1991, Section 532, as amended by Section 208, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 532), 21 O.S. 1991, Section 539, as amended by Section 209, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 539), 21 O.S. 1991, Section 540A, as last amended by Section 210, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 540A), 21 O.S. 1991, Section 540B, as amended by Section 211, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 540B), 21 O.S. 1991, Section 543, as amended by Section 212, Chapter 133, O.S.L. 1997 (21 O.S.

Supp. 1997, Section 543), 21 O.S. 1991, Section 578, as amended by Section 213, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 578), 21 O.S. 1991, Section 579, as amended by Section 214, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 579), 21 O.S. 1991, Section 588, as amended by Section 215, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 588), 21 O.S. 1991, Section 590, as amended by Section 216, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 590), 21 O.S. 1991, Section 644, as last amended by Section 217, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 644), 21 O.S. 1991, Section 645, as amended by Section 218, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 645), 21 O.S. 1991, Section 649, as amended by Section 219, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 649), 21 O.S. 1991, Section 649.1, as amended by Section 220, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 649.1), 21 O.S. 1991, Section 649.2, as amended by Section 221, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 649.2), 21 O.S. 1991, Section 650, as amended by Section 222, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 650), 21 O.S. 1991, Section 650.2, as last amended by Section 4, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1997, Section 650.2), 21 O.S. 1991, Section 650.5, as amended by Section 224, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 650.5), Section 1, Chapter 326, O.S.L. 1993, as amended by Section 225, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 650.6), 10 O.S. 1991, Section 1149, as

renumbered by Section 200, Chapter 352, O.S.L. 1995, and as last amended by Section 38, Chapter 293, O.S.L. 1997 (21 O.S. Supp. 1997, Section 650.8), Section 1, Chapter 199, O.S.L. 1996, as amended by Section 227, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 650.9), 21 O.S. 1991, Section 651, as amended by Section 228, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 651), 21 O.S. 1991, Section 652, as last amended by Section 229, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 652), 21 O.S. 1991, Section 653, as amended by Section 230, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 653), 21 O.S. 1991, Section 662, as amended by Section 231, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 662), 21 O.S. 1991, Section 681, as amended by Section 232, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 681), 21 O.S. 1991, Section 701.9, as amended by Section 233, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 701.9), 21 O.S. 1991, Section 701.16, as amended by Section 234, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 701.16), 21 O.S. 1991, Section 715, as amended by Section 235, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 715), 21 O.S. 1991, Section 722, as amended by Section 236, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 722), 21 O.S. 1991, Section 741, as amended by Section 237, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 741), 21 O.S. 1991, Section 745, as amended by Section 238, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 745), 21 O.S. 1991, Section

759, as amended by Section 239, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 759), 21 O.S. 1991, Section 798, as amended by Section 240, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 798), 21 O.S. 1991, Section 799, as amended by Section 241, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 799), 21 O.S. 1991, Section 800, as amended by Section 242, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 800), 21 O.S. 1991, Section 801, as amended by Section 243, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 801), 21 O.S. 1991, Section 817, as amended by Section 244, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 817), 21 O.S. 1991, Section 818, as amended by Section 245, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 818), 21 O.S. 1991, Section 832, as amended by Section 246, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 832), 21 O.S. 1991, Section 843.1, as amended by Section 247, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 843.1), 21 O.S. 1991, Section 849, as amended by Section 248, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 849), 21 O.S. 1991, Section 850, as last amended by Section 249, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 850), 21 O.S. 1991, Section 851, as amended by Section 250, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 851), 21 O.S. 1991, Section 852, as last amended by Section 251, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 852), 21 O.S. 1991, Section 852.1, as amended by Section 252, Chapter 133, O.S.L. 1997

(21 O.S. Supp. 1997, Section 852.1), 21 O.S. 1991, Section 853, as amended by Section 253, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 853), 21 O.S. 1991, Section 856, as last amended by Section 254, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 856), 21 O.S. 1991, Section 856.1, as amended by Section 255, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 856.1), Section 2, Chapter 196, O.S.L. 1996, as amended by Section 256, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 856.2), 21 O.S. 1991, Section 861, as amended by Section 257, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 861), 21 O.S. 1991, Section 867, as amended by Section 258, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 867), 21 O.S. 1991, Section 872, as amended by Section 259, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 872), 21 O.S. 1991, Section 883, as amended by Section 260, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 883), 21 O.S. 1991, Section 884, as amended by Section 261, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 884), 21 O.S. 1991, Section 885, as amended by Section 262, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 885), 21 O.S. 1991, Section 886, as last amended by Section 5, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1997, Section 886), 21 O.S. 1991, Section 888, as last amended by Section 264, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 888), 21 O.S. 1991, Section 891, as amended by Section 265, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 891), 21 O.S. 1991, Section

941, as last amended by Section 266, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 941), 21 O.S. 1991, Section 946, as amended by Section 267, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 946), 21 O.S. 1991, Section 948, as last amended by Section 268, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 948), 21 O.S. 1991, Section 950, as amended by Section 269, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 950), 21 O.S. 1991, Section 954, as amended by Section 270, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 954), 21 O.S. 1991, Section 982, as amended by Section 271, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 982), 21 O.S. 1991, Section 986, as amended by Section 273, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 1Section 986), 21 O.S. 1991, Section 987, as amended by Section 274, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 987), 21 O.S. 1991, Section 988, 21 O.S. 1991, Section 991, as amended by Section 275, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 991), 21 O.S. 1991, Section 1021, as last amended by Section 276, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1021), 21 O.S. 1991, Section 1021.2, as last amended by Section 277, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1021.2), 21 O.S. 1991, Section 1021.3, as last amended by Section 278, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1021.3), 21 O.S. 1991, Section 1024.2, as amended by Section 279, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1024.2), 21 O.S. 1991, Section 1031, as

last amended by Section 280, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1031), 21 O.S. 1991, Section 1040.51, as amended by Section 281, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1040.51), 21 O.S. 1991, Section 1053, as amended by Section 282, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1053), 21 O.S. 1991, Section 1068, as amended by Section 284, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1068), Section 3, Chapter 186, O.S.L. 1995, as amended by Section 285, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1073), 21 O.S. 1991, Section 1081, as amended by Section 286, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1081), 21 O.S. 1991, Section 1085, as amended by Section 287, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1085), 21 O.S. 1991, Section 1086, as amended by Section 288, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1086), 21 O.S. 1991, Section 1087, as amended by Section 289, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1087), 21 O.S. 1991, Section 1088, as amended by Section 290, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1088), 21 O.S. 1991, Section 1092, as amended by Section 291, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1092), 21 O.S. 1991, Section 1115, as amended by Section 292, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1115), 21 O.S. 1991, Section 1116, as amended by Section 293, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1116), 21 O.S. 1991, Section 1117, as amended by Section 294,

Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1117), 21 O.S. 1991, Section 1118, as amended by Section 295, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1118), 21 O.S. 1991, Section 1119, as amended by Section 296, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1119), 21 O.S. 1991, Section 1120, as amended by Section 297, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1120), 21 O.S. 1991, Section 1122, as amended by Section 298, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1122), 21 O.S. 1991, Section 1123, as last amended by Section 299, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1123), 21 O.S. 1991, Section 1161, as amended by Section 300, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1161), 21 O.S. 1991, Section 1162, as amended by Section 301, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1162), 21 O.S. 1991, Section 1163, as amended by Section 302, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1163), 21 O.S. 1991, Section 1168.1, as amended by Section 303, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1168.1), 21 O.S. 1991, Section 1168.4, as amended by Section 304, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1168.4), 21 O.S. 1991, Section 1168.6, as amended by Section 305, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1168.6), 21 O.S. 1991, Section 1172, as last amended by Section 306, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1172), Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 307, Chapter 133, O.S.L.

1997 (21 O.S. Supp. 1997, Section 1173), 21 O.S. 1991, Section 1192, as amended by Section 308, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1192), 21 O.S. 1991, Section 1192.1, as amended by Section 309, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1192.1), 21 O.S. 1991, Section 1214, as amended by Section 310, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1214), 21 O.S. 1991, Section 1217, as amended by Section 311, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1217), Section 8, Chapter 363, O.S.L. 1992, as amended by Section 313, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1230.8), 21 O.S. 1991, Section 1263, as amended by Section 314, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1263), 21 O.S. 1991, Section 1265.3, as amended by Section 316, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1265.3), 21 O.S. 1991, Section 1265.4, as amended by Section 317, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1265.4), 21 O.S. 1991, Section 1265.5, as amended by Section 318, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1265.5), 21 O.S. 1991, Section 1266, as amended by Section 319, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1266), 21 O.S. 1991, Section 1266.5, as amended by Section 320, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1266.5), 21 O.S. 1991, Section 1267.1, as amended by Section 321, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1267.1), 21 O.S. 1991, Section 1267.2, as amended by Section 322, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997,

Section 1267.2), 21 O.S. 1991, Section 1272.2, as last amended by Section 323, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1272.2), 21 O.S. 1991, Section 1278, as last amended by Section 324, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1278), Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 325, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1280.1), 21 O.S. 1991, Section 1282, as amended by Section 326, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1282), 21 O.S. 1991, Section 1283, as last amended by Section 327, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1283), 21 O.S. 1991, Section 1284, as last amended by Section 328, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1284), 21 O.S. 1991, Section 1287, as last amended by Section 329, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1287), 21 O.S. 1991, Section 1289.17, as last amended by Section 330, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1289.17), 21 O.S. 1991, Section 1289.18, as amended by Section 331, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1289.18), 21 O.S. 1991, Section 1289.20, as amended by Section 332, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1289.20), 21 O.S. 1991, Section 1289.21, as amended by Section 333, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1289.21), Section 2, Chapter 216, O.S.L. 1992, as amended by Section 334, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1289.26), Section 21, Chapter 272, O.S.L. 1995, as amended by Section 335, Chapter 133,

O.S.L. 1997 (21 O.S. Supp. 1997, Section 1290.21), 21 O.S. 1991, Section 1302, as amended by Section 336, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1302), 21 O.S. 1991, Section 1303, as amended by Section 337, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1303), 21 O.S. 1991, Section 1304, as amended by Section 338, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1304), 21 O.S. 1991, Section 1312, as amended by Section 339, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1312), 21 O.S. 1991, Section 1320.4, as amended by Section 340, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1320.4), 21 O.S. 1991, Section 1320.5, as amended by Section 341, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1320.5), 21 O.S. 1991, Section 1320.10, as amended by Section 342, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1320.10), 21 O.S. 1991, Section 1321.7, as amended by Section 343, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1321.7), 21 O.S. 1991, Section 1321.8, as amended by Section 344, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1321.8), 21 O.S. 1991, Section 1327, as amended by Section 345, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1327), 21 O.S. 1991, Section 1368, as last amended by Section 346, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1368), 21 O.S. 1991, Section 1401, as last amended by Section 347, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1401), 21 O.S. 1991, Section 1402, as amended by Section 348, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997,

Section 1402), 21 O.S. 1991, Section 1403, as amended by Section 349, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1403), 21 O.S. 1991, Section 1404, as amended by Section 350, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1404), Section 2, Chapter 145, O.S.L. 1996, as amended by Section 351, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1405), 21 O.S. 1991, Section 1411, as amended by Section 352, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1411), 21 O.S. 1991, Section 1412, as amended by Section 353, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1412), 21 O.S. 1991, Section 1414, as amended by Section 354, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1414), 21 O.S. 1991, Section 1415, as amended by Section 355, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1415), 21 O.S. 1991, Section 1416, as amended by Section 356, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1416), 21 O.S. 1991, Section 1436, as amended by Section 357, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1436), 21 O.S. 1991, Section 1441, as amended by Section 358, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1441), 21 O.S. 1991, Section 1442, as amended by Section 359, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1442), 21 O.S. 1991, Section 1462, as last amended by Section 360, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1462), 21 O.S. 1991, Section 1463, as amended by Section 361, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1463), 21 O.S. 1991,

Section 1483, as amended by Section 362, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1483), 21 O.S. 1991, Section 1485, 21 O.S. 1991, Section 1486, 21 O.S. 1991, Section 1488, as amended by Section 363, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1488), 21 O.S. 1991, Section 1503, as last amended by Section 364, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1503), 21 O.S. 1991, Section 1506, as amended by Section 365, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1506), 21 O.S. 1991, Section 1521, as last amended by Section 366, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1521), 21 O.S. 1991, Section 1531, as amended by Section 367, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1531), 21 O.S. 1991, Section 1532, as amended by Section 368, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1532), 21 O.S. 1991, Section 1541.2, as last amended by Section 369, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1541.2), 21 O.S. 1991, Section 1541.3, as last amended by Section 370, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1541.3), 21 O.S. 1991, Section 1542, as amended by Section 371, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1542), 21 O.S. 1991, Section 1543, as amended by Section 372, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1543), 21 O.S. 1991, Section 1544, as amended by Section 373, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1544), 21 O.S. 1991, Section 1550, as amended by Section 374, Chapter 133,

O.S.L. 1997 (21 O.S. Supp. 1997, Section 1550), 21 O.S. 1991, Section 1550.33, as amended by Section 375, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1550.33), 21 O.S. 1991, Section 1550.41, as last amended by Section 376, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1550.41), 21 O.S. 1991, Section 1621, as amended by Section 377, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1621), 21 O.S. 1991, Section 1632, as amended by Section 378, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1632), 21 O.S. 1991, Section 1635, as amended by Section 379, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1635), 21 O.S. 1991, Section 1662, as amended by Section 380, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1662), Section 29, Chapter 349, O.S.L. 1993, as last amended by Section 381, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1663), 21 O.S. 1991, Section 1680.2, as amended by Section 382, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1680.2), 21 O.S. 1991, Section 1681, as amended by Section 383, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1681), 21 O.S. 1991, Section 1685, as amended by Section 384, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1685), 21 O.S. 1991, Section 1694, as amended by Section 385, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1694), 21 O.S. 1991, Section 1695, as amended by Section 386, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1695), 21 O.S. 1991, Section 1696, as amended by Section 387, Chapter 133, O.S.L. 1997

(21 O.S. Supp. 1997, Section 1696), 21 O.S. 1991, Section 1697, as amended by Section 388, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1697), 21 O.S. 1991, Section 1699.1, as amended by Section 389, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1699.1), 21 O.S. 1991, Section 1705, as last amended by Section 390, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1705), 21 O.S. 1991, Section 1707, as amended by Section 391, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1707), 21 O.S. 1991, Section 1708, as amended by Section 392, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1708), 21 O.S. 1991, Section 1713, as amended by Section 393, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1713), 21 O.S. 1991, Section 1715, 21 O.S. 1991, Section 1716, as amended by Section 394, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1716), 21 O.S. 1991, Section 1719, as amended by Section 395, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1719), 21 O.S. 1991, Section 1719.1, as last amended by Section 396, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1719.1), Section 6, Chapter 36, O.S.L. 1993, as amended by Section 397, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1719.2), 21 O.S. 1991, Section 1720, as amended by Section 398, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1720), 21 O.S. 1991, Section 1721, as amended by Section 399, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1721), 21 O.S. 1991, Section 1722, as last amended by Section 400, Chapter 133,

O.S.L. 1997 (21 O.S. Supp. 1997, Section 1722), 21 O.S. 1991, Section 1723, as amended by Section 401, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1723), 21 O.S. 1991, Section 1724, as amended by Section 402, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1724), 21 O.S. 1991, Section 1726, as amended by Section 403, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1726), 21 O.S. 1991, Section 1727, as amended by Section 404, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1727), 21 O.S. 1991, Section 1728, as amended by Section 405, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1728), 21 O.S. 1991, Section 1731, as last amended by Section 406, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1731), 21 O.S. 1991, Section 1751, as amended by Section 407, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1751), 21 O.S. 1991, Section 1752, as amended by Section 408, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1752), Section 1, Chapter 139, O.S.L. 1995, as amended by Section 409, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1752.1), 21 O.S. 1991, Section 1753, as amended by Section 410, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1753), 21 O.S. 1991, Section 1753.8, as last amended by Section 411, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1753.8), 21 O.S. 1991, Section 1755, as amended by Section 412, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1755), 21 O.S. 1991, Section 1760, as amended by Section 413, Chapter 133, O.S.L. 1997 (21 O.S.

Supp. 1997, Section 1760), 21 O.S. 1991, Section 1765, as amended by Section 414, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1765), 21 O.S. 1991, Section 1767.1, as amended by Section 415, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1767.1), 21 O.S. 1991, Section 1767.2, as amended by Section 416, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1767.2), 21 O.S. 1991, Section 1777, as amended by Section 417, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1777), 21 O.S. 1991, Section 1778, as amended by Section 418, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1778), 21 O.S. 1991, Section 1779, 21 O.S. 1991, Section 1785, as amended by Section 419, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1785), 21 O.S. 1991, Section 1786, as amended by Section 420, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1786), 21 O.S. 1991, Section 1834, as amended by Section 421, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1834), 21 O.S. 1991, Section 1834.2, as amended by Section 422, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1834.2), 21 O.S. 1991, Section 1837, as amended by Section 423, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1837), 21 O.S. 1991, Section 1861, as amended by Section 424, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1861), 21 O.S. 1991, Section 1903, as amended by Section 425, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1903), 21 O.S. 1991, Section 1904, as amended by Section 426, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997,

Section 1904), 21 O.S. 1991, Section 1953, as amended by Section 427, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1953), 21 O.S. 1991, Section 1955, as amended by Section 428, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1955), 21 O.S. 1991, Section 1958, as amended by Section 429, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1958), 21 O.S. 1991, Section 1976, as amended by Section 430, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1976), 21 O.S. 1991, Section 1977, as amended by Section 431, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1977), 21 O.S. 1991, Section 1978, as amended by Section 432, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1978), 21 O.S. 1991, Section 1979, as amended by Section 433, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1979), and 21 O.S. 1991, Section 1980, as amended by Section 434, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1980), which relate to crimes and punishments and criminal offenses; amending 22 O.S. 1991, Section 17, as last amended by Section 435, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 17), 22 O.S. 1991, Section 107, as amended by Section 436, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 107), 22 O.S. 1991, Section 1110, as amended by Section 437, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 1110), 22 O.S. 1991, Section 1263, as amended by Section 438, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 1263), 22 O.S. 1991, Section 1264, as amended by Section 439, Chapter 133, O.S.L. 1997

(22 O.S. Supp. 1997, Section 1264), and 22 O.S. 1991, Section 1404, as amended by Section 440, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 1404), which relates to criminal procedure and criminal offenses; amending 26 O.S. 1991, Section 16-101, as amended by Section 441, Chapter 133, O.S.L. 1997 (26 O.S. Supp. 1997, Section 16-101), 26 O.S. 1991, Section 16-102, 26 O.S. 1991, Section 16-103, 26 O.S. 1991, Section 16-103.1, as amended by Section 24, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1997, Section 16-103.1), 26 O.S. 1991, Section 16-104, 26 O.S. 1991, Section 16-105, 26 O.S. 1991, Section 16-106, 26 O.S. 1991, Section 16-107, 26 O.S. 1991, Section 16-108, and 26 O.S. 1991, Section 16-109, which relate to elections and criminal offenses; amending Section 16, Chapter 215, O.S.L. 1992, as amended by Section 53, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-5-116), Section 18, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as last amended by Section 24, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-6-206), Section 7, Chapter 50, O.S.L. 1992, as amended by Section 147, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-10-302), and 63 O.S. 1991, Section 1-2304, as amended by Section 161, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-10-801), which relates to public health

and safety and criminal offenses; amending 29 O.S. 1991, Section 3-201, as amended by Section 442, Chapter 133, O.S.L. 1997 (29 O.S. Supp. 1997, Section 3-201), which relates to game and fish and criminal offenses; amending 34 O.S. 1991, Section 23, as amended by Section 443, Chapter 133, O.S.L. 1997 (34 O.S. Supp. 1997, Section 23), which relates to initiative and petition and criminal offenses; amending 36 O.S. 1991, Section 311.1, as last amended by Section 444, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 311.1), 36 O.S. 1991, Section 317, as amended by Section 445, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 317), 36 O.S. 1991, Section 935, as amended by Section 446, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 935), 36 O.S. 1991, Section 1425, as last amended by Section 447, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 1425), Section 75, Chapter 418, O.S.L. 1997 (36 O.S. Supp. 1997, Section 1425.6), Section 8, Chapter 178, O.S.L. 1992, as amended by Section 448, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 1658.2), Section 37, Chapter 76, O.S.L. 1992, as amended by Section 449, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 2737.1), and Section 21, Chapter 108, O.S.L. 1993, as amended by Section 450, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 6621), which relate to insurance and criminal offenses; amending 37 O.S. 1991, Section 538, as amended by Section 451, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1997, Section 538), and 37 O.S. 1991, Section 587, as amended by Section 452,

Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1997, Section 587), which relate to intoxicating liquors and criminal offenses; amending 40 O.S. 1991, Section 4-508, as last amended by Section 453, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, Section 4-508), 40 O.S. 1991, Section 169, as amended by Section 454, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, Section 169), 40 O.S. 1991, Section 182, as amended by Section 455, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, Section 182), and 40 O.S. 1991, Section 196.13, as amended by Section 456, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, Section 196.13), which relate to labor and criminal offenses; amending 41 O.S. 1991, Section 25, as amended by Section 457, Chapter 133, O.S.L. 1997 (41 O.S. Supp. 1997, Section 25), which relates to landlord and tenant and criminal offenses; amending 42 O.S. 1991, Section 142.4, as amended by Section 458, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1997, Section 142.4), 42 O.S. 1991, Section 144.2, as amended by Section 459, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1997, Section 144.2), and 42 O.S. 1991, Section 153, as amended by Section 460, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1997, Section 153), which relate to liens and criminal offenses; amending 43 O.S. 1991, Section 14, as amended by Section 461, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, Section 14), 43 O.S. 1991, Section 123, as amended by Section 462, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, Section 123), 43 O.S. 1991, Section 124, as amended by Section 463, Chapter 133, O.S.L. 1997 (43 O.S.

Supp. 1997, Section 124), and 43 O.S. 1991, Section 527, as last amended by Section 464, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, Section 527), which relate to marriage and family and criminal offenses; amending 44 O.S. 1991, Section 210, as amended by Section 465, Chapter 133, O.S.L. 1997 (44 O.S. Supp. 1997, Section 210), which relates to military and criminal offenses; amending 45 O.S. 1991, Section 807, as amended by Section 466, Chapter 133, O.S.L. 1997 (45 O.S. Supp. 1997, Section 807), which relates to mines and mining and criminal offenses; amending 43A O.S. 1991, Section 2-217, as amended by Section 467, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, Section 2-217), 43A O.S. 1991, Section 2-219, as amended by Section 468, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, Section 2-219), 43A O.S. 1991, Section 3-601, as last amended by Section 469, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, Section 3-601), and 43A O.S. 1991, Section 11-113, as last amended by Section 470, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, Section 11-113), which relate to mental health and criminal offenses; amending 47 O.S. 1991, Section 4-102, as amended by Section 471, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 4-102), 47 O.S. 1991, Section 4-103, as amended by Section 472, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 4-103), 47 O.S. 1991, Section 4-107, as amended by Section 473, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 4-107), 47 O.S. 1991, Section 4-108, as amended by Section 474, Chapter 133, O.S.L. 1997 (47 O.S.

Supp. 1997, Section 4-108), 47 O.S. 1991, Section 4-109, as amended by Section 475, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 4-109), 47 O.S. 1991, Section 4-110, as amended by Section 476, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 4-110), 47 O.S. 1991, Section 6-301, as amended by Section 477, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 6-301), 47 O.S. 1991, Section 10-102, as last amended by Section 478, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 10-102), Section 6, Chapter 382, O.S.L. 1992, as amended by Section 479, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 10-102.1), 47 O.S. 1991, Section 11-207, as last amended by Section 1 of Enrolled House Bill No. 2328 of the 2nd Session of the 46th Oklahoma Legislature, 47 O.S. 1991, Section 11-902, as last amended by Section 5, Chapter 420, O.S.L. 1997 (47 O.S. Supp. 1997, Section 11-902), 47 O.S. 1991, Section 11-904, as amended by Section 482, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 11-904), 47 O.S. 1991, Section 11-1111, as amended by Section 483, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 11-1111), 47 O.S. 1991, Section 17-102, as amended by Section 484, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 17-102), 47 O.S. 1991, Section 1151, as last amended by Section 3, Chapter 325, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1151), and 47 O.S. 1991, Section 1503, as amended by Section 486, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 1503), which relate to motor vehicles and criminal offenses; amending 51 O.S.

1991, Section 36.5, as amended by Section 487, Chapter 133, O.S.L. 1997 (51 O.S. Supp. 1997, Section 36.5), and 51 O.S. 1991, Section 36.6, as amended by Section 488, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 36.6), which relate to officers and criminal offenses; amending 52 O.S. 1991, Section 47.6, as last amended by Section 489, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 47.6), 52 O.S. 1991, Section 108, as amended by Section 490, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 108), 52 O.S. 1991, Section 109, as amended by Section 491, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 109), 52 O.S. 1991, Section 114, as amended by Section 492, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 114), 52 O.S. 1991, Section 115, as amended by Section 493, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 115), 52 O.S. 1991, Section 117, as amended by Section 494, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 117), 52 O.S. 1991, Section 118, as amended by Section 495, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 118), and 52 O.S. 1991, Section 235, as amended by Section 496, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 235), which relate to oil and gas and criminal offenses; amending 56 O.S. 1991, Section 26.18, as amended by Section 497, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 26.18), 56 O.S. 1991, Section 183, as last amended by Section 498, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 183), 56 O.S. 1991, Section 185, as amended by Section 499, Chapter

133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 185), 56 O.S. 1991, Section 243, as last amended by Section 500, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 243), and 56 O.S. 1991, Section 1006, as amended by Section 501, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 1006), which relate to poor persons and criminal offenses; amending 57 O.S. 1991, Section 13, as amended by Section 502, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 13), 57 O.S. 1991, Section 21, as last amended by Section 503, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 21), and 57 O.S. 1991, Section 222, as last amended by Section 504, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 222), which relate to prisons and reformatories and criminal offenses; amending 59 O.S. 1991, Section 15.26, as last amended by Section 505, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 15.26), 59 O.S. 1991, Section 353.25, as last amended by Section 506, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 353.25), 59 O.S. 1991, Section 396.25, as amended by Section 507, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 396.25), 59 O.S. 1991, Section 475.20, as last amended by Section 508, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 475.20), 59 O.S. 1991, Section 638, as last amended by Section 509, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 638), 59 O.S. 1991, Section 1322, as last amended by Section 510, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 1322), 59 O.S. 1991, Section 1335, as amended by Section 511,

Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 1335), 59 O.S. 1991, Section 1512, as last amended by Section 512, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 1512), 59 O.S. 1991, Section 1529, as amended by Section 513, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 1529), and 59 O.S. 1991, Section 1750.11, as amended by Section 514, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 1750.11), which relate to professions and occupations and criminal offenses; amending 61 O.S. 1991, Section 114, as amended by Section 515, Chapter 133, O.S.L. 1997 (61 O.S. Supp. 1997, Section 114), 61 O.S. 1991, Section 115, as amended by Section 516, Chapter 133, O.S.L. 1997 (61 O.S. Supp. 1997, Section 115), and 61 O.S. 1991, Section 116, as last amended by Section 517, Chapter 133, O.S.L. 1997 (61 O.S. Supp. 1997, Section 116), which relate to public buildings and public works and criminal offenses; amending 62 O.S. 1991, Section 81, as amended by Section 518, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1997, Section 81), 62 O.S. 1991, Section 89.11, as last amended by Section 519, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1997, Section 89.11), and 62 O.S. 1991, Section 604, as amended by Section 520, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1997, Section 604), which relate to public finance and criminal offenses; amending 63 O.S. 1991, Section 1-333, as amended by Section 521, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-333), 63 O.S. 1991, Section 1-519, as amended by Section 522, Chapter 133, O.S.L. 1997

(63 O.S. Supp. 1997, Section 1-519), 63 O.S. 1991, Section 1-731, as amended by Section 523, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-731), 63 O.S. 1991, Section 1-732, as amended by Section 524, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-732), 63 O.S. 1991, Section 1-733, as amended by Section 525, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-733), 63 O.S. 1991, Section 1-734, as amended by Section 526, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 1-734), 63 O.S. 1991, Section 2-312.1, as amended by Section 527, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-312.1), 63 O.S. 1991, Section 2-328, as amended by Section 528, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-328), 63 O.S. 1991, Section 2-401, as last amended by Section 529, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-401), 63 O.S. 1991, Section 2-402, as last amended by Section 530, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-402), 63 O.S. 1991, Section 2-404, as amended by Section 531, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-404), 63 O.S. 1991, Section 2-405, as amended by Section 532, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-405), 63 O.S. 1991, Section 2-406, as amended by Section 533, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-406), 63 O.S. 1991, Section 2-407, as last amended by Section 534, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-407), 63 O.S. 1991, Section 2-415, as last amended by Section 535, Chapter 133, O.S.L. 1997 (63 O.S.

Supp. 1997, Section 2-415), and 63 O.S. 1991, Section 2-509, as last amended by Section 536, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, Section 2-509), which relate to public health and safety and criminal offenses; amending 64 O.S. 1991, Section 64, as amended by Section 537, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 64), 64 O.S. 1991, Section 88, as amended by Section 538, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 88), 64 O.S. 1991, Section 111, as amended by Section 539, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 111), 64 O.S. 1991, Section 112, as amended by Section 540, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 112), 64 O.S. 1991, Section 114, as amended by Section 541, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 114), 64 O.S. 1991, Section 115, as amended by Section 542, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 115), 64 O.S. 1991, Section 123, as amended by Section 543, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 123), 64 O.S. 1991, Section 132, as amended by Section 544, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 132), 64 O.S. 1991, Section 157, as amended by Section 545, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 157), 64 O.S. 1991, Section 251, as amended by Section 546, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 251), and 64 O.S. 1991, Section 459, as amended by Section 547, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 459), which relate to public lands and criminal offenses; amending 66 O.S. 1991, Section

304, as amended by Section 548, Chapter 133, O.S.L. 1997 (66 O.S. Supp. 1997, Section 304), which relates to railroads and criminal offenses; amending 67 O.S. 1991, Section 83, as amended by Section 549, Chapter 133, O.S.L. 1997 (67 O.S. Supp. 1997, Section 83), which relates to records and criminal offenses; amending 68 O.S. 1991, Section 103, as amended by Section 550, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 103), 68 O.S. 1991, Section 218.1, as amended by Section 551, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 218.1), 68 O.S. 1991, Section 240.1, as amended by Section 552, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 240.1), 68 O.S. 1991, Section 241, as amended by Section 553, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 241), 68 O.S. 1991, Section 244, as amended by Section 554, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 244), 68 O.S. 1991, Section 246, as amended by Section 555, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 246), 68 O.S. 1991, Section 317, as amended by Section 556, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 317), 68 O.S. 1991, Section 450.8, as amended by Section 559, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 450.8), 68 O.S. 1991, Section 450.9, as amended by Section 560, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 450.9), 68 O.S. 1991, Section 1361, as last amended by Section 561, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 1361), 68 O.S. 1991, Section 1364, as amended by Section 562, Chapter 133, O.S.L. 1997

(68 O.S. Supp. 1997, Section 1364), 68 O.S. 1991, Section 1625, as amended by Section 563, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 1625), 68 O.S. 1991, Section 2376, as amended by Section 564, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 2376), 68 O.S. 1991, Section 2861, as last amended by Section 565, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 2861), 68 O.S. 1991, Section 2900, as amended by Section 566, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 2900), 68 O.S. 1991, Section 2920, as amended by Section 567, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 2920), and 68 O.S. 1991, Section 2945, as amended by Section 568, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 2945), which relate to revenue and taxation and criminal offenses; amending 69 O.S. 1991, Section 310, as amended by Section 569, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1997, Section 310), 69 O.S. 1991, Section 1213, as last amended by Section 570, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 1213), 69 O.S. 1991, Section 1705, as last amended by Section 571, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1997, Section 1705), and 69 O.S. 1991, Section 1802, as amended by Section 572, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1997, Section 1802), which relate to roads, bridges and ferries and criminal offenses; amending 70 O.S. 1991, Section 16-122, as last amended by Section 573, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, Section 16-122), 70 O.S. 1991, Section 16-123, as last amended by Section 574, Chapter 133, O.S.L.

1997 (70 O.S. Supp. 1997, Section 16-123), 70 O.S. 1991, Section 17-110, as amended by Section 575, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, Section 17-110), 70 O.S. 1991, Section 23-106, as amended by Section 576, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, Section 23-106), 70 O.S. 1991, Section 3909, as last amended by Section 577, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, Section 3909), and 70 O.S. 1991, Section 4306, as amended by Section 578, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, Section 4306), which relate to schools and criminal offenses; amending 71 O.S. 1991, Section 407, as last amended by Section 10 of Enrolled Senate Bill No. 1354 of the 2nd Session of the 46th Oklahoma Legislature, 71 O.S. 1991, Section 460, as amended by Section 580, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1997, Section 460), 71 O.S. 1991, Section 658, as amended by Section 581, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1997, Section 658), and 71 O.S. 1991, Section 823, as amended by Section 582, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1997, Section 823), which relate to securities and criminal offenses; amending 73 O.S. 1991, Section 162, as amended by Section 583, Chapter 133, O.S.L. 1997 (73 O.S. Supp. 1997, Section 162), which relates to the state capitol and capitol buildings and criminal offenses; amending 74 O.S. 1991, Section 71, as amended by Section 584, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 71), 74 O.S. 1991, Section 85.45h, as amended by Section 585, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 85.45h),

74 O.S. 1991, Section 85.47h, as amended by Section 586, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 85.47h), 74 O.S. 1991, Section 215, as amended by Section 587, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 215), 74 O.S. 1991, Section 217, as amended by Section 588, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 217), 74 O.S. 1991, Section 316, as amended by Section 589, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 316), and 74 O.S. 1991, Section 3404, as amended by Section 590, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 3404), which relate to state government and criminal offenses; amending 79 O.S. 1991, Section 103, as amended by Section 592, Chapter 133, O.S.L. 1997 (79 O.S. Supp. 1997, Section 103), which relates to trusts and pools and criminal offenses; amending 82 O.S. 1991, Section 674, as amended by Section 593, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, Section 674), 82 O.S. 1991, Section 867, as amended by Section 594, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, Section 867), 82 O.S. 1991, Section 1086.3, as amended by Section 595, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, Section 1086.3), and 82 O.S. 1991, Section 1281, as amended by Section 596, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, Section 1281), which relate to waters and water rights and criminal offenses; and amending 84 O.S. 1991, Section 55, as last amended by Section 597, Chapter 133, O.S.L. 1997 (84 O.S. Supp. 1997, Section 55), which relates to wills and succession and criminal offenses; deleting language relating

to Sentencing Commission; providing range of confinement for each schedule; deleting listing of felony offenses; providing for calculation of time of incarceration; providing alternative term of imprisonment upon certain conditions; modifying definitions; providing criminal penalty by schedule; scheduling penalties upon conviction for all felony offenses; authorizing community punishment for certain offenses; modifying definitions; modifying name of certain offense; making language gender neutral; conforming language to duplicate sections; clarifying and conforming language; deleting obsolete language; deleting language conflicting with mandatory minimum term of incarceration; modifying references; deleting certain limitations of earned credits for certain offenses; repealing Section 22, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 18), which relates to second and subsequent offenses for certain misdemeanors to remain misdemeanors; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 6, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 16), is amended to read as follows:

Section 16. A. ~~There~~ On and after the effective date of this act, there is hereby established a classification system for ~~all~~ felony ~~criminal~~ offenses ~~provided for in the Oklahoma Statutes that places the offenses~~ designated 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~~ as follows:

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~~. The range of punishment is death, life imprisonment without parole, or life imprisonment;

2. "Schedule B" ~~means a~~ is reserved for any violent felony offense which is committed with intent to kill or with reckless disregard for human life. The range of confinement is not less than thirty (30) months nor more than four hundred twenty (420) months;

3. "Schedule C" ~~means a~~ is reserved for any violent felony offense which is inherently dangerous to others and causes a substantial risk of death or serious bodily injury to a person. The range of confinement is not less than eighteen (18) months nor more than two hundred sixty-five (265) months;

4. "Schedule D" ~~means a~~ is reserved for any violent felony offense which creates a significant risk of death or serious bodily injury to a person. The range of confinement is not less than twelve (12) months nor more than one hundred forty-four (144) months;

5. "Schedule D-1" ~~means a~~ is reserved for any violent felony offense which creates a risk of death or bodily injury to a person. The range of confinement is not less than six (6) months nor more than ninety (90) months;

6. "Schedule D-2" ~~means a~~ is reserved for any violent felony 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. The range of confinement is not more than thirty-six (36) months;

7. "Schedule E" ~~means a~~ is reserved for any nonviolent felony offense which creates a risk of injury to a person or a risk of harm to property. The range of confinement is not less than six (6) months nor more than sixty-six (66) months;

8. "Schedule F" ~~means a~~ is reserved for any nonviolent felony offense which inflicts societal injury or which creates a risk of societal injury. The range of confinement is not more than forty (40) months;

9. "Schedule G" ~~means a~~ is reserved for any nonviolent felony 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. The range of confinement is not more than thirty-nine (39) months;

10. "Schedule H" ~~means a~~ is reserved for any nonviolent felony 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. The range of confinement is not more than twenty-four (24) months;

11. "Schedule I-1" ~~means an~~ is reserved for any felony 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. The range of confinement is not less than twelve (12) months nor more than eighty-four (84) months;

12. "Schedule I-2" ~~means an~~ is reserved for any felony 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. The range of confinement is not less than three (3) months nor more than forty-two (42) months;

13. "Schedule I-3" ~~means an~~ is reserved for any felony 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. The range of confinement is not more than thirty-six (36) months;

14. "Schedule N-1" ~~means an~~ is reserved for any felony offense of manufacturing or attempting to manufacture a controlled dangerous substance, or a synthetic of the controlled dangerous substance. The range of confinement is not less than twelve (12) months nor more than three hundred thirty-eight (338) months;

15. "Schedule N-2" ~~means an~~ is reserved for any felony 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. The range of confinement is:

For Group A, Amount 1: not less than twenty-four (24) months nor more than two hundred thirty-six (236) months.

For Group A, Amount 2: not less than forty-eight (48) months nor more than three hundred seventy-one (371) months.

For Group B, Amount 1: not less than twenty-four (24) months nor more than one hundred ninety-seven (197) months.

For Group B, Amount 2: not less than forty-eight (48) months nor more than two hundred seventy-five (275) months;

16. "Schedule N-3" ~~means an~~ is reserved for any felony 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. The range of confinement is:

For Group A: not less than six (6) months nor more than one hundred forty-one (141) months.

For Group B: not less than six (6) months nor more than one hundred twenty (120) months.

For Group C: not less than six (6) months nor more than seventy-two (72) months;

17. "Schedule N-4" ~~means~~ is reserved for any offense which constitutes a felony violation of the Uniform Controlled Dangerous Substances Act committed by a practitioner or a registrant. The range of confinement is not more than thirty-six (36) months;

18. "Schedule N-5" ~~means an~~ is reserved for any felony 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~~ this state. The range of confinement is not more than thirty-six (36) months;

19. "Schedule S-1" ~~means a~~ is reserved for any Schedule S-2 felony sexual offense the commission of which involved the presence of one or more aggravating circumstances pursuant to subparagraphs a through f of this paragraph 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.

The range of confinement is not less than sixty (60) months nor more than six hundred (600) months;

20. "Schedule S-2" ~~means a~~ is reserved for any felony 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. The range of confinement is not less than twenty-four (24) months nor more than two hundred sixty (260) months;

21. "Schedule S-3" ~~means a~~ is reserved for any felony sexual offense involving offensive sexual contact but not involving serious bodily injury or an obscene or offensive sexual offense. The range of confinement is not less than twelve (12) months nor more than one hundred eighty-eight (188) months; and

22. "Schedule S-4" ~~means a~~ is reserved for any felony sexual offense involving offensive or obscene sexual conduct, without sexual contact or any other sexual offense defined as a felony. The range of confinement is not more than sixty-nine (69) months.

B. ~~Punishment~~ The term of imprisonment for each schedule of offenses provided for in subsection A of this section shall be calculated and imposed as provided in the sentencing matrices. Any felony offense not scheduled shall be punishable as provided by law for the specific offense or if there be an omission to provide any penalty, such offense shall be punishable as provided in Section 9 of this title. In the event the sentencing procedures for the state's sentencing matrices are declared unconstitutional by a court of competent jurisdiction, the term of imprisonment for any scheduled felony offense shall be as provided in this section.

~~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 nonofficers (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(c), 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(C), 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(C), 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(C), 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(c)).~~

~~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 2. AMENDATORY 2 O.S. 1991, Section 6-125, as amended by Section 86, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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. If the aggregate value of such livestock is in excess of One Thousand Dollars ($1,000.00), then the person shall be guilty of a Schedule H felony punishable by imprisonment as provided by the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 3. AMENDATORY 2 O.S. 1991, Section 6-155, as amended by Section 87, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-155), is amended to read as follows:

Section 6-155. Any person violating the provisions of subsections (a) and (b) of Section 6-151 of this title relating to the importation and transportation of livestock, ~~is~~ shall, upon conviction, be guilty of a Schedule H felony~~. The fine for a violation of subsection (a) or (b) of Section 6-151 of this title shall be a~~ punishable by imprisonment as provided by the state's sentencing matrix, or by a fine of Two Thousand ~~Dollar~~ Dollars ($2,000.00) ~~fine~~, or both such fine and imprisonment. Any person violating any of the other provisions of this 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 such fine and imprisonment. Each animal brought into the state in violation of any of the provisions of ~~this section~~ Article 6 of this chapter shall constitute a separate and distinct violation. As provided in the sentencing field of the applicable state's

sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 4. AMENDATORY 2 O.S. 1991, Section 6-207, as amended by Section 88, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-207), is amended to read as follows:

Section 6-207. (a) Any person, firm, or corporation who violates any provision of the Oklahoma Meat Inspection Act for which no other criminal penalty is provided by subparagraph (8) of paragraph (j) of Section 6-182 of this ~~act~~ title 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 subparagraph (8) of paragraph (j) of Section 6-182 of this title~~)~~, such person, firm, or corporation shall, upon conviction, be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such violation shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or both such fine and imprisonment. 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 subparagraph (8) of paragraph (j) of Section 6-182 of this ~~act~~ title 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~~ such person. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a

direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 5. AMENDATORY 2 O.S. 1991, Section 6-194, as amended by Section 89, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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~~ the Oklahoma Meat Inspection Act or by the rules 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction thereof. For such violation of this section,~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine not less than Five Thousand Dollars ($5,000.00) nor more than Ten Thousand Dollars ($10,000.00) ~~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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00). 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); provided, such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of other punishment~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 6. AMENDATORY 2 O.S. 1991, Section 6-206, as amended by Section 90, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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~~ the Federal Meat Inspectors Act shall, upon conviction, be guilty of a Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for commission of this offense shall be~~ of not more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. Whoever, in the commission of any such acts, uses a deadly or dangerous weapon shall be guilty of a felony. The fine for commission of this offense shall be not more than Ten Thousand Dollars ($10,000.00). 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 Section 691 of Title 21 of the

Oklahoma Statutes. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 7. AMENDATORY 2 O.S. 1991, Section 6-208, as amended by Section 91, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 6-205 of this title in requiring the attendance and testimony of witnesses and the production of documentary evidence.

(2) Any of the courts designated in Section 6-205 of this 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~~ the Federal Meat Inspectors 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~~ that 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 or her possession or within his or her control, shall, upon conviction, be deemed guilty of a Schedule G felony~~. Such person shall be subject, upon conviction in any court of competent jurisdiction, to~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00), or 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 8. AMENDATORY 2 O.S. 1991, Section 6-262, as amended by Section 92, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 6-262), is amended to read as follows:

Section 6-262. A. Any person who violates the provisions of Sections 6-259, 6-260, 6-261 or 6-264 of this title shall, upon conviction, 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 subparagraph (h) of paragraph 11 of Section 6-254 of this title, such person shall, upon conviction, be guilty of a Schedule G felony~~. The person shall be fined~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Ten Thousand Dollars ($10,000.00), 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. No carrier shall be subject to the penalties of this act, other than the penalties for violation of Section 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 9. AMENDATORY 2 O.S. 1991, Section 9-34, as amended by Section 93, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 Schedule G felony~~.~~ ~~The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 10. AMENDATORY 2 O.S. 1991, Section 9-35, as amended by Section 94, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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~~ a receipt "Canceled" on the delivery of such commodities, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 11. AMENDATORY 2 O.S. 1991, Section 9-36, as amended by Section 95, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 Schedule G felony, upon conviction thereof~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 12. AMENDATORY 2 O.S. 1991, Section 9-37, as amended by Section 96, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 Schedule H felony, upon conviction thereof~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 13. AMENDATORY 2 O.S. 1991, Section 9-132, as last amended by Section 97, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 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 Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 14. AMENDATORY 2 O.S. 1991, Section 1301-205, as amended by Section 98, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 Schedule E felony~~. The~~, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~shall be~~ of not more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 15. AMENDATORY Section 6, Chapter 238, O.S.L. 1995, as amended by Section 103, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 Schedule G felony~~, upon conviction thereof,~~ 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). The violator shall be punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this paragraph shall be~~ not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act; 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 16. AMENDATORY Section 9, Chapter 238, O.S.L. 1995, as amended by Section 104, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, 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 1301-310.5 of this title, upon conviction thereof, shall be guilty of:

1. A Schedule G 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). The violator shall be punished by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this paragraph shall be~~ not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act; 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 17. AMENDATORY 2 O.S. 1991, Section 1907, as amended by Section 105, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1997, Section 1907), is amended to read as follows:

Section 1907. Any person who violates any provision of ~~this act~~ the Oklahoma Fuel Alcohol Act shall be guilty of a Schedule H felony, upon conviction thereof~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~any provision of this act shall be~~ not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 18. AMENDATORY 3 O.S. 1991, Section 258, as amended by Section 106, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, 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 a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 19. AMENDATORY 3 O.S. 1991, Section 259, as amended by Section 107, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, 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 guilty of a Schedule G felony, upon conviction thereof. As provided in the sentencing field of the applicable state's sentencing matrix,

this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 20. AMENDATORY 3 O.S. 1991, Section 281, as amended by Section 108, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, 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 Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix.

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 Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix.

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. 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 21. AMENDATORY 3 O.S. 1991, Section 301, as amended by Section 109, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, 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 305 of this 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 301 through 308 of this 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 guilty of a Schedule I felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a second or subsequent offense shall~~ of not to 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 22. AMENDATORY 3 O.S. 1991, Section 321, as amended by Section 110, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1997, 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, shall be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, 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, shall be guilty of a misdemeanor.

SECTION 23. AMENDATORY 3A O.S. 1991, Section 203.6, as amended by Section 111, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 24. AMENDATORY 3A O.S. 1991, Section 208.4, as last amended by Section 112, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 25. AMENDATORY 3A O.S. 1991, Section 208.6, as amended by Section 113, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten

Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 26. AMENDATORY 3A O.S. 1991, Section 208.7, as amended by Section 114, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten

Thousand Dollars ($10,000.00), or both. The Commission shall suspend or revoke the license of any person convicted of violating the provisions of this section. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 27. AMENDATORY 3A O.S. 1991, Section 208.8, as amended by Section 115, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 paragraph 1 of subsection A of this section shall be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~subsection A of this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

Any person who is convicted of violating the provisions of paragraph 2 or 3 of subsection A of this section shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 28. AMENDATORY 3A O.S. 1991, Section 208.9, as amended by Section 116, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 29. AMENDATORY 3A O.S. 1991, Section 208.10, as amended by Section 117, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 30. AMENDATORY Section 1, Chapter 85, O.S.L. 1993, as amended by Section 116, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. The Commission shall suspend or revoke the license of any such guilty party.

SECTION 31. AMENDATORY Section 5, Chapter 199, O.S.L. 1994, as amended by Section 120, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1997, 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 504 of this 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 504 of this title shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of subsection A of Section 504~~ of ~~this title shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 32. AMENDATORY 4 O.S. 1991, Section 85.11, as amended by Section 121, Chapter 133, O.S.L. 1997 (4 O.S. Supp. 1997, 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~~ chapter, such person so offending shall be guilty of the Schedule G felony of larceny of domestic animals and shall, upon conviction, be punished according to the provisions of Section 1716 of Title 21 of the Oklahoma Statutes. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 33. AMENDATORY 4 O.S. 1991, Section 268, as last amended by Section 122, Chapter 133, O.S.L. 1997 (4 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 34. AMENDATORY 6 O.S. 1991, Section 808, as amended by Section 123, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1997, 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. If the violation was willful, the violation shall be a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a willful violation shall~~ of not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 35. AMENDATORY 6 O.S. 1991, Section 809, as last amended by Section 124, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1997, 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 Schedule F felony, upon conviction thereof~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 36. AMENDATORY 6 O.S. 1991, Section 1414, as amended by Section 125, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1997, 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, upon conviction, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such a violation shall~~ of not to exceed One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 37. AMENDATORY Section 11, Chapter 353, O.S.L. 1995, as last amended by Section 126, Chapter 133, O.S.L. 1997 (10 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 38. AMENDATORY 21 O.S. 1991, Section 843, as renumbered by Section 20, Chapter 353, O.S.L. 1995, and as last amended by Section 127, Chapter 133, O.S.L. 1997 (10 O.S. Supp. 1997, 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 guilty of a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 39. AMENDATORY 11 O.S. 1991, Section 16-306, as amended by Section 128, Chapter 133, O.S.L. 1997 (11 O.S. Supp. 1997, 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 the person is qualified for municipal office shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 40. AMENDATORY 11 O.S. 1991, Section 39-113, as amended by Section 129, Chapter 133, O.S.L. 1997 (11 O.S. Supp. 1997, 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~~ shall, upon conviction, be guilty of a

Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 41. AMENDATORY 12 O.S. 1991, Section 65, as amended by Section 130, Chapter 133, O.S.L. 1997 (12 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule F felony of subornation of perjury and punished ~~accordingly~~ by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 42. AMENDATORY 12 O.S. 1991, Section 923, as amended by Section 131, Chapter 133, O.S.L. 1997 (12 O.S. Supp. 1997, Section 923), is amended to read as follows:

Section 923. Any person willfully swearing falsely in making the affidavit aforesaid, shall, ~~on~~ upon conviction, be adjudged guilty of the Schedule F felony of perjury, and punished ~~as the law prescribes~~ by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 43. AMENDATORY 13 O.S. 1991, Section 176.3, as amended by Section 132, Chapter 133, O.S.L. 1997 (13 O.S. Supp. 1997, Section 176.3), is amended to read as follows:

Section 176.3 A. Except as otherwise specifically provided in Section 176.1 et seq. of this ~~act~~ title, any person is guilty of a Schedule H felony, upon conviction, 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 violator shall be punished by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 44. AMENDATORY 15 O.S. 1991, Section 567, as amended by Section 133, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1997, 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 Section 564 of this 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 565 of this title, shall be guilty of a Schedule G felony, upon conviction thereof~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such violations shall~~ of not to exceed One Thousand Dollars ($1,000.00), or both. Any corporation guilty of a second offense under this statute in addition to the penalty above prescribed 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 Section 561 et seq. of this ~~act~~ title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 45. AMENDATORY 15 O.S. 1991, Section 761.1, as last amended by Section 134, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1997, 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 and upon conviction thereof shall be ~~subject to~~ punished 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 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, any person convicted pursuant to this subsection shall be guilty of a Schedule G felony~~.~~ ~~The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a felony violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 46. AMENDATORY 15 O.S. 1991, Section 767, as amended by Section 135, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1997, 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 Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 47. AMENDATORY Section 2, Chapter 271, O.S.L. 1992, as amended by Section 136, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, 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 guilty of a Schedule E felony~~.~~ ~~The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for each offense shall~~ of not to exceed Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this

offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 48. AMENDATORY 17 O.S. 1991, Section 16, as amended by Section 137, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, 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 guilty of a Schedule G felony, upon conviction thereof, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 49. AMENDATORY 17 O.S. 1991, Section 158.59, as amended by Section 138, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, 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 Section 158.50 et seq. of this ~~act~~ title, 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 guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00). 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. As

provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Section 158.50 et seq. of this ~~act~~ title, shall, upon conviction thereof, be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix, and in addition to any other penalties provided by law, 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 50. AMENDATORY 17 O.S. 1991, Section 191.11, as amended by Section 139, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1997, 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 guilty of a Schedule H felony~~.~~ ~~The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00). 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 51. AMENDATORY 18 O.S. 1991, Section 411, as amended by Section 140, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, 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 Schedule F felony, ~~on~~ upon conviction therefor, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 52. AMENDATORY 18 O.S. 1991, Section 552.11, as amended by Section 141, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 53. AMENDATORY 18 O.S. 1991, Section 552.18, as amended by Section 142, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, 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 guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine.

SECTION 54. AMENDATORY 18 O.S. 1991, Section 553.3, as amended by Section 143, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1997, Section 553.3), is amended to read as follows:

Section 553.3 Any person convicted of violating a provision of Sections 553.1 and 553.2 of this title shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such a violation shall~~ of not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 55. AMENDATORY 19 O.S. 1991, Section 28, as amended by Section 144, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 28), is amended to read as follows:

Section 28. Any election officer who shall be appointed, or commissioner, under the provisions of Section 11 et seq. of this ~~act~~ title or the laws of Oklahoma, and who shall knowingly and willfully fail or refuse to perform required duties shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 56. AMENDATORY 19 O.S. 1991, Section 29, as amended by Section 145, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule F felony of bribery punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 57. AMENDATORY 19 O.S. 1991, Section 90, as amended by Section 146, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, 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 Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 58. AMENDATORY 19 O.S. 1991, Section 91, as amended by Section 147, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, 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 required duties shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 59. AMENDATORY 19 O.S. 1991, Section 92, as amended by Section 148, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule F felony of bribery punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 60. AMENDATORY 19 O.S. 1991, Section 112, as amended by Section 149, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 112), is amended to read as follows:

Section 112. Any county treasurer violating any of the provisions of Section 111 of this ~~act~~ title shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's

sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 61. AMENDATORY 19 O.S. 1991, Section 333.1, as amended by Section 150, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, Section 333.1), is amended to read as follows:

Section 333.1 Any county commissioner or person who knowingly or willfully fails or refuses to comply with the provisions of this act shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 62. AMENDATORY 19 O.S. 1991, Section 641, as amended by Section 151, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, 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 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. Upon conviction thereof, such county treasurer or other officer or person shall be guilty of a Schedule F felony~~. Any person convicted pursuant to this section shall pay~~ punishable by imprisonment as provided in the state's sentencing matrix, and by 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 63. AMENDATORY 19 O.S. 1991, Section 686, as amended by Section 152, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1997, 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 682 of this title, or any other provision of Section 681 et seq. of this ~~act~~ title, 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 guilty of a Schedule F felony, upon conviction~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, and by a 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). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 64. AMENDATORY 21 O.S. 1991, Section 53, as amended by Section 153, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 65. AMENDATORY 21 O.S. 1991, Section 175, as amended by Section 154, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 is a felony punishable by imprisonment in the penitentiary or community ~~corrections~~ punishment for four (4) years or more, the person guilty of being an accessory shall be subject to 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 is a felony punishable by imprisonment in the penitentiary or community ~~corrections~~ punishment 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~~ punishment and a fine, the fine 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 for a Schedule C felony by imprisonment as provided in the state's sentencing matrix.

SECTION 66. AMENDATORY Section 2, Chapter 343, O.S.L. 1995, as amended by Section 155, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ up to four times the amount exceeding the contribution limitation, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 67. AMENDATORY Section 3, Chapter 343, O.S.L. 1995, as amended by Section 156, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ up to four times the amount of the prohibited contribution, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 68. AMENDATORY 21 O.S. 1991, Section 265, as amended by Section 157, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 265), is amended to read as follows:

Section 265. Any person who gives or offers any bribe to any executive officer, with intent to influence ~~him~~ such officer in respect to any act, decision, vote, opinion, or other proceedings of such officer, shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 69. AMENDATORY 21 O.S. 1991, Section 266, as amended by Section 158, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 266), is amended to read as follows:

Section 266. 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~~ a vote, opinion or action upon any matter then pending, or which may by law be brought before ~~him~~ such person in ~~his~~ an official capacity, shall be influenced thereby, shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition thereto, any such

person forfeits office and is forever disqualified from holding any public office under the laws of the state.

SECTION 70. AMENDATORY 21 O.S. 1991, Section 275, as amended by Section 159, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 275), is amended to read as follows:

Section 275. 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~~ such office, shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than Two Hundred Dollars ($200.00) ~~or~~ nor more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition thereto the public officer forfeits office.

SECTION 71. AMENDATORY 21 O.S. 1991, Section 301, as amended by Section 160, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 301), is amended to read as follows:

Section 301. Any person who willfully 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 shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 72. AMENDATORY 21 O.S. 1991, Section 303, as amended by Section 161, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 73. AMENDATORY 21 O.S. 1991, Section 305, as amended by Section 162, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 305), is amended to read as follows:

Section 305. 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, shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 74. AMENDATORY 21 O.S. 1991, Section 306, as amended by Section 163, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 306), is amended to read as follows:

Section 306. 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 75. AMENDATORY 21 O.S. 1991, Section 307, as amended by Section 164, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 307), is amended to read as follows:

Section 307. 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 76. AMENDATORY 21 O.S. 1991, Section 308, as amended by Section 165, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 308), is amended to read as follows:

Section 308. 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, shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 77. AMENDATORY 21 O.S. 1991, Section 309, as amended by Section 166, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 309), is amended to read as follows:

Section 309. 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~~ shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 78. AMENDATORY 21 O.S. 1991, Section 320, as amended by Section 167, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 318 of this title shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 79. AMENDATORY 21 O.S. 1991, Section 322, as amended by Section 168, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 322), is amended to read as follows:

Section 322. Any member of the Legislature who shall violate the provisions of Section 321 of this title shall be guilty of a Schedule F felony, upon conviction~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~Section 321 of this title shall~~ not ~~be~~ less than One Hundred Dollars ($100.00) nor 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition thereto, the member shall forfeit office.

SECTION 80. AMENDATORY Section 4, Chapter 343, O.S.L. 1995, as amended by Section 169, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 334), is amended to read as follows:

Section 334. No person may retain or employ a lobbyist, as defined in Section 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 81. AMENDATORY 21 O.S. 1991, Section 341, as amended by Section 170, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 82. AMENDATORY 21 O.S. 1991, Section 349, as amended by Section 171, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 349), is amended to read as follows:

Section 349. Any person who willfully burns, destroys, or injures any public buildings or improvements in this state shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 83. AMENDATORY 21 O.S. 1991, Section 350, as amended by Section 172, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 350), is amended to read as follows:

Section 350. 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 84. AMENDATORY 21 O.S. 1991, Section 357, as amended by Section 173, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 357), is amended to read as follows:

Section 357. Any member of any public body, such as is specified in 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, upon conviction, be guilty of a Schedule F felony~~.~~ ~~The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 85. AMENDATORY 21 O.S. 1991, Section 359, as amended by Section 174, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 359), is amended to read as follows:

Section 359. Any person, firm, corporation, association or agency found guilty of violating Section 358 of this title shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 86. AMENDATORY Section 5, Chapter 343, O.S.L. 1995, as amended by Section 175, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 360), is amended to read as follows:

Section 360. No public employee or public official, as defined in Section 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

Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 87. AMENDATORY 21 O.S. 1991, Section 372, as amended by Section 176, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 372), is amended to read as follows:

Section 372. 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, upon conviction, be guilty of a Schedule G felony punishable as provided in Section 373 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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. 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 88. AMENDATORY 21 O.S. 1991, Section 373, as amended by Section 177, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 373), is amended to read as follows:

Section 373. ~~The~~ Any person convicted of a violation of Section 372 of this title shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for any person, corporation or company violating any provision of Section 372~~ of ~~this title, upon conviction thereof, shall~~ not to exceed Three Thousand Dollars ($3,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 89. AMENDATORY 21 O.S. 1991, Section 374, as amended by Section 178, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony, upon conviction~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 90. AMENDATORY 21 O.S. 1991, Section 380, as amended by Section 179, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 91. AMENDATORY 21 O.S. 1991, Section 381, as amended by Section 180, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Three Thousand Dollars ($3,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 92. AMENDATORY 21 O.S. 1991, Section 382, as amended by Section 181, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 93. AMENDATORY 21 O.S. 1991, Section 383, as amended by Section 182, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 383), is amended to read as follows:

Section 383. 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~~ shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 94. AMENDATORY 21 O.S. 1991, Section 384, as amended by Section 183, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 384), is amended to read as follows:

Section 384. 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~~ a vote, opinion or decision upon any matter or question which is or may be brought before ~~him~~ such person for decision, shall be thereby influenced, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 95. AMENDATORY 21 O.S. 1991, Section 399, as amended by Section 184, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in

the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Three Thousand Dollars ($3,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 96. AMENDATORY 21 O.S. 1991, Section 400, as amended by Section 185, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony, upon conviction~~. The~~, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Three Thousand Dollars ($3,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 97. AMENDATORY 21 O.S. 1991, Section 421, as amended by Section 186, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 98. AMENDATORY 21 O.S. 1991, Section 422, as amended by Section 187, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing

field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 99. AMENDATORY 21 O.S. 1991, Section 424, as amended by Section 188, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 100. AMENDATORY 21 O.S. 1991, Section 434, as amended by Section 189, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 101. AMENDATORY 21 O.S. 1991, Section 436, as amended by Section 190, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 436), is amended to read as follows:

Section 436. Any prisoner confined in any other prison than the penitentiary, who attempts by force or fraud, although unsuccessfully, to escape therefrom, ~~is~~ shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix, to commence from the expiration of the original term of ~~his~~ imprisonment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 102. AMENDATORY 21 O.S. 1991, Section 437, as amended by Section 191, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 437), is amended to read as follows:

Section 437. Any person who willfully by any means whatever~~,~~ assists any prisoner confined in any prison to escape therefrom~~, is~~ shall, upon conviction, be punishable as follows:

1. If such prisoner was confined upon a charge or conviction of a felony, such person shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 103. AMENDATORY 21 O.S. 1991, Section 438, as amended by Section 192, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 438), is amended to read as follows:

Section 438. Any person who carries or sends into any prison anything useful to aid any prisoner in making ~~his~~ an escape, with intent thereby to facilitate the escape of any prisoner confined therein, ~~is~~ shall, upon conviction, be punishable as follows:

1. If such prisoner was confined upon any charge or conviction of felony, such person shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 104. AMENDATORY 21 O.S. 1991, Section 440, as amended by Section 193, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 105. AMENDATORY 21 O.S. 1991, Section 443, as last amended by Section 194, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~ specialized parole as authorized by Section 365 of this title or while permitted to be at large as a trusty, shall, upon conviction, be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~

specialized parole shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he or she 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 or she was serving imprisonment at the time of ~~his~~ the escape, those previous felony convictions may be used for enhancement of punishment except as otherwise provided by law. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which ~~he~~ the inmate was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

SECTION 106. AMENDATORY 21 O.S. 1991, Section 444, as amended by Section 195, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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. 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. Any person who escapes or attempts to escape after being lawfully arrested or detained for custody for a felony offense shall, upon conviction, be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 107. AMENDATORY 21 O.S. 1991, Section 445, as amended by Section 196, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 108. AMENDATORY 21 O.S. 1991, Section 451, as amended by Section 197, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 451), is amended to read as follows:

Section 451. 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, shall, upon conviction, be guilty of a Schedule F felony ~~and shall be punished in the same manner as the~~ punishable by imprisonment as provided in the state's sentencing matrix for forging or false alteration of ~~such~~ an instrument ~~is made punishable by the provisions of this title~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 109. AMENDATORY 21 O.S. 1991, Section 453, as amended by Section 198, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 453), is amended to read as follows:

Section 453. 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 110. AMENDATORY 21 O.S. 1991, Section 455, as last amended by Section 199, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 7103 and 7104 of Title 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~~ shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 7103 and 7104 of Title 10 of the Oklahoma Statutes or Section 10-104 of Title 43A of the Oklahoma Statutes, ~~is~~ shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 111. AMENDATORY 21 O.S. 1991, Section 456, as amended by Section 200, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 456), is amended to read as follows:

Section 456. 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 shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix, 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 punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 112. AMENDATORY 21 O.S. 1991, Section 461, as amended by Section 201, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 461), is amended to read as follows:

Section 461. 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition thereto, such person shall forfeit office.

SECTION 113. AMENDATORY 21 O.S. 1991, Section 462, as amended by Section 202, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 462), is amended to read as follows:

Section 462. Any person not an officer such as is mentioned in Section 461 of this title, who is guilty of any of the acts specified in that section shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 114. AMENDATORY 21 O.S. 1991, Section 463, as amended by Section 203, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 463), is amended to read as follows:

Section 463. 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, shall, upon conviction, be guilty of a

Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 115. AMENDATORY 21 O.S. 1991, Section 500, as amended by Section 204, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 500), is amended to read as follows:

Section 500. Perjury is a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix:

1. When committed on the trial of an indictment for felony;

2. When committed on any other trial proceeding in a court of justice; and

3. In all other cases provided by law.

As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 116. AMENDATORY 21 O.S. 1991, Section 504, as amended by Section 205, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 117. AMENDATORY 21 O.S. 1991, Section 521, as amended by Section 206, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 521), is amended to read as follows:

Section 521. 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~~ such prisoner in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a charge or conviction of a felony, such person shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act; 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 118. AMENDATORY 21 O.S. 1991, Section 531, as amended by Section 207, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 531), is amended to read as follows:

Section 531. 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~~ such office; or

2. Fraudulently appropriates to his or her 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~~ such officer in virtue of ~~his~~ the office,

shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 119. AMENDATORY 21 O.S. 1991, Section 532, as amended by Section 208, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 532), is amended to read as follows:

Section 532. 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~~ such officer 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~~ such officer's custody to escape, whether such escape is attempted or not; or

3. Commits any unlawful act tending to hinder justice, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 120. AMENDATORY 21 O.S. 1991, Section 539, as amended by Section 209, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 539), is amended to read as follows:

Section 539. 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, shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 121. AMENDATORY 21 O.S. 1991, Section 540A, as last amended by Section 210, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ the vehicle to a stop and who willfully increases ~~his~~ the speed or extinguishes ~~his~~ the 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~~ the driver 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~~ and, upon conviction, shall be deemed guilty of a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 122. AMENDATORY 21 O.S. 1991, Section 540B, as amended by Section 211, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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.

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~~ shall, upon conviction, be guilty of a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 123. AMENDATORY 21 O.S. 1991, Section 543, as amended by Section 212, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 543), is amended to read as follows:

Section 543. 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. For a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix if the crime compounded is one punishable either by death or by imprisonment in the State Penitentiary for life. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

2. For a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix if the crime compounded was punishable by imprisonment in the State Penitentiary for any other term than for life. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act; or

3. 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, 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 124. AMENDATORY 21 O.S. 1991, Section 578, as amended by Section 213, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 578), is amended to read as follows:

Section 578. 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, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 125. AMENDATORY 21 O.S. 1991, Section 579, as amended by Section 214, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 579), is amended to read as follows:

Section 579. 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 shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 126. AMENDATORY 21 O.S. 1991, Section 588, as amended by Section 215, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ this state 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 or she is not a member in any court of the State of

Oklahoma while such jury is deliberating or voting shall, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Provided, however, that nothing in this section shall be construed to prohibit the taking of notes by a grand juror in any court of ~~the State of Oklahoma~~ this state in connection with and solely for the purpose of assisting ~~him~~ such juror in the performance of ~~his~~ duties as such juror.

SECTION 127. AMENDATORY 21 O.S. 1991, Section 590, as amended by Section 216, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by

imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 128. AMENDATORY 21 O.S. 1991, Section 644, as last amended by Section 217, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or a person living in the same household as the defendant shall be guilty of domestic ~~abuse~~ assault and battery. 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~~ assault and battery shall be a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a felony violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both such fine and imprisonment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Every conviction of domestic ~~abuse~~ assault and battery 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~~ violence. The defendant may be required to pay ~~all or part of~~ the cost of the counseling or treatment, in the discretion of the court. For the purposes of this subsection, any conviction for assault and battery against a current or former spouse, a present spouse of a former spouse, parents, a foster parent, a child, a person otherwise related by blood or marriage, a person with whom the defendant is in a dating relationship as defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom the defendant has had a child, a person who formerly lived in the same household as the defendant, or any person living in the same household as the defendant, shall constitute a sufficient basis for a felony charge:

1. If that conviction is rendered in any state, county or parish court of record of this or any other state; or

2. If that conviction is rendered in any municipal court of record of this or any other state for which any jail time was served; provided, no conviction in a municipal court of record entered prior to November 1, 1997, shall constitute a prior conviction for purposes of a felony charge.

SECTION 129. AMENDATORY 21 O.S. 1991, Section 645, as amended by Section 218, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction ~~is~~, be guilty of a Schedule D felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 130. AMENDATORY 21 O.S. 1991, Section 649, as amended by Section 219, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ official duties, upon conviction, shall be guilty of a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 131. AMENDATORY 21 O.S. 1991, Section 649.1, as amended by Section 220, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 132. AMENDATORY 21 O.S. 1991, Section 649.2, as amended by Section 221, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ shall be 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, upon conviction, be guilty of a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a

fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 133. AMENDATORY 21 O.S. 1991, Section 650, as amended by Section 222, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ official duties shall upon conviction thereof be guilty of a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. This section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 134. AMENDATORY 21 O.S. 1991, Section 650.2, as last amended by Section 4, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As

provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. Every person incarcerated in an institution operated by a private prison contractor, either pursuant to Section 561 or 563.1 of Title 57 of the Oklahoma Statutes, who, without justifiable or excusable cause, knowingly commits any aggravated assault and battery upon the person of an employee of the contractor while said employee is in the performance of duties shall, upon conviction thereof, be guilty of a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. 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 Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. 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 Schedule D-1 felony punishable by imprisonment as

provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

E. Every person in the custody of the Office of Juvenile Affairs who, without justifiable or excusable cause, knowingly commits any battery or assault and battery resulting in serious bodily injury to any employee of the Office of Juvenile Affairs or employee of any residential facility while said employee is in the performance of duties of employment shall, upon conviction thereof, be guilty of a Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), ~~which may be imposed whether or not a period of incarceration is imposed~~ or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 135. AMENDATORY 21 O.S. 1991, Section 650.5, as amended by Section 224, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ shall be guilty of a Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix,

this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 136. AMENDATORY Section 1, Chapter 326, O.S.L. 1993, as amended by Section 225, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, 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, upon conviction, be guilty of a Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 137. AMENDATORY 10 O.S. 1991, Section 1149, as renumbered by Section 200, Chapter 352, O.S.L. 1995, and as last

amended by Section 38, Chapter 293, O.S.L. 1997 (21 O.S. Supp. 1997, 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, a facility maintained by a private contractor pursuant to a contract with the Office of Juvenile Affairs primarily for delinquent children, a juvenile detention center, or a juvenile bureau, while the employee is in the performance of ~~his~~ official duties, shall, upon conviction, ~~thereof~~ be guilty of a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. This section shall not supersede any other act or acts, but shall be cumulative thereto.

SECTION 138. AMENDATORY Section 1, Chapter 199, O.S.L. 1996, as amended by Section 227, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 139. AMENDATORY 21 O.S. 1991, Section 651, as amended by Section 228, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 651), is amended to read as follows:

Section 651. 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 shall, upon conviction, be guilty of a Schedule B felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 140. AMENDATORY 21 O.S. 1991, Section 652, as last amended by Section 229, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 guilty of a Schedule B felony punishable by imprisonment as provided in the state's sentencing matrix.

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 guilty of a Schedule B felony punishable by imprisonment as provided in the state's sentencing matrix.

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 guilty of a Schedule C felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 141. AMENDATORY 21 O.S. 1991, Section 653, as amended by Section 230, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 653), is amended to read as follows:

Section 653. Any person who is guilty of an assault with intent to kill any person, the punishment for which is not prescribed by Section 652 of this title, shall, upon conviction, be guilty of a Schedule B felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both.

SECTION 142. AMENDATORY 21 O.S. 1991, Section 662, as amended by Section 231, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 662), is amended to read as follows:

Section 662. Any person guilty of fighting any duel, although no death or wound ensues, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 143. AMENDATORY 21 O.S. 1991, Section 681, as amended by Section 232, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 681), is amended to read as follows:

Section 681. 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, shall, upon conviction, be guilty of a Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 144. AMENDATORY 21 O.S. 1991, Section 701.9, as amended by Section 233, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 as provided in Schedule A of the state's sentencing matrix.

B. A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be guilty of a Schedule B felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 145. AMENDATORY 21 O.S. 1991, Section 701.16, as amended by Section 234, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 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 guilty of a Schedule B felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 146. AMENDATORY 21 O.S. 1991, Section 715, as amended by Section 235, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 715), is amended to read as follows:

Section 715. Any person ~~guilty~~ convicted of manslaughter in the first degree shall be guilty of a Schedule C felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 147. AMENDATORY 21 O.S. 1991, Section 722, as amended by Section 236, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 722), is amended to read as follows:

Section 722. Any person ~~guilty~~ convicted of manslaughter in the second degree shall be guilty of a Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to

exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 148. AMENDATORY 21 O.S. 1991, Section 741, as amended by Section 237, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 741), is amended to read as follows:

Section 741. 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 or her will; or

Second. To cause such other person to be sent out of this state against his or her will; or

Third. To cause such person to be sold as a slave, or in any way held to service against his or her will, shall be guilty of a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 149. AMENDATORY 21 O.S. 1991, Section 745, as amended by Section 238, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule B felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix.

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 kidnapped, shall, upon conviction, be guilty of a Schedule E felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 150. AMENDATORY 21 O.S. 1991, Section 759, as amended by Section 239, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 759), is amended to read as follows:

Section 759. Any person ~~guilty~~ convicted of maiming shall be guilty of a Schedule C felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both.

SECTION 151. AMENDATORY 21 O.S. 1991, Section 798, as amended by Section 240, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 798), is amended to read as follows:

Section 798. Any person ~~guilty~~ convicted of robbery in the first degree shall, upon conviction, be guilty of a Schedule D felony punishable by imprisonment as provided in the state's

sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 152. AMENDATORY 21 O.S. 1991, Section 799, as amended by Section 241, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 799), is amended to read as follows:

Section 799. Any person ~~guilty~~ convicted of robbery in the second degree shall be guilty of a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 153. AMENDATORY 21 O.S. 1991, Section 800, as amended by Section 242, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule D felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 154. AMENDATORY 21 O.S. 1991, Section 801, as amended by Section 243, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule C felony~~, upon conviction therefor~~ punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 155. AMENDATORY 21 O.S. 1991, Section 817, as amended by Section 244, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 817), is amended to read as follows:

Section 817. Any person ~~guilty~~ convicted of aiding suicide shall be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 156. AMENDATORY 21 O.S. 1991, Section 818, as amended by Section 245, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 818), is amended to read as follows:

Section 818. Every person ~~guilty~~ convicted of aiding an attempt at suicide shall be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 157. AMENDATORY 21 O.S. 1991, Section 832, as amended by Section 246, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 158. AMENDATORY 21 O.S. 1991, Section 843.1, as amended by Section 247, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule C felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both.

SECTION 159. AMENDATORY 21 O.S. 1991, Section 849, as amended by Section 248, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule B felony~~, upon conviction therefor~~ punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 160. AMENDATORY 21 O.S. 1991, Section 850, as last amended by Section 249, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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. ~~The fine for~~ For a Schedule D-1 felony violation ~~of this section~~, the violator shall ~~not exceed~~ be punished by imprisonment as provided in the state's sentencing matrix, or by a fine not exceeding Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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. 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.

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 161. AMENDATORY 21 O.S. 1991, Section 851, as amended by Section 250, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ this state, or takes such child or children without ~~the State of Oklahoma~~ this state, with the intent wholly to abandon ~~it~~ such child or children shall, upon conviction, be ~~deemed~~ guilty of a Schedule E felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 162. AMENDATORY 21 O.S. 1991, Section 852, as last amended by Section 251, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 852), 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 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided

in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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. 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 163. AMENDATORY 21 O.S. 1991, Section 852.1, as amended by Section 252, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 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 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 164. AMENDATORY 21 O.S. 1991, Section 853, as amended by Section 253, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule E felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 165. AMENDATORY 21 O.S. 1991, Section 856, as last amended by Section 254, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule G 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~~ imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule G

felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Three Thousand Dollars ($3,000.00), or both.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 166. AMENDATORY 21 O.S. 1991, Section 856.1, as amended by Section 255, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Two Hundred Thousand Dollars ($200,000.00). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 167. AMENDATORY Section 2, Chapter 196, O.S.L. 1996, as amended by Section 256, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a second or subsequent violation shall~~ of not to exceed Five Thousand Dollars ($5,000.00), or both. As

provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 168. AMENDATORY 21 O.S. 1991, Section 861, as amended by Section 257, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule C felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 169. AMENDATORY 21 O.S. 1991, Section 867, as amended by Section 258, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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.

B. Conviction of the crime of trafficking in children, subsequent to a prior conviction for such offense in any form, shall be a Schedule F felony punishable by imprisonment as provided in the

state's sentencing matrix. No suspension of judgment or sentence shall be permitted. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 170. AMENDATORY 21 O.S. 1991, Section 872, as amended by Section 259, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 872), is amended to read as follows:

Section 872. Any person ~~guilty~~ convicted of the crime of adultery shall be ~~punished by imprisonment for~~ guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 171. AMENDATORY 21 O.S. 1991, Section 883, as amended by Section 260, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 883), is amended to read as follows:

Section 883. Any person ~~guilty~~ convicted of bigamy shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 172. AMENDATORY 21 O.S. 1991, Section 884, as amended by Section 261, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 884), is amended to read as follows:

Section 884. 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~~ for bigamy, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five

Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 173. AMENDATORY 21 O.S. 1991, Section 885, as amended by Section 262, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 174. AMENDATORY 21 O.S. 1991, Section 886, as last amended by Section 5, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1997, Section 886), is amended to read as follows:

Section 886. Any person ~~who is guilty~~ convicted of the detestable and abominable crime against nature, committed with mankind or with a beast, shall be guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 be guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix and 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.

SECTION 175. AMENDATORY 21 O.S. 1991, Section 888, as last amended by Section 264, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule S-2 felony punishable by imprisonment as provided in the state's sentencing matrix. 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 be guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix and 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.

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 176. AMENDATORY 21 O.S. 1991, Section 891, as amended by Section 265, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 177. AMENDATORY 21 O.S. 1991, Section 941, as last amended by Section 266, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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. ~~Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this

offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 178. AMENDATORY 21 O.S. 1991, Section 946, as amended by Section 267, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 946), is amended to read as follows:

Section 946. Any house, room or place where any of the games prohibited by Section 941 of this 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 179. AMENDATORY 21 O.S. 1991, Section 948, as last amended by Section 268, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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), ~~and such~~, or both. 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 180. AMENDATORY 21 O.S. 1991, Section 950, as amended by Section 269, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her own or the public use, for and with the understanding that he or she 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 Sections 941 through 953 of this title shall, upon conviction, be ~~deemed~~ guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 181. AMENDATORY 21 O.S. 1991, Section 954, as amended by Section 270, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 954), is amended to read as follows:

Section 954. 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, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 182. AMENDATORY 21 O.S. 1991, Section 982, as amended by Section 271, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ convicted of commercial gambling shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a

fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 183. AMENDATORY 21 O.S. 1991, Section 986, as amended by Section 273, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 1Section 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~~ such 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~~ convicted shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 184. AMENDATORY 21 O.S. 1991, Section 987, as amended by Section 274, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ convicted of disseminating gambling information shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both.

SECTION 185. AMENDATORY 21 O.S. 1991, Section 988, is amended to read as follows:

Section 988. A. A conspiracy is any agreement, combination or common plan or scheme by two or more persons, coupled with an overt act in furtherance of such agreement, combination or common plan or scheme, to violate any ~~section~~ provision of Section 981 et seq. of this ~~act~~ title.

B. Any person ~~found guilty~~ convicted of conspiracy shall be ~~punished to the same extent as provided for in the section of this act which such person conspired to violate~~ guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 186. AMENDATORY 21 O.S. 1991, Section 991, as amended by Section 275, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a felony violation~~ of ~~this~~

~~section shall be~~ not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 187. AMENDATORY 21 O.S. 1991, Section 1021, as last amended by Section 276, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1021), is amended to read as follows:

Section 1021. A. Every person who willfully either:

1. Lewdly exposes his or her 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, be guilty of a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, be guilty of a Schedule S-4 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Persons convicted under this subsection shall not be eligible for a deferred sentence.

SECTION 188. AMENDATORY 21 O.S. 1991, Section 1021.2, as last amended by Section 277, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, be guilty of a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 189. AMENDATORY 21 O.S. 1991, Section 1021.3, as last amended by Section 278, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule S-4 felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 190. AMENDATORY 21 O.S. 1991, Section 1024.2, as amended by Section 279, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Section 1024.1 through 1024.4 of this title. Such person shall, upon conviction, be guilty of a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 191. AMENDATORY 21 O.S. 1991, Section 1031, as last amended by Section 280, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule S-4 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule S-4 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 192. AMENDATORY 21 O.S. 1991, Section 1040.51, as amended by Section 281, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 193. AMENDATORY 21 O.S. 1991, Section 1053, as amended by Section 282, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1053), is amended to read as follows:

Section 1053. Any person who contrives, prepares, sets up, proposes or draws any lottery shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 a fine of Two Thousand Five Hundred Dollars ($2,500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 194. AMENDATORY 21 O.S. 1991, Section 1068, as amended by Section 284, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1068), is amended to read as follows:

Section 1068. Any person violating the provisions of Section 1066 or 1067 of this title shall, upon conviction thereof, be guilty

of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 195. AMENDATORY Section 3, Chapter 186, O.S.L. 1995, as amended by Section 285, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1073), is amended to read as follows:

Section 1073. Any person who promotes a pyramid promotional scheme shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction,~~ for each violation of the Oklahoma Pyramid Promotional Scheme Act~~. The~~ and shall be punished by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation shall~~ of not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 196. AMENDATORY 21 O.S. 1991, Section 1081, as amended by Section 286, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of pandering~~, and upon conviction for any offense under this article shall be guilty of~~ which is a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation under this article shall~~ of not ~~be~~ less than Three Hundred Dollars ($300.00) ~~and shall not exceed~~ nor 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 197. AMENDATORY 21 O.S. 1991, Section 1085, as amended by Section 287, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 guilty of a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than Three Hundred Dollars ($300.00) ~~and not~~ nor 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 198. AMENDATORY 21 O.S. 1991, Section 1086, as amended by Section 288, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her control or of which he or she 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 guilty of a Schedule S-4 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this

offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 199. AMENDATORY 21 O.S. 1991, Section 1087, as amended by Section 289, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 or her control or of which he or she 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 Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a subsequent offense shall~~ of not ~~be~~ less than Five Thousand Dollars ($5,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 200. AMENDATORY 21 O.S. 1991, Section 1088, as amended by Section 290, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule S-3 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 or her control or of which he or she 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 Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 201. AMENDATORY 21 O.S. 1991, Section 1092, as amended by Section 291, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1092), is amended to read as follows:

Section 1092. 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~~ such goods, upon demand, during the usual business hours, to the owner of said goods or his or her agent authorized to demand an inspection thereof, or any peace officer, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 202. AMENDATORY 21 O.S. 1991, Section 1115, as amended by Section 292, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1115), is amended to read as follows:

Section 1115. Rape in the first degree is a Schedule S-1 felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 203. AMENDATORY 21 O.S. 1991, Section 1116, as amended by Section 293, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1116), is amended to read as follows:

Section 1116. Rape in the second degree is a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 204. AMENDATORY 21 O.S. 1991, Section 1117, as amended by Section 294, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1117), is amended to read as follows:

Section 1117. 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, shall, upon conviction, be guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 205. AMENDATORY 21 O.S. 1991, Section 1118, as amended by Section 295, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1118), is amended to read as follows:

Section 1118. 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, shall, upon conviction, be guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 206. AMENDATORY 21 O.S. 1991, Section 1119, as amended by Section 296, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule S-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 207. AMENDATORY 21 O.S. 1991, Section 1120, as amended by Section 297, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1120), is amended to read as follows:

Section 1120. Any person who, under promise of marriage, seduces and has illicit connection with any unmarried female of previous chaste character shall, upon conviction, be guilty of a Schedule S-3 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 208. AMENDATORY 21 O.S. 1991, Section 1122, as amended by Section 298, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 guilty of a Schedule S-3 felony~~; and said~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 209. AMENDATORY 21 O.S. 1991, Section 1123, as last amended by Section 299, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix and shall not be eligible for probation, suspended or deferred sentence. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any person convicted of a third or subsequent violation of subsection A of this section shall be

guilty of a Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule S-3 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 210. AMENDATORY 21 O.S. 1991, Section 1161, as amended by Section 300, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 211. AMENDATORY 21 O.S. 1991, Section 1162, as amended by Section 301, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Section 1161 of this title shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 212. AMENDATORY 21 O.S. 1991, Section 1163, as amended by Section 302, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1163), is amended to read as follows:

Section 1163. 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,

shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 213. AMENDATORY 21 O.S. 1991, Section 1168.1, as amended by Section 303, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 this state, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 214. AMENDATORY 21 O.S. 1991, Section 1168.4, as amended by Section 304, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. Anyone 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, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 215. AMENDATORY 21 O.S. 1991, Section 1168.6, as amended by Section 305, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1168.6), is amended to read as follows:

Section 1168.6 A. Any person convicted of a misdemeanor pursuant to the provisions of 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. ~~The fine for any~~ Any person convicted of a Schedule G felony pursuant to the provisions of Sections 1168 through 1168.5 of this title shall be punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 216. AMENDATORY 21 O.S. 1991, Section 1172, as last amended by Section 306, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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. 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.

D. Any person who is convicted of a second offense under this section shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 217. AMENDATORY Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 307, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ for a 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Two Thousand Five Hundred Dollars ($2,500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Two Thousand Five Hundred Dollars ($2,500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 a pattern or course of 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 218. AMENDATORY 21 O.S. 1991, Section 1192, as amended by Section 308, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1192), is amended to read as follows:

Section 1192. Any person who shall inoculate ~~himself~~ oneself or any other person or shall suffer ~~himself~~ oneself 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, upon conviction thereof, guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 219. AMENDATORY 21 O.S. 1991, Section 1192.1, as amended by Section 309, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule S-4 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 220. AMENDATORY 21 O.S. 1991, Section 1214, as amended by Section 310, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 221. AMENDATORY 21 O.S. 1991, Section 1217, as amended by Section 311, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ any fire officer in the performance of ~~their~~ official duties, or who knowingly and willfully obstruct, interfere with or impede the progress of ~~firemen~~ any fire officer to reach the destination of a fire, shall, upon conviction, be ~~deemed~~ guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 222. AMENDATORY Section 8, Chapter 363, O.S.L. 1992, as amended by Section 313, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subparagraph shall~~ not ~~be~~ more than Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subparagraph shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

4. Unlawful disposal of hazardous waste shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in

the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act; and

5. Unlawful concealment of hazardous waste shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~be~~ more than One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 223. AMENDATORY 21 O.S. 1991, Section 1263, as amended by Section 314, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ shall, upon conviction, be guilty of a Schedule E felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Provided, that none of the provisions of Sections 1261 through 1264 of this title shall be construed to modify or affect Section 166 of Title 40 of the Oklahoma Statutes.

SECTION 224. AMENDATORY 21 O.S. 1991, Section 1265.3, as amended by Section 316, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 225. AMENDATORY 21 O.S. 1991, Section 1265.4, as amended by Section 317, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1265.4), is amended to read as follows:

Section 1265.4 Whoever attempts to commit any of the crimes defined by Sections 1265.1 through 1265.14 of this title shall, upon conviction, be ~~liable to~~ punished by one-half (1/2) of 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, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix if the underlying crime is a felony. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 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 226. AMENDATORY 21 O.S. 1991, Section 1265.5, as amended by Section 318, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1265.5), is amended to read as follows:

Section 1265.5 If two or more persons conspire to commit any crime defined by Sections 1265.1 through 1265.14 of this title, each of such persons ~~is~~ shall, upon conviction, be guilty of conspiracy and subject to the same punishment as if ~~he~~ such person had committed the crime which ~~he~~ such person 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~~ the 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 227. AMENDATORY 21 O.S. 1991, Section 1266, as amended by Section 319, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F

felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 228. AMENDATORY 21 O.S. 1991, Section 1266.5, as amended by Section 320, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1266.5), is amended to read as follows:

Section 1266.5 Any person who shall violate any of the provisions of Section 1266.4 of this title shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty Thousand Dollars ($20,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 229. AMENDATORY 21 O.S. 1991, Section 1267.1, as amended by Section 321, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 230. AMENDATORY 21 O.S. 1991, Section 1267.2, as amended by Section 322, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 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~~ rule, 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~~ rule provide, an accurate and complete record of all information required by the registration statement forms.

(d) If any of the officers of any such organization violate any provision of this section ~~they~~ such officer shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 231. AMENDATORY 21 O.S. 1991, Section 1272.2, as last amended by Section 323, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 232. AMENDATORY 21 O.S. 1991, Section 1278, as last amended by Section 324, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, Section 1290.1 et seq. of this 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 233. AMENDATORY Section 3, Chapter 170, O.S.L. 1992, as last amended by Section 325, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 234. AMENDATORY 21 O.S. 1991, Section 1282, as amended by Section 326, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1282), is amended to read as follows:

Section 1282.

FELONY USE OF A SLUNG SHOT

Any person who carries upon his or her 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, shall, upon conviction, be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 235. AMENDATORY 21 O.S. 1991, Section 1283, as last amended by Section 327, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 Schedule E 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 236. AMENDATORY 21 O.S. 1991, Section 1284, as last amended by Section 328, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule E felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 237. AMENDATORY 21 O.S. 1991, Section 1287, as last amended by Section 329, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule D-1 felony for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 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 238. AMENDATORY 21 O.S. 1991, Section 1289.17, as last amended by Section 330, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 239. AMENDATORY 21 O.S. 1991, Section 1289.18, as amended by Section 331, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her possession or under his or her immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a Schedule E felony for the possession of such device~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 240. AMENDATORY 21 O.S. 1991, Section 1289.20, as amended by Section 332, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 241. AMENDATORY 21 O.S. 1991, Section 1289.21, as amended by Section 333, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 1289.19 of this title.

B. Any person convicted of violating subsection A of this section shall be guilty of a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. The sentence so imposed shall not be suspended.

SECTION 242. AMENDATORY Section 2, Chapter 216, O.S.L. 1992, as amended by Section 334, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 this title, in addition to the penalty provided by statute for the felony committed or attempted~~, upon conviction~~ shall, upon conviction, be guilty of a Schedule D-1 felony for wearing such body armor, which shall be a separate offense from the felony committed or attempted punishable

by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 243. AMENDATORY Section 21, Chapter 272, O.S.L. 1995, as amended by Section 335, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ Five Thousand

Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 244. AMENDATORY 21 O.S. 1991, Section 1302, as amended by Section 336, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 245. AMENDATORY 21 O.S. 1991, Section 1303, as amended by Section 337, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule D-1 felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than One Hundred Dollars ($100.00) nor 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 246. AMENDATORY 21 O.S. 1991, Section 1304, as amended by Section 338, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ any person in fear of life, bodily harm or the destruction of ~~his or their~~ such person's property, shall, upon conviction, be ~~deemed~~ guilty of ~~committing~~ a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 247. AMENDATORY 21 O.S. 1991, Section 1312, as amended by Section 339, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1312), is amended to read as follows:

Section 1312. Every person ~~guilty~~ convicted of participating in any riot is punishable as follows:

1. If any murder, maiming, robbery, rape or arson was committed in the course of such riot, such person shall be guilty of a Schedule C felony in the same manner as a principal in such crime punishable by imprisonment as provided in the state's sentencing matrix;

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 shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

3. If such person carried at the time of such riot any species of firearms, or other deadly or dangerous weapon, or was disguised, such person shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

4. If such person directed, advised, encouraged or solicited other persons, who participated in the riot to acts of force or violence, such person shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

5. In all other cases such person is punishable as for a misdemeanor.

SECTION 248. AMENDATORY 21 O.S. 1991, Section 1320.4, as amended by Section 340, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1320.4), is amended to read as follows:

Section 1320.4 Any person ~~guilty~~ convicted of the crime, as set forth in Section 1320.2 of this title, shall be ~~deemed~~ guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~Section 1320.2 of this title shall~~ not ~~be~~ more than Ten Thousand

Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 249. AMENDATORY 21 O.S. 1991, Section 1320.5, as amended by Section 341, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1320.5), is amended to read as follows:

Section 1320.5 Any person ~~guilty~~ convicted of the crime, as set forth in Section 1320.3 of this title, shall be ~~deemed~~ guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~Section 1320.3 of this title shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 250. AMENDATORY 21 O.S. 1991, Section 1320.10, as amended by Section 342, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 section shall, upon conviction, be a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 251. AMENDATORY 21 O.S. 1991, Section 1321.7, as amended by Section 343, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1321.7), is amended to read as follows:

Section 1321.7 A. During a state of emergency, any person who maliciously destroys or damages any real or personal property or maliciously injures another shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

C. A person is guilty of an offense under this section committed by another person when:

1. Acting with the state of mind that is sufficient for commission of the offense, he or she causes an innocent or irresponsible person to engage in conduct constituting the offense; or

2. Intending to promote or facilitate the commission of the offense he or she:

a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it,

b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it, or

c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

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 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 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 252. AMENDATORY 21 O.S. 1991, Section 1321.8, as amended by Section 344, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1321.8), is amended to read as follows:

Section 1321.8 The following provisions shall apply during a state of emergency.

A. A person is guilty of riot when he <u>or she</u> participates with two or more persons in a course of disorderly conduct:

1. With intent to commit or facilitate the commission of a felony or misdemeanor;

2. With intent to prevent or coerce official action; or

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. 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, upon conviction, be guilty of a misdemeanor.

C. Any person who violates the provisions of this section, except subsection B of this section, shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. Any person sixteen (16) years of age or over who violates the provisions of this section shall be prosecuted as an adult.

E. A person is guilty of an offense under this section committed by another person when:

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;

2. Intending to promote or facilitate the commission of the offense he or she:

a. solicits, requests, commands, importunes, or otherwise attempts to cause the other person to commit it,

b. aids, counsels, or agrees or attempts to aid the other person in planning or committing it, or

c. having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so; or

3. The person's conduct is expressly declared by a statute of this state to establish the person's complicity.

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 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 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. "Disorderly conduct" as used in this section means a course of conduct by a person who:

1. Causes public inconvenience, annoyance, or alarm, or recklessly creates a risk thereof, by:

a. engaging in fighting or in violent, tumultuous, or threatening behavior,

b. making an unreasonable noise or an offensively coarse utterance, gesture, or display, or addressing abusive language to any person present,

c. dispersing any lawful procession or meeting of persons, not being a peace officer of this state and without lawful authority, or

d. creating a hazardous or physically offensive condition which serves no legitimate purpose; or

2. Engages with at least one other person in a course of disorderly conduct as defined in 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 253. AMENDATORY 21 O.S. 1991, Section 1327, as amended by Section 345, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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; shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Provided, that none of the provisions of this section shall be construed to modify or affect Section 166 of Title 40 of the Oklahoma 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, upon conviction, be guilty of a Schedule F felony~~, upon conviction~~

punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 254. AMENDATORY 21 O.S. 1991, Section 1368, as last amended by Section 346, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ shall, upon conviction, be guilty of a Schedule E felony ~~and, upon conviction, shall be guilty of a felony. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 255. AMENDATORY 21 O.S. 1991, Section 1401, as last amended by Section 347, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of arson in the first degree~~, upon conviction thereof~~. Arson in the first degree is a Schedule B felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Twenty-five Thousand Dollars ($25,000.00), or both.

SECTION 256. AMENDATORY 21 O.S. 1991, Section 1402, as amended by Section 348, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of arson in the second degree~~, upon conviction thereof~~. Arson in the second degree is a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Twenty Thousand Dollars ($20,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 257. AMENDATORY 21 O.S. 1991, Section 1403, as amended by Section 349, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1403), is amended to read as follows:

Section 1403. 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, upon conviction, be guilty of arson in the third degree~~, upon conviction thereof. The~~. Arson in the third degree is a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of arson in the third degree~~, upon conviction thereof. The~~. Arson in the third degree is a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

~~C. Arson in the third degree is a felony.~~

SECTION 258. AMENDATORY 21 O.S. 1991, Section 1404, as amended by Section 350, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1404), is amended to read as follows:

Section 1404. 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, upon conviction, be guilty of arson in the fourth degree~~, upon conviction thereof. The~~. Arson in the fourth degree is a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of arson in the fourth degree~~, upon conviction thereof. The~~. Arson in the fourth degree is a Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

~~C. Arson in the fourth degree is a felony.~~

SECTION 259. AMENDATORY Section 2, Chapter 145, O.S.L. 1996, as amended by Section 351, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule B felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both.

SECTION 260. AMENDATORY 21 O.S. 1991, Section 1411, as amended by Section 352, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1411), is amended to read as follows:

Section 1411. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the

sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 261. AMENDATORY 21 O.S. 1991, Section 1412, as amended by Section 353, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1412), is amended to read as follows:

Section 1412. 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 or her 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 262. AMENDATORY 21 O.S. 1991, Section 1414, as amended by Section 354, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1414), is amended to read as follows:

Section 1414. Any person mentioned in 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing

matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 263. AMENDATORY 21 O.S. 1991, Section 1415, as amended by Section 355, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1415), is amended to read as follows:

Section 1415. Any person mentioned in 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~~ such person without the consent in writing thereto of the person holding such bill, receipt or voucher, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 264. AMENDATORY 21 O.S. 1991, Section 1416, as amended by Section 356, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1416), is amended to read as follows:

Section 1416. Any person mentioned in 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing

matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 265. 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 punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. Burglary in the second degree is a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 266. AMENDATORY 21 O.S. 1991, Section 1441, as amended by Section 358, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule C felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 267. AMENDATORY 21 O.S. 1991, Section 1442, as amended by Section 359, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her possession, custody or concealed about his or her 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 the tools are to be used in the commission of a crime, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 268. AMENDATORY 21 O.S. 1991, Section 1462, as last amended by Section 360, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1462), is amended to read as follows:

Section 1462. Every person ~~guilty~~ convicted of embezzlement shall be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix, except that every person convicted of embezzlement of any item valued at less than Fifty Dollars ($50.00) shall be guilty of a misdemeanor. ~~And where~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma

Community Sentencing Act. 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 269. AMENDATORY 21 O.S. 1991, Section 1463, as amended by Section 361, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 270. AMENDATORY 21 O.S. 1991, Section 1483, as amended by Section 362, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 271. AMENDATORY 21 O.S. 1991, Section 1485, is amended to read as follows:

Section 1485. Every person, who by any extortionate means, obtains from another his or her signature to any paper or

instrument, whereby, if such signature were freely given, any property would be transferred, or any debt, demand, charge or right of action created, ~~is~~ shall, upon conviction, be guilty of a Schedule G felony punishable ~~in~~ by imprisonment as provided in the state's sentencing matrix for the same ~~manner~~ offense as if the actual delivery of such property or payment of the amount of such debt, demand, charge or right of action were obtained. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 272. AMENDATORY 21 O.S. 1991, Section 1486, is amended to read as follows:

Section 1486. Every person who, with intent to extort any money or other property from another, sends to any person any letter or other writing, whether subscribed or not, expressing or implying, or adapted to imply, any threat, such as is specified in ~~the second section~~ Section 1482 of this ~~article~~ title, ~~is~~ shall, upon conviction, be guilty of a Schedule G felony punishable ~~in~~ by imprisonment as provided in the state's sentencing matrix for the same ~~manner~~ offense as if such money or property were actually obtained by means of such threat. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 273. AMENDATORY 21 O.S. 1991, Section 1488, as amended by Section 363, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her 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

2. Exposing or threatening to expose 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 or her will. Blackmail is a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a conviction for blackmail shall~~ of not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 274. AMENDATORY 21 O.S. 1991, Section 1503, as last amended by Section 364, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be fined~~ punishable by a fine not exceeding One Hundred Dollars ($100.00), or ~~be imprisoned~~ by imprisonment 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), any person convicted hereunder shall be ~~deemed~~ guilty of a

Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be fined~~ punishable by a fine not exceeding One Hundred Dollars ($100.00), or ~~be imprisoned~~ by imprisonment 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~~ such person gave a check on which payment was refused, or that ~~he~~ such person 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~~ such person surreptitiously removed or attempted to remove ~~his~~ baggage, or that ~~he~~ such person 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 275. AMENDATORY 21 O.S. 1991, Section 1506, as amended by Section 365, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1506), is amended to read as follows:

Section 1506. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition, 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 276. AMENDATORY 21 O.S. 1991, Section 1521, as last amended by Section 366, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be punished~~ punishable 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), any person convicted pursuant to this section shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 277. AMENDATORY 21 O.S. 1991, Section 1531, as amended by Section 367, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1531), is amended to read as follows:

Section 1531. 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;

shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 278. AMENDATORY 21 O.S. 1991, Section 1532, as amended by Section 368, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1532), is amended to read as follows:

Section 1532. 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, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 279. AMENDATORY 21 O.S. 1991, Section 1541.2, as last amended by Section 369, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, any person convicted pursuant to this section shall be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 280. AMENDATORY 21 O.S. 1991, Section 1541.3, as last amended by Section 370, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Fifty Dollars or more, even though each separate instrument is written for less than Fifty Dollars, all in pursuance of a common scheme or plan to cheat and defraud, shall, upon conviction, be deemed guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the

sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 281. AMENDATORY 21 O.S. 1991, Section 1542, as amended by Section 371, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1542), is amended to read as follows:

Section 1542. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed three times the value of the money or property so obtained, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 282. AMENDATORY 21 O.S. 1991, Section 1543, as amended by Section 372, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1543), is amended to read as follows:

Section 1543. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed the value of the money or property so obtained, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 283. AMENDATORY 21 O.S. 1991, Section 1544, as amended by Section 373, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ convicted of such cheat shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 284. AMENDATORY 21 O.S. 1991, Section 1550, as amended by Section 374, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her possession or under his or her 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 Schedule C felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both.

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 285. AMENDATORY 21 O.S. 1991, Section 1550.33, as amended by Section 375, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(b) A person who is subject to the penalties of this subsection shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(c) A person who violates any provision of the Oklahoma Credit Card Crime Act shall, upon conviction, be deemed guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 286. AMENDATORY 21 O.S. 1991, Section 1550.41, as last amended by Section 376, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, 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 Schedule G felony, upon conviction, 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 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.

As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction thereof, and the violator shall be ~~punishable~~ punished 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 Schedule G felony, upon conviction thereof~~. The~~, and the violator shall be punished by imprisonment as

provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~subsection C of this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 287. AMENDATORY 21 O.S. 1991, Section 1621, as amended by Section 377, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1621), is amended to read as follows:

Section 1621. A. Forgery in the first degree is a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. Forgery in the second degree is a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a

direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 288. AMENDATORY 21 O.S. 1991, Section 1632, as amended by Section 378, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 289. AMENDATORY 21 O.S. 1991, Section 1635, as amended by Section 379, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to

exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 290. AMENDATORY 21 O.S. 1991, Section 1662, as amended by Section 380, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1662), is amended to read as follows:

Section 1662. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 291. AMENDATORY Section 29, Chapter 349, O.S.L. 1993, as last amended by Section 381, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 292. AMENDATORY 21 O.S. 1991, Section 1680.2, as amended by Section 382, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 293. AMENDATORY 21 O.S. 1991, Section 1681, as amended by Section 383, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1681), is amended to read as follows:

Section 1681. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Two Hundred Fifty Dollars ($250.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 294. AMENDATORY 21 O.S. 1991, Section 1685, as amended by Section 384, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by

imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 295. AMENDATORY 21 O.S. 1991, Section 1694, as amended by Section 385, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ as provided in Section 1699.1 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 296. AMENDATORY 21 O.S. 1991, Section 1695, as amended by Section 386, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 1693 of this title~~, upon conviction,~~ shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable

by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ as provided in Section 1699.1 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 297. AMENDATORY 21 O.S. 1991, Section 1696, as amended by Section 387, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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,~~ shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine as provided in Section 1699.1 of this title. 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 298. AMENDATORY 21 O.S. 1991, Section 1697, as amended by Section 388, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by

a fine ~~for a violation of this section shall be~~ as provided in Section 1699.1 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 299. AMENDATORY 21 O.S. 1991, Section 1699.1, as amended by Section 389, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1699.1), is amended to read as follows:

Section 1699.1 A. Every person who is ~~guilty~~ convicted of a felony under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for violating any~~ of ~~such sections shall be~~ not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. Every person ~~who upon conviction is guilty~~ convicted of any of the provisions of Section 1698 of this title shall be punished by imprisonment in the county jail for not more than one (1) year, or ~~shall be fined~~ by a fine of not more than Five Hundred Dollars ($500.00), or both.

SECTION 300. AMENDATORY 21 O.S. 1991, Section 1705, as last amended by Section 390, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1705), is amended to read as follows:

Section 1705. Grand larceny is a Schedule G felony, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 301. AMENDATORY 21 O.S. 1991, Section 1707, as amended by Section 391, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 302. AMENDATORY 21 O.S. 1991, Section 1708, as amended by Section 392, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 shall, upon conviction, be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 303. AMENDATORY 21 O.S. 1991, Section 1713, as amended by Section 393, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1713), is amended to read as follows:

Section 1713. 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, shall, upon conviction, be

guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 304. AMENDATORY 21 O.S. 1991, Section 1715, is amended to read as follows:

Section 1715. Every person who steals the property of another in any other state or country, and brings the same into this state may be convicted and punished in the same manner as if such larceny had been committed in this state; and such larceny may be charged to have been committed in any town or city into or through which such stolen property has been brought. Grand larceny shall, upon conviction, be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 305. AMENDATORY 21 O.S. 1991, Section 1716, as amended by Section 394, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony ~~and upon conviction shall be guilty of a felony~~; and any person in this state who shall steal any sheep~~,~~ or goat~~, upon conviction thereof,~~ shall, upon conviction, be guilty of a felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. The word "horse" as used in this section shall include all animals of the equine species and the word "cow" shall include all animals of bovine species.

SECTION 306. AMENDATORY 21 O.S. 1991, Section 1719, as amended by Section 395, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ such fowl to have been stolen, shall, upon conviction, be guilty of a Schedule G felony for grand larceny, regardless of the value thereof~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Two Hundred Dollars ($200.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 307. AMENDATORY 21 O.S. 1991, Section 1719.1, as last amended by Section 396, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ If the current market value of said domesticated fish or game is less than Fifty Dollars ($50.00), be guilty of a misdemeanor and, upon conviction, 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~~ If the current market value of said domesticated fish or game is Fifty Dollars ($50.00) or more, be guilty of a Schedule G felony~~. The~~, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this

offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 308. AMENDATORY Section 6, Chapter 36, O.S.L. 1993, as amended by Section 397, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ such livestock to have been stolen, shall, upon conviction, be ~~deemed~~ guilty of a Schedule G felony for grand larceny, regardless of the value thereof, ~~upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Twenty Thousand Dollars ($20,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 309. AMENDATORY 21 O.S. 1991, Section 1720, as amended by Section 398, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule E felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 310. AMENDATORY 21 O.S. 1991, Section 1721, as amended by Section 399, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, and by a fine of not less than One Hundred Dollars ($100.00), and not more than Fifty Thousand Dollars ($50,000.00). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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)~~.

SECTION 311. AMENDATORY 21 O.S. 1991, Section 1722, as last amended by Section 400, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction:

1. Be guilty of a misdemeanor if the value of said product so taken is less than the sum of Fifty Dollars ($50.00), ~~and upon conviction thereof, shall be punished~~ punishable by a fine of not more than One Hundred Dollars ($100.00), or by imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a Schedule G felony if the value of such product so taken is Fifty Dollars ($50.00) or more ~~and upon conviction thereof, shall be punished~~ punishable by imprisonment as provided in the state's sentencing matrix, 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). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 312. AMENDATORY 21 O.S. 1991, Section 1723, as amended by Section 401, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of larceny from the house. Larceny from the house is a Schedule E felony punishable as provided in Section 1724 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 313. AMENDATORY 21 O.S. 1991, Section 1724, as amended by Section 402, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1724), is amended to read as follows:

Section 1724. Any person convicted of larceny from the house shall be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix.

SECTION 314. AMENDATORY 21 O.S. 1991, Section 1726, as amended by Section 403, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1726), is amended to read as follows:

Section 1726. A. Any person who may be found in this state with more than one (1) pound of mercury in his or her possession, and who does not have valid written evidence of his or her title to such mercury, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 315. AMENDATORY 21 O.S. 1991, Section 1727, as amended by Section 404, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 316. AMENDATORY 21 O.S. 1991, Section 1728, as amended by Section 405, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ such person knew or should have known that the same was stolen shall upon conviction ~~thereof~~ be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 317. AMENDATORY 21 O.S. 1991, Section 1731, as last amended by Section 406, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 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 is less than Fifty Dollars ($50.00), that the defendant has been once before convicted of the same offense, ~~he~~ the defendant shall, on ~~his~~ any 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. In the event the value of the goods, edible meat or other corporeal property is Fifty Dollars ($50.00) or more, the defendant shall be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 318. AMENDATORY 21 O.S. 1991, Section 1732, is amended to read as follows:

Section 1732. A. Any person who, with intent to deprive or withhold from the owner thereof the control of a trade secret, or

with an intent to appropriate a trade secret to ~~his~~ such person's own use or to the use of another:

(a) steals or embezzles an article representing a trade secret, or,

(b) without authority makes or causes to be made a copy of an article representing a trade secret,

shall, upon conviction, be guilty of a Schedule G felony for grand larceny ~~under~~ if the value is as provided in Section 1704 of this title. In other cases the person shall, upon conviction, be guilty of a misdemeanor for petit larceny. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. For purposes of determining whether such larceny is grand larceny or petit larceny under this section, the value of the trade secret and not the value of the article shall be controlling.

B. (a) The word "article" means any object, material, device, or substance or copy thereof, including any writing, record, recording, drawing, sample, specimen, prototype, model, photograph, microorganism, blueprint or map.

(b) The word "representing" means describing, depleting, containing, constituting, reflecting or recording.

(c) The term "trade secret" means information, including a formula, pattern, compilation, program, device, method, technique or process, that:

1. derives independent economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use; and

2. is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(d) The word "copy" means any facsimile, replica, photograph or other reproduction of an article, and any note, drawing or sketch made of or from an article.

C. In a prosecution for a violation of this ~~act~~ section, it shall be no defense that the person so charged returned or intended to return the article so stolen, embezzled or copied.

SECTION 319. AMENDATORY 21 O.S. 1991, Section 1751, as amended by Section 407, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1751), is amended to read as follows:

Section 1751. 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,

shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 320. AMENDATORY 21 O.S. 1991, Section 1752, as amended by Section 408, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1752), is amended to read as follows:

Section 1752. Whenever any offense specified in Section 1751 of this title results in the death of any human being, the offender shall, upon conviction, be guilty of a Schedule E felony punishable

by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 321. AMENDATORY Section 1, Chapter 139, O.S.L. 1995, as amended by Section 409, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1752.1), is amended to read as follows:

Section 1752.1 A. Any person shall, upon conviction, 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, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix 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, upon conviction, be guilty of a Schedule D felony punishable by imprisonment as provided in the state's sentencing matrix if the person discharges a firearm or weapon at a train~~,~~ or rail-mounted work equipment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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.

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 322. AMENDATORY 21 O.S. 1991, Section 1753, as amended by Section 410, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1753), is amended to read as follows:

Section 1753. 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, shall<u>, upon conviction,</u> be guilty of a <u>Schedule G</u> felony <u>punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act</u>.

SECTION 323. AMENDATORY 21 O.S. 1991, Section 1753.8, as last amended by Section 411, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a misdemeanor ~~and upon conviction thereof shall be punished~~ punishable 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 Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition, the person may be ordered to pay restitution, which shall be paid to the city, state or county, and/or to perform not less than forty (40) days of community service.

SECTION 324. AMENDATORY 21 O.S. 1991, Section 1755, as amended by Section 412, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1755), is amended to read as follows:

Section 1755. Any person who maliciously injures or destroys any toll house or turnpike gate shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 325. AMENDATORY 21 O.S. 1991, Section 1760, as amended by Section 413, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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~~ belonging to such person, in cases other than such as are specified in Section 1761 et seq. of this title, ~~is~~ shall, upon conviction, be 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 Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, if the damage, defacement or destruction causes a loss which is valued at Two Thousand Five Hundred Dollars ($2,500.00) or more. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. In addition to any other punishment prescribed by law for violations of subsection A of this section, ~~he is~~ the violator shall be 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 326. AMENDATORY 21 O.S. 1991, Section 1765, as amended by Section 414, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1765), is amended to read as follows:

Section 1765. 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, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As

provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 327. AMENDATORY 21 O.S. 1991, Section 1767.1, as amended by Section 415, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be deemed guilty of a felony punishable as provided in Section 1767.2 of this title:

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; 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; 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; 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; 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; 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; 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; 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; or

9. Any person who, while committing or attempting to commit any felony, possesses, displays or threatens to use any explosive or simulated bomb.

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 328. AMENDATORY 21 O.S. 1991, Section 1767.2, as amended by Section 416, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1767.2), is amended to read as follows:

Section 1767.2 Any person violating any of the provisions of Section 1767.1 of this title shall, upon conviction, be ~~deemed~~ guilty of a Schedule C felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~Section 1767.1 of this title shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or both. If personal injury results, such person, upon conviction, shall be guilty of a Schedule B felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 329. AMENDATORY 21 O.S. 1991, Section 1777, as amended by Section 417, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1777), is amended to read as follows:

Section 1777. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 330. AMENDATORY 21 O.S. 1991, Section 1778, as amended by Section 418, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1778), is amended to read as follows:

Section 1778. 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, shall, upon conviction, be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 331. AMENDATORY 21 O.S. 1991, Section 1779, is amended to read as follows:

Section 1779. Every person who maliciously mutilates, tears, defaces, obliterates, or destroys any written instrument being the property of another, the false making of which would be forgery, ~~is~~ shall, upon conviction, be guilty of a Schedule H felony for forgery in the second degree punishable ~~in the same manner as the forgery of such instrument is made punishable~~ by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 332. AMENDATORY 21 O.S. 1991, Section 1785, as amended by Section 419, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1785), is amended to read as follows:

Section 1785. 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, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 333. AMENDATORY 21 O.S. 1991, Section 1786, as amended by Section 420, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1786), is amended to read as follows:

Section 1786. 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 334. AMENDATORY 21 O.S. 1991, Section 1834, as amended by Section 421, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~,~~

~~upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00), or both; 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 335. AMENDATORY 21 O.S. 1991, Section 1834.2, as amended by Section 422, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her 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 or her 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, upon conviction, be guilty of a Schedule G felony for embezzlement~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix,

this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 336. AMENDATORY 21 O.S. 1991, Section 1837, as amended by Section 423, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 337. AMENDATORY 21 O.S. 1991, Section 1861, as amended by Section 424, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 or her agents and employees conforming with the provisions of this section. This 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 section by a person, business or organization shall, upon conviction, constitute a misdemeanor. A third ~~and~~ or subsequent conviction under this section shall constitute a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 338. AMENDATORY 21 O.S. 1991, Section 1903, as amended by Section 425, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule C felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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, upon conviction, be guilty of a Schedule D felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. In addition, any person violating subsection A or B of this section using a dangerous or deadly weapon shall, upon conviction, be guilty of a Schedule C felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 or her person unless licensed pursuant to the Oklahoma Self Defense Act. 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 Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 guilty of a Schedule C felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both.

SECTION 339. AMENDATORY 21 O.S. 1991, Section 1904, as amended by Section 426, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

The actual value of an item removed in violation of this section shall not be material to the crime herein defined.

SECTION 340. AMENDATORY 21 O.S. 1991, Section 1953, as amended by Section 427, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 paragraph 1, 2, 3, 6 or 7 of subsection A of this section shall be guilty of a Schedule G felony punishable as provided in Section 1955 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. Any person convicted of violating paragraph 4 or 5 of subsection A of this section shall be guilty of a misdemeanor.

SECTION 341. AMENDATORY 21 O.S. 1991, Section 1955, as amended by Section 428, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 1955), is amended to read as follows:

Section 1955. A. ~~The fine for a~~ Any felony conviction under the provisions of the Oklahoma Computer Crimes Act shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine not less than Five Thousand Dollars ($5,000.00) ~~and not~~ nor more than One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. ~~Upon conviction of a~~ Any misdemeanor conviction under the provisions of the Oklahoma Computer Crimes Act~~, punishment~~ shall be punishable 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 342. AMENDATORY 21 O.S. 1991, Section 1958, as amended by Section 429, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 343. AMENDATORY 21 O.S. 1991, Section 1976, as amended by Section 430, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, constitute a misdemeanor~~, and shall, upon conviction, be~~ punishable by a fine of not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall, upon conviction, constitute a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. ~~The fine for a~~ Any second or subsequent conviction for a felony violation of this section shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 344. AMENDATORY 21 O.S. 1991, Section 1977, as amended by Section 431, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 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, upon conviction, constitute a misdemeanor~~, and shall, upon conviction, be~~ punishable by a fine of not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall, upon conviction, constitute a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a felony violation~~ of ~~this section shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. ~~The fine for a~~ Any second or subsequent conviction for a felony violation of this section shall be a Schedule G felony

punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 345. AMENDATORY 21 O.S. 1991, Section 1978, as amended by Section 432, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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, upon conviction, constitute a misdemeanor~~, and shall, upon conviction, be~~ punishable by a fine of not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall, upon conviction, constitute a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. ~~The fine for a~~ Any second or subsequent conviction for a felony violation of this section shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing

matrix, or by a fine of not to exceed One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 346. AMENDATORY 21 O.S. 1991, Section 1979, as amended by Section 433, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall, upon conviction, constitute a misdemeanor~~, and shall, upon conviction, be~~ punishable by a fine of not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving seven or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall, upon conviction, constitute a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. ~~The fine for a~~ Any second or subsequent conviction for a felony violation of this section shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 347. AMENDATORY 21 O.S. 1991, Section 1980, as amended by Section 434, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, 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 articles upon which motion pictures or other audiovisual works are recorded or less than one hundred other articles or sound recordings, shall, upon conviction, constitute a misdemeanor~~, and shall, upon conviction, be~~ punishable by a fine of not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving seven or more articles upon which motion pictures or other audiovisual works are recorded or one hundred or more other articles or sound recordings, shall, upon conviction, constitute a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix,

this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

D. ~~The fine for a~~ Any second or subsequent conviction for a felony violation of this section shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 348. AMENDATORY 22 O.S. 1991, Section 17, as last amended by Section 435, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, 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 crime or an impression 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall be~~ not less than Ten Thousand Dollars ($10,000.00) ~~and not to exceed~~ nor more than three times the value of the proceeds of the contract, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 349. AMENDATORY 22 O.S. 1991, Section 107, as amended by Section 436, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, 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~~ shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 350. AMENDATORY 22 O.S. 1991, Section 1110, as amended by Section 437, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, 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 or herself within five (5) days following the date of such forfeiture shall, upon conviction, 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 Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 351. AMENDATORY 22 O.S. 1991, Section 1263, as amended by Section 438, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 352. AMENDATORY 22 O.S. 1991, Section 1264, as amended by Section 439, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 1264), is amended to read as follows:

Section 1264. Any officer willfully making a false affidavit, as provided in Section 1261 of this title, shall be guilty of the Schedule F felony of perjury, upon conviction ~~therefor~~, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 353. AMENDATORY 22 O.S. 1991, Section 1404, as amended by Section 440, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1997, Section 1404), is amended to read as follows:

Section 1404. A. Any person convicted of violating any provision of Section 1403 of this title shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix and shall not be eligible for a deferred

sentence, probation, ~~suspension, work furlough, or release from confinement on any other basis until the person has served one-half (1/2) of his or her sentence~~ or suspended sentence. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. A violation of each of the provisions of Section 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 1403 of this title, through which he or she derived pecuniary value, or by which he or she 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 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~~ the Oklahoma Corrupt Organizations Prevention 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 354. AMENDATORY 26 O.S. 1991, Section 16-101, as amended by Section 441, Chapter 133, O.S.L. 1997 (26 O.S. Supp. 1997, Section 16-101), is amended to read as follows:

Section 16-101. Any person ~~deemed guilty of a felony~~ convicted under the provisions of ~~this act~~ the Election Code shall, upon conviction, be ~~confined in the State Penitentiary. The fine for such a violation shall not exceed~~ guilty of a Schedule F felony punishable imprisonment as provided in the state's sentencing matrix, or by a fine of not to exceed Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 355. AMENDATORY 26 O.S. 1991, Section 16-102, is amended to read as follows:

Section 16-102. Any person who votes more than once at any election or who, knowing that he or she is not eligible to vote at an election, willfully votes at said election shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 356. AMENDATORY 26 O.S. 1991, Section 16-103, is amended to read as follows:

Section 16-103. Any person who swears or affirms a false affidavit in order to become eligible to vote shall, upon conviction, be deemed guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 357. AMENDATORY 26 O.S. 1991, Section 16-103.1, as amended by Section 24, Chapter 260, O.S.L. 1994 (26 O.S. Supp. 1997, Section 16-103.1), is amended to read as follows:

Section 16-103.1 Anyone who knowingly causes any qualified elector to be invalidly registered or anyone who knowingly causes any unqualified person to be registered shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 358. AMENDATORY 26 O.S. 1991, Section 16-104, is amended to read as follows:

Section 16-104. Any person, notary public or other official authorized to administer oaths who notarizes, verifies, acknowledges or attests to the signature on the affidavit of an absent voter or on the attestation of an incapacitated voter, without the person whose affidavit or attestation is being taken actually appearing in person before said person, notary public or official authorized to administer oaths, shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 359. AMENDATORY 26 O.S. 1991, Section 16-105, is amended to read as follows:

Section 16-105. Any person who knowingly perpetrates fraud, or who steals supplies used to conduct an election, in order to change a voter's vote, or to change the composition of the official ballot or ballots, or to change the counting of the ballots, or to change the certification of the results of an election, shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 360. AMENDATORY 26 O.S. 1991, Section 16-106, is amended to read as follows:

Section 16-106. Any person who offers, solicits or accepts something of value intended to directly or indirectly influence the vote of the person soliciting or accepting same shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 361. AMENDATORY 26 O.S. 1991, Section 16-107, is amended to read as follows:

Section 16-107. Any person who shall offer or give to another anything of value to induce or cause such other person to withdraw from a political contest as a candidate or nominee at any election

shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 362. AMENDATORY 26 O.S. 1991, Section 16-108, is amended to read as follows:

Section 16-108. Any person who shall solicit or accept from another anything of value for withdrawing from any political contest as a candidate or nominee for any office at any election shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 363. AMENDATORY 26 O.S. 1991, Section 16-109, is amended to read as follows:

Section 16-109. Any person who, by means of coercion or any other method, knowingly attempts to prevent a qualified elector from becoming registered, or a registered voter from voting, shall, upon conviction, be ~~deemed~~ guilty of a felony punishable by imprisonment as provided in Section 6-101 of this title.

SECTION 364. AMENDATORY Section 16, Chapter 215, O.S.L. 1992, as amended by Section 53, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-5-116), is amended to read as follows:

Section 2-5-116. A. Any person who knowingly and willfully:

1. Violates any applicable provision of the Oklahoma Clean Air Act or any rule or standard promulgated thereunder;

2. Violates any order issued or permit condition prescribed pursuant to the Oklahoma Clean Air Act;

3. Violates any emission limitation or any substantive provision or condition of any permit;

4. Makes any false material statement, representation, or certification in, or omits material information from, or knowingly alters, conceals, or fails to file or maintain any notice, application, record, report, plan or other document, except for

monitoring data, required pursuant to the Oklahoma Clean Air Act to be either filed or maintained;

5. Fails to notify or report as required by the Oklahoma Clean Air Act, rules promulgated thereunder or orders or permits issued pursuant thereto; or

6. Fails to install any monitoring device or method required to be maintained or followed pursuant to the Oklahoma Clean Air Act;

shall, upon conviction, be guilty of a misdemeanor and be punished by a fine not to exceed Twenty-five Thousand Dollars ($25,000.00) per day of violation or for not more than one (1) year imprisonment in the county jail, or both such fine and imprisonment.

B. Any person who knowingly and willfully:

1. Violates any applicable provision of the Oklahoma Clean Air Act or any rule promulgated thereunder, or any order of the Department or any emission limitation or substantive provision or condition of any permit, and who knows at the time that he thereby places another in danger of death or serious bodily injury;

2. Tampers with or renders inaccurate any monitoring device; or

3. Falsifies any monitoring information required to be maintained or submitted to the Department pursuant to the Oklahoma Clean Air Act;

shall, upon conviction, be guilty of a Schedule E felony ~~and subject to~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00) or ~~for not more than ten (10) years~~ imprisonment, or both such fine and imprisonment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 365. AMENDATORY Section 18, Chapter 398, O.S.L. 1992, as renumbered by Section 359, Chapter 145, O.S.L. 1993, and as

last amended by Section 24, Chapter 324, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-6-206), is amended to read as follows:

Section 2-6-206. A. Whenever there are reasonable grounds to believe that there has been a violation of any of the provisions of the Oklahoma Pollutant Discharge Elimination System Act, any permit, any rule, or any order of the Executive Director, the Executive Director shall have the authority and powers to proceed as specified in the Administrative Procedures Act unless otherwise provided herein. Provided, however, that provisions of this section for written notice, enforcement hearing, and administrative orders shall not be conditions precedent for the Department to seek action in the district court as provided by the Oklahoma Pollutant Discharge Elimination System Act or other applicable provisions of law.

B. The Oklahoma Pollutant Discharge Elimination System Act shall not in any way impair or in any way affect a person's right to recover damages for pollution in a court of competent jurisdiction. Any person having any interest connected with the geographic area or waters or water system affected, including but not limited to any aesthetic, recreational, health, environmental, pecuniary or property interest, which interest is or may be adversely affected, shall have the right to intervene as a party in any administrative proceeding before the Department, or in any civil proceeding, relating to violations of the Oklahoma Pollutant Discharge Elimination System Act or rules, permits or orders issued hereunder.

C. Whenever on the basis of any information available, the Department finds that any person or entity regulated by the Department is in violation of any act, rule, order, permit, condition or limitation implementing the Oklahoma Pollutant Discharge Elimination System Act, or any previously issued discharge permit, the Executive Director shall issue an order requiring such person or entity to comply with such provision or requirement, commence appropriate administrative enforcement proceedings, or

bring a civil action. Provided, however, the issuance of a compliance order or suspension or revocation of a permit shall not be considered a condition precedent to the accrual or imposition of penalties or fines in any administrative, civil or criminal proceeding.

D. A copy of any order issued pursuant to this section shall be sent immediately to the violator. In any case in which an order or notice to a violator is issued to a corporation, a copy of such order shall be served on any appropriate corporate officers.

Any order issued pursuant to this section shall state with reasonable specificity the nature of the violation, and shall specify a time for compliance not to exceed thirty (30) days in the case of a violation of an interim compliance schedule or operation and maintenance requirement and not to exceed a reasonable time in the case of a violation of a final deadline, taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements. Any order or notice issued by the Executive Director may be served in any manner allowed by Oklahoma Rules of Civil Procedures applicable to a civil summons.

E. Whenever on the basis of any information available the Executive Director finds that any person regulated by the Department has violated any of the provisions of the Oklahoma Pollutant Discharge Elimination System Act, or any permit, rule, order or condition or limitation implementing any of such sections, or previously issued discharge permit or related order, the Executive Director may, after providing notice and opportunity for an enforcement hearing to the alleged violator, assess an administrative fine of not more than Ten Thousand Dollars ($10,000.00) per day of violation, for each day during which the violation continues. The total amount of such fine shall not exceed One Hundred Twenty-five Thousand Dollars ($125,000.00) per violation. In determining the amount of any penalty assessed under

this subsection, the Executive Director shall take into account the nature, circumstances, extent and gravity of the violation, or violations, and, with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, economic benefit savings, if any, resulting from the violation, and such other matters as justice may require. For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation. Enforcement hearings shall be conducted in accordance with the procedures set out in the Administrative Procedures Act.

F. 1. The Executive Director is authorized to commence a civil action for appropriate relief, including a permanent or temporary injunction, for any violation for which he is authorized to issue a compliance order under subsection C of this section.

2. Any person who violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any permit condition or limitation implementing any of such provisions in a permit issued under the Oklahoma Pollutant Discharge Elimination System Act, or any requirement imposed in a pretreatment program approved under the Oklahoma Pollutant Discharge Elimination System Act, and any person who violates any order issued by the Executive Director under subsection C of this section, shall be subject to a civil penalty not to exceed Ten Thousand Dollars ($10,000.00) per day for each violation. In determining the amount of the civil penalty the court shall consider the seriousness of the violation or violations, the economic benefit, if any, resulting from the violation, any history of such violations, any good faith efforts to comply with the applicable requirements, the economic impact of the penalty on the violator and such other matters as justice may require. For purposes of this subsection, a single operational upset which leads

to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

3. Any action pursuant to this subsection may be brought in the district court for the district in which the property or defendant is located or defendant resides or is doing business, and such court shall have jurisdiction to restrain such violation and to require compliance.

4. The prior revocation of a permit shall not be a condition precedent to the filing of a civil action under the Oklahoma Pollutant Discharge Elimination System Act.

G. 1. Any person who:

a. negligently violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any order issued by the Executive Director hereunder, or any permit condition or limitation in a permit issued or any requirement imposed in a pretreatment program authorized pursuant to the Oklahoma Pollutant Discharge Elimination System Act, or

b. negligently introduces into the waters of the state or a treatment works discharging into the waters of the state any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works pursuant to the Oklahoma Pollutant Discharge Elimination System Act,

shall be punished by a fine of not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Twenty-five Thousand Dollars ($25,000.00) per day of violation, or by imprisonment in the

county jail for not more than one (1) year, or by both such fine and imprisonment. ~~If a~~ A conviction of a person ~~is~~ for a violation committed after a first conviction of such person under this paragraph~~, punishment shall be~~ is a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Fifty Thousand Dollars ($50,000.00) per day of violation, or ~~by imprisonment in the State Penitentiary for not more than two (2) years, or by~~ both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

2. Any person who:

a. knowingly violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any order issued by the Executive Director hereunder, or any permit condition or limitation in a permit issued or any requirement imposed in a pretreatment program authorized pursuant to the Oklahoma Pollutant Discharge Elimination System Act, or

b. knowingly introduces into the waters of the state or a treatment works discharging into the waters of the state any pollutant or hazardous substance which such person knew or reasonably should have known could cause personal injury or property damage or, other than in compliance with all applicable federal, state or local requirements or permits, which causes such treatment work to violate any effluent limitation or condition in a permit issued to the treatment works under the Oklahoma Pollutant Discharge Elimination System Act,

shall, upon conviction, be ~~punished~~ guilty of a misdemeanor punishable by a fine of not less than Five Thousand Dollars

($5,000.00) nor more than Fifty Thousand Dollars ($50,000.00) per day of violation, or by imprisonment in the county jail for not more than three (3) years, or by both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, ~~punishment shall be~~ such person shall be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00) per day of violation, ~~or by imprisonment in the State Penitentiary for not more than six (6) years~~, or by both.

3. a. Any person who knowingly violates any provision of the Oklahoma Pollutant Discharge Elimination System Act, or any permit condition or limitation in a permit issued hereunder by the Executive Director, and who knows at that time that he or she thereby places another person in imminent danger of death or serious bodily injury, shall upon conviction be ~~subject to~~ guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Two Hundred Fifty Thousand Dollars ($250,000.00) ~~or imprisonment in the State Penitentiary for not more than fifteen (15) years~~, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. A person which is an organization shall, upon conviction of violating this subparagraph, be ~~subject to~~ guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than One Million Dollars ($1,000,000.00), or both. ~~If~~

~~a conviction of a person is for a~~ Any second or subsequent violation ~~committed after a first conviction of such person~~ under this paragraph~~, the maximum punishment shall be doubled with respect to both~~ shall, upon conviction, be guilty of a Schedule E felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~and imprisonment~~ in an amount double any fine authorized by law, or both.

b. For the purpose of subparagraph a of this paragraph:

(1) in determining whether a defendant who is an individual knew that his or her conduct placed another person in imminent danger of death or serious bodily injury, a person shall be responsible only for actual awareness or actual belief that he possessed, and knowledge possessed by a person other than the defendant but not by the defendant himself or herself may not be attributed to the defendant; provided however that in proving the defendant's possession of actual knowledge, circumstantial evidence may be used, including evidence that the defendant took affirmative steps to shield himself or herself from relevant information,

(2) it is an affirmative defense to prosecution under this subsection that the conduct charged was consented to by the person endangered and that the danger and conduct charged were reasonably foreseeable hazards of an occupation, business, profession or of a medical treatment or medical or scientific experimentation conducted by professionally approved methods and such other

person had been made aware of the risks involved prior to giving consent, and such defense may be established under this subparagraph by a preponderance of the evidence.

4. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the Oklahoma Pollutant Discharge Elimination System Act or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under the Oklahoma Pollutant Discharge Elimination System Act, shall upon conviction be ~~punished~~ guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or ~~by imprisonment for not more than two (2) years, or by~~ both. ~~If a conviction of a person is for a~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any second or subsequent violation ~~committed after a first conviction of such person~~ under this paragraph~~, punishment~~ shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Twenty Thousand Dollars ($20,000.00) per day of violation, or ~~by imprisonment for not more than four (4) years, or by~~ both.

5. For purposes of this subsection, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

H. Whenever, on the basis of information available to him, the Department finds that an owner or operator of any source is introducing a pollutant into a treatment works in violation of the Oklahoma Pollutant Discharge Elimination System Act or any

requirement, rule, permit or order issued under the Oklahoma Pollutant Discharge Elimination System Act, the Department shall notify the owner or operator of such treatment works of such violation. If the owner or operator of the treatment works does not commence appropriate enforcement action within thirty (30) days of the date of such notification, the Department may commence a civil action for appropriate relief, including but not limited to a permanent or temporary injunction, against the owner or operator of such treatment works. In any such civil action the Department shall join the owner or operator of such source as a party to the action. Such action shall be brought in the district court in the county in which the treatment works is located. Such court shall have jurisdiction to restrain such violation and to require the owner or operator of the treatment works and the owner or operator of the source to take such action as may be necessary to come into compliance with the Oklahoma Pollutant Discharge Elimination System Act. Nothing in this subsection shall be construed to limit or prohibit any other authority the Department may have under this section.

I. 1. Any person against whom an administrative compliance or penalty order is issued under this section may obtain review of such order by filing a petition for review in district court pursuant to the Administrative Procedures Act. Such court shall not set aside or remand such order unless there is not substantial evidence in the administrative record, taken as a whole, to support the finding of a violation or unless the assessment of the penalty constitutes an abuse of discretion and shall not impose additional civil penalties for the same violation unless the assessment of the penalty constitutes an abuse of discretion. No stay of an administrative penalty order shall be granted until the amount of penalty assessed has been deposited with the reviewing district court pending resolution of the petition for review.

2. If any person fails to pay an assessment of an administrative penalty:

a. after the order making the assessment has become final, or

b. after a court in an action brought under paragraph 1 of this subsection has entered a final judgment in favor of the Department, as the case may be,

the Department may commence or may request the Attorney General to bring a civil action in an appropriate district court to recover the amount assessed plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

3. Any person who fails to pay on a timely basis the amount of an assessment of an administrative or civil penalty shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceeding and quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be in an amount equal to twenty percent (20%) of the aggregate amount of such person's penalties and nonpayment penalties which are unpaid as of the beginning of such quarter.

SECTION 366. AMENDATORY Section 7, Chapter 50, O.S.L. 1992, as amended by Section 147, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-10-302), is amended to read as follows:

Section 2-10-302. A. 1. Except as provided in paragraph 2 of this subsection, all applicants for the issuance, amendment, modification or transfer of any solid waste permit, license, certification or operational authority shall file a disclosure statement with their applications.

2. If the applicant is a publicly held company required to file periodic reports under the Securities and Exchange Act of 1934, or a wholly owned subsidiary of a publicly held company, the applicant shall not be required to submit a disclosure statement, but shall submit the most recent annual and quarterly reports required by the Securities and Exchange Commission, which provide information regarding legal proceedings in which the applicant has been involved. The applicant shall submit such other information as the Department may require pursuant to this section that relates to the competency, reliability, or responsibility of the applicant and affiliated persons.

B. The Department is authorized to revoke or to refuse to issue, amend, modify, renew or transfer a permit for the disposal of solid waste from or to any person or an affiliated person who:

1. Is not, due solely to the applicant's actions or inactions, in substantial compliance with any final agency order or final order or judgment of a court of record secured by the Department issued pursuant to the provisions of the Oklahoma Solid Waste Management Act; or

2. Is not in substantial compliance with any final agency order or final order or judgment of a court of record secured by any state or federal agency, as determined by that agency, relating to the storage, transfer, transportation, treatment or disposal of any solid waste; or

3. Has evidenced a history of a reckless disregard for the protection of the public health and safety or the environment through a history of noncompliance with state or federal environmental laws, including without limitation the rules of the Department, regarding the storage, transfer, transportation, treatment or disposal of any solid or controlled industrial waste.

C. The application shall be signed under oath by the applicant.

D. The Department may suspend or revoke a permit issued pursuant to the Oklahoma Solid Waste Management Act to any person who has failed to disclose or states falsely any information required pursuant to the provisions of this section.

E. Any person who willfully fails to disclose or states falsely any such information, upon conviction, shall be guilty of a Schedule E felony ~~and may be punished~~ punishable by imprisonment ~~for not more than five (5) years~~ as provided in the state's sentencing matrix, or by a fine of not more than One Hundred Thousand Dollars ($100,000.00) or both such fine and imprisonment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

F. Noncompliance with a final agency order or final order or judgment of a court of record which has been set aside by a court on appeal of such final order or judgment shall not be considered a final order or judgment for the purposes of this section.

SECTION 367. AMENDATORY 63 O.S. 1991, Section 1-2304, as amended by Section 161, Chapter 145, O.S.L. 1993, and as renumbered by Section 359, Chapter 145, O.S.L. 1993 (27A O.S. Supp. 1997, Section 2-10-801), is amended to read as follows:

Section 2-10-801. A. In order to protect public health and preserve the expectation of future disposal capability of areas local to a disposal site, except as otherwise provided by this section, no disposal site shall accept more than two hundred (200) tons per day of solid waste generated more than fifty (50) miles from the disposal site unless a permit application for a new disposal site is submitted and approved by the Department for such waste.

The waste generated within the fifty-mile local area shall not be considered in calculating the two-hundred-ton limit.

B. New and existing landfills, incinerators, or other sites designed, constructed and operated in accordance with the most environmentally protective solid waste regulations adopted by the Board shall be subject to neither the two-hundred-ton nor the fifty-mile limit.

C. The Department may grant a temporary waiver to the limit specified in this section in the event of an emergency. Any such waiver so granted may be conditioned on development of additional capacity in the area where the waste is generated.

D. Before any disposal site accepts for disposal any solid waste generated outside the territorial limits of this state in excess of two hundred (200) tons per day:

1. The operator of the disposal site shall submit to the Department for approval a disposal plan prepared by either the generator or shipper as set out in the rules promulgated by the Board. Such plans as a minimum shall indicate the type and amount of solid waste generated, the handling, storage, treatment, disposal method and the disposal site to be used. The disposal plans shall be kept current by the persons submitting the original disposal plans and the Department shall be advised not less than five (5) working days prior to the day on which such changes are to be implemented.

Persons storing or shipping recyclable materials in an environmentally acceptable manner for the purpose of recycling shall be required to file disposal plans required by this subsection only for those wastes which are to be disposed.

2. The disposal site shall be designed, constructed and operated in accordance with the most environmentally protective solid waste rules promulgated by the Board. For landfills, the most environmentally protective solid waste regulations shall be any of those regulations promulgated by the Board for the largest population category and which include leachate collection in the

landfill design, and which were effective when the application for disposal plan approval was filed with the Department.

E. Operators of solid waste disposal sites shall reject shipments of solid waste brought into this state which do not meet all the applicable requirements of this section. All rejected solid waste shall be taken out of state by the same persons who brought it into this state in violation of the provisions of this section.

F. Fly ash and bottom ash generated by coal-fired facilities located outside the territorial limits of this state in excess of two hundred (200) tons per day shall be constructively reutilized or disposed of only in an active or inactive mining operation subject to the provisions contained in Title 45 of the Oklahoma Statutes.

G. Willful violation of this section shall constitute a Schedule E felony punishable as provided in the main sentencing matrix, or by a fine of not more than Ten Thousand Dollars ($10,000.00) or ~~imprisonment of not more than five (5) years~~, or both such fine and imprisonment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 368. AMENDATORY 29 O.S. 1991, Section 3-201, as amended by Section 442, Chapter 133, O.S.L. 1997 (29 O.S. Supp. 1997, 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~~ the Oklahoma Wildlife Conservation 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 <u>or her</u> 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 or her shall, upon conviction, be guilty of a Schedule F felony, ~~upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. ~~Any~~ In addition, any game warden violating the provisions of this subsection shall be summarily removed from office.

SECTION 369. AMENDATORY 34 O.S. 1991, Section 23, as amended by Section 443, Chapter 133, O.S.L. 1997 (34 O.S. Supp. 1997, 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 or she is legally entitled to vote. Any person signing any name other than his or her own to any petition, or knowingly signing his or her 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 guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 370. AMENDATORY 36 O.S. 1991, Section 311.1, as last amended by Section 444, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a

fine ~~for the violation shall~~ of not to exceed ~~Five Thousand Dollars ($5,000.00)~~ Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for the violation shall~~ of not to exceed ~~Five Thousand Dollars ($5,000.00)~~ Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 and permission of the consumer to timely file any statement required by ~~this~~ the Insurance Code shall be subject, after notice and opportunity for hearing, to censure, suspension or revocation of certificate. Annual statements filed after the ~~last day of February~~ first day of March without express written advance permission of the Commission shall be accompanied by a late filing fee in the amount of Two Hundred Fifty Dollars ($250.00) or One Hundred Dollars ($100.00) per day, whichever is greater. Repeated willful violations, after notice and hearing, may subject the insurer to both censure, suspension, or revocation of certificate and ~~fine~~ civil penalty of not less than One Hundred Dollars ($100.00) nor more than ~~Five Thousand Dollars ($5,000.00)~~ Ten Thousand Dollars ($10,000.00) for each occurrence in addition to the late filing fee.

Any late filing fees and ~~fines~~ civil penalties 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 371. AMENDATORY 36 O.S. 1991, Section 317, as amended by Section 445, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, 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~~ All administrative subpoenas shall be served in the same manner as if issued from a district court or in accordance with the Administrative Procedures Act. If any ~~individual~~ person fails to obey a subpoena lawfully served, the Commissioner ~~shall~~ may 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~~ person was required to appear, and

such court shall forthwith cause such ~~individual~~ person to be produced and shall impose penalties as though ~~he~~ the person 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 the felony of perjury.~~

SECTION 372. AMENDATORY 36 O.S. 1991, Section 935, as amended by Section 446, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, 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 Sections 900.1, 905, 907, 908, 928 through 936, 1204, 3610 and 3611 of this ~~act~~ title.

B. A person convicted of violating this section shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 373. AMENDATORY 36 O.S. 1991, Section 1425, as last amended by Section 447, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, 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 subparagraph shall be guilty of a felony. The fine for a violation of~~

~~this subparagraph shall not exceed One Thousand Dollars ($1,000.00).~~

~~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 subparagraph shall be guilty of a felony. The fine for a violation of this subparagraph shall not exceed One Thousand Dollars ($1,000.00);~~

~~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 374. AMENDATORY Section 75, Chapter 418, O.S.L. 1997 (36 O.S. Supp. 1997, Section 1425.6), is amended to read as follows:

Section 1425.6 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 shall be guilty of a Schedule G felony ~~and shall be punished by the imposition of~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00) 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 shall be guilty of a Schedule G felony ~~and shall be punished by the imposition of~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00) ~~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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. Except for those persons exempt from licensure, 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. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor ~~and shall be punished~~ punishable 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.

SECTION 375. AMENDATORY Section 8, Chapter 178, O.S.L. 1992, as amended by Section 448, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, Section 1658.2), is amended to read as follows:

Section 1658.2 ~~(a)~~ 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 opportunity for hearing, to pay a penalty of Two Hundred Dollars ($200.00) for each day's delay, to be recovered by the Insurance 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)~~ 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~~ this title, 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 opportunity for 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)~~ C. Whenever it appears to the Commissioner that any insurer subject to Article 16A of ~~the Insurance Code~~ this title 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 opportunity for 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)~~ 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 shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for the violation shall~~ of not to exceed ~~Ten Thousand Dollars ($10,000.00)~~ Fifty Thousand Dollars ($50,000.00), or both. Any individual convicted of willfully violating a provision of Article 16A of the Insurance Code

shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for the violation shall~~ of not to exceed ~~Five Thousand Dollars ($5,000.00)~~ Twenty-five Thousand Dollars ($25,000.00), or both and shall be paid by the convicted person in the individual capacity of the person. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

~~(e)~~ 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 or her duties under Article 16A of the Insurance Code, upon conviction thereof, shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not to exceed ~~Five Thousand Dollars ($5,000.00)~~ Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any fines imposed shall be paid by the officer, director or employee in the individual capacity of such person.

SECTION 376. AMENDATORY Section 37, Chapter 76, O.S.L. 1992, as amended by Section 449, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, 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~~ shall, upon conviction, be guilty of the Schedule F felony of perjury ~~and is subject to the penalties therefor prescribed by law~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~ convicted 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~~ guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars ($1,000.00).

SECTION 377. AMENDATORY Section 21, Chapter 108, O.S.L. 1993, as amended by Section 450, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1997, 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 or her 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 or her own use ~~is~~ shall, upon conviction, be guilty of the Schedule F felony of embezzlement punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 378. AMENDATORY 37 O.S. 1991, Section 538, as amended by Section 451, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1997, 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 or her possession a valid and existing distiller's license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall upon conviction, be guilty of a Schedule H felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of a Schedule G felony~~,~~

~~upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, 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, upon conviction, be guilty of a Schedule G felony~~. The felony~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than Two Thousand Five Hundred Dollars ($2,500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of a misdemeanor ~~and~~

~~upon conviction be fined~~ punishable by a fine of not more than One Thousand Five Hundred Dollars ($1,500.00), or ~~imprisoned~~ by imprisonment 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 or her age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him or her alcoholic beverage or issue him or her 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, upon conviction, be guilty of a misdemeanor ~~and fined~~ punishable by a fine of 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, upon conviction, be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of a misdemeanor~~, and shall be fined~~ punishable by a fine of not more than One Hundred Dollars ($100.00), or ~~imprisoned~~ by imprisonment 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, upon conviction, be guilty of a misdemeanor.

SECTION 379. AMENDATORY 37 O.S. 1991, Section 587, as amended by Section 452, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1997, 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 or her 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for the violation shall be~~ of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any person who shall have in his or her

possession any molds, dies, engraving, or other articles, things or machines used or capable of being used to counterfeit said stamps, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for the violation shall be~~ of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00). As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 380. AMENDATORY 40 O.S. 1991, Section 4-508, as last amended by Section 453, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, 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 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. 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 Employment Security Act of 1980, and a violation by the Attorney General or district attorney by otherwise releasing the information shall be a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix;

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;

14. The release to officials, employees, and agents of the Center for Economic and Management Research of the University of Oklahoma, of information required to identify economic trends. The information obtained shall be kept confidential by the University and any of its agents and shall not be disclosed or be open to public inspection. The University of Oklahoma may release aggregated data, provided that such aggregation meets disclosure requirements of the Commission;

15. The release to officials, employees, and agents of the Office of State Finance of information required to identify economic trends. The information obtained shall be kept confidential by the Office of State Finance and any of its agents and shall not be disclosed or be open to public inspection. The Office of State Finance may release aggregate data, provided that such aggregation meets disclosure requirements of the Commission; or

16. The release to officials, employees, and agents of the Department of Mental Health and Substance Abuse Services of information required to evaluate the effectiveness of mental health and substance abuse treatment. The information obtained shall be kept confidential by the Department, its employees and any of its agents and shall not be disclosed or be open to public inspection. The Department of Mental Health and Substance Abuse Services,

however, may release aggregated data, either by treatment facility or larger aggregate units, provided that such aggregation meets disclosure requirements of the Oklahoma Employment Security Commission.

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 381. AMENDATORY 40 O.S. 1991, Section 169, as amended by Section 454, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony, ~~on conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 382. AMENDATORY 40 O.S. 1991, Section 182, as amended by Section 455, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, 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~~ Section 181 of this title, shall, upon conviction, be ~~deemed~~ guilty of a Schedule H felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 383. AMENDATORY 40 O.S. 1991, Section 196.13, as amended by Section 456, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00) ~~or~~ nor more than double the amount of

the kickback whichever is more, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 384. AMENDATORY 41 O.S. 1991, Section 25, as amended by Section 457, Chapter 133, O.S.L. 1997 (41 O.S. Supp. 1997, 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 herself or any person not entitled thereto, shall, upon conviction, be guilty of the Schedule G felony of embezzlement ~~and punished accordingly~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 385. AMENDATORY 42 O.S. 1991, Section 142.4, as amended by Section 458, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 386. AMENDATORY 42 O.S. 1991, Section 144.2, as amended by Section 459, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1997, 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 Schedule G felony of embezzlement punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 387. AMENDATORY 42 O.S. 1991, Section 153, as amended by Section 460, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1997, 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 Schedule G felony of embezzlement~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 388. AMENDATORY 43 O.S. 1991, Section 14, as amended by Section 461, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule H felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Five Hundred Dollars ($500.00). ~~Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 389. AMENDATORY 43 O.S. 1991, Section 123, as amended by Section 462, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of the Schedule H felony of bigamy punishable as provided in Section 124 of this title. Any person violating the provisions of this section by ~~such~~ cohabitation shall be deemed guilty of the Schedule H felony of adultery punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

An appeal from a judgment granting or denying a divorce shall be made in the same manner as in any other civil case.

SECTION 390. AMENDATORY 43 O.S. 1991, Section 124, as amended by Section 463, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, Section 124), is amended to read as follows:

Section 124. Every person convicted of bigamy as such offense is defined in Section 123 of this title shall be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 391. AMENDATORY 43 O.S. 1991, Section 527, as last amended by Section 464, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~ any 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~~ any 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 392. AMENDATORY 44 O.S. 1991, Section 210, as amended by Section 465, Chapter 133, O.S.L. 1997 (44 O.S. Supp. 1997, 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~~ Sections 208 through 214 of this title, 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~~ the National Guard in the discharge of ~~their~~ official duties, shall, upon conviction, be ~~deemed~~ guilty of a Schedule D-2 felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 393. AMENDATORY 45 O.S. 1991, Section 807, as amended by Section 466, Chapter 133, O.S.L. 1997 (45 O.S. Supp. 1997, 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~~ the person shall, upon conviction, be

guilty of a Schedule G felony, ~~on conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 394. AMENDATORY 43A O.S. 1991, Section 2-217, as amended by Section 467, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, 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 or she 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 395. AMENDATORY 43A O.S. 1991, Section 2-219, as amended by Section 468, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule D-1 felony, ~~on conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 396. AMENDATORY 43A O.S. 1991, Section 3-601, as last amended by Section 469, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, 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 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 Schedule D-1 felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 397. AMENDATORY 43A O.S. 1991, Section 11-113, as last amended by Section 470, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1997, 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 Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

E. The sanctions provided in this section do not displace any sanction applicable under any other law.

SECTION 398. AMENDATORY 47 O.S. 1991, Section 4-102, as amended by Section 471, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 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 shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 399. AMENDATORY 47 O.S. 1991, Section 4-103, as amended by Section 472, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 the vehicle to be stolen or converted under circumstances constituting a crime, shall, upon conviction, be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 400. AMENDATORY 47 O.S. 1991, Section 4-107, as amended by Section 473, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 Schedule G felony, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 401. AMENDATORY 47 O.S. 1991, Section 4-108, as amended by Section 474, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 or her 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 or she 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 or her possession any motor vehicle which he or she 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 or her duty as such officer, shall, upon conviction, be deemed guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 402. AMENDATORY 47 O.S. 1991, Section 4-109, as amended by Section 475, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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, upon conviction, be deemed guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 403. AMENDATORY 47 O.S. 1991, Section 4-110, as amended by Section 476, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 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~~ Any person convicted of violating the provisions of this subsection~~, upon conviction,~~ shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. Any person convicted of any violation of any portion of this section for which a specific penalty has not been imposed shall ~~constitute~~ be guilty of a misdemeanor ~~and upon conviction thereof the person having violated it shall be fined~~ punishable by a fine of not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

SECTION 404. AMENDATORY 47 O.S. 1991, Section 6-301, as amended by Section 477, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 or her license after such license has been suspended, revoked or canceled or to possess his or her license after having received notice of its suspension, revocation, or cancellation,

b. to lend his or her 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~~ the licensee 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~~ the licensee, 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~~ Any person convicted of any violation of any of the provisions of paragraph 1 of this section shall ~~constitute a misdemeanor and shall, upon conviction thereof,~~ be guilty of a misdemeanor punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00)~~; the~~. Any person convicted of any violation of any of the provisions of paragraphs 2 or 3 of this section shall ~~constitute~~ be guilty of a

Schedule H felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~paragraphs 2 or 3 of this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 405. AMENDATORY 47 O.S. 1991, Section 10-102, as last amended by Section 478, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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~~ such person 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 Schedule D-2 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 406. AMENDATORY Section 6, Chapter 382, O.S.L. 1992, as amended by Section 479, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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~~ such person has fulfilled the requirements of Section 10-104 of ~~Title 47 of the Oklahoma Statutes~~ 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 Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a

direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 407. AMENDATORY 47 O.S. 1991, Section 11-207, as last amended by Section 1 of Enrolled House Bill No. 2328 of the 2nd Session of the 46th Oklahoma Legislature, 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, including any nine-one-one (911) emergency telephone service route markers, or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. The violator shall, upon conviction, be guilty of a misdemeanor.

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 Schedule D-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall be~~ not more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 408. AMENDATORY 47 O.S. 1991, Section 11-902, as last amended by Section 5, Chapter 420, O.S.L. 1997 (47 O.S. Supp. 1997, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful 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 Schedule I-3 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~shall be~~ of not more than Two Thousand Five Hundred Dollars ($2,500.00), or both. ~~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 ~~subject to~~ guilty of a Schedule I-3 felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both. ~~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 ~~subject to~~ guilty of a Schedule I-3 felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both. ~~Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 <u>or at a place determined by the Director of the Department of Corrections</u>. 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. A correctional facility operated by the Department of Corrections.

E. 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.

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.

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.

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 Fifteen Dollars ($15.00) nor more than Twenty-five Dollars ($25.00) 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 409. AMENDATORY 47 O.S. 1991, Section 11-904, as amended by Section 482, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 Schedule I-2 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself or herself 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 Schedule I-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~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.~~ As provided in the sentencing field of the applicable

state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 410. AMENDATORY 47 O.S. 1991, Section 11-1111, as amended by Section 483, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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~~ Any person convicted of any violation of this section shall be ~~deemed~~ guilty of a Schedule D felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 411. AMENDATORY 47 O.S. 1991, Section 17-102, as amended by Section 484, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 17-102), is amended to read as follows:

Section 17-102. ~~Any~~ Except where a specific penalty is provided, any person who is convicted of a violation of any of the provisions of the Uniform Vehicle Code declared by the Code or by other laws of this state relating to vehicles or operators of vehicles to constitute a felony shall be guilty of a Schedule D felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a felony violation of the Uniform Vehicle Code~~, unless otherwise provided, ~~shall not be~~ of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be

punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 412. AMENDATORY 47 O.S. 1991, Section 1151, as last amended by Section 3, Chapter 325, O.S.L. 1997 (47 O.S. Supp. 1997, 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 and decal assigned to it by the Oklahoma Tax Commission or the vehicle shall display evidence that the vehicle is registered as a nonresident vehicle pursuant to rules promulgated by the Tax Commission, with the concurrence of the Department of Public Safety. A violation of the provisions of this paragraph shall be presumed to have occurred if a person who is the holder of an Oklahoma driver's license operates a vehicle owned by him or her on the public roads or highways of this state and there is not displayed on the vehicle a current Oklahoma license plate and decal, unless the vehicle is owned by a member of the Armed Forces of the United States assigned to duty in this state in compliance with official military or naval orders or the spouse of such a member of the Armed Forces;

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 the Oklahoma Vehicle License and Registration 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 possess 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 the 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 the Oklahoma Vehicle License and Registration 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 possess 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 Tax 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~~ any provision of this subsection shall be ~~deemed~~ guilty of a misdemeanor ~~and upon conviction shall be punished~~ punishable by a fine not to exceed One Hundred Dollars ($100.00). Employees of the Motor Vehicle Division of the Tax Commission may be authorized by the Tax Commission to issue citations for a violation of paragraph 5 of this subsection. If a person convicted of violating the provisions of paragraph 5 of this subsection was issued a citation by a duly authorized employee of the Motor Vehicle Division of the Tax Commission, the fine herein levied shall be deposited to the Oklahoma Tax Commission Revolving Fund.

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 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~~ Any person convicted of violating the provisions of this subsection~~, upon conviction,~~ shall be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 the 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, upon conviction, be ~~deemed~~ guilty of a misdemeanor ~~and, upon conviction thereof, shall be fined~~ punishable by a fine of not more than One Thousand Dollars ($1,000.00), or ~~shall be imprisoned~~ imprisonment 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 the Oklahoma Vehicle License and Registration 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 convicted of violating any provision of paragraph 3 or 6 of subsection A of this section, in addition to the penal provisions provided 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 such amount is hereby declared to be a lien upon the vehicle as provided in the Oklahoma Vehicle License and Registration Act.

G. Each violation of any provision of the Oklahoma Vehicle License and Registration Act for each and every day such violation has occurred shall constitute a separate offense.

H. ~~Anyone~~ Any person convicted of violating any of the provisions ~~heretofore enumerated~~ in this section not specified as a felony offense shall be guilty of a misdemeanor ~~and upon conviction shall be fined~~ punishable by a fine of not less than Ten Dollars ($10.00) and not to exceed One Hundred Dollars ($100.00).

I. Any violation of any portion of the Oklahoma Vehicle License and Registration 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~~ punishable by a fine of 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 413. AMENDATORY 47 O.S. 1991, Section 1503, as amended by Section 486, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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 Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be for~~ not more than One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, shall, upon conviction ~~is~~, be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided

in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than One Hundred Thousand Dollars ($100,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, shall, upon conviction ~~is~~, be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~. Any person convicted of an attempt in violation of any provision of this section shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~. Any person convicted of conspiracy in violation of any provisions of this section shall be guilty of Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma

Community Sentencing Act. 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~~. Any person convicted of solicitation in violation of any provision of this section shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~. Any person convicted of aiding and abetting in violation of any provision of this section shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~. Any person convicted of accessory after the fact in violation of any provision of this section shall be guilty of a Schedule E felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 414. AMENDATORY 51 O.S. 1991, Section 36.5, as amended by Section 487, Chapter 133, O.S.L. 1997 (51 O.S. Supp. 1997, 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~~ Section 36.1 et seq. of this title, states as true any material matter which ~~he~~ such officer or employee knows to be false, shall, upon conviction, be guilty of the Schedule F felony of perjury~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition to any other

punishment imposed, the person shall forfeit any public office or employment held by the person.

SECTION 415. AMENDATORY 51 O.S. 1991, Section 36.6, as amended by Section 488, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, 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~~ Section 36.1 et seq. of this title and having entered upon the duties of ~~his~~ such office or employment, who, while holding ~~his~~ such 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~~ such person 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~~ this state or a change in the form of government thereof by force, violence, or other unlawful means, shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. In addition to any other punishment imposed, the person shall forfeit his or her office or employment.

SECTION 416. AMENDATORY 52 O.S. 1991, Section 47.6, as last amended by Section 489, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, 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, for each offense, be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall not exceed~~ of not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 417. AMENDATORY 52 O.S. 1991, Section 108, as amended by Section 490, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, Section 108), is amended to read as follows:

Section 108. Every person who, having taken an oath that he or she 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~~ Section 84 et seq. of this title, shall willfully and contrary to such oath state any material matter which he or she knows to be false, ~~is~~ shall, upon conviction, be guilty of the Schedule F felony of perjury~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 418. AMENDATORY 52 O.S. 1991, Section 109, as amended by Section 491, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, 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~~ Section 84 et seq. of this title, or by any order, rule or regulation of the Commission made under the provisions of ~~this act~~ Section 84 et seq. of this title 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 or she knows to be false ~~is~~ shall, upon conviction, be guilty of the Schedule F felony of perjury~~, upon conviction~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 419. AMENDATORY 52 O.S. 1991, Section 114, as amended by Section 492, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, 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~~ Section 84 et seq. of this title or by any lawful order~~,~~ or 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 or her office, arising by virtue of or growing out of the enforcement of or an attempt to enforce the provisions of ~~this act~~ Section 84 et seq. of this title, or any lawful order~~,~~ or 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~~ such persons when such duty arises by virtue of or grows out of the attempt to enforce the provisions of ~~this act~~ Section 84 et seq. of this title or of any lawful order~~,~~ or rule~~, or regulation~~ of the Commission made hereunder, shall, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof may be punished~~ punishable by fine not exceeding Five Hundred Dollars ($500.00), or by ~~confinement~~ imprisonment 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, upon conviction, be guilty of a Schedule D-1 felony ~~upon conviction~~ punishable by imprisonment as provided in the

state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 420. AMENDATORY 52 O.S. 1991, Section 115, as amended by Section 493, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1997, Section 115), is amended to read as follows:

Section 115. If two or more persons conspire to violate any provision of ~~this act~~ Section 84 et seq. of this title, or any lawful order~~,~~ or 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~~ this state or conspire to produce oil or gas from any well or wells in any common source of supply in ~~the State of Oklahoma~~ this state in excess of the allowable production permitted from such well or wells as fixed and determined by any lawful order~~,~~ or 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~~ Section 84 et seq. of this title or by any lawful order~~,~~ or 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, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for the~~

~~offense shall not exceed~~ of not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 421. AMENDATORY 52 O.S. 1991, Section 117, as amended by Section 494, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, 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 or her acts or conduct with respect to (a) enforcing any order~~,~~ or rule ~~or regulation~~ of the Commission made under ~~this act~~ Section 84 et seq. of this title, or (b) the discharge of any duty by any such officer or person imposed upon ~~him~~ such person by the provisions of ~~this act~~ Section 84 et seq. of this title, or by any order~~,~~ or rule~~, or regulation~~ of the Commission issued and promulgated under the provisions of ~~this act~~ Section 84 et seq. of this title, shall, upon conviction, be guilty of a Schedule F felony~~. The fine for a violation of this section shall not exceed~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine of not more than 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 422. AMENDATORY 52 O.S. 1991, Section 118, as amended by Section 495, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, 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 or her acts or conduct with respect to (a) enforcing any provision of ~~this act~~ Section 84 et seq. of this title or of any order~~,~~ or rule~~, or regulation~~ of the Commission made under or in pursuance of ~~this act~~ Section 84 et seq. of this title, or (b) the discharge of any duty by any such officer or person imposed upon him or her by the provisions of ~~this act~~ Section 84 et seq. of this title, or by any order, rule, or regulation of the Commission issued and promulgated under the provisions of ~~this act~~ Section 84 et seq. of this title, shall be influenced thereby shall, upon conviction, be guilty of a Schedule F felony~~. The fine for a violation of this section shall not exceed~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine of not more than 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 423. AMENDATORY 52 O.S. 1991, Section 235, as amended by Section 496, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule G felony of grand larceny~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's

sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 424. AMENDATORY 56 O.S. 1991, Section 26.18, as amended by Section 497, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, 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~~ Section 26.13 et seq. of this title, 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 425. AMENDATORY 56 O.S. 1991, Section 183, as last amended by Section 498, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, 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 a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 426. AMENDATORY 56 O.S. 1991, Section 185, as amended by Section 499, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, 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, upon conviction, be guilty of ~~a~~:

1. A misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail not to exceed three (3) months, or both such fine and imprisonment, 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~~

2. A Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00), or both, if the aggregate amount of assistance received as a result thereof is in excess of Five Hundred Dollars ($500.00)~~, upon conviction thereof. The fine for a felony violation of this section shall not exceed Five Thousand Dollars ($5,000.00)~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 427. AMENDATORY 56 O.S. 1991, Section 243, as last amended by Section 500, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, 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~~ Section 241 et seq. of this title 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~~ convicted of a violation of any of the provisions of this section shall be guilty of a:

a. misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment in the county jail for not more than three (3) months, or by both such fine and imprisonment, 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 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. Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not more than Five Thousand Dollars ($5,000.00), 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)~~, upon conviction thereof. The fine for a felony violation of this section shall not exceed Five Thousand Dollars ($5,000.00)~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this paragraph shall not exceed~~ of not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 428. AMENDATORY 56 O.S. 1991, Section 1006, as amended by Section 501, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, Section 1006), is amended to read as follows:

Section 1006. A. Any person ~~found to have committed~~ convicted of 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~~ convicted of 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 Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a felony Medicaid fraud violation shall be~~ of not more than three times the amount of payments illegally claimed or received or Ten Thousand Dollars ($10,000.00) whichever is greater, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

2. Any person ~~committing~~ convicted of 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~~ punishable by 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 in the county jail for not more than one (1) year, or both such fine and imprisonment.

Any person ~~who violates~~ convicted of a violation of paragraph 7 of subsection A of Section 1005 of this title shall be guilty of a Schedule G felony punishable by imprisonment as provided in the

state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 429. AMENDATORY 57 O.S. 1991, Section 13, as amended by Section 502, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, Section 13), is amended to read as follows:

Section 13. If any person committed to prison, for the purpose of detaining him or her for trial, for a capital offense, shall break prison and escape, ~~he~~ the person shall be guilty of a Schedule F felony, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 430. AMENDATORY 57 O.S. 1991, Section 21, as last amended by Section 503, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall be~~ of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this

offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. If an inmate is found to be in possession of any such item, ~~upon conviction, such~~ the inmate shall, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 431. AMENDATORY 57 O.S. 1991, Section 222, as last amended by Section 504, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1997, 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 or her 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 Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 432. AMENDATORY 59 O.S. 1991, Section 15.26, as last amended by Section 505, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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 her or subject to his or her direction shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a~~

~~violation~~ of ~~this section shall~~ not to exceed Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 433. AMENDATORY 59 O.S. 1991, Section 353.25, as last amended by Section 506, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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 herself, or for another, registration under ~~this act~~ the Oklahoma Pharmacy Act shall, upon conviction, be guilty of the Schedule F felony of perjury punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 434. AMENDATORY 59 O.S. 1991, Section 396.25, as amended by Section 507, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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~~ the Funeral Services Licensing Act, and any person who with like intent, aids or abets any person in violation of this section or any portion thereof, shall, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation of this section shall be~~ of

not less than Five Hundred Dollars ($500.00), nor ~~exceeding~~ more than 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 435. AMENDATORY 59 O.S. 1991, Section 475.20, as last amended by Section 508, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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~~ Section 475.1 et seq. this title, 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, upon conviction, be guilty of a misdemeanor for the first offense; and shall, upon conviction, be guilty of a Schedule F felony~~, upon conviction thereof~~ for the second offense punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Two Hundred Fifty Dollars ($250.00) not more than Two Thousand Dollars ($2,000.00), or both. Each violation of any provision of Section 475.1 et seq. of this title shall constitute a separate offense. ~~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).~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~ administrative penalty, 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 or her 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 436. AMENDATORY 59 O.S. 1991, Section 638, as last amended by Section 509, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of the Schedule F felony of perjury~~, and upon conviction, shall be punished as prescribed by the general laws of this state~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 437. AMENDATORY 59 O.S. 1991, Section 1322, as last amended by Section 510, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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 person making a willful misstatement in such affidavit relating to the security or consideration promised or

given shall, upon conviction, be guilty of the Schedule F felony of perjury punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 438. AMENDATORY 59 O.S. 1991, Section 1335, as amended by Section 511, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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 or herself within thirty (30) days following the date of such forfeiture, or (2) willfully fails to comply with the terms of his or her personal recognizance, shall, upon conviction, be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall not exceed~~ of not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 439. AMENDATORY 59 O.S. 1991, Section 1512, as last amended by Section 512, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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~~ Section 1501 et seq. of this title 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~~ Section 1501 et seq. of this title.

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~~ Section 1501 et seq. of this title shall, upon conviction, be guilty of a misdemeanor ~~and upon conviction thereof shall be punished~~ punishable by a fine not in excess of One Thousand Dollars ($1,000.00), by ~~confinement~~ imprisonment 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this paragraph shall not exceed~~ of not more than Five Hundred Dollars ($500.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 or she pledged or sold in that transaction were stolen or embezzled shall, upon conviction, be guilty of a misdemeanor ~~and upon conviction shall be punished~~ punishable 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~~ Section 1501 et seq. of this title, 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 440. AMENDATORY 59 O.S. 1991, Section 1529, as amended by Section 513, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, Section 1529), is amended to read as follows:

Section 1529. Willful violation of any of the provisions of ~~this act~~ Section 1521 et seq. of this title 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~~ for a willful violation of ~~this act~~ Section 1521 et seq. of this title shall be a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 441. AMENDATORY 59 O.S. 1991, Section 1750.11, as amended by Section 514, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall not exceed~~ of not more than Two Thousand Dollars ($2,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 442. AMENDATORY 61 O.S. 1991, Section 114, as amended by Section 515, Chapter 133, O.S.L. 1997 (61 O.S. Supp. 1997, 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 section shall be void. ~~Persons~~ Any person convicted of willfully violating this section shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's

sentencing matrix and shall be subject to removal from office. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 443. AMENDATORY 61 O.S. 1991, Section 115, as amended by Section 516, Chapter 133, O.S.L. 1997 (61 O.S. Supp. 1997, 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. ~~Persons~~ Any person convicted of willfully violating this section shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Each bidder shall accompany his or her bid with a sworn statement that he or she 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 444. AMENDATORY 61 O.S. 1991, Section 116, as last amended by Section 517, Chapter 133, O.S.L. 1997 (61 O.S. Supp. 1997, 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 person convicted of any violation of this section shall be guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix and shall render the proceedings void and require solicitation and award anew. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 445. AMENDATORY 62 O.S. 1991, Section 81, as amended by Section 518, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1997, 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~~ Section 74 et seq. of this title, 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 or she shall so fail, neglect or refuse to comply with requirements of ~~said act~~ Section 74 et seq. of this title, 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~~ Section 74 et

seq. of this title provided, shall be liable to the state on his or her official bond for a sum double in amount of any such illegal or fraudulent voucher, and, upon conviction thereof, shall be guilty of a Schedule F felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation of this section shall be~~ of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00). ~~Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 446. AMENDATORY 62 O.S. 1991, Section 89.11, as last amended by Section 519, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1997, 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~~ constitute a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall not exceed~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. A violation of this section shall also ~~constitute~~ be 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 447. AMENDATORY 62 O.S. 1991, Section 604, as amended by Section 520, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1997, 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~~ shall be guilty of a Schedule G felony, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 448. AMENDATORY 63 O.S. 1991, Section 1-333, as amended by Section 521, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ this state, except in a crematory duly licensed as provided for in Section 1-331 of this title and under a special permit for cremation issued in accordance with the provisions of Section 1-329.1 of this title, ~~is hereby declared to be~~ shall constitute a Schedule H felony, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 449. AMENDATORY 63 O.S. 1991, Section 1-519, as amended by Section 522, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 venereal disease. Any person convicted of violating the provisions of this section shall be guilty of a Schedule H felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 450. AMENDATORY 63 O.S. 1991, Section 1-731, as amended by Section 523, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ this state. Any person violating this section shall, upon conviction, be guilty of a Schedule C felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 451. AMENDATORY 63 O.S. 1991, Section 1-732, as amended by Section 524, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 or her 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 or she shall first certify in writing that in ~~his~~ the 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 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 punishable as provided in Title 21 of the Oklahoma Statutes.

SECTION 452. AMENDATORY 63 O.S. 1991, Section 1-733, as amended by Section 525, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 a physician performing or inducing an abortion. Any person violating the provisions of this section shall be punished as provided in Section 1-731 of this title.

SECTION 453. AMENDATORY 63 O.S. 1991, Section 1-734, as amended by Section 526, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 the measures do not create any significant danger to her life or health.

D. Any person violating this section shall be guilty of homicide punishable as provided in Title 21 of the Oklahoma Statutes.

SECTION 454. AMENDATORY 63 O.S. 1991, Section 2-312.1, as amended by Section 527, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 shall, upon conviction ~~thereof shall~~, be guilty of a Schedule N-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall not exceed~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 455. AMENDATORY 63 O.S. 1991, Section 2-328, as amended by Section 528, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 2-322 of this title commits an offense if the person:

1. Does not comply with the requirements of Section 2-322, 2-323 or 2-326 of this title; or

2. Knowingly makes a false statement in a report or record required by Section 2-323 or 2-326 of this title.

B. Except as provided by subsection C of this section, an offense under subsection A of this section ~~is~~ shall, upon conviction, be 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 2-322 of this 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~~ Any person convicted of a second or subsequent violation of subsection A of this section shall be guilty of a Schedule N-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall not to exceed~~ of not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 Section 2-322 or 2-324 of this 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 Section 2-324 or 2-326 of this title; or

4. Manufacturers, sells, transfers, or otherwise furnishes any person or business a precursor substance defined in Section 2-322 of this title, who does not have a permit.

F. ~~An offense~~ Any person convicted of a violation under subsection C or E of this section ~~is~~ shall be guilty of a Schedule N-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall not to exceed~~ of not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field

of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any imprisonment imposed shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

SECTION 456. AMENDATORY 63 O.S. 1991, Section 2-401, as last amended by Section 529, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ convicted of any violation of 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 Schedule N-3 Group A felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 Schedule N-3 Group B felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation of this paragraph shall be~~ of 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 Schedule N-3 Group C felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation of this paragraph shall be~~ of 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a

direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act;

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~~ punishable by 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 Schedule N-3 Group C felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a second violation of this paragraph shall be~~ of 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act; 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~~ shall be guilty of a Schedule N-3 Group B felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~shall~~ of 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~~ shall be a Schedule N-3 Group B felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a second or subsequent 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~~. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, shall be subject to twice the fine otherwise authorized, which shall be in addition to ~~other punishment provided~~ any imprisonment authorized 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. 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~~ shall, upon conviction, be guilty of a Schedule N-1 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a 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~~.

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.

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~~ 2-503.2 of this title.

SECTION 457. AMENDATORY 63 O.S. 1991, Section 2-402, as last amended by Section 530, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ the Uniform Controlled Dangerous Substances 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~~ convicted of any violation of 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 of this title, ~~is~~ shall be guilty of a Schedule N-5 felony punishable by imprisonment as provided in the state's sentencing matrix. A second or subsequent ~~violation~~ conviction 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~~ shall be a Schedule N-3 Group A felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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~~ shall be guilty of a misdemeanor punishable by ~~confinement~~ imprisonment in the county jail for not more than one (1) year. A second or subsequent ~~violation~~ conviction of this section with respect to any Schedule III, IV or V substance, 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~~ shall be a Schedule N-3 Group B felony punishable by imprisonment as provided in the state's sentencing matrix. A second or subsequent ~~violation~~ conviction of this section with respect to marihuana, other than possession of marihuana, shall be a Schedule N-3 Group C felony punishable by

imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of a Schedule N-3 Group B felony~~.~~

~~1. For a first offense, the~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~shall~~ of not to exceed twice that authorized by the appropriate provision of this section~~. 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, 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~~, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 458. AMENDATORY 63 O.S. 1991, Section 2-404, as amended by Section 531, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ the Uniform Controlled Dangerous Substances 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~~ the Uniform Controlled Dangerous Substances Act;

4. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under ~~this act~~ the Uniform Controlled Dangerous Substances Act;

5. To refuse any entry into any premises or inspection authorized by ~~this act~~ the Uniform Controlled Dangerous Substances 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~~ the Uniform Controlled Dangerous Substances 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~~ shall, upon conviction, be guilty of a Schedule N-5 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing

matrix, and by a fine ~~for a violation of this subsection shall be for~~ of 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. Any person convicted of a second or subsequent violation of this section ~~is punishable by~~ shall be guilty of a Schedule N-4 felony punishable as provided in the state's sentencing matrix, and by a fine of twice the ~~fine~~ amount 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~~ by law for the offense. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 459. AMENDATORY 63 O.S. 1991, Section 2-405, as amended by Section 532, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ older 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 younger than that person shall, upon conviction, be guilty of a Schedule N-3 Group B felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 460. AMENDATORY 63 O.S. 1991, Section 2-406, as amended by Section 533, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 or her legitimate business, except pursuant to an order form as required by Section 2-308 of this 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~~ the Uniform Controlled Dangerous Substances 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~~ convicted of any violation of this section ~~is~~ shall be guilty of a Schedule N-4 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall be~~ of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. Any person convicted of a second or subsequent violation of this section ~~is punishable~~ shall be guilty of a Schedule N-4 felony punishable by imprisonment as provided in the state's sentencing matrix, and by twice the amount of fine otherwise authorized by law for the offense. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

SECTION 461. AMENDATORY 63 O.S. 1991, Section 2-407, as last amended by Section 534, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ the Uniform Controlled Dangerous Substances 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~~ convicted of any violation of this section ~~is~~ shall be guilty of a Schedule N-5 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this subsection shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or both. A second or subsequent ~~offense~~ conviction under this section ~~is~~ shall be a Schedule N-5 felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a second or subsequent violation of this subsection shall be~~ of not more than Twenty Thousand Dollars ($20,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 462. AMENDATORY 63 O.S. 1991, Section 2-415, as last amended by Section 535, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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 in quantities specified in subsection C of this section:

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, upon conviction, be guilty of a felony and 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, upon conviction, be a Schedule

N-3 Group B Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) ~~and not~~ nor more than One Hundred Thousand Dollars ($100,000.00), or both, or

b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall, upon conviction, be a Schedule N-2 Group B Amount Two felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than One Hundred Thousand Dollars ($100,000.00) ~~and not~~ nor more than Five Hundred Thousand Dollars ($500,000.00), or both;

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 a Schedule N-2 Group A Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) ~~and not~~ nor more than One Hundred Thousand Dollars ($100,000.00), or both, 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 a Schedule N-2 Group A Amount Two felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than One Hundred Thousand Dollars ($100,000.00) ~~and not~~ nor more than Five Hundred Thousand Dollars ($500,000.00), or both;

3. Heroin:

a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be a Schedule N-2 Group A Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) ~~and not~~ nor more than Fifty Thousand Dollars ($50,000.00), or both, or

b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be a Schedule N-2 Group A Amount Two felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Fifty Thousand Dollars ($50,000.00) ~~and not~~ nor more than Five Hundred Thousand Dollars ($500,000.00), or both;

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 a Schedule N-2 Group B Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) ~~and not~~ nor more than Two Hundred Thousand Dollars ($200,000.00), or both, 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 a Schedule N-2 Group B Amount Two felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Fifty Thousand

Dollars ($50,000.00) ~~and not~~ nor more than Five Hundred Thousand Dollars ($500,000.00), or both;

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 a Schedule N-2 Group A Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Fifty Thousand Dollars ($50,000.00) ~~and not~~ nor more than One Hundred Thousand Dollars ($100,000.00), or both, or

b. if the quantity involved is more than one thousand (1,000) dosage units, such violation shall be a Schedule N-2 Group A Amount Two felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than One Hundred Thousand Dollars ($100,000.00) ~~and not~~ nor more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both;

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 a Schedule N-2 Group B Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Twenty Thousand Dollars ($20,000.00) ~~and not~~ nor more than Fifty Thousand Dollars ($50,000.00), or both, 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 a Schedule N-2 Group B Amount Two felony punishable by

imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Fifty Thousand Dollars ($50,000.00) ~~and not~~ nor more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both; 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 a Schedule N-2 Group A Amount One felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) ~~and not~~ nor more than One Hundred Thousand Dollars ($100,000.00), or both, 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 a Schedule N-2 Group A Amount Two felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than One Hundred Thousand Dollars ($100,000.00) ~~and not~~ nor more than Five Hundred Thousand Dollars ($500,000.00), or both.

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 guilty of a felony.~~

~~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 463. AMENDATORY 63 O.S. 1991, Section 2-509, as last amended by Section 536, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1997, 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~~ <u>such officer</u> 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 Schedule N-3 Group C felony~~. The~~, upon conviction, punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation of this section shall not to exceed~~ of not more than Fifty Thousand Dollars ($50,000.00). ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any person convicted of a second or subsequent violation of subsection B of this section shall be ~~subject to~~ guilty of a Schedule N-3 Group C felony punishable by imprisonment as provided in the state's sentencing matrix, and by a fine of twice the ~~fine~~ amount otherwise authorized by law for the offense. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a

direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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~~ this state who receives information of such plants growing in ~~the State of Oklahoma~~ this state, 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 464. AMENDATORY 64 O.S. 1991, Section 64, as amended by Section 537, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule F felony of perjury~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 465. AMENDATORY 64 O.S. 1991, Section 88, as amended by Section 538, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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 or her lease term, or upon cancellation of a certificate of purchase on state-owned lands, shall, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 466. AMENDATORY 64 O.S. 1991, Section 111, as amended by Section 539, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall not exceed~~ of not more than Three Thousand Dollars ($3,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 467. AMENDATORY 64 O.S. 1991, Section 112, as amended by Section 540, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this~~

~~section shall not exceed~~ of not more than Three Thousand Dollars ($3,000.00) or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 468. AMENDATORY 64 O.S. 1991, Section 114, as amended by Section 541, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 114), is amended to read as follows:

Section 114. Any employee of the Commissioners of the Land Office who shall be convicted of embezzling any of the funds or monies of the Commissioners of the Land Office shall, upon conviction, be guilty of a Schedule F felony ~~and, in~~ punishable by imprisonment as provided in the state's sentencing matrix. 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 469. AMENDATORY 64 O.S. 1991, Section 115, as amended by Section 542, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~,~~ ~~upon conviction and in~~ punishable by imprisonment as provided in the state's sentencing matrix. In addition thereto shall be immediately

discharged by the Commissioners of the Land Office upon the discovery of such acts. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 470. AMENDATORY 64 O.S. 1991, Section 123, as amended by Section 543, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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 convicted of violating this provision shall be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this provision shall be~~ of not less than One Hundred Dollars ($100.00) nor more than One

Thousand Dollars ($1,000.00), or both; 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. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 or her 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 471. AMENDATORY 64 O.S. 1991, Section 132, as amended by Section 544, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, Section 132), is amended to read as follows:

Section 132. ~~This act~~ Section 121 et seq. of this title 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 or

she shall, upon conviction, be ~~deemed~~ guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 472. AMENDATORY 64 O.S. 1991, Section 157, as amended by Section 545, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule F felony of perjury ~~and upon conviction thereof in a court of competent jurisdiction shall be punished~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~not to exceed~~ of not more than Three Thousand Dollars ($3,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 473. AMENDATORY 64 O.S. 1991, Section 251, as amended by Section 546, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of the Schedule F felony of perjury~~, upon conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. 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, upon conviction, be guilty of the Schedule F felony of perjury ~~and shall be punished as herein provided~~ by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 474. AMENDATORY 64 O.S. 1991, Section 459, as amended by Section 547, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1997, 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 Chapter 10 of this ~~act~~ title, or who violates any other terms or provisions of this ~~act~~ chapter, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this section shall be~~ of not less than Fifty Dollars ($50.00) and not ~~to exceed~~ more than Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this

offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 475. AMENDATORY 66 O.S. 1991, Section 304, as amended by Section 548, Chapter 133, O.S.L. 1997 (66 O.S. Supp. 1997, 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~~ the Railroad Revitalization 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~~ the Railroad Revitalization 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~~ the Railroad Revitalization 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~~ Any person convicted of a violation of this provision shall ~~constitute~~ be guilty of a Schedule F felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation of this provision shall be~~ of not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. All meetings of the Department shall be open public meetings, and all records shall be public records, except when considering personnel.

SECTION 476. AMENDATORY 67 O.S. 1991, Section 83, as amended by Section 549, Chapter 133, O.S.L. 1997 (67 O.S. Supp. 1997, 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, such person shall, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a 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). ~~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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any person so convicted shall be forever barred from holding any office of profit or trust within the State of Oklahoma.

SECTION 477. AMENDATORY 68 O.S. 1991, Section 103, as amended by Section 550, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty of a misdemeanor~~, and, upon conviction, shall be punished~~ punishable 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 or her 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, upon conviction, be guilty of ~~the~~ a Schedule F felony of perjury, ~~and, upon conviction, shall be punished as provided by law~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 478. AMENDATORY 68 O.S. 1991, Section 218.1, as amended by Section 551, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for the violation shall not exceed~~ of not more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 479. AMENDATORY 68 O.S. 1991, Section 240.1, as amended by Section 552, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty~~, upon conviction,~~ of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall be~~ not less than One Thousand Dollars ($1,000.00) ~~and not~~ nor more than Fifty Thousand Dollars ($50,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 480. AMENDATORY 68 O.S. 1991, Section 241, as amended by Section 553, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty~~, upon conviction,~~ of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 481. AMENDATORY 68 O.S. 1991, Section 244, as amended by Section 554, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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 or her 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, upon conviction, be guilty of the Schedule F felony of perjury~~, and, upon conviction, shall be punished~~ punishable as provided for in Section 246 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 482. AMENDATORY 68 O.S. 1991, Section 246, as amended by Section 555, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty~~, upon conviction,~~ of ~~the~~ a Schedule F felony of perjury~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for the violation shall be~~ of not less than Five Hundred Dollars ($500.00) or more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 483. AMENDATORY 68 O.S. 1991, Section 317, as amended by Section 556, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(b) Each person violating any other provision of this article shall, upon conviction, be guilty of a misdemeanor~~, and upon conviction thereof shall be punished~~ punishable 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 484. AMENDATORY 68 O.S. 1991, Section 450.8, as amended by Section 559, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 450.8), is amended to read as follows:

Section 450.8 A. Any dealer violating the provisions of ~~this act~~ Section 450.1 et seq. of this title, except Section ~~9~~ 450.9 of this ~~act~~ title, shall pay a civil penalty of one hundred percent (100%) of the amount of the tax levied in Section ~~2~~ 450.2 of this ~~act~~ title 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~~ shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

C. Nothing in this act may in any manner provide immunity for a dealer from criminal prosecution pursuant to Oklahoma law.

SECTION 485. AMENDATORY 68 O.S. 1991, Section 450.9, as amended by Section 560, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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 or her 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 450.2 of this title, reuse any stamp which has heretofore been used for the purpose of paying any tax levied by Section 450.2 of this title, or buy, sell, offer for sale, or have in his or her possession, any counterfeit stamps.

C. Any person convicted of violating any provision of this section shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a

fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 486. AMENDATORY 68 O.S. 1991, Section 1361, as last amended by Section 561, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon

conviction, be ~~deemed~~ guilty of a misdemeanor, ~~and upon conviction thereof shall be fined~~ punishable by a fine of not more than Five Hundred Dollars ($500.00)~~, and upon conviction~~. Any person convicted for a second or ~~other~~ subsequent ~~offense shall be fined~~ violation of this section shall be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), or ~~incarcerated~~ by imprisonment in the county jail 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, upon conviction, be guilty of the Schedule G felony of embezzlement punishable by imprisonment as provided in the state's sentencing matrix. 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, upon conviction, be guilty of the Schedule G felony of embezzlement punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 487. AMENDATORY 68 O.S. 1991, Section 1364, as amended by Section 562, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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~~ such person. 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, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00).

(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 or her 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 488. AMENDATORY 68 O.S. 1991, Section 1625, as amended by Section 563, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty of the Schedule F felony of perjury ~~and shall be punished as provided for by law~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 489. AMENDATORY 68 O.S. 1991, Section 2376, as amended by Section 564, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be guilty~~, upon conviction,~~ of a Schedule F felony ~~and shall be punished~~ punishable as provided for in Section 240.1 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty~~, upon conviction~~, of a Schedule F felony ~~and shall be punished~~ punishable as provided for in subsection A of Section 241 of this title. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 490. AMENDATORY 68 O.S. 1991, Section 2861, as last amended by Section 565, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall be~~ not less than Two Hundred Dollars ($200.00) ~~and not~~ nor more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 491. AMENDATORY 68 O.S. 1991, Section 2900, as amended by Section 566, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, such person shall, upon conviction, 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~~ in addition shall be punished by 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, upon conviction, be guilty of the Schedule F felony of perjury ~~and, upon conviction, subject to the penalty provided by law for the felony of perjury~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 492. AMENDATORY 68 O.S. 1991, Section 2920, as amended by Section 567, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, Section 2920), is amended to read as follows:

Section 2920. If any county treasurer in this state or ~~his~~ any 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, upon conviction, be ~~deemed~~ guilty of a Schedule F felony~~, on conviction thereof~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 493. AMENDATORY 68 O.S. 1991, Section 2945, as amended by Section 568, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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 or her control or required to be listed by ~~him~~ such person, or shall knowingly and willfully make false answer to any question which may be put to him or her 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, upon conviction, be ~~deemed~~ guilty of the Schedule F felony of perjury~~, and upon conviction thereof shall be punished therefor as is provided by law for the punishment of the felony of perjury~~ punishable by imprisonment as

provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 or her property.

SECTION 494. AMENDATORY 69 O.S. 1991, Section 310, as amended by Section 569, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1997, 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 or her 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 or her 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, upon conviction, be guilty of a Schedule F felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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~~ such person's 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, upon conviction, be guilty of a Schedule F felony ~~and, upon conviction, shall be punished and penalized~~ punishable as provided by this section. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 495. AMENDATORY 69 O.S. 1991, Section 1213, as last amended by Section 570, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1997, 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, upon conviction, 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, upon conviction, be guilty of a Schedule H felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~exceed~~ more than One Thousand Dollars ($1,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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~~ such person 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 496. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 571, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1997, Section 1705), is amended to read as follows:

Section 1705. The Turnpike 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~~ Any person convicted of any violation of this provision shall ~~constitute~~ be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 497. AMENDATORY 69 O.S. 1991, Section 1802, as amended by Section 572, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1997, Section 1802), is amended to read as follows:

Section 1802. Any person who is convicted of a felony violation of any of the provisions of ~~this Code herein~~ the Oklahoma Highway Code of 1968 or by the laws of this ~~state declared to constitute a felony, and~~ title for which another penalty is not ~~provided in this Code~~ specified, shall be ~~punished~~ guilty of a Schedule G felony punishable by imprisonment as provided in the state's sentencing matrix, or by a fine of not less than Five Hundred Dollars ($500.00) ~~nor more~~ nor than Five Thousand Dollars ($5,000.00), or both.

SECTION 498. AMENDATORY 70 O.S. 1991, Section 16-122, as last amended by Section 573, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable

by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, upon conviction, be guilty of a misdemeanor~~, and shall be punished~~ punishable by a fine of not less than Fifty Dollars ($50.00) ~~and not~~ nor more than Two Hundred Dollars ($200.00), or by both, and shall in addition thereto forfeit the office or position.

SECTION 499. AMENDATORY 70 O.S. 1991, Section 16-123, as last amended by Section 574, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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, upon conviction, be guilty of a misdemeanor~~, and shall be punished~~ punishable 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 500. AMENDATORY 70 O.S. 1991, Section 17-110, as amended by Section 575, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Should any charge or error in the records result in any member or beneficiary receiving from the retirement system more or less than ~~he~~ such person 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 501. AMENDATORY 70 O.S. 1991, Section 23-106, as amended by Section 576, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, Section 23-106), is amended to read as follows:

Section 23-106. The Oklahoma Educational Television 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~~ convicted of violating any of the provisions of this section shall be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 502. AMENDATORY 70 O.S. 1991, Section 3909, as last amended by Section 577, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not be more than Twenty Thousand Dollars ($20,000.00), or both. Such person shall also be subject to immediate removal from office or employment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 503. AMENDATORY 70 O.S. 1991, Section 4306, as amended by Section 578, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty Thousand Dollars ($20,000.00),

or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. Any person ~~found guilty~~ convicted 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 504. AMENDATORY 71 O.S. 1991, Section 407, as last amended by Section 10 of Enrolled Senate Bill No. 1354 of the

2nd Session of the 46th Oklahoma Legislature, is amended to read as follows:

Section 407. (a) Any person who willfully violates any provision of this ~~act~~ title except Section 403 of this title, or who willfully violates any rule or order under this ~~act~~ title, or who willfully violates Section 403 of this title knowing the statement made to be false or misleading in any material respect, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such violation shall not be~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

(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 or the United States Attorney for the district where a violation occurred. 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 investigations or proceedings under this section.

(c) Nothing in ~~this act~~ the Oklahoma Securities Act limits the power of the state to punish any person for any conduct which constitutes a crime by statutes.

SECTION 505. AMENDATORY 71 O.S. 1991, Section 460, as amended by Section 580, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1997, 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~~ Section 451 et seq. of this title or any rule thereunder, or any order of the Administrator of which this person has notice, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such violation shall not be~~ of not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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~~ the district attorney 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 Section 451 et seq. of this ~~act~~ title 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 506. AMENDATORY 71 O.S. 1991, Section 658, as amended by Section 581, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1997, Section 658), is amended to read as follows:

Section 658. A. Any person who willfully violates any provision of ~~this Code~~ Section 601 et seq. of this title, except Section 654 of this title, or any rule under ~~this Code~~ Section 601 et seq. of this title, or any order of which 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, shall, upon conviction, be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such violation shall not be~~ of not more than Twenty-five Thousand Dollars ($25,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

B. The Administrator may refer such evidence as is available concerning violations of ~~this Code~~ Section 601 et seq. of this title 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~~ Section 601 et seq. of this title limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

SECTION 507. AMENDATORY 71 O.S. 1991, Section 823, as amended by Section 582, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1997, Section 823), is amended to read as follows:

Section 823. A. Any person who willfully violates Section 806, subsection A of Section 808, subsection A of Section 809, Sections 811, 819, 821 or 822 of this title or who willfully violates any rule under the ~~act~~ Oklahoma Business Opportunity Sales Act or who willfully violates any order of which the person has notice, or who violates Section 820 of this title knowing that the statement made was false or misleading in any material respect, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for such violation shall not be~~ of not more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 508. AMENDATORY 73 O.S. 1991, Section 162, as amended by Section 583, Chapter 133, O.S.L. 1997 (73 O.S. Supp. 1997, Section 162), is amended to read as follows:

Section 162. (a) It shall be unlawful for any member or employee of the Oklahoma Capitol Improvement 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~~ Any person convicted of any violation of any of the provisions of this section shall ~~constitute~~ be guilty of a Schedule G felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 509. AMENDATORY 74 O.S. 1991, Section 71, as amended by Section 584, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 71), is amended to read as follows:

Section 71. The taking or receiving by any officer of said 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 Department, shall, upon conviction, be a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ not more than 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.~~ As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 510. AMENDATORY 74 O.S. 1991, Section 85.45h, as amended by Section 585, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, 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 85.45g of this title.

B. Any person convicted of violating any provision of the Oklahoma Minority Business Enterprise Assistance Act shall be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~the Minority Business Enterprise Assistance Act shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 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 511. AMENDATORY 74 O.S. 1991, Section 85.47h, as amended by Section 586, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, Section 85.47h), is amended to read as follows:

Section 85.47h A. ~~A~~ It shall be unlawful for any person ~~shall not~~ to 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~~ It shall be unlawful for any person ~~shall not~~ to 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~~ convicted of violating any provision of this section shall be guilty of a Schedule G felony~~, upon conviction. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 512. AMENDATORY 74 O.S. 1991, Section 215, as amended by Section 587, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, 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 Section 212 et seq. of this ~~article~~ title, must afford reasonable facilities for the investigation provided for in Section 212 et seq. of this ~~article~~ title, 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 or she 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, upon conviction, be ~~deemed~~ guilty of a misdemeanor; and if any person in making such exhibit or giving such information or affording any

statement required under Section 212 et seq. of this ~~article~~ title, on ~~his~~ such oath, shall knowingly swear falsely concerning the same, ~~he~~ such person shall, upon conviction, be ~~deemed~~ guilty of the Schedule F felony of perjury ~~and punished accordingly~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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 or her 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 Section 212 et seq. of this ~~article~~ title of the records, and books of the officers of public institutions or pertaining to the county and state officers aforesaid, shall, upon conviction, be ~~deemed~~ guilty of a misdemeanor ~~and shall be liable on conviction to~~ punishable by 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 513. AMENDATORY 74 O.S. 1991, Section 217, as amended by Section 588, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, 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~~ the 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~~ any 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~~ any service, or neglect of service, other than that provided for in Section 212 et seq. of this ~~article~~ title, ~~he~~ such person shall be guilty of a Schedule F felony punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. The making of a false report knowingly by the State Auditor and Inspector, or any assistant or deputy, authorized by Section 212 et seq. of this ~~article~~ title, of the financial condition of any office or institution required or authorized to be examined ~~by this article~~, shall, upon conviction, be a Schedule F felony~~, and any~~ punishable by imprisonment as provided in the state's sentencing matrix. Any failure to perform the duties required ~~of them~~ to be performed by Section 212 et seq. of this ~~article~~ title shall, upon conviction, constitute a misdemeanor.

SECTION 514. AMENDATORY 74 O.S. 1991, Section 316, as amended by Section 589, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, 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~~ Section 311 et seq. of this title 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~~. Any person making false swearing in any matter or proceedings aforesaid shall, upon conviction, be guilty of the Schedule F felony of perjury ~~and shall be punished as such~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act. 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, upon conviction, be ~~deemed~~ guilty of a misdemeanor ~~and it~~ punishable by imprisonment in the county jail, and by a fine of Twenty-five Dollars ($25.00). 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~~ any 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~~ or her discretion be private, and persons other than those required to be present by the provisions of Section 311 et seq. of this ~~act~~ title, may be excluded from the place where such investigation is held and 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 515. AMENDATORY 74 O.S. 1991, Section 3404, as amended by Section 590, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1997, 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, upon conviction, be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00) or double the amount of the financial gain, or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 516. AMENDATORY 79 O.S. 1991, Section 103, as amended by Section 592, Chapter 133, O.S.L. 1997 (79 O.S. Supp. 1997, 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~~ violate any ~~infraction~~ provision of Section 101 et seq. of this ~~article~~ title, shall, upon conviction, be guilty of a Schedule G felony~~, upon conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Five Thousand Dollars ($5,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 517. AMENDATORY 82 O.S. 1991, Section 674, as amended by Section 593, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, 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 Section 531 et seq. of this ~~act~~ title, 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 or her 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~~, upon conviction, be guilty of a Schedule F felony, ~~on conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Five Thousand Dollars ($5,000.00), ~~and~~ or both. In addition the officer offending shall be liable personally and upon ~~his~~ the official bond for all losses to such district and for all profits realized by such unlawful use of monies. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 518. AMENDATORY 82 O.S. 1991, Section 867, as amended by Section 594, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, 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~~ such person shall, upon conviction, be guilty of a Schedule F felony, ~~on conviction thereof. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Ten Thousand Dollars ($10,000.00), or both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct

sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 519. AMENDATORY 82 O.S. 1991, Section 1086.3, as amended by Section 595, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, 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~~ Any person convicted of violating any provision of this section shall ~~constitute~~ be guilty of a Schedule F felony~~. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a 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 both. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 520. AMENDATORY 82 O.S. 1991, Section 1281, as amended by Section 596, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1997, 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~~ Such persons 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 person convicted of any violation of this section shall be guilty of a Schedule F felony ~~and shall work a forfeiture of office or employment. The~~ punishable by imprisonment as provided in the state's sentencing matrix, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~exceed~~ more than Five Hundred Dollars ($500.00), or both. In addition, a conviction of the provisions of this section shall result in a forfeiture of office or employment. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

SECTION 521. AMENDATORY 84 O.S. 1991, Section 55, as last amended by Section 597, Chapter 133, O.S.L. 1997 (84 O.S. Supp. 1997, 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 herself, or some person, in his or her presence and by his or her 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 her or by his or her authority.

3. The testator must, at the time of subscribing or acknowledging the same, declare to the attesting witnesses that the instrument is his or her will.

4. There must be two attesting witnesses, each of whom must sign his or her name as a witness at the end of the will at the testator's request and in his or her 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/her last will and testament or a codicil to his/her last will and testament, and that he/she had willingly made and executed it as his/her free and voluntary act and deed for the purposes therein expressed; and the said witnesses, each on his/her 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/her last will and testament or codicil to his/her last will and testament, and that he/she 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/her 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/her last will and testament or a codicil to his/her last will and testament, and that he/she willingly made and executed it as his/her 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/her

last will and testament or codicil to his/her last will and testament, and that he/she 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/her 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 Schedule F felony of perjury ~~and shall be subject to the penalties prescribed by law~~ punishable by imprisonment as provided in the state's sentencing matrix. As provided in the sentencing field of the applicable state's sentencing matrix, this offense may be punishable by a direct sentence to community punishment as provided in the Oklahoma Community Sentencing Act.

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 522. REPEALER Section 22, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 18), is hereby repealed.

SECTION 523. This act shall become effective July 1, 1998.

SECTION 524. 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.

46-1EX-3412 NP (<time=system>)