

SHORT TITLE: Murder; amending felony murder; discharge of firearm towards structure; penalty; codification; emergency.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 581

By: Kerr

AS INTRODUCED

An Act relating to discharging firearms; amending 21 O.S. 1991, Section 701.7, as amended by Section 1, Chapter 161, O.S.L. 1996 (21 O.S. Supp. 1996, Section 701.7), which relates to murder in the first degree; amending felony murder to include the intentional discharge of firearm towards structure; criminalizing intentional discharge of a firearm towards structure; setting felony penalty; providing for codification; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 701.7, as amended by Section 1, Chapter 161, O.S.L. 1996 (21 O.S. Supp. 1996, Section 701.7), is amended to read as follows:

Section 701.7 A. A person commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.

B. A person also commits the crime of murder in the first degree, regardless of malice, when that person or any other person takes the life of a human being during, or if the death of a human being results from, the commission or attempted commission of murder

of another person, shooting or discharge of a firearm or crossbow with intent to kill, intentional discharge of a weapon towards a structure, intentional discharge of a weapon from a vehicle towards a structure, forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, first degree burglary, first degree arson, unlawful distributing or dispensing of controlled dangerous substances, or trafficking in illegal drugs.

C. A person commits murder in the first degree when the death of a child results from the willful or malicious injuring, torturing, maiming or using of unreasonable force by said person or who shall willfully cause, procure or permit any of said acts to be done upon the child pursuant to Section 843 of this title.

D. A person commits murder in the first degree when that person unlawfully and with malice aforethought solicits another person or persons to cause the death of a human being in furtherance of unlawfully manufacturing, distributing or dispensing controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, unlawfully possessing with intent to distribute or dispense controlled dangerous substances, or trafficking in illegal drugs.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1272.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

Any person who intentionally discharges any kind of firearm or other weapon towards a structure in conscious disregard for the safety of any other person shall be guilty of a felony and the violator, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than two (2) years nor more than twenty (20) years.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

46-1-0777

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