HOUSE OF REPRESENTATIVES
Wednesday, February 17, 1999

House Bill No. 1013

HOUSE BILL NO. 1013 -- By ADKINS and ADAIR.

An Act relating to crimes and punishments; providing short title; providing penalty enhancement for weapon possession during certain crimes; defining term; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Section 2 of this act shall be known and may be cited as the "Brandy Thurmond Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1287.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

PENALTY ENHANCEMENT FOR WEAPON POSSESSION

Any person who, while committing or attempting to commit a crime of violence, is armed with a weapon, in addition to the penalty provided by statute for the crime of violence committed or attempted, upon conviction, shall be guilty of a felony for possessing such weapon, which shall be a separate offense punishable by not less than ten (10) years in the custody of the Department of Corrections. For purposes of this section, "crime of violence" means an offense that is a felony and has as an element of the offense, the use, attempted use, or threatened use of physical force against the person or property of another or that by its nature involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

SECTION 3. This act shall become effective July 1, 1999.

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

COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE, dated 2-16-99 -- DO PASS, As Coauthored.