STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1460 By: Morgan

COMMITTEE SUBSTITUTE

An Act relating to Truth in Sentencing; amending Sections 2 and 3, Chapter 133, O.S.L. 1997, as amended by Sections 2 and 3, Chapter 2, 1st Extraordinary Session, O.S.L. 1998, and Section 4, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 12, 13 and 14), Section 8, Chapter 133, O.S.L. 1997, as last amended by Section 15, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (22 O.S. Supp. 1998, Section 990a-1), 21 O.S. 1991, Sections 3, 5 and 7, as amended by Sections 10, 11 and 12, Chapter 133, O.S.L. 1997, 9, as last amended by Section 1, Chapter 2, 1st Extraordinary Session, O.S.L. 1998, 11 and 54, as amended by Sections 14 and 15, Chapter 133, O.S.L. 1997, and 64, as last amended by Section 16, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 3, 5, 7, 9, 11, 54 and 64), 22 O.S. 1991, Sections 857, as last amended by Section 13, Chapter 2, 1st Extraordinary Session, O.S.L. 1998, and 929, as amended by Section 18, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 857 and 929), 22 O.S. 1991, Section 982, as last amended by Section 1, Chapter 328, O.S.L. 1997 (22 O.S. Supp. 1998, Section 982), Section 20, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 991c-1), 21 O.S. 1991, Section 42, as amended by Section 21, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 42), 57 O.S. 1991, Sections 95, as last amended by Section 4, Chapter 89, O.S.L. 1998, and 138 and 332.7, as last amended by Sections 17 and 18, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (57 O.S. Supp. 1998, Sections 95, 138 and 332.7), Section 15, Chapter 276, O.S.L. 1993, as amended by Section 31, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 510.10), Section 33, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1516), Sections 1 and 2, Chapter 355, O.S.L. 1994, as amended by Sections 34 and 35, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 1501 and 1502), and Section 8, Chapter 355, O.S.L. 1994, as last amended by Section 22, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1508), which relate to crimes and punishments, criminal procedure, the Oklahoma Sentencing Commission, and imprisonment; modifying the Oklahoma Truth in Sentencing Act; modifying provisions relating to minimum percentage of sentence to be served; modifying definitions; restoring language contained in law prior to enactment of the Oklahoma Truth in Sentencing Act in certain circumstances; modifying duties and membership of the Oklahoma Sentencing

Commission; amending Sections 40 and 41, Chapter 133, O.S.L. 1997, as amended by Sections 6 and 7, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.2 and 987.3), Section 42, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.4), Sections 43, 44 and 45, Chapter 133, O.S.L. 1997, as amended by Sections 8, 9 and 10, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.5, 987.6 and 987.7), Section 46, Chapter 133, O.S.L. 1997, as amended by Section 2, Chapter 420, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.8), Sections 47, 49 and 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.9, 987.11 and 987.12), Sections 51, 53, 54 and 55, Chapter 133, O.S.L. 1997, as amended by Sections 13, 14, 15 and 16, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.13, 987.15, 987.16 and 987.17), Section 56, Chapter 133, O.S.L. 1997, as amended by Section 14, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (22 O.S. Supp. 1998, Section 987.18), Section 57, Chapter 133, O.S.L. 1997, as amended by Section 17, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.19), Sections 58 and 59, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.20 and 987.21), Section 60, Chapter 133, O.S.L. 1997, as amended by Section 18, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.22), Section 62, Chapter 133, O.S.L. 1997, as renumbered by Section 26, Chapter 333, O.S.L. 1997 (57 O.S. Supp. 1998, Section 557.1), and Section 64, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 990), which relate to the Oklahoma Community Sentencing Act; modifying definitions; removing references to sentencing matrix; modifying duties and membership of community sentencing system planning council; modifying community sentencing program options; requiring certain fees to be maintained by local planning councils; modifying medical services payment for community sentencing; modifying duties of local administrators; modifying duties of the Community Sentencing Division of the Department of Corrections; authorizing community sentencing system to serve misdemeanor offenders; modifying provisions regarding payment of transportation costs; eliminating incentives for offenders; modifying distance which is required for travel for programs; modifying how funds from community sentencing revolving fund will be spent; amending 22 O.S. 1991, Sections 991a, as last amended by Section 65, Chapter 133, O.S.L. 1997, 991a-2, as amended by Section 66, Chapter 133, O.S.L. 1997, 976 and 982a, as amended by Sections 68 and 69, Chapter 133, O.S.L. 1997, and 991c and 305.2, as last amended by Sections 70 and 72, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 991a, 991a-2, 976, 982a, 991c and 305.2), and 57 O.S. 1991, Section 38, as last amended by Section 76, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 38), which relate to criminal procedure and prisons; removing references to sentencing matrix; modifying term; modifying provisions regarding reimbursement to sheriffs; restoring language contained in law prior to the Truth in Sentencing Act in certain circumstances; enacting the Oklahoma Preadjudicatory Services Act; stating purposes; defining terms;

amending 22 O.S. 1991, Sections 1101 and 1105, as last amended by Section 4, Chapter 368, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1105), which relate to criminal procedure; establishing certain conditions for admission to bail; establishing procedures for preadjudication drug and alcohol assessment and testing for certain offenders; amending 2 O.S. 1991, Section 6-155, as amended by Section 87, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, Section 9-37), 2 O.S. 1991, Section 1301-205, as amended by Section 98, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-205), 2 O.S. 1991, Section 1301-208, as amended by Section 99, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-208), 2 O.S. 1991, Section 1301-214, as amended by Section 100, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-214), 2 O.S. 1991, Section 1301-309, as amended by Section 101, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-309), 2 O.S. 1991, Section 1301-310, as last amended by Section 102, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-310), Section 6, Chapter 238, O.S.L. 1995, as amended by Section 103, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 1907), which relate to agriculture; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 3 O.S. 1991, Section 259, as amended by Section 107, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1998, Section 259) and 3 O.S. 1991, Section 301, as last amended by Section 1, Chapter 89, O.S.L. 1998 (3 O.S. Supp. 1998, Section 301), which relate to aircraft and airports; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; 3A O.S. 1991, Section 203.6, as amended by Section 111, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, Section 208.10), Section 1, Chapter 85, O.S.L. 1993, as amended by Section 118, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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. 1998, Section 505), which relate to amusements and sports; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 4 O.S. 1991, Section 268, as last amended by Section 122, Chapter 133, O.S.L. 1997 (4 O.S. Supp. 1998, Section 268), which relates to animals; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 6 O.S. 1991, Section 808, as amended by Section 123, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1998, Section 808), 6 O.S. 1991, Section 809, as last amended by Section 124, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1998, Section 809) and 6 O.S. 1991, Section 1414, as amended by Section 125, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1998, Section 1414), which relate to banks and banking; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 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. 1998, Section 7115), which relates to children; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 11 O.S. 1991, Section 39-113, as amended by Section 129, Chapter 133, O.S.L. 1997 (11 O.S. Supp. 1998, Section 39-113), which relates to cities and towns; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 13 O.S. 1991, Section 176.3, as amended by Section 132, Chapter 133, O.S.L. 1997 (13 O.S. Supp. 1998, Section 176.3), which relates to common carriers; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 15 O.S. 1991, Sections 567, as amended by Section 133, Chapter 133, O.S.L. 1997, and 761.1, as last amended by Section 134, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1998, Sections 567 and 761.1), which relate to contracts; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in

Sentencing Act; amending Section 2, Chapter 271, O.S.L. 1992, as amended by Section 136, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1998, Section 6.1), and 17 O.S. 1991, Sections 16, 158.59 and 191.11, as amended by Sections 137, 138 and 139, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1998, Sections 16, 158.59 and 191.11), which relate to the Corporation Commission; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 18 O.S. 1991, Section 411, as amended by Section 140, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1998, Section 411), 18 O.S. 1991, Section 552.11, as amended by Section 141, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 553.3), which relate to corporations; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 19 O.S. 1991, Section 112, as amended by Section 149, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1998, Section 112), 19 O.S. 1991, Section 641, as amended by Section 151, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1998, Section 641) and 19 O.S. 1991, Section 686, as amended by Section 152, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1998, Section 686), which relate to counties and county officers; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 21 O.S. 1991, Section 53, as amended by Section 153, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 53), 21 O.S. 1991, Section 175, as amended by Section 154, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 187.2), 21 O.S. 1991, Section 265, as amended by Section 157, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 265), 21 O.S. 1991, Section 266, as amended by Section 158, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 266), 21 O.S. 1991, Section 275, as amended by Section 159, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 275), 21 O.S. 1991, Section 301, as amended by Section 160, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 301), 21 O.S. 1991, Section 303, as amended by Section 161, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 303), 21 O.S. 1991, Section 305, as amended by Section 162, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 305), 21 O.S. 1991, Section 308, as amended by Section 165, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 308), 21 O.S. 1991, Section 309, as amended by Section 166, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 309), 21 O.S. 1991, Section 320, as amended by Section 167, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 320), 21 O.S. 1991, Section

322, as amended by Section 168, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 334), 21 O.S. 1991, Section 341, as amended by Section 170, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 341), 21 O.S. 1991, Section 349, as amended by Section 171, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 349), 21 O.S. 1991, Section 350, as amended by Section 172, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 350), 21 O.S. 1991, Section 357, as amended by Section 173, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 357), 21 O.S. 1991, Section 359, as amended by Section 174, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 360), 21 O.S. 1991, Section 373, as amended by Section 177, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 373), 21 O.S. 1991, Section 374, as amended by Section 178, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 374), 21 O.S. 1991, Section 380, as amended by Section 179, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 380), 21 O.S. 1991, Section 381, as amended by Section 180, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 381), 21 O.S. 1991, Section 382, as amended by Section 181, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 382), 21 O.S. 1991, Section 383, as amended by Section 182, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 383), 21 O.S. 1991, Section 399, as amended by Section 184, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 399), 21 O.S. 1991, Section 400, as amended by Section 185, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 400), 21 O.S. 1991, Section 421, as amended by Section 186, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 421), 21 O.S. 1991, Section 422, as amended by Section 187, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 422), 21 O.S. 1991, Section 424, as amended by Section 188, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 424), 21 O.S. 1991, Section 436, as amended by Section 190, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 436), 21 O.S. 1991, Section 437, as amended by Section 191, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 437), 21 O.S. 1991, Section 438, as amended by Section 192, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 438), 21 O.S. 1991, Section 440, as amended by Section 193, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 440), 21 O.S. 1991, Section 443, as last amended by Section 194, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 443), 21 O.S. 1991, Section 445, as amended by Section 196, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 445), 21 O.S. 1991, Section 455, as last amended by Section 199, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 455), 21 O.S. 1991, Section 461, as amended by Section 201, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 461), 21 O.S. 1991, Section 462, as amended by Section 202, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 462), 21 O.S. 1991, Section 500, as amended by Section 204, Chapter 133,

O.S.L. 1997 (21 O.S. Supp. 1998, Section 500), 21 O.S. 1991, Section 521, as amended by Section 206, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 521), 21 O.S. 1991, Section 539, as amended by Section 209, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 539), 21 O.S. 1991, Section 540A, as last amended by Section 210, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 540A), 21 O.S. 1991, Section 540B, as amended by Section 211, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 540B), 21 O.S. 1991, Section 543, as amended by Section 212, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 543), 21 O.S. 1991, Section 578, as amended by Section 213, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 578), 21 O.S. 1991, Section 579, as amended by Section 214, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 579), 21 O.S. 1991, Section 588, as amended by Section 215, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 588), 21 O.S. 1991, Section 590, as amended by Section 216, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 590), 21 O.S. 1991, Section 645, as amended by Section 218, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 645), 21 O.S. 1991, Section 649, as amended by Section 219, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 649), 21 O.S. 1991, Section 649.1, as amended by Section 220, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 649.2), 21 O.S. 1991, Section 650, as amended by Section 222, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 650), 21 O.S. 1991, Section 650.5, as amended by Section 224, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 650.6), 21 O.S. 1991, Section 651, as amended by Section 228, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 651), 21 O.S. 1991, Section 652, as last amended by Section 229, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 652), 21 O.S. 1991, Section 653, as amended by Section 230, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 653), 21 O.S. 1991, Section 662, as amended by Section 231, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 662), 21 O.S. 1991, Section 681, as amended by Section 232, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 681), 21 O.S. 1991, Section 701.9, as amended by Section 233, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 701.9), 21 O.S. 1991, Section 701.10, as amended by Section 1, Chapter 67, O.S.L. 1992 (21 O.S. Supp. 1998, Section 701.10), 21 O.S. 1991, Section 701.16, as amended by Section 234, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 701.16), 21 O.S. 1991, Section 715, as amended by Section 235, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 715), 21 O.S. 1991, Section 722, as amended by Section 236, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 722), 21 O.S. 1991, Section 741, as amended by Section 237, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 741), 21 O.S. 1991, Section 745, as amended by Section 238, Chapter 133, O.S.L. 1997 (21

O.S. Supp. 1998, Section 745), 21 O.S. 1991, Section 759, as amended by Section 239, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 759), 21 O.S. 1991, Section 798, as amended by Section 240, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 798), 21 O.S. 1991, Section 799, as amended by Section 241, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 799), 21 O.S. 1991, Section 800, as amended by Section 242, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 800), 21 O.S. 1991, Section 801, as amended by Section 243, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 801), 21 O.S. 1991, Section 817, as amended by Section 244, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 817), 21 O.S. 1991, Section 818, as amended by Section 245, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 818), 21 O.S. 1991, Section 832, as amended by Section 246, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 832), 21 O.S. 1991, Section 843.1, as last amended by Section 7, Chapter 298, O.S.L. 1998 (21 O.S. Supp. 1998, Section 843.1), 21 O.S. 1991, Section 849, as amended by Section 248, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 849), 21 O.S. 1991, Section 850, as last amended by Section 7, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 850), 21 O.S. 1991, Section 851, as amended by Section 250, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 851), 21 O.S. 1991, Section 852, as last amended by Section 251, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 852), 21 O.S. 1991, Section 852.1, as amended by Section 252, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 852.1), 21 O.S. 1991, Section 853, as amended by Section 253, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 853), 21 O.S. 1991, Section 856, as last amended by Section 254, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 856), 21 O.S. 1991, Section 856.1, as amended by Section 255, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 856.2), 21 O.S. 1991, Section 861, as amended by Section 257, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 861), 21 O.S. 1991, Section 867, as amended by Section 258, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 867), 21 O.S. 1991, Section 872, as amended by Section 259, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 872), 21 O.S. 1991, Section 883, as amended by Section 260, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 883), 21 O.S. 1991, Section 884, as amended by Section 261, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 884), 21 O.S. 1991, Section 885, as amended by Section 262, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 885), 21 O.S. 1991, Section 886, as last amended by Section 5, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Section 886), 21 O.S. 1991, Section 888, as last amended by Section 264, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 888), 21 O.S. 1991, Section 891, as amended by Section 265, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 891), 21 O.S. 1991, Section 941, as last amended by Section 266, Chapter 133, O.S.L.

1997 (21 O.S. Supp. 1998, Section 941), 21 O.S. 1991, Section 946, as amended by Section 267, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 946), 21 O.S. 1991, Section 948, as last amended by Section 268, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 948), 21 O.S. 1991, Section 954, as amended by Section 270, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 954), 21 O.S. 1991, Section 982, as amended by Section 271, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 982), 21 O.S. 1991, Section 984, as amended by Section 272, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 984), 21 O.S. 1991, Section 986, as amended by Section 273, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 986), 21 O.S. 1991, Section 987, as amended by Section 274, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 987), 21 O.S. 1991, Section 991, as amended by Section 275, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 991), 21 O.S. 1991, Section 1021, as last amended by Section 276, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, Section 1031), 21 O.S. 1991, Section 1040.51, as amended by Section 281, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1040.51), 21 O.S. 1991, Section 1053, as amended by Section 282, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1053), 21 O.S. 1991, Section 1068, as amended by Section 284, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1073), 21 O.S. 1991, Section 1081, as amended by Section 286, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1081), 21 O.S. 1991, Section 1085, as amended by Section 287, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1085), 21 O.S. 1991, Section 1086, as amended by Section 288, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1086), 21 O.S. 1991, Section 1087, as amended by Section 289, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1087), 21 O.S. 1991, Section 1088, as amended by Section 290, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1088), 21 O.S. 1991, Section 1115, as amended by Section 292, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1115), 21 O.S. 1991, Section 1116, as amended by Section 293, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1116), 21 O.S. 1991, Section 1117, as amended by Section 294, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1117), 21 O.S. 1991, Section 1118, as amended by Section 295, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1118), 21 O.S. 1991, Section 1119, as amended by Section 296, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1119), 21 O.S. 1991, Section 1120, as

amended by Section 297, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1120), 21 O.S. 1991, Section 1122, as amended by Section 298, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1122), 21 O.S. 1991, Section 1123, as last amended by Section 299, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1123), 21 O.S. 1991, Section 1161, as amended by Section 300, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1161), 21 O.S. 1991, Section 1162, as amended by Section 301, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1162), 21 O.S. 1991, Section 1163, as amended by Section 302, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1163), 21 O.S. 1991, Section 1168.6, as amended by Section 305, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1168.6), Section 1, Chapter 107, O.S.L. 1992, as last amended by Section 307, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1173), 21 O.S. 1991, Section 1192, as amended by Section 308, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1192), 21 O.S. 1991, Section 1192.1, as amended by Section 309, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1192.1), 21 O.S. 1991, Section 1214, as amended by Section 310, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1214), 21 O.S. 1991, Section 1217, as amended by Section 311, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1217), Section 1, Chapter 195, O.S.L. 1995, as amended by Section 312, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1229), Section 8, Chapter 363, O.S.L. 1992, as last amended by Section 313, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1230.8), 21 O.S. 1991, Section 1263, as amended by Section 314, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1263), 21 O.S. 1991, Section 1265.2, as amended by Section 315, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1265.2), 21 O.S. 1991, Section 1265.3, as amended by Section 316, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1265.4), 21 O.S. 1991, Section 1266, as amended by Section 319, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1266), 21 O.S. 1991, Section 1266.5, as amended by Section 320, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1266.5), 21 O.S. 1991, Section 1272.2, as last amended by Section 323, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 1280.1), 21 O.S. 1991, Section 1284, as last amended by Section 328, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1284), 21 O.S. 1991, Section 1287, as last amended by Section 329, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, Section 1290.21), 21 O.S. 1991, Section 1302, as amended by Section 336, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1302), 21 O.S. 1991, Section 1303, as amended by Section 337, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1303), 21 O.S. 1991, Section 1304, as amended by Section 338, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1304), 21 O.S. 1991, Section 1312, as amended by Section 339, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1312), 21 O.S. 1991, Section 1320.4, as amended by Section 340, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1320.5), 21 O.S. 1991, Section 1321.7, as amended by Section 343, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1321.8), 21 O.S. 1991, Section 1327, as amended by Section 345, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1327), 21 O.S. 1991, Section 1368, as last amended by Section 346, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1368), 21 O.S. 1991, Section 1401, as last amended by Section 347, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1401), 21 O.S. 1991, Section 1402, as amended by Section 348, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1402), 21 O.S. 1991, Section 1403, as amended by Section 349, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1403), 21 O.S. 1991, Section 1404, as amended by Section 350, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1405), 21 O.S. 1991, Section 1411, as amended by Section 352, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1411), 21 O.S. 1991, Section 1412, as amended by Section 353, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1412), 21 O.S. 1991, Section 1414, as amended by Section 354, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1414), 21 O.S. 1991, Section 1415, as amended by Section 355, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1415), 21 O.S. 1991, Section 1416, as amended by Section 356, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1416), 21 O.S. 1991, Section 1436, as amended by Section 357, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1436), 21 O.S. 1991, Section 1441, as amended by Section 358, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1441), 21 O.S. 1991, Section 1462, as last amended by Section 360, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1462), 21 O.S. 1991, Section 1463, as amended by Section 361, Chapter 133, O.S.L. 1997 (21 O.S. Supp.

1998, Section 1463), 21 O.S. 1991, Section 1483, as amended by Section 362, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1483), 21 O.S. 1991, Section 1488, as amended by Section 363, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1488), 21 O.S. 1991, Section 1503, as last amended by Section 364, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1503), 21 O.S. 1991, Section 1506, as amended by Section 365, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1506), 21 O.S. 1991, Section 1521, as last amended by Section 366, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1521), 21 O.S. 1991, Section 1531, as amended by Section 367, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1531), 21 O.S. 1991, Section 1532, as amended by Section 368, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 1541.3), 21 O.S. 1991, Section 1543, as amended by Section 372, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1543), 21 O.S. 1991, Section 1544, as amended by Section 373, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1544), 21 O.S. 1991, Section 1550, as amended by Section 374, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1550), 21 O.S. 1991, Section 1550.33, as amended by Section 375, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1550.41), 21 O.S. 1991, Section 1621, as amended by Section 377, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1621), 21 O.S. 1991, Section 1632, as amended by Section 378, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1632), 21 O.S. 1991, Section 1635, as amended by Section 379, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1635), 21 O.S. 1991, Section 1662, as amended by Section 380, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1663), 21 O.S. 1991, Section 1680.2, as amended by Section 382, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1680.2), 21 O.S. 1991, Section 1681, as amended by Section 383, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1681), 21 O.S. 1991, Section 1685, as amended by Section 384, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1685), 21 O.S. 1991, Section 1694, as amended by Section 385, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1694), 21 O.S. 1991, Section 1695, as amended by Section 386, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1695), 21 O.S. 1991, Section 1696, as amended by Section 387, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1696), 21 O.S. 1991, Section 1697, as amended by Section 388, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1697), 21 O.S. 1991, Section 1699.1, as amended by Section 389, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1705), 21 O.S. 1991, Section 1707, as amended by Section 391, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1707), 21 O.S. 1991, Section 1708, as amended by Section 392, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1708), 21 O.S. 1991, Section 1713, as amended by Section 393, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1713), 21 O.S. 1991, Section 1716, as amended by Section 394, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1716), 21 O.S. 1991, Section 1719, as amended by Section 395, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 1719.2), 21 O.S. 1991, Section 1720, as amended by Section 398, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1720), 21 O.S. 1991, Section 1721, as amended by Section 399, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1721), 21 O.S. 1991, Section 1722, as last amended by Section 400, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1722), 21 O.S. 1991, Section 1724, as amended by Section 402, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1724), 21 O.S. 1991, Section 1726, as amended by Section 403, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1726), 21 O.S. 1991, Section 1727, as amended by Section 404, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1727), 21 O.S. 1991, Section 1728, as amended by Section 405, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1728), 21 O.S. 1991, Section 1731, as last amended by Section 406, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1731), 21 O.S. 1991, Section 1751, as amended by Section 407, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1751), 21 O.S. 1991, Section 1752, as amended by Section 408, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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. 1998, Section 1752.1), 21 O.S. 1991, Section 1753.8, as last amended by Section 411, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1753.8), 21 O.S. 1991, Section 1767.2, as amended by Section 416, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1767.2), 21 O.S. 1991, Section 1777, as amended by Section 417, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1777), 21 O.S. 1991, Section 1778, as amended by Section 418, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1778), 21 O.S. 1991, Section 1785, as amended by Section 419, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1785), 21 O.S. 1991, Section 1786, as amended by Section 420, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1786), 21 O.S. 1991, Section 1834, as amended by Section 421, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1834), 21 O.S. 1991, Section 1834.2, as amended by Section 422, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1834.2), 21 O.S. 1991, Section 1837, as amended by Section 423, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1837), 21

O.S. 1991, Section 1903, as amended by Section 425, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1903), 21 O.S. 1991, Section 1904, as amended by Section 426, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1904), 21 O.S. 1991, Section 1955, as amended by Section 428, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1955), 21 O.S. 1991, Section 1958, as amended by Section 429, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1958), 21 O.S. 1991, Section 1976, as amended by Section 430, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1976), 21 O.S. 1991, Section 1977, as amended by Section 431, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1977), 21 O.S. 1991, Section 1978, as amended by Section 432, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1978), 21 O.S. 1991, Section 1979, as amended by Section 433, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1979) and 21 O.S. 1991, Section 1980, as amended by Section 434, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1980), which relate to crimes and punishments; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 22 O.S. 1991, Section 17, as last amended by Section 435, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 17), 22 O.S. 1991, Section 107, as amended by Section 436, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 107), 22 O.S. 1991, Section 1110, as amended by Section 437, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1110), 22 O.S. 1991, Section 1263, as amended by Section 438, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1263), 22 O.S. 1991, Section 1264, as amended by Section 439, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1264) and 22 O.S. 1991, Section 1404, as amended by Section 440, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1404), which relate to criminal procedure; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 26 O.S. 1991, Section 16-101, as amended by Section 441, Chapter 133, O.S.L. 1997 (26 O.S. Supp. 1998, Section 16-101), which relates to elections; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 29 O.S. 1991, Section 3-201, as amended by Section 442, Chapter 133, O.S.L. 1997 (29 O.S. Supp. 1998, Section 3-201), which relates to game and fish; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 34 O.S. 1991, Section 23, as amended by Section 443, Chapter 133, O.S.L. 1997 (34 O.S. Supp. 1998, Section 23), which relates to initiative and referendum; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 36 O.S. 1991, Section 311.1, as last amended by Section 444, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1998, Section 311.1) and 36 O.S. 1991, Section 935, as amended by Section 446, Chapter 133,

O.S.L. 1997 (36 O.S. Supp. 1998, Section 935), which relate to insurance; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 37 O.S. 1991, Section 538, as amended by Section 451, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1998, Section 538) and 37 O.S. 1991, Section 587, as amended by Section 452, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1998, Section 587), which relate to intoxicating liquors; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 40 O.S. 1991, Section 169, as amended by Section 454, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, Section 169), 40 O.S. 1991, Section 182, as amended by Section 455, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, 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. 1998, Section 196.13), which relate to labor; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 42 O.S. 1991, Section 153, as amended by Section 460, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1998, Section 153), which relates to liens; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 43 O.S. 1991, Section 14, as amended by Section 461, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1998, Section 14), and 43 O.S. 1991, Section 124, as amended by Section 463, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1998, Section 124), which relate to marriage and family; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 44 O.S. 1991, Section 210, as amended by Section 465, Chapter 133, O.S.L. 1997 (44 O.S. Supp. 1998, Section 210), which relates to the militia; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 45 O.S. 1991, Section 807, as amended by Section 466, Chapter 133, O.S.L. 1997 (45 O.S. Supp. 1998, Section 807), which relates to mines and mining; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 43A O.S. 1991, Section 2-217, as amended by Section 467, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1998, Section 2-217) and 43A O.S. 1991, Section 2-219, as amended by Section 468, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1998, Section 2-219), which relate to mental health; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 47 O.S. 1991, Section 4-107, as amended by Section 473, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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. 1998, 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. 1998,

Section 4-109), 47 O.S. 1991, Section 6-301, as amended by Section 477, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 10-102.1), 47 O.S. 1991, Section 11-207, as last amended by Section 1, Chapter 23, O.S.L. 1998 (47 O.S. Supp. 1998, Section 11-207), 47 O.S. 1991, Section 11-902, as last amended by Section 3, Chapter 89, O.S.L. 1998 (47 O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, Section 17-102) and 47 O.S. 1991, Section 1503, as amended by Section 486, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, Section 1503), which relate to motor vehicles; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 51 O.S. 1991, Section 36.5, as amended by Section 487, Chapter 133, O.S.L. 1997 (51 O.S. Supp. 1998, Section 36.5) and 51 O.S. 1991, Section 36.6, as amended by Section 488, Chapter 133, O.S.L. 1997 (51 O.S. Supp. 1998, Section 36.6), which relate to officers; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 52 O.S. 1991, Section 47.6, as last amended by Section 489, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 47.6), 52 O.S. 1991, Section 108, as amended by Section 490, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 108), 52 O.S. 1991, Section 109, as amended by Section 491, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 109), 52 O.S. 1991, Section 114, as amended by Section 492, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 114), 52 O.S. 1991, Section 115, as amended by Section 493, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 115), 52 O.S. 1991, Section 117, as amended by Section 494, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 117), 52 O.S. 1991, Section 118, as amended by Section 495, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 118) and 52 O.S. 1991, Section 235, as amended by Section 496, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 235), which relate to oil and gas; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 56 O.S. 1991, Section 26.18, as amended by Section 497, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, 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. 1998, Section 183), 56 O.S. 1991, Section 185, as amended by Section 499, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, Section 185), 56 O.S. 1991, Section 243, as last amended by Section 500, Chapter 133, O.S.L. 1997 (56 O.S. Supp.

1998, Section 243) and 56 O.S. 1991, Section 1006, as amended by Section 501, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, Section 1006), which relate to poor persons; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 57 O.S. 1991, Section 13, as amended by Section 502, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 13) and 57 O.S. 1991, Section 21, as last amended by Section 503, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 21), which relate to prisons and reformatories; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 59 O.S. 1991, Section 15.26, as last amended by Section 505, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, Section 15.26), 59 O.S. 1991, Section 396.25, as amended by Section 507, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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. 1998, Section 475.20), 59 O.S. 1991, Section 1322, as last amended by Section 510, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, Section 1322), 59 O.S. 1991, Section 1335, as amended by Section 511, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, Section 1335), 59 O.S. 1991, Section 1512, as last amended by Section 512, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, Section 1512), 59 O.S. 1991, Section 1529, as amended by Section 513, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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. 1998, Section 1750.11), which relate to professions and occupations; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 62 O.S. 1991, Section 81, as amended by Section 518, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1998, 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. 1998, 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. 1998, Section 604), which relate to public finance; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 63 O.S. 1991, Section 1-731, as amended by Section 523, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, Section 1-731), 63 O.S. 1991, Section 2-312.1, as amended by Section 527, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, 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. 1998, Section 2-404), 63 O.S. 1991, Section 2-406, as amended by Section 533, Chapter 133, O.S.L. 1997 (63

O.S. Supp. 1998, 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. 1998, 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. 1998, 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. 1998, Section 2-509), which relate to public health and safety; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 64 O.S. 1991, Section 64, as amended by Section 537, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 64), 64 O.S. 1991, Section 88, as amended by Section 538, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 88), 64 O.S. 1991, Section 111, as amended by Section 539, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 111), 64 O.S. 1991, Section 112, as amended by Section 540, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 112), 64 O.S. 1991, Section 114, as amended by Section 541, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 114), 64 O.S. 1991, Section 115, as amended by Section 542, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 115), 64 O.S. 1991, Section 123, as amended by Section 543, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 123), 64 O.S. 1991, Section 132, as amended by Section 544, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 132), 64 O.S. 1991, Section 157, as amended by Section 545, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 157), 64 O.S. 1991, Section 251, as amended by Section 546, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 251) and 64 O.S. 1991, Section 459, as amended by Section 547, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 459), which relate to public lands; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 66 O.S. 1991, Section 304, as last amended by Section 20, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (66 O.S. Supp. 1998, Section 304), which relates to railroads; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 67 O.S. 1991, Section 83, as amended by Section 549, Chapter 133, O.S.L. 1997 (67 O.S. Supp. 1998, Section 83), which relates to records; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 68 O.S. 1991, Section 218.1, as amended by Section 551, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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. 1998, Section 240.1), 68 O.S. 1991, Section 241, as amended by Section 553, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 241), 68 O.S. 1991, Section 246, as amended by Section 555, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 246), 68 O.S. 1991, Section 317, as amended by Section 556, Chapter 133, O.S.L. 1997 (68 O.S. Supp.

1998, Section 317), Section 4, Chapter 339, O.S.L. 1992, as amended by Section 557, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 349), Section 10, Chapter 339, O.S.L. 1992, as amended by Section 558, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 426), 68 O.S. 1991, Section 450.8, as amended by Section 559, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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. 1998, Section 450.9), 68 O.S. 1991, Section 2861, as last amended by Section 565, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 2861) and 68 O.S. 1991, Section 2920, as amended by Section 567, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 2920), which relate to revenue and taxation; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 69 O.S. 1991, Section 310, as amended by Section 569, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1998, Section 310), 69 O.S. 1991, Section 1213, as last amended by Section 570, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1998, Section 1213), 69 O.S. 1991, Section 1705, as last amended by Section 21, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (69 O.S. Supp. 1998, Section 1705) and 69 O.S. 1991, Section 1802, as amended by Section 572, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1998, Section 1802), which relate to roads, bridges and ferries; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 70 O.S. 1991, Section 23-106, as amended by Section 576, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1998, 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. 1998, Section 3909) and 70 O.S. 1991, Section 4306, as amended by Section 578, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1998, Section 4306), which relate to education; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 71 O.S. 1991, Section 407, as last amended by Section 10, Chapter 152, O.S.L. 1998 (71 O.S. Supp. 1998, Section 407), 71 O.S. 1991, Section 460, as amended by Section 580, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1998, Section 460), 71 O.S. 1991, Section 658, as amended by Section 581, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1998, Section 658) and 71 O.S. 1991, Section 823, as amended by Section 582, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1998, Section 823), which relate to securities; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 73 O.S. 1991, Section 162, as amended by Section 583, Chapter 133, O.S.L. 1997 (73 O.S. Supp. 1998, Section 162), which relates to the state capital and Capitol building; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 74 O.S. 1991, Section 71, as amended by Section 584, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, Section 71), 74

O.S. 1991, Section 85.45h, as amended by Section 585, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, 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. 1998, Section 85.47h) and 74 O.S. 1991, Section 3404, as amended by Section 590, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, Section 3404), which relate to state government; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 79 O.S. 1991, Section 103, as amended by Section 592, Chapter 133, O.S.L. 1997 (79 O.S. Supp. 1998, Section 103), which relates to trusts and pools; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; amending 82 O.S. 1991, Section 674, as amended by Section 593, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, Section 674), 82 O.S. 1991, Section 867, as amended by Section 594, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, Section 867), 82 O.S. 1991, Section 1086.3, as amended by Section 595, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, 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. 1998, Section 1281), which relate to waters and water rights; modifying the Oklahoma Truth in Sentencing Act; restoring language contained in law prior to enactment of Oklahoma Truth in Sentencing Act; enacting new sections of law to replace sections of law repealed by the Oklahoma Truth in Sentencing Act; modifying certain penalties; making punishment for certain crimes life imprisonment without parole; eliminating possibility of life sentence for certain crimes; repealing Section 5, Chapter 133, O.S.L. 1997, as amended by Section 4, Chapter 2, 1st Extraordinary Session, O.S.L. 1998, Section 6, Chapter 133, O.S.L. 1997, and Section 7, Chapter 133, O.S.L. 1997, as amended by Section 1, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 15, 16 and 17), Section 22, Chapter 133, O.S.L. 1997, as amended by Section 5, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 18), 57 O.S. 1991, Section 365, as last amended by Section 28, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 365), Section 29, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 365A), 22 O.S. 1991, Section 982, as last amended by Section 19, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 982), Section 46, Chapter 133, O.S.L. 1997, as amended by Section 11, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.8), Section 48, Chapter 133, O.S.L. 1997, as amended by Section 12, Chapter 333, O.S.L. 1997, and Section 52, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.10 and 987.14), Section 63, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, Section 450.2), Section 73, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 588), 2 O.S. 1991, Sections 9-34, 9-35, 9-36 and 9-37, as amended by Sections 12, 13, 14 and 15, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1998, Sections 9-34, 9-35, 9-36 and 9-37), 6 O.S. 1991, Section 809, as last amended by Section 75, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1998, Section

809), 21 O.S. 1991, Section 644, as last amended by Section 217, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 644), 21 O.S. 1991, Section 650.2, as last amended by Section 3, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Section 650.2), 21 O.S. 1991, Section 1283, as last amended by Section 327, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1283), 21 O.S. 1991, Section 1542, as amended by Section 371, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1542), Section 8, Chapter 178, O.S.L. 1992, as amended by Section 448, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1998, Section 1658.2), 40 O.S. 1991, Section 4-508, as last amended by Section 453, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, Section 4-508), 63 O.S. 1991, Section 2-401, as last amended by Section 1, Chapter 59, O.S.L. 1997 (63 O.S. Supp. 1998, Section 2-401), 63 O.S. 1991, Section 2-505, as last amended by Section 1, Chapter 110, O.S.L. 1997 (63 O.S. Supp. 1998, Section 2-505), 68 O.S. 1991, Section 1364, as amended by Section 562, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 1364), and Sections 598, 599, 600 and 601, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 20.1, 20.2, 20.3 and 20.4), which relate to the Oklahoma Truth in Sentencing Act and to duplicate sections of law; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 133, O.S.L. 1997, as amended by Section 2, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 12), is amended to read as follows:

Section 12. A. A person committing a felony offense on or after July 1, 1999, and convicted of the offense shall be required to serve a minimum amount of the sentence of <u>imprisonment or</u> incarceration or community punishment imposed. A person convicted ~~of crimes in Schedule A, B, C, D, D-1, S-1, S-2 or S-3~~ <u>and sentenced to a term of imprisonment or incarceration</u> shall serve not less than eighty-five percent (85%) of the sentence ~~of imprisonment~~ imposed ~~within the Department of Corrections unless eligible for parole pursuant to subsection B of Section 332.7 of Title 57 of the Oklahoma Statutes. A person convicted of crimes in the other schedules shall serve not less than seventy-five percent (75%) of~~

~~the sentence of imprisonment imposed within the Department of Corrections unless eligible for parole pursuant to subsection B of Section 332.7 of Title 57 of the Oklahoma Statutes~~. The person shall not be eligible for parole consideration, earned credits or other types of credits which have the effect of reducing the length of sentence of imprisonment by more than fifteen percent (15%) of the sentence imposed.

B. ~~Any person committing a criminal offense on or after July 1, 1999, and sentenced by a court, shall be sentenced in accordance with the ranges of punishments established by the matrices provided for in Sections 20.1 through 20.4 of this title.~~

~~C.~~ This section shall not affect the power of the court to suspend or defer a sentence, if authorized by law.

SECTION 2. AMENDATORY Section 3, Chapter 133, O.S.L. 1997, as amended by Section 3, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 13), is amended to read as follows:

Section 13. ~~A.~~ The policy of this state is to sentence persons convicted of felonies pursuant to ~~sentencing matrices. The initial matrices shall be as provided in Sections 20.1 through 20.4 of this title. These matrices shall remain in effect until such time as new matrices are established pursuant to subsection B of this section.~~

~~B. Beginning July 1, 1999, felonies shall be classified pursuant to Section 16 of this title, except for Schedule A, and shall be punished as provided by the sentencing matrices in accordance with the application of any sentencing enhancers established by the Oklahoma Truth in Sentencing Act~~ the range of punishment provided for by law for the commission of a criminal offense and that offenders will serve eighty-five percent (85%) of the sentence imposed.

1. Beginning 2000 and each year thereafter, by December 1 the Department of Corrections shall submit to the Oklahoma Sentencing

Commission or successor agency a report of projected financial and bed space impact that will include an assessment of any need for additional resources for bed space under current sentencing ranges.

2. By January 15 of the year following receipt of the assessment of need by the Department of Corrections, the Commission or successor agency shall certify to the Governor and the Legislature whether or not changes are needed in ~~either~~ the ~~matrices or in~~ correctional facility capacity to ensure that offenders serve the minimum percentage amount of incarceration required by the Truth in Sentencing Act. This report shall include fiscal impact statements of the cost of any proposed change in correctional capacity~~, and an alternative matrix~~ and fiscal impact therefor.

~~3. The Commission or successor agency, by rule, shall promulgate one or more adjusted matrices to take effect July 1 of the year that certification is made to the Legislature pursuant to paragraph 2 of this subsection, in the event the Legislature does not provide the resources appropriate for the additional capacity needed by the Department of Corrections or other sources of revenue do not become available.~~

~~4. A new matrix, if necessary, shall be promulgated in accordance with the Administrative Procedures Act, except as provided in this section. The Commission or successor agency shall not adopt a new matrix by emergency rule except as provided in paragraph 5 of this subsection. Any permanent rule adopting a new matrix shall be submitted to the Governor within a sufficient time so that, if approved by the Governor, the rule shall be submitted to the Legislature by April 1 of the year in which the Commission or successor agency wishes to implement the matrix. If the Legislature does not either disapprove the matrix before the sine die adjournment of the legislative session in which the rule was submitted or provide total funding for needed resources, the matrix shall become effective on July 1 of the same year. If the Governor~~

~~disapproves the rule or the Legislature provides partial funding for needed resources, the Commission or successor agency, by rule, shall promulgate a revised adjusted matrix.~~

~~5. If the revised adjusted matrix cannot be promulgated and submitted to the Legislature by April 1, the Commission or successor agency may promulgate the revised adjusted matrix by emergency rule.~~

~~6. Any matrix adopted by the Commission or successor agency, which is not disapproved, shall be published as an appendix to this title.~~

SECTION 3. AMENDATORY Section 4, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 14), is amended to read as follows:

Section 14. The following definitions apply to the Oklahoma Truth in Sentencing Act:

1. "Commission" means the Oklahoma Sentencing Commission;

2. "Community punishment" or "community sentence" means a sentence pursuant to the Oklahoma Community Corrections Act. A community sentence may be with or without a term of community incarceration;

3. "Community incarceration" means an offender is sentenced to a form of confinement, other than imprisonment, which is available within a community and authorized by the local sheriff. Community incarceration placements include, but are not limited to, confinement in a regional or county jail, weekend or night incarceration, or inpatient substance abuse treatment;

4. "Confinement" means an offender is sentenced to a placement where the offender is controlled, restrained, or confined to a certain location, for a definite period of time as may be authorized by law for the commission of the criminal offense;

~~4. "Drug crime matrix" means the sentencing matrix for all felony drug offenses as provided by the Oklahoma Statutes;~~

5. ~~"Intoxicant crimes involving a vehicle matrix" means the sentencing a matrix for all felony offenses relating to operating or being in actual physical control of a motor vehicle while under the influence of intoxicants or with impaired ability as provided by the Oklahoma Statutes~~ "Imprisonment" means a placement in a prison operated or leased, or space leased by the Oklahoma Department of Corrections;

6. "Life imprisonment" means imprisonment for a period of not less than eighteen (18) years nor more than sixty (60) years;

7. ~~"Main matrix" means the sentencing matrix for all felonies except the drug crimes, sex crimes, and intoxicant crimes involving a vehicle, as provided by the Oklahoma Statutes;~~

~~8. "Offense enhancer" means the sentence enhancers based on the circumstances of the commission of the current offense of conviction provided for in Section 7 of this act;~~

~~9. "Prior record enhancer" means the sentence enhancers based on the prior criminal convictions of an offender provided for in Section 7 of this act;~~

~~10.~~ "Prison" means a minimum, medium, or maximum security correctional facility contracted for, operated, or leased by the Oklahoma Department of Corrections;

~~11.~~ 8. "Range of confinement" means the range within which a sentencing court may impose a term of confinement as provided for by ~~the applicable matrix~~ law;

~~12.~~ 9. "Range of punishment" means the possible punishment for the commission of a criminal offense. The range of punishment may include a term of confinement, a fine, a term of postimprisonment supervision, removal from office, and other conditions authorized by the Oklahoma Statutes;

~~13. "Schedule" means the classification of a criminal offense as provided in Section 6 of this act;~~

~~14.~~ 10. "Sentence" means the total obligation of the offender for the commission of a criminal offense as determined by the sentencing court, including any term of confinement in a prison or ~~jail~~ community incarceration, any term of community punishment, any term of supervision, any fine, and any terms or conditions as authorized by Section 991a of Title 22 of the Oklahoma Statutes;

~~15. "Sentencing level" or "level" means the level of sentencing pursuant to the applicable matrix;~~

~~16. "Sentencing matrix" means one of the sentencing matrices established as provided in Section 3 of this act;~~

~~17. "Sex crimes matrix" means the sentencing matrix for all felony sex offenses provided for by the Oklahoma Statutes;~~ and

~~18.~~ 11. "Postimprisonment supervision" means the period of supervision imposed by the court to follow the period of incarceration within the Department of Corrections.

SECTION 4. AMENDATORY Section 8, Chapter 133, O.S.L. 1997, as last amended by Section 15, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (22 O.S. Supp. 1998, Section 990a-1), is amended to read as follows:

Section 990a-1. A. When sentencing an offender for a crime committed on or after July 1, 1999, a court shall utilize the sentencing procedures provided for in this section.

B. ~~When considering any presentence investigation conducted, the court shall consider the findings of any alleged offense enhancers provided for by subsection A of Section 17 of Title 21 of the Oklahoma Statutes or any alleged prior record enhancers provided for by subsection B of Section 17 of Title 21 of the Oklahoma Statutes, if the findings have been established by clear and convincing evidence.~~

~~C. The court shall determine the sentence based on the utilization of the following procedures on the applicable sentencing matrix:~~

~~1. First, the court shall determine the schedule of the current offense of conviction on the applicable matrix;~~

~~2. Second, the court shall determine the midpoint within the range for the first level of the schedule. The court shall use the midpoint value plus or minus an amount not to exceed twenty percent (20%) of the midpoint value to determine the amount of time to be assessed at level 1;~~

~~3. Third, the court shall proceed to the appropriate level of punishment based on the finding of any offense enhancers or prior record enhancers determined by subsection A of this section; and~~

~~4. Fourth, the court may deviate from the sentence arrived at pursuant to paragraphs 2 and 3 of this subsection if the sentence pronounced is within the range allowed for the applicable level. The court must articulate a reason for the deviation in the record. A deviation in sentencing shall be subject to appeal by either the state or the defendant, unless the deviation is agreed to by both the defendant and the state.~~

~~D.~~ 1. ~~For Field 2, 3 or 4, when~~ When the offender is sentenced to community punishment, the sentencing court shall pronounce at the sentencing hearing the terms and conditions of the sentence.

2. ~~For Field 1 or 2, when~~ When the offender is sentenced to a term of imprisonment within the Department of Corrections, the sentencing court shall pronounce at the sentencing hearing the terms and conditions of the sentence.

~~E.~~ C. The court in determining the appropriate terms and conditions of a sentence shall consider those terms and conditions authorized in subsection B of Section 987.8 of this title and punishments authorized for a community sentence. The terms and conditions of a deferred sentence, suspended sentence, split sentence, or postimprisonment supervision shall be provided for in the Uniform Judgment and Sentence form or shall comply with Section 991b of this title.

~~F.~~ D. Prior to entering the sentence, the court shall consider, but shall not be required to state for the record, the following factors:

1. The prior criminal record of the offender, including juvenile adjudications, with more weight given to convictions for crimes of violence, crimes against persons, and to those of the same nature as the current offense;

2. Whether the victim in the present case was physically harmed;

3. The restitution for bodily injury or property damage to the victim in the present case;

4. The culpability of the offender as indicated by factors such as the role of the offender in the offense, motive, and profit received;

5. Whether a suspended or deferred sentence will provide appropriate punishment of the offense;

6. The educational background and literacy, or any condition of chemical dependency, of the person being sentenced, together with sentencing options which would correct any deficiencies;

7. The demeanor of the offender; and

8. Any other evidence relevant to sentencing the offender.

~~G.~~ E. The court shall impose the sentence. When a court enters a sentence in any criminal case in this state, the sentence shall be imposed pursuant to the Uniform Judgment and Sentence form, as promulgated by the Oklahoma Court of Criminal Appeals pursuant to its rulemaking authority, which shall include the findings of the sentencing court at the time of sentencing. An offender profile and offense profile form shall be developed by the Oklahoma Sentencing Commission to ensure uniform data collection of offenders and offenses throughout the State of Oklahoma. District attorneys shall be required to submit additional profile data about the offender on a form promulgated by the Oklahoma Sentencing Commission to the

Oklahoma Sentencing Commission and the Department of Corrections within twenty (20) days of judgment and sentence.

SECTION 5. AMENDATORY 21 O.S. 1991, Section 3, as amended by Section 10, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 3), is amended to read as follows:

Section 3. A crime or public offense is an act or omission forbidden by law, and to which is annexed, upon conviction, one or more of the following punishments:

1. Death;

2. Imprisonment with or without postimprisonment supervision;

3. Community punishment~~, as defined by Section 4 of this act~~;

4. Fine;

5. Removal from office; or

6. Disqualification to hold and enjoy any office of honor, trust, or profit, under this state.

SECTION 6. AMENDATORY 21 O.S. 1991, Section 5, as amended by Section 11, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 5), is amended to read as follows:

Section 5. A felony is a crime which is, or may be, punishable with death~~,~~ <u>or</u> by imprisonment in the penitentiary with or without postimprisonment supervision, by a sentence to community punishment, or by a fine.

SECTION 7. AMENDATORY 21 O.S. 1991, Section 7, as amended by Section 12, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 7), is amended to read as follows:

Section 7. This title specifies the classes of persons who are deemed capable of crimes, and liable to punishment therefor. This title defines the nature of various crimes, prescribes the kind <u>and measure</u> of punishment to be inflicted for each, <u>and</u> prescribes the measure of punishment for misdemeanors~~, and prescribes how the measure of punishment for felony offenses is to be determined~~. The

manner of prosecuting and convicting criminals is regulated by the code of criminal procedure.

SECTION 8. AMENDATORY 21 O.S. 1991, Section 9, as last amended by Section 1, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 9), is amended to read as follows:

Section 9. ~~A. For offenses committed on or after July 1, 1999, every offense declared to be a felony shall be punished according to the applicable sentencing level. If a specific fine is provided for by law, the fine may be imposed as provided in subsection C of Section 64 of this title.~~

~~B. For offenses committed before July 1, 1999, except~~ Except in cases where a different punishment is prescribed by this title, or by some existing provision of law, every offense declared to be a felony is punishable by a fine not exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

SECTION 9. AMENDATORY 21 O.S. 1991, Section 11, as amended by Section 14, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 11), is amended to read as follows:

Section 11. A. If there be in any other ~~provision~~ chapter of the laws of this state a provision making any specific act or omission criminal and providing ~~for~~ the punishment therefor, and there be in this ~~title~~ Penal Code any provision or section making the same act or omission a criminal offense or prescribing ~~or providing for~~ the punishment therefor, that offense and the punishment thereof~~,~~ shall be governed by the special provisions made in relation thereto, and not by the provisions of this ~~title~~ Penal Code. But an act or omission which is made punishable in different ways by different provisions of this ~~title~~ Penal Code may be punished under ~~any~~ either of such provisions, except that in cases specified in Section ~~7~~ 481 of this act ~~or~~ and Section 54 of this title, the punishments therein prescribed are substituted for those

prescribed for a first offense, but in no case can ~~a criminal act or omission~~ it be punished under more than one ~~section of law~~; and an acquittal or conviction and sentence under either one ~~section of law~~, bars the prosecution for the same act or omission under any other ~~section of law~~.

B. Provided, however, notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of the laws of this state which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

SECTION 10. AMENDATORY 21 O.S. 1991, Section 54, as amended by Section 15, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 54), is amended to read as follows:

Section 54. Every person who has been convicted in any other state, government or country of an offense which, if committed within this state, would be punishable by the laws of this state by imprisonment in the penitentiary, is punishable for any subsequent crime committed within this state, in the manner prescribed in ~~Section 7 of this act~~ any relevant enhancement provisions provided for in the Oklahoma Statutes, and to the same extent as if such first conviction had taken place in a court of this state.

SECTION 11. AMENDATORY 21 O.S. 1991, Section 64, as last amended by Section 16, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 64), is amended to read as follows:

Section 64. A. Upon a conviction for any misdemeanor punishable by imprisonment in any jail, in relation to which no fine is prescribed by law, the court or a jury may impose a fine on the offender not exceeding One Thousand Dollars ($1,000.00) in addition to the imprisonment prescribed.

B. Upon a conviction for any felony punishable by imprisonment in any jail or prison or by a sentence of community punishment or

community incarceration, in relation to which no fine is prescribed by law, the court or jury may impose a fine on the offender not exceeding Ten Thousand Dollars ($10,000.00) in addition to the imprisonment or community punishment prescribed.

C. Except as otherwise provided by law, upon a conviction for any felony punishable by imprisonment in any jail or prison or by a sentence of community punishment or community incarceration, in relation to which a fine is specifically provided by law, the court or jury may impose the imprisonment or community punishment or community incarceration, the fine, or both the imprisonment or community punishment and the fine.

SECTION 12. AMENDATORY 22 O.S. 1991, Section 857, as last amended by Section 13, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (22 O.S. Supp. 1998, Section 857), is amended to read as follows:

Section 857. After hearing the charge, the jury may either decide in court, or may retire for deliberation. ~~The jury shall determine whether the defendant is guilty or not guilty, but shall not determine the sentence for persons convicted of crimes committed on or after July 1, 1999, unless the trial is for the offense of first degree murder.~~ If they do not agree without retiring, one or more officers must be sworn to keep them together in some private and convenient place, and not to permit any person to speak to or communicate with them, nor do so themselves, unless it be by order of the court, or to ask them whether they have agreed upon a verdict, and to return them into court when they have so agreed, or when ordered by the court.

SECTION 13. AMENDATORY 22 O.S. 1991, Section 929, as amended by Section 18, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 929), is amended to read as follows:

Section 929. A. Upon any appeal of a conviction by the defendant in a noncapital criminal case, the appellate court, if it

finds prejudicial error in the sentencing proceeding only, may set aside the sentence rendered and remand the case to the trial court in the jurisdiction in which the defendant was originally sentenced for resentencing. No error in the sentencing proceeding shall result in the reversal of the conviction in a criminal case unless the error directly affected the determination of guilt.

B. When a criminal case is remanded for vacation of a sentence, the court ~~shall set~~ may:

1. Set the case for a nonjury sentencing proceeding; or

2. If the defendant or the prosecution so requests in writing, impanel a new sentencing jury.

C. If a written request for a jury trial is filed within twenty (20) days of the date of the appellate court order, the trial court shall impanel a new jury for the purpose of conducting a new sentencing proceeding.

1. All exhibits and a transcript of all testimony and other evidence properly admitted in the prior trial and sentencing shall be admissible in the new sentencing proceeding. Additional relevant evidence may be admitted, including testimony of witnesses who testified at the previous trial.

2. The provisions of this section are procedural and shall apply retroactively to any defendant sentenced in this state.

D. This section shall not be construed to amend or be in conflict with the provisions of Section 701.10 or 701.10a of Title 21 of the Oklahoma Statutes relating to sentencing and resentencing in death penalty cases, Section 481 of this act relating to the trial procedure for defendants prosecuted for second or subsequent offenses, or the provisions of Sections 482 and 483 of this act relating to assessment of punishment in the original trial proceedings.

SECTION 14. AMENDATORY 22 O.S. 1991, Section 982, as last amended by Section 1, Chapter 328, O.S.L. 1997 (22 O.S. Supp. 1998, Section 982), is amended to read as follows:

Section 982. A. Whenever a person is convicted of a violent felony offense whether the conviction is for a single offense or part of any combination of offenses, except when the death sentence is available as punishment for the offense, the court shall, before imposing the sentence, require a presentence investigation be made of the offender by the Department of Corrections. The court may waive the presentence investigation if a thorough assessment and evaluation including criminal history documentation has been conducted regarding the offender. The court may order a presentence investigation to be conducted by the Department on any convicted felony offender prior to the court imposing a term of incarceration in the custody of the Department. The court shall order the defendant to pay a fee to the Department of Corrections of not less than Five Dollars ($5.00), nor more than Two Hundred Fifty Dollars ($250.00) for the presentence investigation. In hardship cases, the court shall set the amount of the fee and establish a payment schedule.

B. The Department shall, when conducting a presentence investigation, inquire into the circumstances of the offense and the characteristics of the offender. The information obtained from the investigation shall include, but shall not be limited to, a voluntary statement from each victim of the offense concerning the nature of the offense and the impact of the offense on the victim and the victim's immediate family, the amount of the loss suffered or incurred by the victim as a result of the criminal conduct of the offender, and the offender's age, marital status, living arrangements, financial obligations, income, family history, education, prior juvenile and criminal records, associations with other persons convicted of a felony offense, social history,

indications of a predisposition to violence or substance abuse, remorse or guilt about the offense or the victim's harm, job skills, and employment history. The Department shall make a report of information from such investigation to the court, including a recommendation detailing the punishment which is deemed appropriate for both the offense and the offender, and specifically a recommendation for or against probation or suspended sentence. The report of the investigation shall be presented to the judge within a reasonable time, and upon failure to present the report, the judge may proceed with sentencing. Whenever, in the opinion of the court or the Department, it is desirable, the investigation shall include a physical and mental examination or either a physical or mental examination of the offender.

C. The district attorney shall have a presentence investigation made by the Department on each person charged with a violent felony offense and entering a plea of guilty or a plea of nolo contendere as part of or in exchange for a plea agreement for a felony offense. The presentence investigation shall be completed before the terms of the plea agreement are finalized. The court shall not approve the terms of any plea agreement without reviewing the presentence investigation report to determine whether or not the terms of the sentence are appropriate for both the offender and the offense. The fee provided in subsection A of this section shall apply to persons subject to this subsection and shall be a condition of the plea agreement and sentence.

D. The presentence investigation reports specified in this section shall not be referred to, or be considered, in any appeal proceedings. Before imposing a sentence, the court shall advise the defendant, the defendant's counsel, and the district attorney of the factual contents and conclusions of the presentence investigation report. The court shall afford the offender a fair opportunity to controvert the findings and conclusions of the reports at the time

of sentencing. If either the defendant or the district attorney desires, a hearing shall be set by the court to allow both parties an opportunity to offer evidence proving or disproving any finding contained in a report, which shall be a hearing in mitigation or aggravation of punishment.

E. Neither the district attorney nor the defendant shall be allowed to waive the required presentence investigation and report.

F. As used in this section, "violent felony offense" means:

1. Arson in the first degree;

2. Assault with a dangerous weapon, battery with a dangerous weapon or assault and battery with a dangerous weapon;

3. Aggravated assault and battery on a police officer, sheriff, highway patrol officer, or any other officer of the law;

4. Assault with intent to kill, or shooting with intent to kill;

5. Assault with intent to commit a felony, or use of a firearm to commit a felony;

6. Assault while masked or disguised;

7. Burglary in the first degree or burglary with explosives;

8. Child beating or maiming;

9. Forcible sodomy;

10. Kidnapping, or kidnapping for extortion;

11. Lewd or indecent proposition or lewd or indecent acts with a child;

12. Manslaughter in the first or second degrees;

13. Murder in the first or second degrees;

14. Rape in the first or second degrees, or rape by instrumentation;

15. Robbery in the first or second degrees, or robbery by two or more persons, or robbery with a dangerous weapon; or

16. Any attempt, solicitation or conspiracy to commit any of the above enumerated offenses.

SECTION 15. AMENDATORY Section 20, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 991c-1), is amended to read as follows:

Section 991c-1. A. For persons sentenced to the custody of the Department of Corrections, a term of postimprisonment supervision may be imposed for an offender who is not sentenced to a deferred sentence or a suspended sentence. The term of postimprisonment supervision may be with or without any of the conditions authorized by subsection B of Section ~~46~~ 987.8 of this ~~act~~ title. ~~For a Schedule A, Schedule B, Schedule C, Schedule D, Schedule I-1, Schedule N-1, Schedule N-2, Schedule N-3, Group A and Group B, Schedule S-1, or Schedule S-2 crime, the term of supervision shall not exceed five (5) years. For a Schedule D-1, Schedule D-2, Schedule E, Schedule F, Schedule G, Schedule I-2, Schedule N-3 - Group C, Schedule N-4, Schedule S-3, or Schedule S-4 crime, the term of supervision shall not exceed four (4) years. For a Schedule H, Schedule I-3, or Schedule N-5 crime, the term of supervision shall not exceed three (3) years~~ The term of postimprisonment supervision shall not exceed the maximum term of imprisonment authorized by law for the commission of the offense. The term of postimprisonment supervision shall commence upon the completion of the sentence to confinement and upon the completion of a term of parole supervision, if any.

B. 1. Whenever a sentence of postimprisonment supervision has been imposed, the supervision of said person may not be revoked, in whole or in part, for any cause unless a motion setting forth the grounds for such revocation and establishing violation of the conditions of supervision is filed by the district attorney with the clerk of the sentencing court. The motion establishing a violation shall be considered by the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the motion, unless waived by both the state and the

defendant. The state shall prove a violation of the conditions of postimprisonment supervision by a preponderance of the evidence.

2. If one of the grounds for revocation is the failure of the defendant to make restitution as ordered, the Department of Corrections shall forward to the district attorney all information pertaining to the defendant's failure to make timely restitution as ordered by the court, and said district attorney shall file a petition setting forth the grounds for revocation.

3. The defendant ordered to make restitution can petition the court at any time for remission or a change in the terms of the order of restitution if he undergoes a change of condition which materially affects his ability to comply with the court's order.

4. At the hearing, if one of the grounds for the motion for revocation is the defendant's failure to make timely restitution as ordered by the court, the court will hear evidence and, if it appears to the satisfaction of the court from such evidence that the terms of the order of restitution create a manifest hardship on the defendant or his immediate family, the court may cancel all or any part of the amount still due, or modify the terms or method of payment.

C. The court may revoke all of the postimprisonment supervision or a portion of the postimprisonment supervision and leave the remaining part not revoked for the remainder of the term of the sentence. The person whose supervision is being considered for revocation at said hearing shall have the right to be represented by counsel, to present competent evidence in his own behalf and to be confronted by the witnesses against him. Any order of the court revoking postimprisonment supervision, in whole or in part, shall be subject to review on appeal, as in other appeals of criminal cases. Provided, however, that if the crime for which the postimprisonment supervision is given was a felony, the defendant may be allowed bail pending appeal. If the reason for revocation is that the defendant

committed a felony, the defendant shall not be allowed bail pending appeal.

D. The term of confinement for violation of a sentence of postimprisonment supervision shall not exceed the maximum amount of the term of supervision to which the person was sentenced.

~~E. For purposes of calculating the amount of time which may be revoked for an offender on a term of postimprisonment supervision, the offender shall be given credit for each day of the sentence completed prior to the filing of an application to revoke postimprisonment supervision.~~

SECTION 16. AMENDATORY 21 O.S. 1991, Section 42, as amended by Section 21, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 42), is amended to read as follows:

Section 42. Every person who attempts to commit any crime, and in such attempt does any act toward the commission of such crime, but fails, or is prevented or intercepted in the perpetration thereof, is punishable, where no provision is made by law for the punishment of such attempt, as follows:

1. If the offense so attempted be punishable by imprisonment in a facility of the Department of Corrections or by imprisonment in a county jail, the person guilty of such attempt is punishable by the range of punishment for the completed crime as provided by ~~the Oklahoma Truth in Sentencing Act~~ law, unless specifically stated otherwise~~.~~;

2. If the offense so attempted be punishable by a fine, the offender convicted of such attempt is punishable by a fine not exceeding one-half (1/2) the largest fine which may be imposed upon a conviction of the offense so attempted~~.~~; and

3. If the offense so attempted be punishable by imprisonment and by a fine, the offender convicted of such attempt may be punished by both imprisonment and fine~~, not exceeding one-half (1/2) the longest term of imprisonment and the fine not exceeding one-half~~

~~(1/2) the largest fine~~ which may be imposed upon a conviction for the offense so attempted~~.~~; and

SECTION 17. AMENDATORY 57 O.S. 1991, Section 95, as last amended by Section 4, Chapter 89, O.S.L. 1998 (57 O.S. Supp. 1998, Section 95), is amended to read as follows:

Section 95. A. Any person convicted of an offense against the laws of this state and sentenced to imprisonment that is not to be served in a county jail shall be transported by the sheriff of the county where the person is sentenced, or transported by a designated representative of the sheriff, to the Department of Corrections at the Lexington Assessment and Reception Center or other location designated by the Director of the Department of Corrections. The sheriff shall deliver the person to the Department at such center together with a certified copy of the judgment and sentence from the court ordering such imprisonment, a certificate setting forth the number of days served in the county jail since the initial arrest, and the number of days served in the county jail after the pronouncement of judgment and rendering of sentence for the offenses committed, and a copy of the presentence investigation report, if a report was prepared.

B. The Department shall give the sheriff a receipt for each person received into the custody of the Department at the Lexington Assessment and Reception Center. The receipt shall be filed by the sheriff in the office of the clerk of the court where the sentence was made.

SECTION 18. AMENDATORY 57 O.S. 1991, Section 138, as last amended by Section 17, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (57 O.S. Supp. 1998, Section 138), is amended to read as follows:

Section 138. A. All persons convicted of crimes committed on or after July 1, 1999, whether their sentences are for imprisonment, community incarceration, in whole or in part, or are for a suspended

sentence which is subsequently revoked, shall receive only those earned credits pursuant to and limited by subparagraph b of paragraph 2 of subsection E of this section and paragraph 2 of subsection H of this section.

B. Except as otherwise provided by law, every inmate of a state correctional institution shall have their term of imprisonment reduced monthly, based upon the class level to which they are assigned. Earned credits may be subtracted from the total credits accumulated by an inmate, upon recommendation of the institution's disciplinary committee, following due process, and upon approval of the warden or superintendent. Each earned credit is equivalent to one (1) day of incarceration. Lost credits may be restored by the warden or superintendent upon approval of the classification committee. If a maximum and minimum term of imprisonment is imposed, the provisions of this subsection shall apply only to the maximum term. No deductions shall be credited to any inmate serving a sentence of life imprisonment; however, a complete record of the inmate's participation in work, school, vocational training, or other approved program shall be maintained by the Department for consideration by the paroling authority.

C. The Department of Corrections is directed to develop a written policy and procedure whereby inmates shall be assigned to one (1) of four (4) class levels determined by an adjustment review committee of the facility to which the inmate is assigned. The policies and procedures developed by the Department shall include, but not be limited to, written guidelines pertaining to awarding credits for rehabilitation, obtaining job skills and educational enhancement, participation in and completion of alcohol/chemical abuse programs, incentives for inmates to accept work assignments and jobs, work attendance and productivity, conduct record, participation in programs, cooperative general behavior, and appearance. When assigning inmates to a class level the adjustment

review committee shall consider all aspects of the policy and procedure developed by the Department, including but not limited to, the criteria for awarding credits required by this subsection.

D. If an inmate who has been assessed to be capable of benefiting from education programs refuses assignment to an education program, the inmate shall remain in class level 1 until such time as the inmate accepts an educational assignment.

E. 1. Class levels shall be as follows:

a. Class level 1 shall include inmates not eligible to participate in class levels 2 through 4, and shall include, but not be limited to, inmates on escape status, inmates refusing job, education, or program assignments, inmates removed from job, education, or program assignments due to misconduct or nonperformance, or inmates subject to disciplinary action.

b. Class level 2 shall include an inmate who has been given a work, education, or program assignment, has received a good evaluation for participation in the work, education, or program assignment, and has received a good evaluation for personal hygiene and maintenance of living area.

c. Class level 3 shall include an inmate who has been incarcerated at least four (4) months, has received an excellent work, education, or program evaluation, and has received an excellent evaluation for personal hygiene and maintenance of living area.

d. Class level 4 shall include an inmate who has been incarcerated at least ten (10) months, has received an outstanding work, education, or program evaluation, and has received an outstanding evaluation for personal hygiene and maintenance of living area.

2. a. Class level corresponding credits for inmates who were sentenced for crimes committed prior to July 1, 1999, are as follows:

Class 1 - 0 Credits per month;

Class 2 - 22 Credits per month;

Class 3 - 33 Credits per month;

Class 4 - 44 Credits per month; and

b. Class level corresponding credits for inmates who are sentenced for crimes committed on or after July 1, 1999, are as follows:

Class 1 - 0 Credits per month;

Class 2 - 3 Credits per month;

Class 3 - 5 Credits per month;

Class 4 - 10 Credits per month.

Provided, however, for inmates who are sentenced for crimes committed on or after July 1, 1999, the combined credits for all purposes cannot exceed fifteen percent (15%) of the sentence.

Each inmate shall receive the above specified monthly credits for the class to which he is assigned.

3. In addition to the criteria established for each class in paragraph 1 of this subsection, the following requirements shall apply to each of levels 2 through 4:

a. satisfactory participation in the work, education, or program assignment at the standard required for the particular class level;

b. maintenance of a clean and orderly living area and personal hygiene at the standard required for the particular class level;

c. cooperative behavior toward facility staff and other inmates;

d. satisfactory participation in the requirements of the previous class level.

4. The evaluation scale for assessing performance shall be as follows:

a. Outstanding - For inmates who display consistently exceptional initiative, motivation, and work habits.

b. Excellent - For inmates who display above-average work habits with only minor errors and rarely perform below expectations.

c. Good - For inmates who perform in a satisfactory manner and complete tasks as required, doing what is expected, with only occasional performance above or below expectations.

d. Fair - For inmates who may perform satisfactorily for some periods of time, but whose performance is marked by obviously deficient and weak areas and could be improved.

e. Poor - For inmates whose performance is unsatisfactory and falls below expected and acceptable standards.

F. The policy and procedure developed by the Department of Corrections shall include provisions for adjustment review committees of not less than three (3) members for each such committee. Each committee shall consist of a classification team supervisor who shall act as chairman, the case manager for the inmate being reviewed or classified, a correctional officer or inmate counselor, and not more than two other members, if deemed necessary, determined pursuant to policy and procedure to be appropriate for the specific adjustment review committee or committees to which they are assigned. At least once every four (4) months the adjustment review committee for each inmate shall evaluate the class level status and performance of the inmate and determine whether or not the class level for the inmate should be changed.

Any inmate who feels aggrieved by a decision made by an adjustment review committee may utilize normal grievance procedures in effect with the Department of Corrections and in effect at the facility in which the inmate is incarcerated.

G. Inmates granted medical leaves for treatment that cannot be furnished at the penal institution where incarcerated shall be allowed the time spent on medical leave as time served. Any inmate classified by the Department of Corrections as being physically or mentally disabled for work or placed into administrative segregation for nondisciplinary reasons by the institution's administration may be placed in Class 2. The length of any jail term served by an inmate before being transported to a state correctional institution pursuant to a judgment and sentence of incarceration shall be deducted from his term of imprisonment at the state correctional institution. Inmates sentenced to the Department of Corrections and detained in a county jail as a result of the Department's reception scheduling procedure shall be awarded earned credits as provided for in subparagraph b of paragraph 1 of subsection E of this section, beginning on the date of the judgment and sentence, unless the inmate is convicted of a misdemeanor or felony committed in the jail while the inmate is awaiting transport to the Lexington Assessment and Reception Center or other assessment and reception location determined by the Director of the Department of Corrections.

H. 1. For inmates who were sentenced for crimes committed prior to July 1, 1999, additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent

General Education Diploma .. .. 90 credits;

Certification of Completion of

Vocational Training .. .. 80 credits;

Successful completion of Alcohol/
Chemical Abuse Treatment Program
of not less than four (4) months
continuous participation ... . 70 credits;

Successful completion of other
Educational Accomplishments or
other programs not specified in
this subsection ..... 10 - 30 credits;

2. For inmates who are sentenced for crimes committed on or after July 1, 1999, additional achievement earned credits for successful completion of departmentally approved programs or for attaining goals or standards set by the Department shall be awarded as follows:

High School Diploma or Equivalent
General Education Diploma .. .. 45 credits;

Certification of Completion of
Vocational Training .... 40 credits;

Successful completion of Alcohol/
Chemical Abuse Treatment Program
of not less than four (4) months
continuous participation .. .. 35 credits;

Successful completion of other
Educational Accomplishments or
other programs not specified in
this subsection .... 5 - 15 credits;

Achievement earned credits are subject to loss and restoration in the same manner as earned credits. No inmate shall receive more than ninety (90) achievement credits per calendar year. The combined awarded credits for both earned credits and achievement credits for all purposes for inmates sentenced for crimes committed on or after July 1, 1999, shall not reduce a sentence more than fifteen percent (15%).

I. The accumulated time of every inmate shall be tallied monthly and maintained by the institution where the term of imprisonment is being served. A record of said accumulated time shall be:

1. Sent to the administrative office of the Department of Corrections on a quarterly basis; and

2. Provided to the inmate.

J. As of November 1, 1988, all inmates currently under the custody of the Department of Corrections shall receive their assignments and all credits from that date forward shall be calculated as provided in this section.

SECTION 19. AMENDATORY 57 O.S. 1991, Section 332.7, as last amended by Section 18, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (57 O.S. Supp. 1998, Section 332.7), is amended to read as follows:

Section 332.7 A. For a crime committed prior to July 1, 1998, any person in the custody of the Department of Corrections shall be eligible for consideration for parole at the earliest of the following dates:

1. Has completed serving one-third (1/3) of the sentence;

2. Has reached at least sixty (60) years of age and also has served at least fifty percent (50%) of the time of imprisonment that would have been imposed for that offense pursuant to the applicable Truth in Sentencing matrix; provided, however, no inmate serving a sentence for crimes listed in Schedules A, S-1, S-2 or S-3 or serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph;

3. Has reached eighty-five percent (85%) of the midpoint of the time of imprisonment that would have been imposed for an offense that is listed in Schedule A, B, C, D, D-1, S-1, S-2 or S-3, pursuant to the applicable matrix; provided, however, no inmate

serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph; or

4. Has reached seventy-five percent (75%) of the midpoint of the time of imprisonment that would have been imposed for an offense that is listed in any other schedule, pursuant to the applicable matrix; provided, however, no inmate serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this paragraph.

B. For a crime committed on or after July 1, 1998, but prior to July 1, 1999, any person in the custody of the Department of Corrections shall be eligible for consideration for parole who has completed serving one-third (1/3) of the sentence; provided, however, no inmate serving a sentence of life imprisonment without parole shall be eligible to be considered for parole pursuant to this subsection.

C. ~~The parole~~ Parole hearings conducted for persons pursuant to paragraph 3 of subsection A of this section or for any person who was convicted of a violent crime as set forth in Section 571 of this title and who is eligible for parole consideration pursuant to either paragraph 1 of subsection A of this section or subsection B of this section shall be conducted in two stages, as follows:

1. At the initial hearing, the Pardon and Parole Board shall review the completed report submitted by the staff of the Board and shall conduct a vote regarding whether, based upon that report, the Board decides to consider the person for parole at a subsequent meeting of the Board; and

2. At the subsequent meeting, the Board shall hear from any victim or victim's representative that wants to contest the granting of parole to that person and shall conduct a vote regarding whether parole should be recommended for that person.

D. Any inmate who has parole consideration dates calculated pursuant to subsection A, B or C of this section shall be considered

at the earliest such date. Except as otherwise directed by the Pardon and Parole Board, any person who has been considered for parole and was denied parole or who has waived consideration shall not be reconsidered for parole:

1. Within three (3) years, if the person was convicted of a violent crime, as set forth in Section 571 of this title, and was eligible for consideration pursuant to paragraph 1 of subsection A of this section or subsection B of this section, unless the person is within one (1) year of discharge;

2. Until the person has served at least one-third (1/3) of the sentence imposed, if the person was eligible for consideration pursuant to paragraph 3 of subsection A of this section. Thereafter the person shall not be considered more frequently than once every three (3) years, unless the person is within one (1) year of discharge;

3. Within one (1) year, if the person was convicted of a nonviolent crime and was eligible for consideration pursuant to paragraph 1 of subsection A of this section or subsection B of this section; and

4. Within one (1) year, if the person was eligible for consideration pursuant to paragraph 2 or 4 of subsection A of this section.

E. Any person in the custody of the Department of Corrections for a crime committed prior to July 1, 1998, who has been considered for parole on a docket created for a type of parole consideration that has been abolished by the Legislature shall not be considered for parole except in accordance with this section.

F. The Department of Corrections and the Pardon and Parole Board shall promulgate rules for the implementation of subsections A, B and C of this section. The rules shall include, but not be limited to, procedures for reconsideration of persons denied parole under this section and procedure for determining what sentence a

person eligible for parole consideration pursuant to subsection A of this section would have received under the applicable matrix.

G. For persons in the custody of the Department of Corrections for a felony committed prior to July 1, 1999, the Pardon and Parole Board shall not recommend to the Governor any person who has been convicted of three or more felonies arising out of separate and distinct transactions, with three or more incarcerations for such felonies, unless such person shall have served the lesser of at least one-third (1/3) of the sentence imposed, or ten (10) years; provided that whenever the population of the prison system exceeds ninety-five percent (95%) of the capacity as certified by the State Board of Corrections, the Pardon and Parole Board may, at its discretion, recommend to the Governor for parole any person who is incarcerated for a nonviolent offense not involving injury to a person and who is within six (6) months of his or her statutory parole eligibility date.

H. ~~For a crime committed on or after July 1, 1999:~~

~~1.~~ Any person convicted of a crime ~~in Schedule A, B, C, D, D-1, S-1, S-2 or S-3~~ <u>committed on or after July 1, 1999,</u> shall be eligible for parole consideration after serving eighty-five percent (85%) of the sentence of imprisonment imposed unless the sentence has been discharged by accumulated credits pursuant to Section 138 of this title~~;~~

~~2. Any person convicted of a crime in any other schedule shall be eligible for parole consideration after serving seventy-five percent (75%) of the sentence of imprisonment imposed subject to the accumulation of credits pursuant to Section 138 of this title; or~~

~~3. A person who is sixty (60) years of age or older, who has not been sentenced to life without parole or death and who has not been convicted of a crime listed in Schedule A, S-1, S-2 or S-3, shall be eligible for parole consideration after the person has~~

~~served at least fifty percent (50%) of any imposed sentence of incarceration~~.

The provisions of this subsection shall not apply to any person sentenced to life imprisonment without parole.

I. It shall be the duty of the Pardon and Parole Board to cause an examination to be made at the penal institution where the person is assigned, and to make inquiry into the conduct and the record of the said person during his custody in the Department of Corrections, which shall be considered as a basis for consideration of said person for recommendation to the Governor for parole. However, the Pardon and Parole Board shall not be required to consider for parole any person who has completed the time period provided for in this subsection if the person has participated in a riot or in the taking of hostages, or has been placed on escape status, while in the custody of the Department of Corrections. The Pardon and Parole Board shall adopt policies and procedures governing parole consideration for such persons.

J. Any person in the custody of the Department of Corrections who is convicted of an offense not designated as a violent offense by Section 571 of ~~Title 57 of the Oklahoma Statutes~~ this title and who is not a citizen of the United States and is or becomes subject of a final order of deportation issued by the United States Department of Justice shall be considered for parole to the custody of the United States Immigration and Naturalization Service for continuation of deportation proceedings at any time subsequent to reception and processing through the Department of Corrections.

K. Upon application of any person convicted and sentenced by a court of this state and relinquished to the custody of another state or federal authorities pursuant to Section 61.2 of Title 21 of the Oklahoma Statutes, the Pardon and Parole Board may determine a parole consideration date consistent with the provisions of this section and criteria established by the Pardon and Parole Board.

L. No person who is appearing out of the normal processing procedure shall be eligible for consideration for parole without the concurrence of at least three ~~(3)~~ members of the Pardon and Parole Board.

M. Any person convicted of a crime committed on or after July 1, 1999, who was sentenced to postimprisonment supervision and who is granted parole while incarcerated, shall be placed under parole supervision before beginning postimprisonment supervision.

~~N. If a person is sentenced to consecutive sentences pursuant to the Oklahoma Community Sentencing Act of county jail incarceration that requires the person to be incarcerated more than eighteen (18) months, the person shall be eligible for parole consideration after serving at least eighteen (18) months of the confinement. The local administrator for community punishment shall notify the Pardon and Parole Board of any persons who qualify for parole pursuant to this subsection.~~

SECTION 20. AMENDATORY Section 15, Chapter 276, O.S.L. 1993, as amended by Section 31, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 510.10), is amended to read as follows:

Section 510.10 The Department of Corrections is hereby authorized to use electronic monitoring devices, as defined by Section ~~46~~ 987.8 of ~~this act~~ Title 22 of the Oklahoma Statutes, for any ~~inmate approved for placement under the provisions of the Specialized Parole Program or for any~~ person granted parole, or as disciplinary sanction as authorized by law.

The Department shall promulgate and adopt rules, regulations and procedures necessary to implement the provisions of this section.

SECTION 21. AMENDATORY Section 33, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1516), is amended to read as follows:

Section 1516. A. The Oklahoma Sentencing Commission, established by Section 1501 of Title 22 of the Oklahoma Statutes

shall monitor, review, and analyze the implementation of the Oklahoma Truth in Sentencing Act, and provide fiscal impact statements and other relevant reports to the Legislature concerning the continued implementation of the Oklahoma Truth in Sentencing Act. The Commission is vested with authority to collect data and reports from governmental entities within the State of Oklahoma relating to all matters concerning the charging, pleading, sentencing, and release of persons charged, convicted, or placed on probation for criminal offenses within this state. Governmental entities shall respond promptly to all reasonable requests of the Commission for data required to meet this directive. The Commission shall publish an annual report reflecting the implementation of the Oklahoma Truth in Sentencing Act. The Commission shall also provide local sentencing information to community sentencing planning councils in order to aid the councils in the implementation of community sentencing. The Oklahoma Sentencing Commission shall prepare a fiscal impact statement, when requested, on any changes ~~to schedules or penalties of criminal sentencing~~ proposed in legislation.

B. The Oklahoma Sentencing Commission shall review each bill or joint resolution which impacts the Oklahoma criminal justice system introduced in the Oklahoma Legislature. The Commission shall prepare a fiscal impact statement and other relevant information, as established by joint legislative rules. The Commission shall direct other state entities including, but not limited to, the Department of Corrections, the Oklahoma District Attorneys Council, the Office of the Oklahoma Attorney General, the Oklahoma State Bureau of Investigation, the Administrative Office of the Oklahoma Courts, the Oklahoma Court of Criminal Appeals, the Oklahoma Indigent Defense System, and county indigent defenders, to provide assistance and information in the preparation of the fiscal impact statement. The entities directed by the Commission shall provide the information

described in this subsection within the time set by the requesting agency. The fiscal impact statement shall include, but is not limited to:

1. A report on the fiscal impact the proposal will have on facility, maintenance, personnel, and other relevant costs;

2. Information obtained from the Department of Corrections, including but not limited to:

a. a projection of offender population and costs related to the population, ~~and~~

b. a projection of staffing for the Department of Corrections and costs related to the staff, and

c. anticipated impact on increased criminality, recidivism, and victimization; and

3. Any other information relevant to the fiscal impact the proposed legislation will have on the Oklahoma criminal justice system.

C. A copy of the fiscal impact statement shall be attached to each copy of a bill or joint resolution reviewed by any committee of either house of the Legislature and to each copy of a bill or joint resolution that impacts the criminal justice system that is reviewed by the entire membership of either house of the Oklahoma Legislature.

SECTION 22. AMENDATORY Section 1, Chapter 355, O.S.L. 1994, as amended by Section 34, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1501), is amended to read as follows:

Section 1501. A. There is hereby created the "Oklahoma Sentencing Commission". As used in Section 1501 through 1515 of this title, the term "Commission" means the Oklahoma Sentencing Commission.

B. The Commission may make recommendations to the Legislature for the modification of crimes, recodifications of crimes, modification of sentencing laws and policies, and for the addition,

deletion or expansion of sentencing options. ~~The Commission shall promulgate adjusted matrices as necessary pursuant to Section 3 of this act.~~ Prior to making recommendations to the Legislature, particularly recommendations relating to the Penal Code, the Commission shall seek input from criminal justice entities including, but not limited to, the Oklahoma District Attorneys Council, the Office of the Oklahoma Attorney General, the Oklahoma State Bureau of Investigation, the Administrative Office of the Court, the Oklahoma Court of Criminal Appeals, the Oklahoma Indigent Defense System, county indigent defenders, county sheriffs, and other law enforcement entities. Any recommendations to the Legislature by the Commission may include a statement of the position of these entities regarding the recommendations.

C. As used in Sections 1501 through 1515 of this title "criminal justice and corrections system" includes all activities and agencies, whether state or local, public or private, pertaining to the prevention, prosecution and defense of offenses, or to the disposition of offenders under the criminal laws of this state. The "criminal justice and corrections systems" includes police, public prosecutors, defense counsel, courts, correction agencies, mental health agencies, and all public and private agencies providing services in connection with those elements, whether voluntarily, contractually or by order of a court.

SECTION 23. AMENDATORY Section 2, Chapter 355, O.S.L. 1994, as amended by Section 35, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1502), is amended to read as follows:

Section 1502. A. The Commission shall consist of ~~eleven (11)~~ seventeen (17) members as follows:

1. The Chief Justice of the Oklahoma Supreme Court shall appoint a sitting Justice of the Oklahoma Supreme Court who shall serve an initial term of four (4) years;

2. The Director of the Administrative Office of the Courts shall appoint an indigent defender, who shall serve an initial term of three (3) years;

3. The Director of the Department of Corrections or a designee of the Director;

4. The Public Safety and Security Cabinet Secretary, who shall serve an initial term of three (3) years;

5. A judge appointed by the Oklahoma Judicial Conference, who shall serve an initial term of two (2) years;

6. A sheriff to be appointed by the Governor, who shall serve an initial term of three (3) years;

7. One member, to be appointed by the Governor, who shall serve an initial term of one (1) year;

~~4.~~ 8. Two members of the House of Representatives, one of whom shall be a Republican and one of whom shall be a Democrat, to be appointed by the Speaker of the House of Representatives each of whom shall serve an initial term of two (2) years;

~~5.~~ 9. Two members of the Senate, one of whom shall be a Republican and one of whom shall be a Democrat, to be appointed by the President Pro Tempore of the Senate each of whom shall serve an initial term of two (2) years;

~~6.~~ 10. A victim of crime to be appointed by the Speaker of the House of Representatives, who shall serve an initial term of one (1) year;

11. A chief of police to be appointed by the President Pro Tempore of the Senate, who shall serve an initial term of one (1) year;

12. A district attorney appointed by the District Attorneys Council, or an assistant, who shall serve an initial term of five (5) years; provided any person appointed pursuant to this paragraph who is no longer serving as a district attorney shall not continue to serve on the Commission; ~~and~~

~~7.~~ 13. The Attorney General or an assistant Attorney General to be appointed by the Attorney General;

~~8.~~ 14. The Director of State Finance or a designee of the Director; and

~~9.~~ 15. A defense attorney appointed by the Oklahoma Bar Association, who shall serve an initial term of five (5) years.

B. All members of the Commission shall be voting members.

SECTION 24. AMENDATORY Section 8, Chapter 355, O.S.L. 1994, as last amended by Section 22, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1508), is amended to read as follows:

Section 1508. A. The Oklahoma Sentencing Commission may establish subcommittees or advisory committees composed of Commission members to accomplish duties imposed by this section.

B. It is the legislative intent that the Commission attach priority to accomplish the following primary duties:

1. The ~~promulgation of adjusted matrices, as necessary, pursuant to Section 13 of Title 21 of the Oklahoma Statutes~~ collection and interpretation of accurate and objective data relating to the criminal justice system; and

2. The formulation of proposals and recommendations as described in Section 1512 of this title.

C. In addition, the Commission may make recommendations to the Legislature for the recodification of the Penal Code of the State of Oklahoma. In furtherance of this objective, the Commission shall study the issue of recodification of the Penal Code and shall issue a report of recommendations to the Legislature by February 1, 1998. ~~The report shall include~~ Prior to making recommendations ~~on recodification and changes in placement of crimes within sentencing schedules~~ to the Legislature, particularly recommendations relating to the Penal Code, the Commission shall seek input from criminal justice entities including, but not limited to, the Oklahoma District Attorneys Council, the Office of the Oklahoma Attorney

General, the Oklahoma State Bureau of Investigation, the Administrative Office of the Courts, the Oklahoma Court of Criminal Appeals, the Oklahoma Indigent Defense System, county indigent defenders, county sheriffs, and other law enforcement entities. Any recommendation to the Legislature by the Commission may include a statement of the position of these entities regarding the recommendation.

D. The Commission shall have the continuing duty to monitor and review the criminal justice and corrections systems in this state to ensure that sentencing remains uniform and consistent, and that the goals and policies established by the state are being implemented by sentencing practices, and it shall recommend methods by which this ongoing work may be accomplished and by which the correctional population simulation model shall continue to be used by the state.

E. After the adoption of the Oklahoma Truth in Sentencing Act, the Commission shall review all proposed legislation which creates a new criminal offense, changes the classification of an offense from a misdemeanor or a felony, or changes the range of punishment for a particular classification, and shall make recommendations to the Legislature.

1. In the case of a new criminal offense, the Commission shall review the proposed classification for the crime, based upon the considerations and principles set out in Section 1510 of this title. ~~If the proposal does not assign the offense to a classification, it shall be the duty of the Commission to recommend the proper classification placement.~~

2. In the case of proposed changes in the classification of an offense or changes in the range of punishment for a classification, the Commission shall determine whether such a proposed change is consistent with the considerations and principles set out in Section 1510 of this title.

F. The Commission shall meet within ten (10) days after the last day for filing bills in the Legislature for the purpose of reviewing bills as described in this subsection. The Commission shall include in its report on a bill an analysis based on an application of the correctional population simulation model to the provisions of the bill.

SECTION 25. AMENDATORY Section 40, Chapter 133, O.S.L. 1997, as amended by Section 6, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.2), is amended to read as follows:

Section 987.2 A. For purposes of the Oklahoma Community Sentencing Act:

1. "Local community sentencing system" means a partnership between the state and one or more county governments which uses public and private entities to deliver a continuum of sanctions to the sentencing court for punishment under the authority of a community sentence or pursuant to any other provisions of law;

2. "Community incarceration" means an offender is sentenced to a form of confinement, other than imprisonment in a prison, which is available within a community and authorized by the local sheriff. Community incarceration placements include, but are not limited to, confinement in a regional or county jail, weekend or night incarceration, or inpatient substance abuse treatment;

3. "Community sentence" or "community punishment" means a punishment authorized by law for a criminal offense ~~which is specifically designed and imposed by the sentencing judge to hold the offender accountable for his or her criminal conduct and address his or her primary treatment or rehabilitation need and to provide protection to the public. A community sentence is~~ completed by the offender in a local community sentencing system and may include, but shall not be limited to, any combination of:

a. fines, restitution, reimbursements, or other monetary sanctions,

b. medical, mental health or substance abuse treatment,

c. employment, training or work, with or without compensation,

d. education,

e. supervision, surveillance, curfew, house arrest, electronic monitoring, or

f. confinement in the county jail;

~~3.~~ 4. "Continuum of sanctions" means a variety of coercive measures and treatment options ranked by degrees of public safety, punitive effect, and ~~cost~~ benefit which are available to the sentencing judge as punishment for criminal conduct;

~~4.~~ 5. "Community sentencing system planning council" or "planning council" means a group of citizens and elected officials specified by law or appointed by the Chief Judge of the Judicial District which plans the local community sentencing system and assists the state in locating treatment providers and resources to support the local community sentencing system;

~~5. "Incentive" means a court-ordered reduction in the terms or conditions of a community sentence which is given for exceptional performance or progress by the offender;~~

6. "Disciplinary sanction" means a court-ordered punishment in response to a violation of a community sentence which increases in intensity or duration with each successive violation;

~~7. "Division" means the Community Sentencing Division within the Department of Corrections which is the state administration agency for the Oklahoma Community Sentencing Act, the statewide community sentencing system, and all local community sentencing systems;~~ and

~~8.~~ 7. "Statewide community sentencing system" means a network of local community sentencing systems serving the state judicial system and offering support services to each other through reciprocal and interlocal agreements and interagency cooperation.

B. For the purposes of the Oklahoma Community Sentencing Act, if a judicial district does not have a Chief Judge or if a judicial district has more than one Chief Judge, the duties of the Chief Judge provided for in the Oklahoma Community Sentencing Act shall be performed by the Presiding Judge of the Judicial Administrative District.

SECTION 26. AMENDATORY Section 41, Chapter 133, O.S.L. 1997, as amended by Section 7, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.3), is amended to read as follows:

Section 987.3 ~~A.~~ The purposes of the Oklahoma Community Sentencing Act are to:

1. Protect the public;

2. Establish a statewide community sentencing system;

3. Improve public safety while felony offenders are punished under a court-ordered community sentence;

4. Provide a continuum of sanctions to the court for felony offenders sentenced within the community; and

5. Increase the availability of punishment and treatment options to eligible felony offenders through public/private partnerships, reciprocal and interlocal governmental agreements, and interagency cooperation~~; and~~

~~6. Operate effectively within the allocation of state and local resources for the criminal justice system~~.

~~B. The statewide community sentencing system shall punish felony offenders as provided by the applicable state sentencing matrix and as otherwise allowed by law.~~

SECTION 27. AMENDATORY Section 42, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.4), is amended to read as follows:

Section 987.4 On or before September 1, 1997, the Chief Judge of the Judicial District shall establish the geographic boundaries of a community sentencing system which shall be the boundaries of

each county, unless the Chief Judge establishes one or more multicounty community sentencing systems consisting of two or more contiguous counties within said judicial district; provided, however, the sheriff of each affected county and each district attorney operating within each of the subject counties shall consent to such county's membership in any proposed multicounty community sentencing system. After September 1, 1997, multicounty community sentencing systems may be established by the Chief Judge of a Judicial District with the consent of the sheriff of each affected county, and each district attorney operating within the subject counties~~, and the Community Sentencing Division within the Department of Corrections~~.

SECTION 28. AMENDATORY Section 43, Chapter 133, O.S.L. 1997, as amended by Section 8, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.5), is amended to read as follows:

Section 987.5 A. On or before September 30, 1997, a community sentencing system planning council shall be established for each jurisdiction defined by the judge as provided in Section ~~42~~ 987.4 of ~~the Truth in Sentencing Act~~ this title.

B. Single county planning councils shall have membership as follows:

1. The Chief Judge of the Judicial District or a judge having duties within the county appointed by the Chief Judge of the Judicial District;

2. The district attorney for the county or an assistant district attorney appointed by the district attorney;

3. The county sheriff or a deputy sheriff appointed by the sheriff;

4. A county commissioner appointed by the board of county commissioners for the county; and

5. Three or more citizens elected by a majority vote of all of the other designated members.

C. Multicounty planning councils shall have membership ~~as follows:~~

~~1. The Chief Judge of the Judicial District, or a judge having duties within the jurisdiction appointed by the Chief Judge of the Judicial District;~~

~~2. A district attorney or an assistant district attorney appointed by a majority vote of all district attorneys participating in the multicounty system;~~

~~3. A county sheriff or a deputy sheriff appointed by a majority vote of all sheriffs participating in the multicounty system;~~

~~4. A county commissioner appointed by a majority vote of all county commissioners of the counties participating in the multicounty system; and~~

~~5. Three or more citizens from each of the counties participating in the multicounty system elected by the other~~ which includes the district attorney, sheriff, and a county commissioner from each of the counties represented by the council. The appointment of the citizen appointees shall be determined by a majority vote of all the designated members.

D. In the event the required planning council has not been established as provided by subsection A of this section for any county or as provided in Section ~~42~~ 987.4 of ~~the Oklahoma Truth in Sentencing Act~~ this title, the Chief Judge of the Judicial District shall appoint, with the approval of the district attorney, sheriff, and board of county commissioners for each county represented, five or more persons to serve as the planning council in addition to a designated judge. All membership appointments required by this subsection shall be made on or before October 1, 1997. Every planning council shall have a judge who shall be either the Chief Judge of the Judicial District or a judge having duties within the jurisdiction appointed by the Chief Judge. The Chief Judge making the appointments of a planning council pursuant to the provisions of

this subsection shall decide, with the approval of the district attorney, sheriff, and the board of county commissioners for each county represented, whether the planning council shall be a single county planning council or a multicounty planning council. ~~If a Chief Judge of a Judicial District will not serve as a member of a planning council or make any of the required appointments, the Chief Justice of the Supreme Court shall direct another judge of the jurisdiction to make the appointments or serve as the designated judge.~~

E. Once a planning council has been established, it shall notify the ~~Community Sentencing Division within the~~ Department of Corrections of its membership, and thereafter the jurisdiction shall be eligible to receive technical assistance from the state in establishing the required local community sentencing system.

F. Each member of a planning council shall reside in or have employment duties in the jurisdiction to be served by the council. Members serving on a planning council who are elected officials shall have a term of office on the planning council concurrent with the term of the elected office, except when the person resigns or is otherwise removed as provided by the rules promulgated for the council or as authorized by law. All other members of the planning council shall have staggered terms of office not exceeding a three-year term. Planning council members may be reappointed upon the expiration of their terms. The Chief Judge of the Judicial District shall have the authority to remove any planning council member within the jurisdiction of the court district at any time for violation of the rules governing the local planning council.

G. Each planning council member shall have one vote, and a majority of voting members shall constitute a quorum. No vacancy shall impair the right of the remaining members to exercise all the duties of the planning council. Any vacancy occurring in the

membership of a planning council shall be filled for the unexpired term of office in the same manner as the original selection.

H. The designated judge shall convene the initial meeting of the planning council within fifteen (15) days following the establishment of the council. At the initial meeting of the planning council, the membership shall elect a chair from its members who shall preside at all meetings of the council and perform such other duties as may be required by law. The planning council may elect another member as vice-chair who shall perform duties of the chair during any period of absence or upon the refusal or inability of the chair to act, a secretary who shall keep minutes of all meetings, and other officers as necessary.

I. Each planning council shall adopt written rules concerning meeting times, places, dates, conduct for disclosing and handling conflicts of interest, procedures for recommending service providers, procedures for removal and replacement of members for failure to attend a required number of meetings, and any other provision necessary to implement the planning of a local system pursuant to the provisions of the Oklahoma Community Sentencing Act. The written rules promulgated by a planning council shall not be subject to the Administrative Procedures Act; provided, however, the rules shall be filed with the clerk of the district court or courts of the jurisdiction to be served by the community sentencing system. The rules may be amended by a majority vote of the planning council members after a thirty-day written notice detailing the change or addition has been filed with the court clerk where the original rules are filed.

J. Each planning council shall be subject to the provisions of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

SECTION 29. AMENDATORY Section 44, Chapter 133, O.S.L. 1997, as amended by Section 9, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.6), is amended to read as follows:

Section 987.6 Each community sentencing planning council created pursuant to the provisions of Sections ~~42 of the Oklahoma Truth in Sentencing Act~~ 987.4 and ~~8~~ 987.5 of this ~~act~~ title shall:

1. ~~Assist~~ Plan, with the technical assistance of the state ~~in planning~~, the local community sentencing system ~~within allocated state funds and other available resources~~;

2. Promulgate rules for functioning of the planning council which are consistent with the provisions of this act;

3. Prepare a detailed plan each fiscal year with an accompanying budget for the local community sentencing system;

4. Identify local resources by type, cost and location which are available to serve the court for felony offenders sentenced to the community;

5. Recommend selection of qualified service providers to deliver services to the court for felony offenders sentenced to the community;

6. Assist in monitoring the local community sentencing ~~practices of~~ system and utilization of sentencing options by the court to ensure the local community sentencing system functions ~~within the allocation of resources~~ effectively and according to the provisions of this act;

7. Assist in preparing information necessary and recommend the selection of service providers for qualified services to support the local community sentencing system plan as provided in Section ~~10~~ 987.7 of this ~~act~~ title;

8. Recommend the use of interlocal governmental agreements for qualified services where services are not available within the jurisdiction or where services may be delivered in a more ~~cost-effective~~ effective manner by another jurisdiction;

9. Form multicounty systems as may be necessary ~~to conserve state or local resources or~~ to implement an appropriate range of services to the court;

10. Review and ~~recommend~~ select services for ~~cost-effectiveness~~ effectiveness and performance-based evaluation;

11. Identify and solicit various sources of funding and resources for the local community sentencing system;

12. Assist in developing public/private partnerships in the local jurisdiction, reciprocal agreements, and interagency cooperation to provide appropriate services and support to the system; and

13. Assist in promoting local involvement ~~and support for~~ in the provisions of the Oklahoma Community Sentencing Act and perform other functions as necessary.

SECTION 30. AMENDATORY Section 45, Chapter 133, O.S.L. 1997, as amended by Section 10, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.7), is amended to read as follows:

Section 987.7 A. A detailed plan for each local community sentencing system shall be submitted each fiscal year to the ~~Community Sentencing Division within the~~ Department of Corrections pursuant to the rules promulgated for such purpose. The initial plan shall be submitted on or before February 1, 1998. The designated judge of the planning council shall review the range of services proposed in the plan and declare in writing that the proposed services meet the needs of the court for purposes of sentencing pursuant to the authority of the Oklahoma Community Sentencing Act and the local jurisdiction. The judge shall forward the plan to the ~~Division~~ Department of Corrections for state ~~approval~~ review and ~~appropriate~~ available funding. A plan that conforms with the requirements mandated by the Oklahoma Community Sentencing Act shall not be modified or disapproved ~~except when the plan requires more funding than is allocated to the local system~~. Each local community sentencing system plan shall include, but not be limited to:

1. Identification of existing resources, including cash, professional services, in-kind resources, property, or other sources of resources;

2. Identification of additional resources needed, identified by type and amount;

3. Projected number of offenders to be served by each provider and the projected total number of offenders to be served by the local system;

4. Types ~~and priority groups~~ of offenders to be served for purposes of ~~budgeting and~~ targeting specific use of selected service providers;

5. Identification of sentencing practices used for disciplinary sanctions for noncriminal conduct against participating offenders ~~and applicable costs~~;

6. Identification of local policy statements;

7. Methods for allocating resources to support the services included in the plan;

8. Identification and evaluation of reciprocal agreements for out-of-jurisdiction services or methods for complying with requests for reciprocal agreements;

9. Identification of program evaluation methods and results, and criteria or minimal program standards;

10. Identification and evaluation of local record keeping and needs for audits or reviews;

11. Identification of any special administrative structure of the local system and list of specific service providers participating in the system, including detailed qualifications of staff and program administrators; and

12. Description and evaluation of the extent of community participation and support for the local system.

B. A local community sentencing system plan may be modified or expanded as provided by the rules promulgated for that purpose by

the ~~Community Sentencing Division within the~~ Department of Corrections.

C. A community sentencing system shall be operational when the plan is approved by the ~~Community Sentencing Division or is receiving funding~~ council and reviewed by the Department of Corrections. The ~~Division~~ Department, upon receipt of a proposed local system plan, shall have not more than forty-five (45) days to evaluate the plan and to notify the planning council of any suggested modification necessary ~~to comply with budget contracts~~. All modifications ~~for budgeting purposes~~ shall be completed by May 1 each year. ~~Failure of the Division to request or finalize a budgetary modification within the times specified in this subsection shall constitute final approval of the plan for purposes of state funding and provider service agreements.~~ The service agreements shall be finalized by June 30 of each year for each local community sentencing system. The ~~Division~~ Department shall not restrict by rule or practice the plan of any local system or determine what constitutes treatment or necessary services if the treatment or services comply with the requirements of the Oklahoma Community Sentencing Act, unless there is a demonstrated deficiency or poor program evaluation.

D. A local administrator as provided in Section ~~14~~ 987.13 of this ~~act~~ title, the Oklahoma Criminal Justice Resource Center, and other state or local entities shall assist the local planning council in gathering and keeping accurate information about the jurisdiction to support the planning process. For the previous two (2) years, the information pertaining to the jurisdiction shall include, but not be limited to:

1. The number and rate of arrests, number of felony convictions, admissions to probation, number of offenders sentenced to post-imprisonment supervision, number of offenders sentenced to county jail, average length of sentence served in county jail,

number of offenders sentenced to the custody of the Department of Corrections, and average length of sentence served in the custody of the Department of Corrections;

2. Current jail conditions, staff, capacity, and jail population data by offender-type including, but not limited to, misdemeanor, felony, trusty, post-trial detainee, pretrial detainee, disciplinary sanction or juvenile;

3. A listing of services and programs available in the community, including costs, space availability, the number of offenders participating, the average length of participation and performance-based data;

4. Range of community punishments previously used by the courts for offenders within the jurisdiction, including methods and use of disciplinary sanctions for noncriminal behavior of offenders participating in the program ~~and opportunities for incentives~~;

5. A listing of educational, vocational-technical, health, mental health, substance abuse treatment, medical, and social services available to offenders or to be made available within a twelve-month period;

6. Restrictive residential facilities or other restrictive housing options available or to be made available within a twelve-month period; and

7. ~~Approved local~~ Local system plans and budgets.

SECTION 31. AMENDATORY Section 46, Chapter 133, O.S.L. 1997, as amended by Section 2, Chapter 420, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.8), is amended to read as follows:

Section 987.8 A. A community sentencing system established pursuant to the provisions of the Oklahoma Community Sentencing Act shall include those services and punishments enumerated ~~and funded~~ in the annual plan submitted ~~and approved by~~ to the ~~Community Sentencing Division within the~~ Department of Corrections and any other services or punishments subsequently added ~~and approved by the~~

~~Division~~ during a plan year. Each community sentencing system shall be required to provide an appropriate range of services and punishments making a continuum of sanctions ~~for~~ available to the court for sentencing. Said options may be utilized for offenders sentenced ~~pursuant to the applicable state sentencing matrix or otherwise~~ as provided by law for criminal sentences. Each local system shall be required to have available to the court all of the following services for both felony and misdemeanor offenses:

1. Community service with or without compensation;

2. Substance abuse treatment and drug testing;

3. Varying levels of supervision;

4. Education and literacy;

5. Employment opportunities and job skills training; ~~and~~

6. Enforced collections; and

7. Community incarceration.

B. The court may order ~~an~~ any felony or misdemeanor offender to any one or more of the following for a community sentence, suspended sentence, or deferred sentence:

1. Full or partial restitution to the victim according to a schedule of payments established by the sentencing court, with or without interest at the rate of twelve percent (12%) per annum;

2. Reimbursement to any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims as a result of the criminal act for which the defendant is convicted, with or without interest accruing thereon at the rate of twelve percent (12%) per annum;

3. A term of community work or service without compensation, with a specified date for completion and according to a schedule consistent with the employment and family responsibilities of the person convicted;

4. Payment of a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60

of the Oklahoma Statutes, which provides restitution payments by convicted defendants to victims of crimes committed within this state wherein such victim has incurred a financial loss;

5. Payment of a reasonable sum to the Crime Victims Compensation Board, created by Section 142.2 et seq. of Title 21 of the Oklahoma Statutes, for the benefit of crime victims;

6. Confinement in the county jail for a period not to exceed one (1) year as authorized in Section 991a-2 of ~~Title 22 of the Oklahoma Statutes~~ this title;

7. Reimbursement to the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which the person is being sentenced;

8. Repayment of the reward or part of the reward paid by a certified local crime stoppers program, the State Crime Stoppers Program, or the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the crime stoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. "Certified local crime stoppers program" means a crime stoppers program certified by the Office of the Attorney General pursuant to Section 991g of ~~Title 22 of the Oklahoma Statutes~~ this title. The "Oklahoma Reward System" means the reward program established by Section 150.18 of Title 74 of the Oklahoma Statutes;

9. Reimbursement to the Oklahoma State Bureau of Investigation or any other law enforcement agency for costs incurred by that agency during its investigation of the crime for which the defendant pleads guilty, nolo contendere or is convicted, including compensation for laboratory, technical, or investigative services

performed by the Bureau or other agency if the costs incurred by the Bureau or other agency during the investigation of the defendant's case may be determined with reasonable certainty;

10. Payment of court costs incurred in the case for which the defendant is convicted;

11. Substance abuse education or treatment, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes or as ordered by the court;

12. Placement in a victims impact panel program or victim/offender reconciliation program and payment of a fee to the program of not less than Fifteen Dollars ($15.00) nor more than Twenty-five Dollars ($25.00) as set by the governing authority of the program to offset the cost of participation by the defendant;

13. Installation of an ignition interlock device approved by the Department of Public Safety at the defendant's own expense. The device shall be installed upon every motor vehicle operated by the defendant, and the court shall require that a notation of this restriction be affixed to the defendant's driver license. The restriction shall remain on the driver license not exceeding two (2) years to be determined by the court. The restriction may be modified or removed only by order of the court and notice of any modification order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without a device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the

defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater;

14. Confinement by electronic monitoring administered and supervised by the Department of Corrections or a community corrections provider, and payment of a monitoring fee to the supervising authority, not to exceed Seventy-five Dollars ($75.00) per month. Any fees collected pursuant to this paragraph shall be deposited with the appropriate supervising authority. Any willful violation of an order of the court for the payment of the monitoring fee shall be a violation of the sentence and may be punished as deemed proper by the sentencing court. As used in this paragraph, "electronic monitoring" means confinement of the defendant within a specified location or locations with supervision by means of an electronic device approved by the Department of Corrections which is designed to detect if the defendant is in the court-ordered location at the required times and which records violations for investigation by a qualified supervisory agency or person;

15. One or more courses of treatment, education or rehabilitation for any conditions, behaviors, deficiencies or disorders which may contribute to criminal conduct, including but not limited to alcohol and substance abuse, mental health, emotional health, physical health, propensity for violence, antisocial behavior, personality or attitudes, deviant sexual behavior, child development, parenting assistance, job skills, vocational-technical skills, domestic relations, literacy, education, or any other identifiable deficiency which may be treated appropriately in the community and for which a certified provider or a program recognized by the court as having significant positive impact exists in the community. Any treatment, education or rehabilitation provider required to be certified pursuant to law or rule shall be certified by the appropriate state agency or a national organization;

16. Periodic testing for alcohol, intoxicating substance, or controlled dangerous substances by a qualified laboratory;

17. Payment of a fee, costs for treatment, education, supervision, participation in a program, or any combination thereof as determined by the court, based upon the defendant's ability to pay the fees or costs;

18. Supervision by a Department of Corrections employee, a private supervision provider, or other person designated by the court;

19. Positive behavior modeling by a trained mentor;

20. Confinement in a restrictive housing facility available in the community;

21. Confinement in the county jail at night ~~or~~, during weekends or for up to a period of one (1) year pursuant to Section 991a-2 of ~~Title 22 of the Oklahoma Statutes~~ this title or for work release;

22. Employment or employment-related activities;

23. Mandatory day reporting to facilities or persons for services, payments, duties or person-to-person contacts as specified by the court;

24. Day fines not to exceed fifty percent (50%) of the net wages earned. For purposes of this paragraph, "day fine" means the offender is ordered to pay an amount calculated as a percentage of net daily wages earned. The day fine shall be paid to the local community sentencing system as reparation to the community. Day fines shall be used to support the local system;

25. Blood testing as required by Section ~~73~~ 588 of ~~this act~~ Title 57 of the Oklahoma Statutes;

26. Repair or restoration of property damaged by the defendant's conduct, if the court determines the defendant possesses sufficient skill to repair or restore the property and the victim consents to the repairing or restoring of the property;

27. Restoration of damaged property in-kind or payment of out-of-pocket expenses to the victim, if the court is able to determine the actual out-of-pocket expenses suffered by the victim;

28. Attendance in a victim-offender mediation program if the victim agrees to participate and the offender is deemed appropriate for participation;

29. Any other provision specifically ordered by the court;

30. In the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems;

31. In the case of a sex offender, require the person to participate in a treatment program, if available. The treatment program must be approved by the person who has supervisory authority over the defendant. Such treatment shall be at the expense of the defendant based on the defendant's ability to pay. For purposes of this provision, "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes; and

32. In the case of a person convicted of child abuse or neglect as defined in Section 7102 of Title 10 of the Oklahoma Statutes, require the person to undergo treatment or to participate in counseling services. The defendant may be required to pay all or part of the cost of the treatment or counseling services.

SECTION 32. AMENDATORY Section 47, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.9), is amended to read as follows:

Section 987.9 A. Any offender sentenced to a community sentence ~~pursuant to the applicable state sentencing matrix~~ which

requires supervision, or ~~otherwise as authorized by law for~~ a suspended or deferred sentence with supervision, shall be required to pay a supervision fee. The supervising agency shall establish the fee amount, not to exceed Forty Dollars ($40.00) per month, based upon the offender's ability to pay. In hardship cases the supervising agency may expressly waive all or part of the fee. No supervising agency participating in a local community sentencing system shall deny any offender services for the sole reason that the offender is indigent. Fees collected for supervision services performed by the Department of Corrections shall be paid directly to the Department to be deposited in the Department of Corrections Revolving Fund. All other supervision fees shall be retained by the local community sentencing system council or retained by the supervising agency at the direction of the council.

B. In addition to any supervision fee required, offenders participating in a local community sentencing system shall be required to pay a user fee for administrative services from the local system which shall not exceed Twenty Dollars ($20.00) per month to be set by the local ~~administrator~~ council. User fees when collected shall be ~~deposited with the Community Sentencing Division within the Department of Corrections and credited to~~ retained by the local community sentencing system for support and expansion of the local community corrections system.

C. In addition to any supervision fee or user fee authorized by this section, the court shall assess court costs, and ~~may assess~~ program costs, and may assess restitution, and fines to be paid by the offender as the punishment imposed, subject to the person's ability to pay any amount. Any portion of fees which are collected shall be distributed proportionately to the entities involved.

SECTION 33. AMENDATORY Section 49, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.11), is amended to read as follows:

Section 987.11 Each service provider shall be required to have a performance-based evaluation within two (2) years of participating in a local community sentencing system. The initial performance-based evaluation of a program or service shall be made two (2) years from the date a program or service is first designated in the local system plan, provided the program or service continues to be included in the local system plan during a second or subsequent plan year. After an initial evaluation, the program or service shall be reviewed annually when the program or service continues to be designated as part of the local system plan. The ~~Community Sentencing Division within the~~ Department of Corrections, with the approval of the local council, may establish other criteria for evaluating programs and services, and shall establish procedures by rule for review of the evaluations prior to any renewal of service provider agreements or selection of new service providers.

SECTION 34. AMENDATORY Section 50, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.12), is amended to read as follows:

Section 987.12 A. Any person sentenced to a community punishment pursuant to the provisions of the Oklahoma Community Sentencing Act shall not be ~~deemed an inmate, nor shall the person be~~ considered to be in the custody of the Department of Corrections, nor shall the person require processing through the Lexington Reception and Assessment Center. Persons sentenced to community punishment ~~pursuant to the applicable state sentencing matrix or otherwise as authorized by law~~, including community incarceration, shall be state inmates serving a sentence in ~~community~~ custody within the county.

B. ~~Except as otherwise specifically provided by law, persons sentenced to a community punishment shall not have medical or dental expenses paid by the Department of Corrections or reimbursed by the Community Sentencing Division. Each local community sentencing~~

~~system shall be required to budget for minor required medical or dental expenses for persons participating in the local system. The local system shall request a medical or dental co-payment for any medical or dental services delivered to offenders sentenced to a community punishment.~~

~~C. The local administrator may request the Community Sentencing Division within the Department of Corrections to provide emergency medical assistance to a local community sentencing system or to an individual offender when the emergency is beyond the budget of the local system. When a request for emergency medical services is made, the Division shall negotiate the necessary medical assistance through an appropriate state agency on a case-by-case basis.~~

~~D.~~ Any felony offender requiring extensive medical treatment or services relating to confinement, which is a court-ordered part of a community sentence ~~pursuant to the authority of the applicable state sentencing matrix~~, may be transferred to the Department of Corrections for appropriate treatment upon order of the court. The offender shall be returned to the local system following the necessary medical treatment or upon completion of the sentence.

~~E. 1.~~ C. The state will pay all required medical or dental expenses while a person is incarcerated in the county jail~~, provided the state has the obligation to pay for the term of incarceration pursuant to the provisions of this act. For persons sentenced under the authority of Field 2 or Field 3 punishment levels of the matrices, the state will pay required medical expenses for a maximum of one (1) year while incarcerated in the county jail. If the sentencing judge under the authority of Field 2 or Field 3 punishment levels orders any term of imprisonment less than one (1) year, the state will pay required medical expenses for up to a total of one (1) year for incarceration and disciplinary jail sanctions combined.~~

~~2. The state will pay up to a maximum of thirty (30) days on required medical expenses while a person is incarcerated in the county jail pursuant to Field 4 punishment levels of the state's sentencing matrix, and this shall be only for required medical expenses occurring during periods of disciplinary sanction in the county jail~~ pursuant to a community sentence.

SECTION 35. AMENDATORY Section 51, Chapter 133, O.S.L. 1997, as amended by Section 13, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.13), is amended to read as follows:

Section 987.13 A. Each local community sentencing system shall operate under the supervision of a local administrator who shall be employed by the ~~Community Sentencing Division within the~~ Department of Corrections but will act under the direction of the local council. The local council shall have the authority to request the transfer of any local administrator who is not performing the duties to the satisfaction of the local council. The local administrator shall have the duty to:

1. Administer the day-to-day operation of the local community sentencing system within the approved budget and plan and according to the provisions of the Oklahoma Community Sentencing Act and any rules promulgated by the Division;

2. Assist the planning council in the jurisdiction in identifying resources, collecting data on sentencing practices, and preparing the annual plan and supporting budget;

3. Provide the court with a listing of available services within the local community sentencing system for purposes of imposing a community sentence;

4. Carry out court orders pursuant to the provisions of this act as provided in the offender's judgment and sentence;

5. Assign offenders to specific service providers who are participating in the local system according to the conditions of the community sentence;

6. Report to the judge all completions and violations of court orders for community sentences or community punishments;

7. Keep accurate records for the local system and coordinate those records for monitoring by the ~~Community Sentencing Division~~ Department of Corrections;

8. Monitor the local service providers to assure appropriate delivery of services to both the offender and the local system;

9. Coordinate and assist staff to support the planning council and the sentencing court;

10. Ensure that restitution, reimbursements, fines, costs, and other payments and fees are deposited with the appropriate entity;

11. Report to the ~~Community Sentencing Division within the~~ Department of Corrections any complaints or service delivery problems;

12. Ensure criminal disposition reports on community sentences are made to appropriate state and federal agencies; ~~and~~

13. Perform other functions as specified by the ~~Community Sentencing Division within the~~ Department of Corrections for purposes of implementing the provisions of the Oklahoma Community Sentencing Act;

14. Provide staff assistance to the local community sentencing planning council in the utilization or development of existing community resources and in the development of long-term plans for the jurisdiction including, but not limited to:

a. the preparation of sentencing and treatment needs assessment for the jurisdiction,

b. the preparation of grant applications,

c. the preparation and submission of budgets and local plans,

d. the education of, and dissemination of information to, the local planning council concerning corrections and sentencing issues, and

e. any other function determined necessary by the council and approved by the Department of Corrections; and

15. Serve as an information clearinghouse regarding community-based programs and services available in the community.

B. ~~The local administrator shall supervise all existing county employees when a county has a preexisting community program operated by county employees and that program and preexisting staff are qualified to carry out the provisions of the Oklahoma Community Sentencing Act.~~ The ~~Division~~ local community sentencing planning council shall promulgate rules for continuing an existing program. An existing community service program that was in existence prior to January 1, 1997, shall not be terminated without the approval of the ~~Department of Corrections~~ local community sentencing planning council.

C. When a service provider is selected to be part of the local community sentencing system, the employees of that service provider shall not become employees of the county, the local community sentencing system, or the state by virtue of any contractual agreement or payments from the state.

SECTION 36. AMENDATORY Section 53, Chapter 133, O.S.L. 1997, as amended by Section 14, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.15), is amended to read as follows:

Section 987.15 The ~~Community Sentencing Division within the~~ Department of Corrections shall have the duty to:

1. Administer a statewide community sentencing system pursuant to the provisions of the Oklahoma Community Sentencing Act and other provisions of law;

2. Establish statewide goals and standards for the statewide community sentencing system and the local community sentencing systems;

3. Promulgate rules pursuant to the Administrative Procedures Act for the implementation and operation of the Oklahoma Community Sentencing Act;

4. Provide technical assistance and administrative support to each local community sentencing system. The technical assistance shall include, but not be limited to, information on:

a. corrections system design,

b. administration,

c. development, monitoring, and evaluating of programs and services,

d. program identification and specifications,

e. offender risk management,

f. supervision of offenders,

g. planning and budgeting,

h. grant applications, and

i. preparation and submission of documents, data, budgets, and system plans;

5. Coordinate with other state agencies for services and technical assistance to each local community sentencing system;

6. Apply for and accept money and other assets to be utilized for support of a statewide community sentencing system and to allocate and disburse agency funds to local community sentencing systems through an appropriate funding method;

7. Review, analyze and fund local system plans ~~within budgetary limitations~~;

8. Contract with local service providers and state agencies, as recommended by the local community sentencing planning councils, for services to the local system;

9. Identify and solicit other funding sources and resources to support the statewide community sentencing system;

10. Request post audits of state funds;

11. Monitor and coordinate local systems;

12. Provide performance-based evaluations for all service providers of the statewide system;

13. Report annually by January 15 to the Legislature and Governor on the statewide system. The report shall provide an evaluation of the effectiveness of the Oklahoma Community Sentencing Act in terms of public safety, appropriate range of community punishments, cost-effectiveness, performance-based effectiveness in reducing recidivism, utilization by the judiciary, resource allocation, and reduced state and local institutional receptions, if any; and

14. Disseminate information to local administrators and community sentencing systems concerning corrections issues including, but not limited to:

a. punishment options,

b. disciplinary sanctions,

c. resource allocation,

d. administration,

e. legal issues,

f. supervision and risk management,

g. treatment methodology and services,

h. education and vocational services,

i. service and program monitoring and evaluation methods,

j. grants and funding assistance,

k. data and record keeping, and

l. offender characteristics.

SECTION 37. AMENDATORY Section 54, Chapter 133, O.S.L. 1997, as amended by Section 15, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.16), is amended to read as follows:

Section 987.16 A. Each fiscal year the ~~Community Sentencing Division within the~~ Department of Corrections shall establish a statewide community sentencing system budget to meet legislative appropriations for that purpose. The statewide community sentencing

budget shall provide ~~goals and~~ funding ~~priorities~~ needs for community punishment, community incarceration and treatment ~~within the applicable state sentencing matrices and~~ as ~~otherwise~~ provided by law. The statewide community sentencing system shall be composed of local community sentencing system plans ~~as approved by~~ submitted to the ~~Division~~ Department of Corrections. A funding formula shall be developed for allocation of state funds to each local system for day-to-day operation during a fiscal year. ~~The Division and each of the local community sentencing systems are required to operate within the appropriated funds.~~ The state shall require each local community sentencing system to identify resources other than state funds as part of the funding formula. The ~~Division~~ Department of Corrections shall establish procedures for disbursement of state funds to service providers, and shall disburse state funds in a timely manner.

B. 1. A local community sentencing planning council established pursuant to the provisions of this act may apply to the state for funding assistance. Funding assistance shall include, but not be limited to, implementing innovative or model treatment or sentencing programs, base funding for minimal operation of community sentencing programs, renovation costs, day-to-day administrative costs, and costs associated with community incarceration. The local council, with the assistance of the local administrator, shall prepare and submit a budget, program plan, and a grant application to the Department of Corrections. The Department shall review, analyze, and evaluate all program plans and budgets together with any application submitted for funding.

2. For a local community sentencing system to remain eligible for maximum state funding, a local community sentencing system shall:

a. demonstrate fiscal responsibility ~~by operating the local system within the plan and budget allocation~~,

b. require performance-based selection of service providers participating in the annual system plan,

c. offer a continuum of sanctions for felony offenders sentenced to the local community sentencing system ~~and appropriately assign offenders for services~~, and

d. comply with ~~the rules promulgated by the Community Sentencing Division within the Department of Corrections and~~ the provisions of the Oklahoma Community Sentencing Act.

~~2. State funding may be reduced to any jurisdiction in a subsequent plan year where there is a:~~

~~a. demonstrated misuse of services or funds,~~

~~b. significant lack of innovation or performance-based effectiveness of the system, or~~

~~c. demonstrated failure to appropriately target offenders for services.~~

C. The ~~Community Sentencing Division within the~~ Department of Corrections shall review and evaluate all community sentencing system plans and budget requests when plans are submitted ~~for approval and funding~~. The ~~Division~~ Department is directed to automatically approve all plans complying with the provisions of the Oklahoma Community Sentencing Act which require no state funding.

D. ~~When state funding is required to implement a local community sentencing system plan, the Community Sentencing Division shall approve the plan only to the extent that the jurisdiction's share of the total state appropriations will support the implementation of the local system plan. Modification to a local plan shall be for budgetary purposes, as provided in Section 10 of this act.~~

~~E.~~ All state funding shall be subject to appropriations by the Legislature~~. When any county resources have been committed in support of a community service program in existence prior to January~~

~~1, 1997, or a community sentencing system plan, those resources shall not be withdrawn by any county official during a plan year without penalty as provided by the rules promulgated for this act~~ as shall be any other funds received by the Department of Corrections for purposes of implementing the Community Sentencing Act. Any funding disbursed for community sentencing shall not be used to supplant or replace existing funding or other resources from federal, state, county, or city government for any existing community sentencing program or service.

~~F.~~ E. Except as provided in subsection H of Section 991a-2 of ~~Title 22 of the Oklahoma Statutes~~ this title, state funds from the ~~Community Sentencing Division~~ Department of Corrections disbursed for community sentencing systems shall be used for operation and administrative expenses and shall not be used to construct~~,~~ ~~renovate, remodel, expand or improve~~ any jail, residential treatment facility, restrictive housing facility, or any other structure, nor shall these funds be used to replace funding or other resources from the federal, state, county or city government committed in support of the detailed system plan during the plan year.

~~G.~~ F. Any funds accruing to the benefit of a community sentencing system shall be deposited in the Oklahoma Community Sentencing Revolving Fund created as provided in Section ~~62~~ 557.1 of Title 57 of the Oklahoma ~~Truth in Sentencing Act,~~ Statutes and shall be credited to the local jurisdiction making such deposit. Any funds accruing for the benefit of community sentencing systems, programs, or services shall not be expended for any other purpose. The ~~Community Sentencing Division within the~~ Department of Corrections is authorized to apply for and accept grants, gifts, bequests and other lawful money from nonprofit private organizations, for-profit organizations, political subdivisions of this state, the United States, and private citizens.

~~H.~~ G. Requests for capital expenditures in support of the local community sentencing system shall be made as provided by the rules promulgated by the Community Sentencing Division within the Department of Corrections.

~~I. For purposes of calculating state funding for local community sentencing systems budgets for various punishment levels of the state's sentencing matrices, supervision, treatment, and education shall be the first funding priorities~~ H. Any payment made to the sheriff from the community sentencing system budget shall not be considered in the preparation of a budget for the sheriff's office nor shall the county excise board or, if applicable, the county budget board reduce the budget of a sheriff due to collection of funds from the community sentencing system. Any willful violation of the provisions of this subsection shall be grounds for removal from office. In addition, any officer who willfully violates this subsection may be held personally liable for the amount of the budget reduction.

SECTION 38. AMENDATORY Section 55, Chapter 133, O.S.L. 1997, as amended by Section 16, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.17), is amended to read as follows:

Section 987.17 A. On or before January 1, 1998, the following state agencies shall each develop and report to the ~~Community Sentencing Division within the~~ Department of Corrections their respective assessment and evaluation test for areas under their authority and expertise and the appropriate scoring method for such test:

1. The Department of Corrections;

2. The Office of Juvenile Affairs;

3. The Department of Mental Health and Substance Abuse Services;

4. The State Department of Health;

5. The State Department of Education; and

6. The Oklahoma Department of Vocational and Technical Education.

B. The ~~Community Sentencing Division within the~~ Department of Corrections shall assemble the various tests into one standardized test for use by all local community sentencing systems in making the required assessment and evaluation for a community sentence if selected by the local council. The Department shall also develop a method for determining an accurate criminal history of an offender to be used in conjunction with the assessment and evaluation. The ~~Administration~~ Administrative Office of the Courts shall assist in promulgating instructions and forms necessary for the courts' use of the required assessment. The state agencies enumerated in subsection A of this section shall provide technical assistance necessary to implement and monitor the Oklahoma Community Sentencing Act in the areas of their expertise and experience, and shall offer services to local community corrections systems, subject to availability ~~of funding~~.

C. All participating state agencies and local planning councils are directed to promulgate rules necessary to implement the provisions of the Oklahoma Community Sentencing Act. When promulgating the rules, participating state agencies and local planning councils shall coordinate their rules to the extent possible to enhance the statewide community sentencing system and statewide goals established for the criminal justice system.

SECTION 39. AMENDATORY Section 56, Chapter 133, O.S.L. 1997, as amended by Section 14, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (22 O.S. Supp. 1998, Section 987.18), is amended to read as follows:

Section 987.18 A. On and after July 1, 1999, in lieu of or in addition to a presentence investigation provided in Section 982 of this title, for each community sentence case the judge shall, prior to making a determination of punishment and imposing any community

punishment or service authorized by law, or imposing any other sentence authorized by law which would receive services from the local system, order an assessment and evaluation of the defendant to assist the court in determining the offender's primary treatment need, appropriate community punishment, and potential risk to public safety ~~if~~ including the criminal history of the offender ~~is sentenced in the community~~.

B. The assessment and evaluation shall be utilized by the court prior to determining any punishment for the offense. Whenever possible, the assessment and evaluation shall be ordered as a condition of release of the offender on bail. The purpose of the assessment shall be to identify the extent of the defendant's deficiencies and needs, the potential risk to public safety, the indigence of the defendant, and the appropriateness of various community punishments.

C. The defendant shall be required to complete a standardized assessment and evaluation test approved by the local community sentencing planning council which shall be scored by an appropriately trained person designated by the court or pursuant to a service agreement with the local community sentencing system. Any defendant lacking sufficient skills to read, comprehend or otherwise complete the assessment and evaluation test shall have appropriate assistance or may have an oral assessment and evaluation based upon the standardized test form.

D. The failure or refusal of the defendant to be assessed and evaluated shall not prohibit the court from sentencing the defendant.

SECTION 40. AMENDATORY Section 57, Chapter 133, O.S.L. 1997, as amended by Section 17, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.19), is amended to read as follows:

Section 987.19 A. Upon a verdict or plea of guilty or upon a plea of nolo contendere for a felony offense, the court may impose a

community sentence unless a community sentence is prohibited for that particular offense. The court shall determine a term of imprisonment to be served in the custody of the Department of Corrections; however, service of that term of imprisonment shall be delayed upon specific conditions prescribed by the court for a period not to exceed three (3) years.

B. When ordering a community sentence or community punishment ~~pursuant to the applicable state sentencing matrix or~~ as ~~otherwise~~ provided by law, the court shall impose the punishment appropriate for the offense as authorized by law, and may order appropriate treatment as authorized by law. ~~The local community sentencing system administrator shall have authority for all offender placements within the local community sentencing system.~~

~~B.~~ C. Persons convicted of or pleading guilty or nolo contendere to a misdemeanor offense or a combination of misdemeanor and felony offenses may receive services from a local community sentencing system ~~when the county agrees in writing to pay the Community Sentencing Division within the Department of Corrections for the actual costs of services used for misdemeanor cases; provided, however, this provision shall not preclude any felony offender from receiving services as required by law. The community sentencing planning council as provided in Sections 8 and 9 of this act shall recommend to the local administrator whether or not any programs or services will be offered for misdemeanor cases. The Community Sentencing Division shall have the responsibility for entering into the written agreement with the county for the required payments since no state funds shall be used to pay for misdemeanor offenses~~.

~~C.~~ D. Any time during the term of a community sentence, the court imposing the sentence may modify any previous provision as provided in this section upon motion of the district attorney~~, the~~

~~defense attorney,~~ or the offender. The authority to modify a community sentence shall not apply to any person who~~:~~

~~1. Is~~ is incarcerated in any state correctional facility~~;~~

~~2. Is subject to a suspended sentence or portion thereof;~~

~~3. Is subject to a delayed sentence; or~~

~~4. Is subject to the provisions of Section 996 et seq. of Title 22 of the Oklahoma Statutes~~.

~~D.~~ E. Upon consideration of a properly filed motion to modify conditions of a community sentence pursuant to the provisions of this section, the staff of the community sentencing system in which the offender is ordered to participate, the sheriff, the district attorney, the service provider, the victim of the offense for which the offender is serving the community sentence, or any agency or person providing supervision of the offender shall provide the court with any reports and other information available and relating to the offender, and to the reason for the motion to modify the conditions of the sentence. The court shall consider any reports and information submitted prior to modifying the conditions of the sentence.

~~E.~~ F. If the court considers a motion to modify conditions of a community sentence, a hearing shall be held in open court. The notice of the hearing shall be given to the offender, the offender's legal counsel, and the district attorney of the county in which the offender was convicted not less than ten (10) days prior to the hearing. A copy of any reports to be presented to the court shall accompany the notice of hearing.

~~F.~~ G. Following the hearing, the court shall enter the appropriate order authorized by law. The court may modify any community sentence condition by imposing any other ~~punishment~~ condition allowed by law for the offense and appropriate for the circumstances as determined by the discretion of the judge; provided, however, no punishment shall be imposed which is greater

than the maximum punishment allowed by law for the original offense. ~~The court shall give the offender day-for-day credit on any modified sentence for any community time served, whether or not any term of incarceration was imposed.~~ The court may decline to modify conditions of a community sentence and impose ~~either~~ a disciplinary sanction ~~or an incentive~~ as provided in Section ~~58~~ 987.20 of ~~the Oklahoma Truth in Sentencing Act~~ this title.

~~G.~~ H. The court shall not be limited on the number of modifications a sentence may have within the term of the community sentence.

~~H.~~ I. Any offender who files a meritless or frivolous motion to modify conditions of a community sentence shall pay the costs of the proceeding and may be sanctioned as deemed appropriate by the court.

~~I. The Department of Corrections shall establish rules for revoking a community sentence to a Department of Corrections penal institution.~~ J. Whenever a community sentence has been imposed by the court, that community sentence may not be revoked, in whole or in part, for any cause unless a petition setting forth the grounds for such revocation is filed by the district attorney with the clerk of the sentencing court and competent evidence justifying the revocation of the community sentence is presented to the court at a hearing to be held for that purpose within twenty (20) days after the entry of the plea of not guilty to the petition, unless waived by both the state and the defendant. The court may revoke a portion of the sentence and leave the remaining part not revoked, to be served in the community for the remainder of the term of the community sentence, and under the provisions applying to it. The person whose community sentence is being considered for revocation at said hearing shall have the right to be represented by counsel, to present competent evidence on behalf of that person and to be confronted by the witnesses against the person. Any order of the court revoking such community sentence, in whole or in part, shall

be subject to review on appeal, as in other appeals of criminal cases. If the crime for which the community sentence is given was a felony, the person may be allowed bail pending appeal. If the reason for revocation be that the defendant committed a felony, the person shall not be allowed bail pending appeal. The maximum term of any imprisonment given on a revocation of a community sentence to the custody of the Department of Corrections shall not exceed the prescribed term of incarceration for the offense ~~as provided in the state's sentencing matrices~~. ~~When a community sentence is revoked to state imprisonment, the court shall give a day-for-day credit for all time served in the community.~~

~~J. For purposes of the Oklahoma Community Sentencing Act and the state's sentencing matrices for Fields 2, 3 and 4 punishment levels, any offender convicted and sentenced for a first time community sentence shall have the criminal record expunged for that offense upon a successful completion of the community sentence. When the local administrator of the community corrections system where the offender has served the sentence has filed the final documentation of completion of the community sentence, the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged for that offense from the record and the charge dismissed of record. For subsequent offenses for which the person is convicted, the effect of this provision shall be to treat the first expungement as a prior conviction when applying any applicable enhancements.~~

SECTION 41. AMENDATORY Section 58, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.20), is amended to read as follows:

Section 987.20 A. Upon proper motion to the court to modify a community sentence as provided in Section ~~57~~ 987.19 of this ~~act~~ title, the judge shall have authority to impose disciplinary sanctions. An order for a disciplinary sanction shall not modify

the terms of the original sentence and shall be used to gain compliance with the original court order. ~~The Community Sentencing Division within the Department of Corrections shall establish maximum funding of disciplinary sanctions for targeted offenses within the state's sentencing matrices. Disciplinary sanctions ordered in excess of the established funding priorities shall not be reimbursed by the state.~~ The court may order any community punishment available in the jurisdiction deemed appropriate by the judge for the circumstance including, but not limited to, a term of imprisonment not to exceed five (5) days per disciplinary order in either:

1. The county jail;

2. A residential treatment facility;

3. A restrictive housing facility; or

4. A halfway house.

~~The~~ Upon the order of the court, the sheriff shall deliver the offender to the designated place of confinement, provided the place of confinement has an agreement, including transportation costs, for confinement services with the local community sentencing system. ~~The offender shall be given day-for-day credit for any terms of incarceration served in the county jail or other restrictive facility when the sentence must be modified or revoked.~~

B. The court may, through a standing court order, provide for specific disciplinary sanctions and incentives ~~which may be utilized by the local administrator upon notification to the court~~.

C. ~~The court shall have authority to offer incentives to offenders to encourage proper conduct in the community and for compliance with the court orders. The court shall use its discretion in ordering appropriate incentives. Incentives shall be considered a modification to the original sentence and may be ordered after the motion to modify has been heard.~~

~~D.~~ When any offender is disciplined by the court as authorized by this section and is to be imprisoned in the county jail or other restrictive facility, the sheriff or facility administrator shall receive compensation as provided by their agreement with the local community sentencing system, or the sheriff or facility administrator shall be paid directly for the services by the offender when ordered to pay for the confinement as part of the disciplinary sanction. ~~In no event shall any compensation for disciplinary confinement exceed the maximum amount provided for county jail confinement in subsection B of Section 38 of Title 57 of the Oklahoma Statutes, or the amount provided by a service agreement with a private provider included in the local system plan.~~

~~E.~~ D. The Department of Corrections ~~is prohibited from accepting offenders into state correctional facilities for disciplinary sanctions and is prohibited from contracting to pay for any offender imprisoned in the county jail for disciplinary sanctions or when sentenced to another restrictive facility as a disciplinary sanction; provided, however, the Department~~ shall pay for any parolee or inmate serving a community assignment pursuant to law when that person must be imprisoned in the county jail for a disciplinary sanction authorized by the Department of Corrections.

SECTION 42. AMENDATORY Section 59, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.21), is amended to read as follows:

Section 987.21 Any law directing earned credits during periods of imprisonment or otherwise, including Sections 20, 58.3, 138, 138.1 and 224 of Title 57 of the Oklahoma Statutes and Section 615 of Title 69 of the Oklahoma Statutes, shall not be applicable to persons sentenced to a community sentence pursuant to the provisions of this act. ~~Day-for-day credits shall be given to offenders who have community sentences revoked to county jail or state prison and also shall be given when a community sentence is modified.~~

SECTION 43. AMENDATORY Section 60, Chapter 133, O.S.L. 1997, as amended by Section 18, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.22), is amended to read as follows:

Section 987.22 A. Any offender ordered to participate in the local community sentencing system shall be advised of the conditions of the specific program or service to which he or she is assigned.

B. Offenders shall not be ordered to participate in any service or program within any community sentencing system established pursuant to the Oklahoma Community Sentencing Act which requires the offender to use private transportation to reach the service location when the one-way-trip driving distance is more than sixty (60) miles from the ~~residence of the offender~~ <u>county seat of the county in which the crime was committed</u>, except by written consent of the offender.

C. Prior to completing a community punishment ~~pursuant to the requirements of the state's sentencing matrix or any other provisions of law~~, the offender may, in special circumstances, request a reciprocal assignment in another jurisdiction to complete the terms and conditions of the community punishment. Each approved community sentencing system shall have entered into a reciprocal agreement for services with the other jurisdiction, and shall have the approval of the receiving jurisdiction and a court order from the court having jurisdiction of the offender before any transfer of the person, case, and services shall be made.

D. ~~Upon completion of any court-ordered provision, pursuant to a community sentence or any provision of law, the administrator of the local system shall file a statement with the court defining the provision which has been successfully completed. When all court-ordered provisions have been successfully completed the defendant shall be deemed to have completed the community punishment and shall be released.~~

~~E.~~ The provisions of the Oklahoma Community Sentencing Act shall not confer any rights upon the defendant to avoid a term of imprisonment prescribed by law for the offense, nor grant any additional rights to appeal for failure to be offered any specific punishment or treatment option in any community sentence.

~~F. A community sentence pursuant to the state's sentencing matrix or any other provisions of law shall not require programs or services for more than three (3) years.~~

SECTION 44. AMENDATORY Section 62, Chapter 133, O.S.L. 1997, as renumbered by Section 26, Chapter 333, O.S.L. 1997 (57 O.S. Supp. 1998, Section 557.1), is amended to read as follows:

Section 557.1 There is hereby created in the State Treasury a revolving fund for the ~~Community Sentencing Division within the~~ Department of Corrections to be designated the "Oklahoma Community Sentencing Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all funds appropriated to it by the Legislature, grants, gifts, bequests and any other lawful money received for the benefit of the statewide community sentencing system. All funds received shall be deposited to the fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the ~~Division~~ Department for ~~state~~ funding to ~~approved~~ community sentencing systems established pursuant to the provisions of the Oklahoma Community Sentencing Act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. Any funds accruing for the benefit of community sentencing programs and services shall not be expended for any other purpose.

SECTION 45. AMENDATORY Section 64, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 990), is amended to read as follows:

Section 990. A. For purposes of this act:

1. "Probation" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is released by the court with a fully suspended sentence and no conditional requirements, except periodic supervision which may be waived by the court or is subject to a deferred sentence;

2. "Suspended sentence" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is released by the court subject to conditional requirements and supervision;

3. "Split sentence" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is sentenced to a term of imprisonment for which the court orders only a portion of the imprisonment term to be actually served with the balance suspended and subject to conditional requirements and supervision; and

4. ~~"Delayed sentence" means a procedure by which the defendant is found guilty of a crime, whether upon a verdict or plea of guilty or upon a plea of nolo contendere, and is sentenced to a term of imprisonment for which the date to begin serving the imprisonment term is suspended up to twelve (12) months, and the defendant is released by the court subject to conditional requirements which must be completed by the date set to begin serving the term of imprisonment; and~~

~~5.~~ "Supervision" means a court-ordered conditional requirement of a sentence which provides active monitoring through varying types and numbers of contacts by an agency, a person designated by the court, or by an electronic device as specified in the court order for a convicted offender receiving a sentence of probation, a suspended sentence, or a split sentence~~, or a delayed sentence~~.

B. At the time of sentencing, when a defendant is convicted of a crime and no death penalty or sentence of life without parole is imposed, the court shall have authority to suspend the punishment, in whole or in part, except where the law specifically prohibits probation or a suspended sentence. The court may, after imposing the punishment for the offense, suspend that punishment by ordering a sentence to probation, a suspended sentence with conditional requirements, or a split sentence~~, or a delayed sentence~~. The courts' authority to suspend the punishment for an offense shall include any prescribed provisions, fines, term of imprisonment, or any combination of prescribed punishments. The court, in addition, may order the convicted defendant at the time of sentencing, or at any time during the term of the suspended sentence, to complete any one or more conditional requirements available in the local community sentencing system. Provided, however, no corporal punishment shall be allowed. The authority for a suspended sentence shall not apply to defendants who have been convicted of two or more prior felony offenses ~~listed in Schedule A, B, C, D, S-1, S-2 or S-3~~.

C. 1. The requirement for supervision shall be initiated upon an order from the court. ~~Supervision shall not exceed two (2) years, except as otherwise provided in this section.~~ Supervision services may be provided by:

a. the Department of Corrections,

b. a qualified provider for the local community sentencing system, or

c. a qualified person designated by the court.

When the court does not specify the supervising agency or person, supervision shall be provided by the Department of Corrections. ~~In the case of a person convicted of a sex offense, supervision shall not be limited to two (2) years but shall not extend beyond the length of the sentence imposed. Provided further, any~~ Any

supervision authorized by this section may ~~be extended for a period~~ not ~~to~~ exceed the expiration of the maximum term of the sentence ~~upon a finding by the court after notice and hearing that the best interests of the public and the defendant will be served by an extended period of supervision; provided, however, the county may be required to reimburse the supervising agency for the extended supervision for any periods beyond the provisions of this section~~ provided for by law for the commission of the offense.

2. The type of supervision shall be initially specified by the court and may later be modified as provided in this section ~~as the offender demonstrates compliance with the court-ordered conditions~~. Types of supervision may include low-level supervision, standard supervision, high-level supervision, intensive supervision, or electronic monitoring. For purposes of this paragraph:

a. "low-level supervision" means occasional contacts with the offender by the monitoring agency or person,

b. "standard supervision" means scheduled and unscheduled personal or other contacts by the monitoring person with the offender,

c. "high-level supervision" means a predetermined schedule of personal or other contacts by the monitoring person with the offender,

d. "intensive supervision" means multiple weekly personal contacts by the monitoring person with the offender and unscheduled contacts by the monitoring person with the offender at varying times and places, and

e. "electronic monitoring" means supervision or surveillance of the offender by means of an electronic device approved by the Department of Corrections ~~or~~, the local county sheriff and the community sentencing system, which is designed to detect if the offender is in the court-ordered location at the required times

and which records violations for investigation by a qualified supervisory agency or person.

3. When the court orders supervision as a conditional requirement of a sentence, the court shall make payment of a supervision fee a required condition of the sentence. The supervising agency shall establish the fee in an amount not to exceed Forty Dollars ($40.00) per month based upon the offender's ability to pay. In hardship cases, the supervising agency shall expressly waive all or part of the fee. No supervisory agency shall deny any offender services for the sole reason that the offender is indigent.

4. During any period of supervision, the agency or person designated to monitor a defendant shall be responsible for seeing that the defendant pays the restitution, repayments, reimbursements, fees, fines, and costs ordered by the court and that the defendant performs the conditions and completes the programs required by the terms of the sentence. The designated monitoring agency or person shall ensure that all payments made by the defendant are forwarded to the appropriate person or entity in a timely manner.

D. 1. During any period of a suspended sentence or a split sentence, when the defendant ~~is not benefiting from the prescribed conditions as ordered by the court, or when the defendant~~ has violated any condition of the sentence not constituting a criminal offense, ~~or when the defendant has successfully completed any condition of a sentence,~~ the following persons may file a motion with the court for a modification of the conditions of the sentence:

a. the defendant or defense attorney,

b. the district attorney, or

c. the supervisory agency or person with the consent of the defendant and the district attorney.

2. The person requesting the motion shall provide the court with any reports and other information relating to the defendant

available from the sheriff, the supervisory agency or person, or the treatment provider. The court shall consider any reports and information when modifying any conditions of a suspended or split sentence.

3. If the court considers a modification of any conditions of the sentence, a hearing shall be made in open court. The clerk of the court having jurisdiction shall give notice of the hearing and provide a copy of any reports and information to the defendant, the defense attorney, the district attorney, and to any other parties to the motion. The notice shall be given not less than three (3) days prior to the hearing of the motion.

4. Following the hearing, the court shall enter the appropriate modification to the conditions of the sentence, if any. The court may modify and impose any condition which is appropriate for the circumstances; provided, no corporal punishment shall be imposed and no condition shall be imposed which when taken in its entirety is greater than the original prescribed sentence which is subject to the suspension. The defendant may be ordered to serve a temporary period of incarceration in the county jail not to exceed five (5) days as a disciplinary sanction for failure to comply with the conditions of the sentence after proper notice and hearing. ~~The defendant shall be given day-for-day credit on the sentence for any period of incarceration served in the county jail as a disciplinary sanction.~~ The cost of any county jail incarceration as a disciplinary sanction ~~shall be not more than the maximum amount provided in subsection B of Section 38 of Title 57 of the Oklahoma Statutes and~~ shall be paid by:

a. the defendant,

b. the county, if ~~the offense is not eligible for state payment for disciplinary sanctions and~~ the defendant is unable to pay~~, or~~ <u>any amount,</u>

c. the state, through the Community Sentencing Revolving Fund,

d. the local community sentencing system established pursuant to the Oklahoma Community Sentencing Act when a contract with the county sheriff has been entered into for disciplinary sanctions and the defendant is unable to pay the cost, or

e. any combination of the entities listed in subparagraphs a, b, c and d of this subsection.

5. The court shall not be limited in the number of modifications a suspended or split sentence may have; provided, the authority to modify the conditions of a suspended or split sentence pursuant to the provisions of this subsection shall not be construed to alter the authority of the district attorney to file for revocation of a suspended sentence either in whole or part as provided by Section 991b of ~~Title 22 of the Oklahoma Statutes~~ this title.

E. Any community punishment available to the court through the local community sentencing system may be imposed as a conditional requirement for a felony suspended or split sentence ~~or for a delayed sentence~~.

~~F. 1. When the court determines the defendant to be eligible and appropriate for a delayed sentence as defined by this section, the court shall proceed to state on the record the term of incarceration appropriate for the offense pursuant to the applicable state sentencing matrix and the date the term of imprisonment shall begin to be served. The district attorney shall have the right to state any objections to a delayed sentence on the record but the decision of the judge shall be final. After the term of incarceration has been pronounced and the date to begin serving the incarceration has been ordered, the court may offer to the defendant the opportunity to complete certain specific conditions before the~~

~~date to begin serving that sentence. The delayed sentence shall provide that in exchange for completing the court-ordered conditions before the date set to begin serving the term of imprisonment, the court shall either modify the sentence or withdraw the order imposing the term of incarceration. The maximum term a sentence may be delayed is twelve (12) months.~~

~~2. The court shall not have authority to commit the defendant to the custody of the Department of Corrections as a condition of the delayed sentence pursuant to the provisions of this section; provided, however, the court may commit the person to the county jail subject to available funding to pay the sheriff.~~

~~3. The court shall have no authority to order a delayed sentence pursuant to the provisions of this section without the defendant voluntarily agreeing to complete the required conditions.~~

~~4. On the date set for the execution of the sentence, the court shall either require the term of incarceration to begin to be served if the defendant has failed to complete the conditions required by the court, or the court shall either modify the sentence or withdraw the order imposing the term of incarceration if the offender has successfully completed the conditions required by the court.~~

SECTION 46. AMENDATORY 22 O.S. 1991, Section 991a, as last amended by Section 65, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 991a), is amended to read as follows:

Section 991a. A. When a defendant is convicted of a crime and no death sentence is imposed, the court shall, pursuant to ~~any applicable state sentencing matrix,~~ any requirement for a presentence investigation, or any requirement for an assessment and evaluation, either:

1. Impose the fine prescribed by law for the offense;

2. Commit such person for a term of imprisonment in the custody of the Department of Corrections with or without a period of postimprisonment supervision as defined by Section ~~4~~ 14 of ~~this act~~

Title 21 of the Oklahoma Statutes, or commit such person for a term of ~~imprisonment~~ incarceration in the county jail as authorized by law ~~for the offense~~;

3. Impose the fine and commit the person for imprisonment or incarceration as prescribed by law ~~for the offense~~; or

4. Impose a community sentence as authorized by law.

B. In addition to paragraph 1, 2 or 3 of subsection A of this section, the court may impose:

1. Restitution, reimbursement, repayment, or a combination of restitution, reimbursement, or repayment to be paid to the victims or other entities as reparations to the community and state; ~~and~~

2. Any condition authorized by Section 987.8 of this title and available; and

3. Other prescribed provisions for the offense.

C. In addition to the provisions of this section, the court may impose a suspended, or split ~~or delayed~~ sentence as provided in Section ~~64~~ 990 of this ~~act~~ title, a deferred judgment as provided in Section 991c of ~~Title 22 of the Oklahoma Statutes~~ this title, ~~night or weekend~~ county jail time as provided by Section 991a-2 of ~~Title 22 of the Oklahoma Statutes~~ this title, postimprisonment supervision as defined by Section ~~4~~ 14 of ~~this act~~ Title 21 of the Oklahoma Statutes or make any other disposition of a criminal case as authorized by law ~~or required by the state's sentencing matrix~~.

D. In all criminal cases, the judge shall impose court costs and consider any victim's impact statements presented to the court.

SECTION 47. AMENDATORY 22 O.S. 1991, Section 991a-2, as amended by Section 66, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 991a-2), is amended to read as follows:

Section 991a-2. A. Any person who has been convicted of a felony offense in this state may be ~~sentenced~~ incarcerated pursuant to a community sentence, at the discretion of the judge, ~~to incarceration~~ in the county jail for a period of one or more nights

or weekends with the remaining portion of each week being spent under supervision. County jail ~~imprisonment~~ incarceration pursuant to the provisions of this ~~section~~ subsection for felony offenders ~~shall~~ may be~~:~~

~~1. Prescribed by law for the particular felony offense pursuant to the state's sentencing matrix;~~

~~2. Authorized by Section 991a-4 of this title; or~~

~~3. A~~ a condition of a split sentence, ~~a delayed sentence, or~~ a condition of a deferred judgment or a condition of a community sentence.

B. Any person who has been convicted of a felony offense ~~may be sentenced~~ pursuant to a community sentence, at the discretion of the judge, ~~to incarceration~~ may be incarcerated in the county jail for a term not to exceed one (1) year as the prescribed community ~~punishment according to the state's sentencing matrix~~ incarceration. In addition to incarceration, the court may impose any fine, cost, or other punishment provision allowed by law; provided, however, the punishment when taken in its entirety with the jail term shall not impose a greater punishment than allowed by law for the offense.

C. Any person incarcerated in the county jail pursuant to the provisions of subsection A or B of this section may be assigned work duties as ordered or approved by the judge. The sentencing court may require a person incarcerated pursuant to the provisions of this section to pay the ~~county~~ sheriff for food and maintenance for each day of incarceration~~. The cost of incarceration shall be as provided in subsection B of Section 38 of Title 57 of the Oklahoma Statutes and shall be paid to the state~~ an amount equal to the maximum amount prescribed by law to be paid to the sheriff for such expense. The Department of Corrections shall also reimburse the county sheriff for the cost of feeding and care of the person during such periods of incarceration pursuant to subsection B of Section 38 of Title 57 of the Oklahoma Statutes.

D. The State of Oklahoma, through the Community Sentencing Division within the Department of Corrections, shall reimburse the ~~county~~ sheriff for the actual cost paid for any emergency medical care for physical injury or illness of a person incarcerated for a felony offense pursuant to the provisions of subsection A or B of this section; provided the ~~injury or illness is directly related to the incarceration and the~~ county is required by law to provide such care for ~~county~~ inmates in the jail.

E. Any person incarcerated pursuant to the provisions of this section shall not be considered to be in the custody of the Department of Corrections ~~nor an inmate of the Department,~~ and the person shall not be processed through the Lexington Reception and Assessment Center. The person shall be deemed to be an inmate in the custody of the county.

F. When the court sentences a person to incarceration pursuant to the provisions of this section in conjunction with a community sentence, or split sentence~~, or delayed sentence~~, the court shall have the authority to modify the sentence as provided in Sections ~~58~~ 987.20 and ~~65~~ 991a of this ~~act~~ title.

G. For the purposes of subsection A of this section, weekend incarceration shall commence at 6 p.m. on Friday and continue until 7 a.m. on the following Monday, and incarceration overnight shall commence at 6 p.m. on one day and continue until 7 a.m. of the next day. Provided, that the sentencing judge may modify the incarceration times if the circumstances of the particular case require such action.

H. The daily costs for incarceration of felony offenders pursuant to the provisions of this section shall be paid ~~as authorized by Section 991a-4 of this title or from~~ in whole or in part by the state through the Department of Corrections at the daily rate specified in subsection B of Section 38 of Title 57 of the Oklahoma Statutes, by the local community sentencing system budget

to the sheriff~~, except when the court orders costs to be paid~~ or by the defendant when ordered by the court. ~~The state shall provide funds to the local community sentencing system as follows:~~

~~1. For persons in the Field 2 and Field 3 punishment levels of the state's sentencing matrix, up to one (1) year in the county jail for incarceration and disciplinary sanctions combined at the daily rate specified in subsection B of Section 38 of Title 57 of the Oklahoma Statutes; and~~

~~2. For persons sentenced under the authority of Field 4 punishment level of the state's sentencing matrix, up to thirty (30) days for disciplinary sanctions only. The county shall pay for jail services for offenders sentenced by the court in Field 4 punishment level.~~

SECTION 48. AMENDATORY 22 O.S. 1991, Section 976, as amended by Section 68, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 976), is amended to read as follows:

Section 976. If the defendant has been convicted of two or more offenses, before judgment on either, the judgment may be that the imprisonment upon any one may commence at the expiration of the imprisonment upon any other of the offenses. Provided, that the sentencing judge shall, at all times, have the discretion to enter a sentence concurrent with any other sentence.

~~When imposing any consecutive community sentence pursuant to the provisions of this section, or when imposing a consecutive suspended or split sentence against a defendant convicted of two or more felony offenses or a combination of felony offenses and misdemeanor offenses with conditions to be served in the local community sentencing system, no state funds shall be expended beyond the limitations of the provisions of this act.~~

SECTION 49. AMENDATORY 22 O.S. 1991, Section 982a, as amended by Section 69, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 982a), is amended to read as follows:

Section 982a. A. Any time within ~~twelve (12) months~~ one hundred twenty (120) days after a sentence is imposed ~~for incarceration in a state correctional institution pursuant to the applicable state sentencing matrix~~ or within ~~twelve (12) months~~ one hundred twenty (120) days after a sentence to probation, a suspended sentence or a split sentence has been revoked ~~to a term of incarceration in a state correctional institution~~, the court imposing sentence or revocation may modify any unserved portion of the sentence by directing that another penalty be imposed, if the court is satisfied that the best interests of the public will not be jeopardized. This section shall not apply to convicted felons who have been in confinement in any state prison system for any previous felony conviction during the ten-year period preceding the date that the sentence this section applies to was imposed.

B. The Department of Corrections shall provide the court imposing a sentence ~~to state incarceration~~ or revocation of a sentence to probation, a suspended sentence or a split sentence ~~to a term of state incarceration~~ with the report by the Lexington Assessment and Reception Center and any other information the Department can supply on the inmate. The court shall consider such reports when modifying the sentence or revocation.

C. If the court considers modification of the sentence or revocation, a hearing shall be made in open court. The clerk of the court imposing sentence or revocation shall give notice of the hearing and provide a copy of the report by the Lexington Assessment and Reception Center to the inmate, the inmate's legal counsel and the district attorney of the county in which the inmate was convicted not less than twenty-one (21) days prior to the hearing.

D. If an appeal is taken which results in a modification of the sentence or revocation for the defendant, such sentence may be further modified in the manner hereinbefore described within ~~twelve (12) months~~ one hundred twenty (120) days after the receipt by the

clerk of the district court of the mandate from the Supreme Court or the Court of Criminal Appeals.

SECTION 50. AMENDATORY 22 O.S. 1991, Section 991c, as last amended by Section 70, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 991c), is amended to read as follows:

Section 991c. A. Upon a verdict or plea of guilty or upon a plea of nolo contendere, but before a judgment of guilt, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings upon the specific conditions prescribed by the court not to exceed a five-year period. The court shall first consider restitution among the various conditions it may prescribe. The court may also consider ordering the defendant to:

1. Engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the defendant;

2. County jail confinement for a period not to exceed ninety (90) days or the maximum amount of jail time provided for the offense, if it is less than ninety (90) days; ~~provided however, the state shall not pay for any confinement ordered pursuant to the provisions of this section;~~

3. Pay an amount as reimbursement for reasonable attorney fee, to be paid into the court fund, if a court-appointed attorney has been provided to defendant;

4. Be supervised in the community for a period not to exceed two (2) years. As a condition of any supervision, the defendant shall be required to pay a supervision fee of Forty Dollars ($40.00) per month. The supervision fee shall be waived in whole or part by the supervisory agency when the accused is indigent. No person shall be denied supervision based solely on the person's inability to pay a fee;

5. Pay into the court fund a monthly amount not exceeding Forty Dollars ($40.00) per month during any period during which the proceedings are deferred when the defendant is not to be supervised in the community. The total amount to be paid into the court fund shall be established by the court and shall not exceed the amount of the maximum fine authorized by law for the offense;

6. Make other reparations to the community or victim as required and deemed appropriate by the court;

7. Order any remedies for which provision is made in subsection B of Section ~~46~~ 987.8 of this ~~act~~ title;

8. Pay court costs; or

9. Any combination of the above provisions.

B. In addition to any conditions provided for in subsection A of this section, the court shall, in the case of a person before the court for the offense of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol and another intoxicating substance, or who is before the court for the offense of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require the person to participate in 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 determination of conditions for deferred sentence. 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 subsection for any treatment program or alcohol and drug substance abuse service in which the 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. Any evaluation report submitted to the court pursuant to this subsection shall be handled in a manner which will keep the 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 abuse 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 by September 1, 1995. The court may also require the person to participate in one or both of the following:

1. An alcohol and drug substance abuse course, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes; and

2. A victims impact panel program, if such a program is offered in the county where the judgment is rendered. The defendant shall be required to pay a fee, not less than Five Dollars ($5.00) nor more than Fifteen Dollars ($15.00) as set by the governing authority of the program and approved by the court, to the victims impact panel 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.

C. Upon completion of the conditions of the deferred judgment, and upon a finding by the court that the conditions have been met and all fines, fees, and monetary assessments have been paid as ordered, the defendant shall be discharged without a court judgment of guilt, and the court shall order the verdict or plea of guilty or plea of nolo contendere to be expunged from the record and the charge shall be dismissed with prejudice to any further action. The procedure to expunge the defendant's record shall be as follows:

1. All references to the defendant's name shall be deleted from the docket sheet;

2. The public index of the filing of the charge shall be expunged by deletion, mark-out or obliteration;

3. Upon expungement, the court clerk shall keep a separate confidential index of case numbers and names of defendants which have been obliterated pursuant to the provisions of this section;

4. No information concerning the confidential file shall be revealed or released, except upon written order of a judge of the district court; and

5. Defendants qualifying under Section 18 of this title may petition the court to have the filing of the indictment and the dismissal expunged from the public index and docket sheet. This section shall not be mutually exclusive of Section 18 of this title.

D. Upon order of the court, the provisions of subsection C of this section shall be retroactive.

E. Upon violation of any condition of the deferred judgment, the court may enter a judgment of guilt and proceed as provided in Section 991a of this title or may modify any condition imposed. Provided, however, if the deferred judgment is for a felony offense, and the defendant commits another felony offense, the defendant shall not be allowed bail pending appeal.

F. The deferred judgment procedure described in this section shall only apply to defendants not having been previously convicted of a felony offense.

G. The deferred judgment procedure described in this section shall not apply to defendants who plead guilty or nolo contendere to a sex offense. The term "sex offense" shall not include a violation of paragraph 1 of subsection A of Section 1021 of Title 21 of the Oklahoma Statutes.

H. The Department of Corrections may provide supervision for deferred judgments by contract with the local community sentencing system, and any conditional requirements imposed shall be subject to availability of ~~funding~~ supervision services in the local community sentencing system.

SECTION 51. AMENDATORY 22 O.S. 1991, Section 305.2, as last amended by Section 72, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 305.2), is amended to read as follows:

Section 305.2 If an accused qualifies for the deferred prosecution program, the accused and the State of Oklahoma, through its district attorney, may execute an agreement whereby the accused agrees to waive any rights to a speedy accusation, a speedy trial,

and any statute of limitations, and agrees to fulfill such conditions as the accused and the State of Oklahoma may agree including, but not limited to, restitution and community services. The services provided in a deferred prosecution agreement shall be contracted by the district attorney with the local community sentencing system and paid by the offender. The Department of Corrections may provide supervision for a deferred prosecution agreement by contract with the local community sentencing system.

The accused person, as consideration for entering a deferred prosecution agreement, consents and agrees to a full and complete photographic record of property which was to be used as evidence. Such photographic record shall be competent evidence of such property and admissible in any criminal action or proceeding as the best evidence.

Return of property after the photographic record is made shall be as follows:

1. Property, except that which is prohibited by law, shall be returned to its owner after proper verification of title;

2. The return to the owner shall be without prejudice to the state or to any person who may have a claim against the property; and

3. When a return is made to the owner, the owner shall sign, under penalty of perjury, a declaration of ownership, which shall be retained by the person in charge of the property at the police department or sheriff's office.

As additional consideration for the agreement, the State of Oklahoma shall agree not to file an information if the accused satisfactorily completes the conditions of the agreement.

The agreement between the accused and the State of Oklahoma may include provisions whereby the accused agrees to be supervised in the community. If the accused is required to be supervised pursuant to the terms of the agreement, the person shall be required to pay a

supervision fee to be established by the supervisory agency. The supervision fee shall be paid to the supervisory agency as required by the rules of the supervisory agency. The supervisory agency shall monitor the person for compliance with the conditions of the agreement of the parties. The supervisory agency shall report to the district attorney on the progress of the accused, and shall report immediately if the accused fails to report or participate as required by the agreement.

The agreement between the parties may require the accused to participate or consult with local service providers, including the Department of Human Services, the Department of Mental Health and Substance Abuse Services, the Employment Security Commission, federal services agencies, other state or local agencies, colleges, universities, vocational-technical schools, and private or charitable service organizations. When the accused is required to participate or consult with any service provider, a program fee may be required, unless the fee would impose an unnecessary hardship on the person. The program fee shall be established by the service provider based upon a sliding scale. Any state agency called upon for assistance in a deferred prosecution program by any district attorney shall render such services and assistance ~~subject to funds~~ as available. Any supervision fee or program fee authorized by this section may be waived in whole or part when the accused is indigent. No person who is otherwise qualified for a deferred prosecution program shall be denied services or supervision based solely on the person's inability to pay a fee or fees.

The agreement between the parties may require the accused to pay a victim compensation assessment pursuant to the provisions of Section 142.18 of Title 21 of the Oklahoma Statutes. The amount of such assessment shall be agreed to by the parties and shall be within the amounts specified in Section 142.18 of Title 21 of the Oklahoma Statutes for the offense charged.

SECTION 52. AMENDATORY 57 O.S. 1991, Section 38, as last amended by Section 76, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 38), is amended to read as follows:

Section 38. A. The Department of Corrections shall reimburse any county sheriff, ~~which~~ who is required to retain an inmate pursuant to paragraph 2 of Section 37 of this title, in an amount not to exceed ~~Twenty-four Dollars ($24.00)~~ seventy-five percent (75%) of the average private prison rate as established by the Board of Corrections per day for each inmate during such period of retention. The proceeds of this reimbursement shall be used to defray expenses of equipping and maintaining the jail and payment of personnel. The Department of Corrections shall reimburse the county sheriff for the actual costs paid for any emergency medical care for physical injury or illness of the inmate retained under this resolution if the injury or illness is directly related to the incarceration and the county sheriff is required by law to provide such care for inmates in the jail. Any monies received by a sheriff pursuant to this section shall be deposited in the sheriff's service fee account. The Director may accept any inmate required to have extended medical care upon application of the county sheriff.

B. The state shall provide funding for county jail incarceration for eligible felony offenders pursuant to the ~~provisions of the Oklahoma Community Sentencing Act~~ county jail incarceration pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes at a rate of ~~Twenty Dollars ($20.00)~~ thirty-seven and one-half percent (37.50%) of the average private prison rate as established by the Board of Corrections per day per person imprisoned for a maximum term as specified in this act.

SECTION 53. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 281 of Title 22, unless there is created a duplication in numbering, reads as follows:

This section through Section 66 of this act shall be known and may be cited as the "Oklahoma Preadjudication Services Act".

SECTION 54. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 282 of Title 22, unless there is created a duplication in numbering, reads as follows:

The purposes of the Oklahoma Preadjudication Services Act, Sections 53 through 66 of this act, are:

1. To reduce violent and property related crime by creating a statewide effort within the criminal justice system to identify and treat substance abuse addicted or abusing offenders;

2. To provide an accurate assessment and evaluation of an offender prior to adjudication to assist a court in determining an appropriate sentence for an offender;

3. To monitor released pretrial offenders to ensure compliance with conditions of release imposed by a court;

4. To secure the appearance of an offender before a court as a condition of bail; and

5. To reduce the instances of pretrial recidivism and absconding.

SECTION 55. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 283 of Title 22, unless there is created a duplication in numbering, reads as follows:

The following definitions apply to the Oklahoma Preadjudication Services Act:

1. "Preadjudication services agency" means an organization designated by a court within a jurisdiction to oversee, manage, coordinate, supervise, and monitor the application of the provisions of the Oklahoma Preadjudication Services Act. The preadjudication services agency is to ensure compliance with court-ordered testing, assessment, and supervision of offenders as authorized by the Oklahoma Preadjudication Services Act. The preadjudication services agency shall be accountable to the local jurisdiction and shall

report to the local courts. The preadjudication services agency may be a division of the Department of Corrections contracted for by a jurisdiction, a private organization contracted for by a jurisdiction or a division of a local jurisdiction;

2. "Substance abuse testing" means a test conducted in a medically safe and appropriate manner to determine the presence or absence of a controlled dangerous substance or alcohol, or otherwise determine the recent or historical use of a controlled dangerous substance by the subject of the test. The test shall be of a type approved for such purposes by the Department of Corrections; and

3. "Substance abuse assessment and evaluation" means a diagnostic alcohol and other drug evaluation to determine whether and to what extent a person is drug-dependent or alcohol-dependent or otherwise needs or would benefit from some form of substance abuse or addiction treatment.

SECTION 56. AMENDATORY 22 O.S. 1991, Section 1101, is amended to read as follows:

Section 1101. Bail, by sufficient sureties, shall be admitted upon all arrests in criminal cases ~~where the offense is not punishable by death and in such cases it~~, except as provided in Section 8, Article II of the Oklahoma Constitution. Bail may be taken by any of the persons or courts authorized by law to arrest or imprison offenders, or by the clerk of the district court or ~~his~~ a deputy, or by the judge of such courts. Admission to bail may be subject to any of the conditions provided for by Section 1105 of this title.

SECTION 57. AMENDATORY 22 O.S. 1991, Section 1105, as last amended by Section 4, Chapter 368, O.S.L. 1997 (22 O.S. Supp. 1998, Section 1105), is amended to read as follows:

Section 1105. A. Except as otherwise provided by this section, upon the allowance of bail and the execution of the requisite recognizance, bond, or undertaking to the state, the magistrate,

judge, or court, shall, if the defendant is in custody, make and sign an order for discharge. The court, in its discretion, may prescribe by court rule the conditions under which the court clerk or deputy court clerk, or the sheriff or deputy sheriff, may prepare and execute an order of release on behalf of the court.

B. No police officer or sheriff may release a person arrested for a violation of an ex parte or final protective order as provided in Sections 60.2 and 60.3 of this title, or arrested for an act constituting domestic abuse as specified in Section 644 of Title 21 of the Oklahoma Statutes, or arrested for any act constituting domestic abuse, stalking or harassment as defined by Section 60.1 of this title without the violator appearing before a magistrate, judge or court. The magistrate, judge or court shall determine bond and other conditions of release as necessary for the protection of the alleged victim.

C. Every order of discharge shall contain the following conditions of release:

1. That the defendant appear to answer and submit to the orders and process of the court having jurisdiction of the case;

2. That the defendant refrain from committing any criminal offense;

3. That the defendant not depart the state without leave of the court; and

4. If released after judgment and sentence on an appeal bond, that the defendant will appear, submit to and perform any judgment rendered by the Oklahoma Criminal Court of Appeals or the court in which the original judgment was rendered in further progress of the case.

D. An order of discharge may include any of the following additional conditions of release:

1. Execution of an unsecured appearance bond in an amount specified by the court, which amount shall constitute a judgment

against the defendant if forfeited by the court due to failure of the defendant to appear;

2. Execution of a secured appearance bond in an amount specified by the court, which amount shall constitute a judgment against the defendant, other individual or entity posting or guaranteeing the appearance of the defendant, if forfeited by the court due to failure of the defendant to appear;

3. Placing the defendant in the custody of a designated person or agency agreeing to supervise the defendant;

4. Submission to substance abuse testing on or before a date set by the court;

5. Submission to a substance abuse assessment and evaluation on or before a date set by the court;

6. Payment of a substance abuse testing or assessment and evaluation fee as may be ordered by the court;

7. Restriction on the travel, association, or place of abode of the defendant during the period of the release;

8. Return to custody after specified hours; or

9. Any other condition which the court deems reasonably necessary.

E. The defendant shall acknowledge as a condition of bail that failure to comply with the terms set forth by the court may result in a modification by the court of the conditions of release.

F. Nothing in this act shall preclude a defendant from petitioning the court to modify the conditions of release of the defendant.

SECTION 58. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 284 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Each jurisdiction electing to participate in the Oklahoma Preadjudication Services Act shall designate a preadjudication services agency. The preadjudication services agency may be a

division of the Department of Corrections and contracted for by a jurisdiction, a private organization contracted for by a jurisdiction, or a division of a local jurisdiction.

B. The chief judge of the judicial district court shall designate a preadjudication services agency for the jurisdiction. The chief judge shall make the designation in writing. The designation shall be filed with the clerk of the district court of each county in which the entity is designated.

C. The preadjudication services agency shall oversee, manage, coordinate, supervise, and monitor the application of the provisions of the Oklahoma Preadjudication Services Act. The preadjudication services agency shall ensure compliance with court-ordered testing, assessment, and supervision of offenders as authorized by this act. The preadjudication services agency shall be accountable to the local jurisdiction and shall report to the local courts.

SECTION 59. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 285 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. In a jurisdiction with a designated preadjudication services agency, established pursuant to Oklahoma law, a person who has been arrested for any felony offense or a misdemeanor offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance pursuant to subsections A and C of Section 11-902 and Section 761 of Title 47 of the Oklahoma Statutes, or use or possession of a controlled dangerous substance pursuant to Section 2-405 and paragraph 2 of subsection B of Section 2-402 of Title 63 of the Oklahoma Statutes shall be required by the court to submit to a substance abuse test.

B. The substance abuse test shall be in accordance with substance abuse testing standards promulgated by the Oklahoma Department of Corrections, which ensure fair, accurate, and reliable

testing procedures and protect the chain of custody. The sample or specimen used in the substance abuse test shall be provided by or taken from the person in a medically safe and appropriate manner. The substance abuse test shall be administered by the designated preadjudication services agency in conjunction with local criminal justice professionals.

C. The substance abuse test shall be performed as soon as practicable after arrest, and where feasible, prior to the release of the person. If the person has not undergone a substance abuse test at the time of the release of the person, submission to a substance abuse test shall be a condition of release on bail of the person pursuant to Section 1105 of Title 22 of the Oklahoma Statutes.

D. A person who refuses to submit to a substance abuse test shall be required to undergo a substance abuse assessment and evaluation pursuant to the Oklahoma Preadjudication Services Act.

E. At the time the substance abuse specimen is taken, the offender may request an additional specimen be taken for purposes of performing a confirmation test. At the time the specimen is taken, the offender shall be advised of:

1. The right to a confirmation test;

2. The obligation to pay for the confirmation test within seventy-two (72) hours of the taking of the specimen; and

3. The right to have an additional confirmation test administered by an agency designated by the offender if the offender pays for both confirmation tests.

F. If a confirmation test is requested, the offender shall agree, in writing, to pay for the confirmation test within seventy-two (72) hours of the taking of the initial specimen. The specimen taken for the confirmation test shall be stored by the designated preadjudication services agency in a manner which ensures fair and accurate confirmation test results, and in a manner which protects

the chain of custody. If the offender has not paid for the confirmation test within seventy-two (72) hours, the designated preadjudication services agency may destroy the stored specimen. All costs associated with the confirmation test shall be paid by the offender including, but not limited to, the taking of the specimen, the storage and transportation of the specimen, and the administration of the confirmation test.

SECTION 60. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 286 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. A person who has been arrested for any felony offense or a misdemeanor offense of driving, operating, or being in actual physical control of a motor vehicle while under the influence of alcohol or other intoxicating substance pursuant to subsections A and C of Section 11-902 and Section 761 of Title 47 of the Oklahoma Statutes, or use or possession of a controlled dangerous substance pursuant to Section 2-405 and paragraph 2 of subsection B of Section 2-402 of Title 63 of the Oklahoma Statutes may be required to undergo a substance abuse assessment and evaluation.

1. The person shall be required to undergo a substance abuse assessment and evaluation if:

a. the person refuses to undergo a substance abuse test as required by the Oklahoma Preadjudication Services Act,

b. the results of the substance abuse test conducted pursuant to this act reveal the presence of a controlled substance or the abuse of alcohol or other intoxicating substance,

c. the person requests a substance abuse assessment and evaluation,

d. the person admits to unlawful use of a controlled substance within the year preceding the arrest for the present charge, or has a history of substance abuse,

e. the present charge includes a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes or an offense involving the use of alcohol or other intoxicating substance,

f. the person has any other pending charge in this state, any other state, or federal court involving a violation described in subparagraph e of this paragraph, or an attempt or conspiracy to commit a violation described in subparagraph e of this paragraph,

g. the person has within the past five (5) years been convicted in this state, any other state, or federal court of an offense involving a violation described in subparagraph e of this paragraph,

h. the person has within the past five (5) years received a deferred prosecution agreement, a deferred judgment and sentence, a suspended sentence, probation or parole pursuant to state or federal law, or

i. the person has within the past five (5) years been sentenced to probation or treatment during incarceration pursuant to this act, or state or federal law.

2. The court shall order a substance abuse assessment and evaluation if the court has reason to believe the person is drug-dependent or alcohol-dependent, or would otherwise benefit by undergoing a substance abuse assessment and evaluation.

B. If a person required or ordered pursuant to this section to undergo a substance abuse assessment and evaluation has not

undergone the assessment at the time of the release of the person prior to trial, submission to an assessment shall be a condition of release on bail of that person pursuant to Section 1105 of Title 22 of the Oklahoma Statutes.

SECTION 61. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 287 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise ordered by the court, the designated preadjudication services agency will provide a postarrest report of a person. The postarrest report shall be provided to the court, the prosecutor, the offender, and, to the extent applicable, to the assessment and treatment program by the time of initial appearance or as may be otherwise ordered by the court.

B. The postarrest report shall include:

1. The criminal history of the person arrested;

2. A substance abuse assessment and evaluation which includes recommendations concerning:

a. the need of the person for substance abuse or addiction treatment, and

b. an appropriate and available course of treatment necessary to address the needs of the person; and

3. Any substance abuse test results.

C. The postarrest report may include, at the consent of the offender, provisions to identify the extent of the deficiencies of the person and recommendations for treating the deficiencies.

D. Unless otherwise ordered by the court, anyone receiving test results or an assessment pursuant to this act shall keep that information confidential.

E. The substance abuse assessment and evaluation shall require the offender to complete a standardized substance abuse assessment and evaluation test.

1. The substance abuse assessment and evaluation test shall be developed by the Department of Corrections in consultation with the Department of Mental Health and Substance Abuse Services, the State Department of Education, the State Department of Health and the Department of Vocational and Technical Education. Any offender lacking sufficient skills to read, comprehend or otherwise complete the assessment and evaluation test shall have appropriate assistance or may have an oral assessment and evaluation based upon the standardized test form.

2. The substance abuse assessment and evaluation test shall be scored by a person or agency designated by the court who must be certified by the State Department of Mental Health and Substance Abuse Services.

F. The failure or refusal of the offender to be assessed and evaluated shall not prohibit the court from sentencing the offender.

SECTION 62. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 288 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Results of substance abuse testing of a person required or ordered under this act shall only be used to determine:

1. Whether the court shall order a substance abuse assessment and evaluation;

2. Appropriate conditions of pretrial release or disposition of pending charges;

3. The suitability of the person for a deferred prosecution agreement pursuant to Section 305.1 et seq. of Title 22 of the Oklahoma Statutes, a deferred judgment and sentence pursuant to Section 991c of Title 22 of the Oklahoma Statutes, a suspended sentence or probation pursuant to Section 991a of Title 22 of the Oklahoma Statutes, or other sentence and the terms and conditions of such sentence;

4. An appropriate sentence or disposition in the event of a conviction; or

5. An appropriate sanction for a violation of a court-ordered term or condition of the participation of the person in a treatment program imposed pursuant to this act, or any other law.

B. Any information learned by an assessment or treatment program, including positive drug tests, as a result of the performance of an assessment shall be kept confidential.

SECTION 63. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 289 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The court may provide an offender the opportunity to participate in a treatment program if:

1. The assessment program recommends that the person participate in the treatment program; and

2. The court has reason to believe that participation in the recommended program will benefit the person by addressing his or her drug dependency or alcohol dependency or other substance abuse needs.

B. The agreement of an offender to participate in court-ordered treatment shall be a factor considered by the court in determining conditions of release pursuant to Section 58 of this act.

C. The court shall designate a treatment program to provide the recommended treatment to the person. However, nothing in this act shall prevent a treatment program from refusing to accept a criminal justice referral under this act if the program administrator deems the person to be inappropriate for admission to the program. Additionally, a treatment program shall retain the right to immediately discharge any individual who fails to comply with program rules and treatment expectations or who refuses to constructively engage in the treatment process.

D. If the person agrees to participate in the recommended treatment program and the person is released prior to trial, participation in the treatment plan shall be a condition of the continuing release of the person, pursuant to this act.

E. If the person agrees to participate in court-ordered treatment, the person shall enter a written agreement of the person, the court, the district attorney and the treatment program. The written agreement shall include the terms and conditions of the treatment program and the consequences of violating the terms and conditions, pursuant to this act. The terms and conditions of the treatment program may include any of the following:

1. To submit to subsequent random periodic drug tests to be performed by a person designated by the court;

2. To cooperate fully with the treatment program;

3. To satisfactorily fulfill any other terms and conditions ordered by the court including:

a. periodic telephone contact or office visits to a designated person or agency,

b. periodic unannounced visits by a designated person or agency to the home of the person or place of commitment,

c. a curfew or restricted travel and associations,

d. electronic monitoring, or

e. pretrial work or school release;

4. To cooperate fully with the monitoring of the compliance of the person with the court-imposed terms and conditions of release; and

5. To pay drug testing and assessment fees as may be ordered by the court.

SECTION 64. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 290 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. If a person has been ordered pursuant to this act to participate in a treatment program, the designated treatment program shall report periodically to the preadjudication services agency, as designated by the court, on the progress of the person in the treatment program. The designated preadjudication services agency shall periodically forward information about the progress of the person and compliance with any court-imposed terms and conditions to the court.

B. The designated treatment program shall promptly notify the designated preadjudication services agency if the person:

1. Fails to comply with program rules and treatment expectations;

2. Refuses to constructively engage in the treatment process; or

3. Terminates participation in the treatment program.

Upon such notification, the designated preadjudication services agency shall promptly report the actions of the person to the court.

SECTION 65. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 291 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When an offender agrees, pursuant to this act, to participate in court-ordered treatment, then the offender shall enter into a written agreement with the court, the district attorney and the treatment program. The written agreement shall include the conditions of the release of the offender and shall outline the schedule for the imposition of modifications for violating the conditions of release or for violating the conditions of participation in the treatment program. Every offender ordered pursuant to this act to participate in a treatment program shall be provided a copy of the schedule of modifications and shall acknowledge in writing the receipt thereof.

B. The schedule of modifications shall be designed to hold all offenders accountable for their actions and to ensure a proportionate, predictable and uniform response to all violations. The schedule shall account for the seriousness of the violation, the record of the offender as to prior violations and the overall progress or lack of progress of the offender in the course of treatment, as determined by the report of the treatment program.

C. Authorized modifications may include, but need not be limited to:

1. Imposing new terms and conditions of supervision;

2. Requiring an offender to submit to more frequent drug tests;

3. Requiring an offender to submit to more intensive forms of monitoring and supervision;

4. Temporarily suspending or permanently revoking the participation of an offender in the treatment program; or

5. Any other sanction or combination of modifications as may be authorized by law.

D. Upon a positive drug test or any other significant violation of any term or condition of participation of an offender in a treatment program ordered pursuant to this act, the court shall immediately impose such modifications as are prescribed in the appropriate schedule developed pursuant to this section, unless the court is clearly convinced that the modification is appropriate in the circumstances and that the need to depart from the scheduled modification clearly overrides the need to deter the offender and others from committing future violations. Notwithstanding the foregoing or any other provision of law, in the absence of compelling and extraordinary circumstances, the court shall not impose a lesser modification than that prescribed in the appropriate schedule except upon the recommendation of the treatment program.

SECTION 66. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 292 of Title 22, unless there is created a duplication in numbering, reads as follows:

Satisfactory progress of a person in a substance abuse treatment program as determined by the report of the treatment program shall be considered a mitigating factor and evidence of the amenability of the person to treatment for purposes of sentencing, terms and conditions of probation, or other sentencing provisions.

SECTION 67. AMENDATORY 2 O.S. 1991, Section 6-155, as amended by Section 87, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 guilty of a felony~~. The fine for a violation of subsection (a) or (b) of Section 6-151 of this title shall be~~ and subject to a maximum punishment of two (2) years in prison or a Two Thousand Dollar ($2,000.00) fine, or both. 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. Each animal brought into the state in violation of any of the provisions of this section shall constitute a separate and distinct violation.

SECTION 68. AMENDATORY 2 O.S. 1991, Section 6-207, as amended by Section 88, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 this act 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 be ~~guilty of a felony. The~~ subject to imprisonment for not more than three (3) years, or a fine ~~for such violation shall be~~ of not more than Ten Thousand Dollars ($10,000.00)~~. Provided~~, or both; 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 this act 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.

(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 69. AMENDATORY 2 O.S. 1991, Section 6-194, as amended by Section 89, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 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 be deemed guilty of a felony, upon conviction thereof~~. For such violation of this section~~, and shall be punished 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~~ and by imprisonment not less than one (1) year nor more than three (3) years; and 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 be deemed guilty of a felony and shall, upon conviction thereof~~. 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~~ and by imprisonment not less than one (1) year nor more than three (3) years.

SECTION 70. AMENDATORY 2 O.S. 1991, Section 6-206, as amended by Section 90, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 shall be guilty of a felony~~. The fine for commission of this offense shall be~~ and fined not more than Five Thousand Dollars ($5,000.00) or imprisoned not more than three (3) years, or

both. 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~~ and fined not more than Ten Thousand Dollars ($10,000.00), or imprisoned not more than ten (10) years, or both. 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.

SECTION 71. AMENDATORY 2 O.S. 1991, Section 6-208, as amended by Section 91, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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, 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 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 possession or within his control, shall be deemed guilty of a felony. Such person shall be subject, upon conviction in any court of competent jurisdiction, to a fine of not more than Five Thousand Dollars ($5,000.00)<u>, or to imprisonment for a term of not more than three (3) years, or to both such fine and imprisonment</u>.

(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 72. AMENDATORY 2 O.S. 1991, Section 6-262, as amended by Section 92, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 6-262), is amended to read as follows:

Section 6-262. A. Any person who violates the provisions of ~~Sections~~ Section 6-259, 6-260, 6-261 or 6-264 of this title shall 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 be guilty of a felony~~. The person shall be~~ and fined not more than Ten Thousand Dollars ($10,000.00) or imprisoned not more than three (3) years 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.

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 73. AMENDATORY 2 O.S. 1991, Section 9-34, as amended by Section 93, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 felony~~. The~~, and shall be punished by a fine ~~for a violation of this section shall be~~ of not more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

B. The Board, upon application from the warehouseman may approve the prepositioning of commodity stocks in state-chartered or federally licensed terminal warehouses or other warehouses chartered or 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~~. 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 74. AMENDATORY 2 O.S. 1991, Section 9-35, as amended by Section 94, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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~~ commodities have actually been placed in a public warehouse, or who ~~shall deliver~~ delivers any commodities from a public warehouse without the surrender and cancellation of the receipt therefor, or who fails to mark ~~his~~ the depositor's receipt "Canceled" on the delivery of such commodities, shall be guilty of a felony, and upon conviction thereof~~. The~~ shall be punished by a fine ~~for a violation of this section shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a

term of not more than twenty (20) years, or by both such fine and imprisonment.

SECTION 75. AMENDATORY 2 O.S. 1991, Section 9-36, as amended by Section 95, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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~~ the Public Warehouse and Commodity Indemnity Act, and no name or description conveying the impression that it is so ~~licensed~~ chartered or operated, shall be used unless such public warehouse is so ~~licensed~~ chartered and operated. Any person who ~~shall so misrepresent~~ misrepresents, or who ~~shall forge, alter, counterfeit, simulate~~ forges, alters, counterfeits, simulates, or falsely ~~represent~~ represents the ~~license~~ charter required by ~~this subarticle~~ the Public Warehouse and Commodity Indemnity Act, or who ~~shall issue or utter or aid or assist in uttering, issuing or uttering or attempt~~ issues or utters or assists or attempts to issue or utter, a false or fraudulent receipt for any commodities, shall be guilty of a felony~~,~~ upon conviction thereof~~. The~~ and shall be punished by a fine ~~for a violation of this section shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term of not more than twenty (20) years, or by both such fine and imprisonment.

SECTION 76. AMENDATORY 2 O.S. 1991, Section 9-37, as amended by Section 96, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 9-37), is amended to read as follows:

Section 9-37. Any person who ~~shall deposit~~ deposits, or ~~attempt~~ attempts 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~~ makes any statement of material fact, knowing ~~such~~ the statement ~~to be~~ is false, shall be deemed guilty of

a felony, and upon conviction thereof~~. The~~ shall be punished by a fine ~~for a violation of this section shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a period of not more than two (2) years, or by both such fine and imprisonment.

SECTION 77. AMENDATORY 2 O.S. 1991, Section 1301-205, as amended by Section 98, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~shall be~~ of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than three (3) years, or by both.

SECTION 78. AMENDATORY 2 O.S. 1991, Section 1301-208, as amended by Section 99, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-208), is amended to read as follows:

Section 1301-208. A. It is unlawful for any person either willfully or carelessly to burn or cause to be burned or to set fire to or cause fire to be set to any forest, grass, woods, wild lands or marshes owned or controlled by such person, except under the following circumstances: (1) in protection areas notification to burn must be made to the local office or local representative of the Forestry Division at least four (4) hours in advance and verbal or written approval obtained; or (2) outside protection areas, in order

for such burning to be lawful, such person shall take reasonable precaution against the spreading of fire to other lands by providing adequate firelines, manpower and fire fighting equipment for the control of such fire, shall watch over said fire until it is extinguished and shall not permit fire to escape to adjoining land. Nothing in this section shall relieve the person from the obligation to confine the fire to the owner's, agent's or tenant's land. This act shall not apply to trimming or cutting of trees by public or private utilities for the purpose of eliminating interference with utility lines, poles or other utility equipment.

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 felony~~. The~~ punishable by a fine ~~shall be~~ of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than three (3) years, or by both.

SECTION 79. AMENDATORY 2 O.S. 1991, Section 1301-214, as amended by Section 100, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-214), is amended to read as follows:

Section 1301-214. A. Whoever has in his possession any incendiary device as defined by subsection B of this section with the intent to use such device for the purpose of burning or setting fire to any forest, grass or woodlands, which forest, grass or woodlands such person possessing such device is not the owner of nor in possession of lawfully, as under a lease, shall, upon conviction thereof, be deemed guilty of a felony~~. The~~ punishable by a fine ~~shall be~~ of not more than One Thousand Dollars ($1,000.00) or by imprisonment for not more than three (3) years, or by both.

B. The term "incendiary device" as used in this section includes but is not limited to any "slow match" which is any device contrived to accomplish the delayed ignition of a match or matches

or other inflammable material by the use of a cigarette, rope or candle to which such match or matches are attached, or a magnifying glass so focused as to intensify heat on inflammable material and thus cause a fire to start at a subsequent time, or any chemicals, chemically treated paper or material or other combustible material so arranged or designed as to make possible its use as a delayed firing device.

SECTION 80. AMENDATORY 2 O.S. 1991, Section 1301-309, as amended by Section 101, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-309), is amended to read as follows:

Section 1301-309. No pine timber or other timber products shall be removed from any lands owned by the State of Oklahoma, except for public utilities and improvements, and no officer, employee or any other person employed by the State of Oklahoma shall authorize such removal, except upon written approval of the Director of Forestry. In carrying out the duties of this section said Director is hereby authorized to delegate authority to such persons as he may deem qualified to act in his behalf.

Any person violating this section shall be guilty of a felony~~,~~ and upon conviction ~~thereof. The fine for a~~ be punished, for the first offense ~~shall~~ by a fine not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00)~~. The~~ or by imprisonment in the State Penitentiary for not exceeding one (1) year, or by both such fine and imprisonment. For any subsequent offense, such person shall be punished by a fine ~~for a subsequent offense shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary for not exceeding three (3) years, or by both such fine and imprisonment.

SECTION 81. AMENDATORY 2 O.S. 1991, Section 1301-310, as last amended by Section 102, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1301-310), is amended to read as follows:

Section 1301-310. A. 1. Any person who willfully and maliciously and with intent to do harm shall unlawfully enter upon the lands of another, cut down, injure, remove, or destroy any timber valued at more than Two Hundred Dollars ($200.00), without the permission of the owner or his representative shall be guilty, upon conviction, of a felony~~. The~~, punishable by the imposition of a fine ~~shall~~ of not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for not more than five (5) years, or by both.

2. Any person who willfully and maliciously and with intent to do harm shall unlawfully enter upon the lands of another, cut down, injure, remove, or destroy any timber valued at Two Hundred Dollars ($200.00) or less, without the permission of the owner or his representative shall be guilty, upon conviction, of a misdemeanor, punishable by the imposition of a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than thirty (30) days.

3. The necessary trimming and removal of timber to permit the construction, repair, maintenance, cleanup, and operations of pipelines and utility lines and appurtenances of public utilities, public service corporations, and to aid registered land surveyors and professional engineers in the performance of their professional services, and municipalities, and pipeline companies, or lawful operators and product purchasers of oil and gas shall not be deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

4. The necessary trimming and removal of timber for boundary line maintenance, for the construction, maintenance, and repair of streets, roads, and highways or for the control and regulation of traffic thereon by the state and its political subdivisions or registered land surveyors and professional engineers shall not be

deemed a willful and intentional cutting down, injuring, removing, or destroying of timber.

B. In addition to the punishment prescribed in subsection A of this section, said person is liable in damages pursuant to Section 72 of Title 23 of the Oklahoma Statutes for the damage or injury done to such timber, said damages to be recovered in a civil action by the owner of the property or the public officer having charge of the property.

SECTION 82. AMENDATORY Section 6, Chapter 238, O.S.L. 1995, as amended by Section 103, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 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~~ Upon conviction thereon, such person shall be subject to the imposition of a fine ~~for a violation of this paragraph shall be~~ of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for not more than five (5) years or both such fine and imprisonment; 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 83. AMENDATORY Section 9, Chapter 238, O.S.L. 1995, as amended by Section 104, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, 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 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~~ Upon conviction thereon, such person shall be subject to the imposition of a fine ~~for a violation of this paragraph shall be~~ of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for not more than five (5) years or both such fine and imprisonment; 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 84. AMENDATORY 2 O.S. 1991, Section 1907, as amended by Section 105, Chapter 133, O.S.L. 1997 (2 O.S. Supp. 1998, Section 1907), is amended to read as follows:

Section 1907. Any person who violates any provision of this act shall be guilty of a felony, and shall upon conviction ~~thereof. The fine for a violation of any provision of this act shall~~ be fined not more than Twenty-five Thousand Dollars ($25,000.00), or imprisoned in the State Penitentiary for not more than five (5) years or both.

SECTION 85. AMENDATORY 3 O.S. 1991, Section 259, as amended by Section 107, Chapter 133, O.S.L. 1997 (3 O.S. Supp. 1998, 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 deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

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 felony.

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 felony.

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 86. AMENDATORY 3 O.S. 1991, Section 301, as last amended by Section 1, Chapter 89, O.S.L. 1998 (3 O.S. Supp. 1998, 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 felony~~. The~~ and shall be sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years, and 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. When a sentence of incarceration is imposed, the person shall be processed through the Lexington Assessment and Reception Center or at a place determined by the Director of the Department of Corrections. 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 87. AMENDATORY 3A O.S. 1991, Section 203.6, as amended by Section 111, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony and shall be punished in the same manner prescribed for the punishment of perjury.

SECTION 88. AMENDATORY 3A O.S. 1991, Section 208.4, as last amended by Section 112, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~. The fine for a violation of this subsection shall not exceed~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

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 89. AMENDATORY 3A O.S. 1991, Section 208.6, as amended by Section 113, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~. The fine for a violation of this section shall not exceed~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

SECTION 90. AMENDATORY 3A O.S. 1991, Section 208.7, as amended by Section 114, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~. The fine for a violation of this section shall not exceed~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment. The Commission shall suspend or revoke the license of any person convicted of violating the provisions of this section.

SECTION 91. AMENDATORY 3A O.S. 1991, Section 208.8, as amended by Section 115, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 subsection A of this section shall be guilty of a felony~~. The fine for a violation of subsection A of this section shall not exceed~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

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 92. AMENDATORY 3A O.S. 1991, Section 208.9, as amended by Section 116, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~. The fine for a violation of this section shall not exceed~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

SECTION 93. AMENDATORY 3A O.S. 1991, Section 208.10, as amended by Section 117, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~.~~

~~The fine for a violation of this section shall not exceed~~ and fined not more than Ten Thousand Dollars ($10,000.00) or imprisoned for not more than ten (10) years, or be both so fined and imprisoned.

SECTION 94. AMENDATORY Section 1, Chapter 85, O.S.L. 1993, as amended by Section 118, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~. The fine for a violation of this section shall not exceed~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years, or by both said fine and imprisonment. The Commission shall suspend or revoke the license of any such guilty party.

SECTION 95. AMENDATORY Section 5, Chapter 199, O.S.L. 1994, as amended by Section 120, Chapter 133, O.S.L. 1997 (3A O.S. Supp. 1998, 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 felony~~. The fine for a violation of subsection A of Section 504 of this title shall not exceed~~ punishable by imprisonment in the State Penitentiary for not less than two (2) years, or more than five (5) years, or by the imposition of a fine of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

SECTION 96. AMENDATORY 4 O.S. 1991, Section 268, as last amended by Section 122, Chapter 133, O.S.L. 1997 (4 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a violation of this section shall be~~ and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term not less than three (3) years nor more than ten (10) years or by imprisonment in the county jail for one (1) year or by a fine not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00).

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 97. AMENDATORY 6 O.S. 1991, Section 808, as amended by Section 123, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1998, 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~~; and if the violation was willful~~, the violation shall be a felony. The fine for a willful violation shall not exceed~~ shall be fined not more than Ten Thousand Dollars ($10,000.00) or imprisoned not more than two (2) years, or both.

SECTION 98. AMENDATORY 6 O.S. 1991, Section 809, as last amended by Section 124, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1998, Section 809), is amended to read as follows:

Section 809. A. Except as provided in Section 411 of this ~~Code~~ title, no bank, banker or bank official shall give preference to any depositor, borrower, 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 felony~~,~~ and upon conviction thereof~~. The fine for a violation of this section shall not exceed~~ shall be punished 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 State Penitentiary for not less than one (1) year, nor more than five (5) years, or by both such fine and imprisonment.

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 99. AMENDATORY 6 O.S. 1991, Section 1414, as amended by Section 125, Chapter 133, O.S.L. 1997 (6 O.S. Supp. 1998, 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 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 felony~~. The fine for such a violation shall not exceed~~ punishable by imprisonment not exceeding five (5) years or a fine not exceeding One Hundred Thousand Dollars ($100,000.00), or both.

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 100. 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. 1998, 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding life imprisonment, or by imprisonment in a county jail not exceeding one (1) year, 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 such fine and imprisonment. Any person convicted of this offense shall not be eligible for a community sentence. 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 101. AMENDATORY 11 O.S. 1991, Section 39-113, as amended by Section 129, Chapter 133, O.S.L. 1997 (11 O.S. Supp. 1998, 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 guilty of a felony~~. The fine for a~~

~~violation of this section shall not exceed~~ and shall be punished by a fine not exceeding One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

SECTION 102. AMENDATORY 13 O.S. 1991, Section 176.3, as amended by Section 132, Chapter 133, O.S.L. 1997 (13 O.S. Supp. 1998, Section 176.3), is amended to read as follows:

Section 176.3 ~~A.~~ Except as otherwise specifically provided in this act, any person is guilty of a felony~~,~~ and upon conviction~~,~~ shall be punished by a fine of not less than Five Thousand Dollars ($5,000.00), or by imprisonment of not more than five (5) years, or by both 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 fine for a violation of this section shall not exceed Five Thousand Dollars ($5,000.00).~~

SECTION 103. AMENDATORY 15 O.S. 1991, Section 567, as amended by Section 133, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1998, 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 felony, and upon conviction thereof~~. The fine for such violations shall not~~ shall be fined in a sum not to exceed One Thousand Dollars ($1,000.00)~~. Any corporation~~, or be imprisoned in the State Penitentiary not exceeding two (2) years, and any person who shall be guilty of a second offense under this statute in addition to the penalty above prescribed may, upon conviction, be both fined and imprisoned in the

discretion of the court, and if a corporation, it 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 this act.

SECTION 104. AMENDATORY 15 O.S. 1991, Section 761.1, as last amended by Section 134, Chapter 133, O.S.L. 1997 (15 O.S. Supp. 1998, 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 for the first offense and upon conviction thereof shall be subject to a fine not to exceed One Thousand Dollars ($1,000.00), or 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 or if the conviction is for a second or subsequent violation of the provisions of the Oklahoma Consumer Protection Act, any person convicted pursuant to this subsection shall be deemed guilty of a felony~~. The fine for a felony violation of this section shall not~~ and shall be subject to imprisonment in the State Penitentiary, for not more than ten (10) years, or a fine not to exceed Five Thousand Dollars ($5,000.00), or both such fine and imprisonment.

SECTION 105. AMENDATORY Section 2, Chapter 271, O.S.L. 1992, as amended by Section 136, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1998, 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 felony~~. The fine for each offense shall not exceed~~ and shall be subject for each offense to a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for a term not to exceed fifteen (15) years or both such fine and imprisonment.

SECTION 106. AMENDATORY 17 O.S. 1991, Section 16, as amended by Section 137, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1998, 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 deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years.

SECTION 107. AMENDATORY 17 O.S. 1991, Section 158.59, as amended by Section 138, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1998, 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 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 felony~~. The fine for a violation of this subsection shall not exceed~~ punishable by a fine of not more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than two (2) years, or both such fine and imprisonment. 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.

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 108. AMENDATORY 17 O.S. 1991, Section 191.11, as amended by Section 139, Chapter 133, O.S.L. 1997 (17 O.S. Supp. 1998, 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 felony~~. The fine for a violation of this subsection shall not exceed~~ punishable by a fine of not more than Five Thousand Dollars ($5,000.00) or by

imprisonment for not more than two (2) years, or both. 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.

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 109. AMENDATORY 18 O.S. 1991, Section 411, as amended by Section 140, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1998, 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 felony~~,~~ and on conviction therefor shall be punished by confinement in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

SECTION 110. AMENDATORY 18 O.S. 1991, Section 552.11, as amended by Section 141, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1998, 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 felony~~. The fine for a violation of this subsection shall not exceed~~ and punished by a fine not more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

SECTION 111. AMENDATORY 18 O.S. 1991, Section 552.18, as amended by Section 142, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1998, 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 felony~~. The fine for a violation of this section shall not~~ punishable by a fine not to exceed One Thousand Dollars ($1,000.00)~~. Every~~ or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, and every officer or agent of a charitable organization who authorizes or conducts illegal solicitations shall be jointly and severally liable for such fine.

SECTION 112. AMENDATORY 18 O.S. 1991, Section 553.3, as amended by Section 143, Chapter 133, O.S.L. 1997 (18 O.S. Supp. 1998, Section 553.3), is amended to read as follows:

Section 553.3 Any ~~person convicted of violating a provision~~ violation of the provisions of Sections 553.1 and 553.2 of this title shall ~~be guilty of~~ constitute a felony~~. The fine for such a violation shall not exceed~~ and any person guilty thereof shall, upon conviction, be fined not more than Ten Thousand Dollars ($10,000.00) and may be confined in the State Penitentiary for a period of not to exceed ten (10) years, or by both such fine and imprisonment. 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 113. AMENDATORY 19 O.S. 1991, Section 112, as amended by Section 149, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1998, Section 112), is amended to read as follows:

Section 112. Any county treasurer violating any of the provisions of this act shall be guilty of a felony~~,~~ and upon conviction shall be punished by confinement in the State Penitentiary for a term not less than one (1) year nor more than four (4) years.

SECTION 114. AMENDATORY 19 O.S. 1991, Section 641, as amended by Section 151, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1998, 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

felony~~. Any person convicted pursuant to this section~~ and shall be sentenced to imprisonment in the State Penitentiary at hard labor for a term of not less than three (3) years nor more than twenty-one (21) years, and also to pay 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.~~

SECTION 115. AMENDATORY 19 O.S. 1991, Section 686, as amended by Section 152, Chapter 133, O.S.L. 1997 (19 O.S. Supp. 1998, 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 this act, 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 felony~~,~~ and upon conviction~~. The fine for a violation of this section shall be~~ thereof shall be punished by a fine in a sum of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars

($1,000.00) and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

SECTION 116. AMENDATORY 21 O.S. 1991, Section 53, as amended by Section 153, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years and not less than two (2) years.

SECTION 117. AMENDATORY 21 O.S. 1991, Section 175, as amended by Section 154, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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~~ State Penitentiary for four (4) years or more, the person guilty of being an accessory shall be subject to imprisonment in the State Penitentiary for 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~~ State Penitentiary 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~~ and a fine, the offender convicted of being an accessory shall be subject to both imprisonment and fine ~~shall not exceed~~, not exceeding one-half (1/2) of the longest term of imprisonment and 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 felony~~ by imprisonment for not less than five (5) years nor more than forty-five (45) years.

SECTION 118. AMENDATORY Section 2, Chapter 343, O.S.L. 1995, as amended by Section 155, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ <u>punishable by a</u> fine ~~for a violation~~ of ~~this subsection shall be~~ up to four times the amount exceeding the contribution limitation <u>or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment</u>.

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 119. AMENDATORY Section 3, Chapter 343, O.S.L. 1995, as amended by Section 156, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~for a violation~~ of ~~this subsection shall be~~ up to four times the amount of the prohibited contribution or by imprisonment in the State Penitentiary for up to one (1) year, or by both such fine and imprisonment.

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 120. AMENDATORY 21 O.S. 1991, Section 265, as amended by Section 157, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 in respect to any act, decision, vote, opinion, or other proceedings of such officer, shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary, not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00) or both.

SECTION 121. AMENDATORY 21 O.S. 1991, Section 266, as amended by Section 158, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 vote, opinion or action upon any matter then pending, or which may by law be brought before him in his official capacity, shall be influenced thereby, shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00)~~. In~~, or both; and in addition thereto, any such person forfeits office and is forever disqualified from holding any public office under the laws of the state.

SECTION 122. AMENDATORY 21 O.S. 1991, Section 275, as amended by Section 159, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 office, shall be guilty of a felony~~. The~~ punishable by imprisonment in the county jail not less than six (6) months nor more than two (2) years, and by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than Two Hundred Dollars ($200.00) or more than One Thousand Dollars ($1,000.00)~~. In~~; and in addition thereto the public officer forfeits office.

SECTION 123. AMENDATORY 21 O.S. 1991, Section 301, as amended by Section 160, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine ~~for a violation of this section shall~~ of not ~~be~~

less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

SECTION 124. AMENDATORY 21 O.S. 1991, Section 303, as amended by Section 161, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00), or both.

SECTION 125. AMENDATORY 21 O.S. 1991, Section 305, as amended by Section 162, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years, or by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00), or both.

SECTION 126. AMENDATORY 21 O.S. 1991, Section 308, as amended by Section 165, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or both.

SECTION 127. AMENDATORY 21 O.S. 1991, Section 309, as amended by Section 166, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or both.

SECTION 128. AMENDATORY 21 O.S. 1991, Section 320, as amended by Section 167, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years, and by a fine ~~for a violation of Section 318 of this title shall~~ in the sum of 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.~~

SECTION 129. AMENDATORY 21 O.S. 1991, Section 322, as amended by Section 168, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony, and upon conviction~~. The fine for a violation of Section 321 of this title~~ shall be fined in any sum not ~~be~~ less than One Hundred Dollars ($100.00) nor ~~more than~~ to exceed 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. In~~, and be sentenced to the State Penitentiary for a term not less than one (1) year nor to exceed five (5) years and, in addition thereto, the member shall forfeit office.

SECTION 130. AMENDATORY Section 4, Chapter 343, O.S.L. 1995, as amended by Section 169, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~for a violation of this section shall~~ of not ~~be~~ more than One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary not exceeding two (2) years or by both such fine and imprisonment.

SECTION 131. AMENDATORY 21 O.S. 1991, Section 341, as amended by Section 170, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ and shall be punished by a fine ~~for a violation of this section shall~~ of 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. In~~, and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than twenty (20) years and, 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 132. AMENDATORY 21 O.S. 1991, Section 349, as amended by Section 171, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, punishable by imprisonment in the State Penitentiary not exceeding twenty-five (25) years.

SECTION 133. AMENDATORY 21 O.S. 1991, Section 350, as amended by Section 172, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 134. AMENDATORY 21 O.S. 1991, Section 357, as amended by Section 173, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by a fine of not less than Fifty Dollars ($50.00), and imprisonment in the county jail not less than thirty (30) days, or by a fine ~~for a violation of this section shall~~ of 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~~, with imprisonment in the State Penitentiary not exceeding five (5) years.

SECTION 135. AMENDATORY 21 O.S. 1991, Section 359, as amended by Section 174, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ and is punishable by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding the sum of Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term not exceeding two (2) years, or by both such fine and imprisonment.

SECTION 136. AMENDATORY Section 5, Chapter 343, O.S.L. 1995, as amended by Section 175, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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

felony~~. The~~ and shall be punished by the imposition of a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not longer than two (2) years, or by both said fine and imprisonment.

SECTION 137. AMENDATORY 21 O.S. 1991, Section 373, as amended by Section 177, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 373), is amended to read as follows:

Section 373. ~~The fine for any~~ Any person, corporation or company violating any provision of Section 372 of this title, upon conviction thereof, shall ~~not exceed~~ be punished by a fine not exceeding Three Thousand Dollars ($3,000.00), or by imprisonment for not more than three (3) years, or both, in the discretion of the court.

SECTION 138. AMENDATORY 21 O.S. 1991, Section 374, as amended by Section 178, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony, and upon conviction~~. The~~ shall be punished by imprisonment in the Penitentiary of the State of Oklahoma for a term not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00) or by both such imprisonment and fine.

SECTION 139. AMENDATORY 21 O.S. 1991, Section 380, as amended by Section 179, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, 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 by both said imprisonment and fine.

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 felony~~. The~~ punishable by imprisonment in a state correctional institution for a term not more than ten (10) years, or by a fine ~~for a violation of this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00), or both.

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 140. AMENDATORY 21 O.S. 1991, Section 381, as amended by Section 180, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Three Thousand Dollars ($3,000.00) and imprisonment in jail not exceeding one (1) year.

SECTION 141. AMENDATORY 21 O.S. 1991, Section 382, as amended by Section 181, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00) and imprisonment in jail not exceeding one (1) year.

SECTION 142. AMENDATORY 21 O.S. 1991, Section 383, as amended by Section 182, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or both.

SECTION 143. AMENDATORY 21 O.S. 1991, Section 399, as amended by Section 184, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for not to exceed five (5) years; or by a fine ~~for a violation of this section shall~~ of not to exceed Three Thousand Dollars ($3,000.00) and imprisonment in the county jail for not to exceed one (1) year.

SECTION 144. AMENDATORY 21 O.S. 1991, Section 400, as amended by Section 185, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~,~~ and upon conviction~~. The~~ shall be punished by imprisonment in the State Penitentiary for not to exceed one (1) year, or by a fine ~~for a violation of this section shall~~ of not to exceed Three Thousand Dollars ($3,000.00) or imprisonment in the county jail for not to exceed one (1) year or by both such fine and imprisonment.

SECTION 145. AMENDATORY 21 O.S. 1991, Section 421, as amended by Section 186, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ and is punishable by payment of a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for a period not exceeding ten (10) years, or by both such fine and imprisonment.

SECTION 146. AMENDATORY 21 O.S. 1991, Section 422, as amended by Section 187, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 147. AMENDATORY 21 O.S. 1991, Section 424, as amended by Section 188, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for not more than ten (10) years or by both such fine and imprisonment.

SECTION 148. AMENDATORY 21 O.S. 1991, Section 436, as amended by Section 190, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony punishable by imprisonment in a county jail not exceeding one (1) year, to commence from the expiration of the original term of his imprisonment.

SECTION 149. AMENDATORY 21 O.S. 1991, Section 437, as amended by Section 191, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 punishable as follows:

1. If such prisoner was confined upon a charge or conviction of a felony, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

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 150. AMENDATORY 21 O.S. 1991, Section 438, as amended by Section 192, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 escape, with intent thereby to facilitate the escape of any prisoner confined therein, is punishable as follows:

1. If such prisoner was confined upon any charge or conviction of felony, ~~such person shall be guilty of a felony.~~ by imprisonment for a felony in the State Penitentiary not exceeding ten (10) years; and

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 151. AMENDATORY 21 O.S. 1991, Section 440, as amended by Section 193, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment at hard labor in the State Penitentiary for a period not exceeding ten (10) years.

SECTION 152. AMENDATORY 21 O.S. 1991, Section 443, as last amended by Section 194, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than seven (7) years.

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 as authorized by Section 365 of this title or while permitted to be at large as a trusty, shall be guilty of a felony punishable by imprisonment of not less than two (2) years nor more than seven (7) years.

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 shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he 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 was serving imprisonment at the time of his escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section 492 of this act. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which he was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

SECTION 153. AMENDATORY 21 O.S. 1991, Section 445, as amended by Section 196, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years, or by the imposition of a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00) or more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 154. AMENDATORY 21 O.S. 1991, Section 455, as last amended by Section 199, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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, upon conviction, guilty of a felony punishable by

not less than one (1) year nor more than ten (10) years in the State Penitentiary.

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, upon conviction, guilty of a felony punishable by not less than one (1) year nor more than ten (10) years in the State Penitentiary.

SECTION 155. AMENDATORY 21 O.S. 1991, Section 461, as amended by Section 201, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. In~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, and in addition thereto, such person shall forfeit office.

SECTION 156. AMENDATORY 21 O.S. 1991, Section 462, as amended by Section 202, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~, punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding

Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 157. AMENDATORY 21 O.S. 1991, Section 500, as amended by Section 204, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 500), is amended to read as follows:

Section 500. Perjury is a felony punishable by imprisonment in the State Penitentiary as follows:

1. When committed on the trial of an indictment for felony, by imprisonment not less than two (2) years nor more than twenty (20) years;

2. When committed on any other trial proceeding in a court of justice, by imprisonment for not less than one (1) year nor more than ten (10) years; and

3. In all other cases ~~provided by law~~ by imprisonment not more than five (5) years.

SECTION 158. AMENDATORY 21 O.S. 1991, Section 521, as amended by Section 206, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 in lawful custody, is punishable as follows:

1. If such prisoner was in custody upon a charge or conviction of felony, such person shall be guilty of a felony by imprisonment in the State Penitentiary for not less than ten (10) years; 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 159. AMENDATORY 21 O.S. 1991, Section 539, as amended by Section 209, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years.

SECTION 160. AMENDATORY 21 O.S. 1991, Section 540A, as last amended by Section 210, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 vehicle to a stop and who willfully increases his speed or extinguishes his 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 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 shall be deemed guilty of a felony~~. The~~ punishable by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and 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.~~

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 161. AMENDATORY 21 O.S. 1991, Section 540B, as amended by Section 211, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony~~.~~ ~~The~~ and shall be punished by imprisonment in the State Penitentiary for not less than one (1) year, nor more than five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

SECTION 162. AMENDATORY 21 O.S. 1991, Section 543, as amended by Section 212, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~ By imprisonment for a felony in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, if the crime compounded is one punishable

either by death or by imprisonment in the State Penitentiary for life;

2. ~~For a felony~~ By imprisonment for a felony in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding six (6) months, if the crime compounded was punishable by imprisonment in the State Penitentiary for any other term than for life; or

3. ~~For a misdemeanor, punishable by imprisonment~~ 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 163. AMENDATORY 21 O.S. 1991, Section 578, as amended by Section 213, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 164. AMENDATORY 21 O.S. 1991, Section 579, as amended by Section 214, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding seven (7) years.

SECTION 165. AMENDATORY 21 O.S. 1991, Section 588, as amended by Section 215, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 is not a member in any court of the State of Oklahoma while such jury is deliberating or voting shall be guilty of a felony~~. The fine for a violation of this section shall~~ and shall be fined not ~~be~~ more than One Thousand Dollars ($1,000.00) or imprisoned not more than two (2) years, or both. 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 in connection with and solely for the purpose of assisting him in the performance of his duties as such juror.

SECTION 166. AMENDATORY 21 O.S. 1991, Section 590, as amended by Section 216, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for a period of not more than three (3) years or by a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. 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 167. AMENDATORY 21 O.S. 1991, Section 645, as amended by Section 218, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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, upon conviction is guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 168. AMENDATORY 21 O.S. 1991, Section 649, as amended by Section 219, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 duties, upon conviction, shall be guilty of a felony~~. The~~ punishable by imprisonment of not more than five (5) years in a state correctional institution or county jail for a period not to exceed one (1) year, or by a fine ~~for a violation of this subsection shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

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 169. AMENDATORY 21 O.S. 1991, Section 649.1, as amended by Section 220, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 be guilty of a felony~~. The~~, punishable by the imposition of a fine ~~for a violation of this subsection shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

SECTION 170. AMENDATORY 21 O.S. 1991, Section 649.2, as amended by Section 221, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 be guilty of a felony~~. The~~, punishable by the imposition of a fine ~~for a violation of this subsection shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

SECTION 171. AMENDATORY 21 O.S. 1991, Section 650, as amended by Section 222, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 duties shall upon conviction thereof be guilty of a felony, which shall be punishable by imprisonment in a state correctional institution for not more than five (5) years, or county jail for a period not to exceed one (1) year or by a fine not exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

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

SECTION 172. AMENDATORY 21 O.S. 1991, Section 650.5, as amended by Section 224, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony~~. The~~ punishable by imprisonment in a state correctional institution for not more than one (1) year, or by a fine ~~for a violation of this section shall~~ not to exceed One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 173. AMENDATORY Section 1, Chapter 326, O.S.L. 1993, as amended by Section 225, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 be guilty of a felony~~. The~~ punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, by a fine ~~for a violation of this subsection shall~~ of not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

SECTION 174. AMENDATORY 21 O.S. 1991, Section 651, as amended by Section 228, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, punishable by imprisonment in the State Penitentiary not less than ten (10) years. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 175. AMENDATORY 21 O.S. 1991, Section 652, as last amended by Section 229, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony punishable by imprisonment in the State Penitentiary not exceeding life. Any person convicted of this offense shall not be eligible for a community sentence.

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 felony punishable by imprisonment in the State Penitentiary for a term of not less than two (2) years nor more than twenty (20) years.

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 felony punishable by imprisonment in the State Penitentiary not exceeding twenty (20) years. Any person

convicted of this offense shall not be eligible for a community sentence.

SECTION 176. AMENDATORY 21 O.S. 1991, Section 653, as amended by Section 230, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 177. AMENDATORY 21 O.S. 1991, Section 662, as amended by Section 231, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 662), is amended to read as follows:

Section 662. Any person guilty of fighting any duel, although no death or wound ensues, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 178. AMENDATORY 21 O.S. 1991, Section 681, as amended by Section 232, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment. Any person

convicted of this offense shall not be eligible for a community sentence.

SECTION 179. AMENDATORY 21 O.S. 1991, Section 701.9, as amended by Section 233, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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~~,~~ or by imprisonment for life without parole or by imprisonment for life as defined in Section 14 of this title. Any person convicted of this offense shall not be eligible for a community sentence.

B. A person who is convicted of or pleads guilty or nolo contendere to murder in the second degree shall be guilty of a felony punishable by imprisonment in a state penal institution for not less than ten (10) years nor more than life. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 180. AMENDATORY 21 O.S. 1991, Section 701.10, as amended by Section 1, Chapter 67, O.S.L. 1992 (21 O.S. Supp. 1998, Section 701.10), is amended to read as follows:

Section 701.10 A. Upon conviction or adjudication of guilt of a defendant of murder in the first degree, the court shall conduct a separate sentencing proceeding to determine whether the defendant should be sentenced to death~~,~~ or life imprisonment without parole or life imprisonment as defined in Section 14 of this title. The proceeding shall be conducted by the trial judge before the same trial jury as soon as practicable without presentence investigation.

B. If the trial jury has been waived by the defendant and the state, or if the defendant pleaded guilty or nolo contendere, the sentencing proceeding shall be conducted before the court.

C. In the sentencing proceeding, evidence may be presented as to any mitigating circumstances or as to any of the aggravating

circumstances enumerated in Section 701.7 et seq. of this title. Only such evidence in aggravation as the state has made known to the defendant prior to his trial shall be admissible. In addition, the state may introduce evidence about the victim and about the impact of the murder on the family of the victim.

D. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitutions of the United States or of the State of Oklahoma. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

SECTION 181. AMENDATORY 21 O.S. 1991, Section 701.16, as amended by Section 234, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony <u>punishable by imprisonment in a state penal institution for not less than five (5) years nor more than life imprisonment in the State Penitentiary</u>.

SECTION 182. AMENDATORY 21 O.S. 1991, Section 715, as amended by Section 235, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 715), is amended to read as follows:

Section 715. Any person guilty of manslaughter in the first degree shall be guilty of a felony <u>punishable by imprisonment in the State Penitentiary for not less than four (4) years. Any person convicted of this offense shall not be eligible for a community sentence</u>.

SECTION 183. AMENDATORY 21 O.S. 1991, Section 722, as amended by Section 236, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 722), is amended to read as follows:

Section 722. Any person guilty of manslaughter in the second degree shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not more than four (4) years and not less than two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both fine and imprisonment. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 184. AMENDATORY 21 O.S. 1991, Section 741, as amended by Section 237, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 will; or

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

Third. To cause such person to be sold as a slave, or in any way held to service against his will, shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years. 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. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 185. AMENDATORY 21 O.S. 1991, Section 745, as amended by Section 238, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and upon conviction shall suffer death or imprisonment in the State Penitentiary, not less than ten (10) years. Any person convicted of this offense shall not be eligible for a community sentence.

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 be guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary, not less than five (5) years.

SECTION 186. AMENDATORY 21 O.S. 1991, Section 759, as amended by Section 239, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 759), is amended to read as follows:

Section 759. Any person guilty of maiming shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding seven (7) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both such fine and imprisonment. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 187. AMENDATORY 21 O.S. 1991, Section 798, as amended by Section 240, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 798), is amended to read as follows:

Section 798. Any person guilty of robbery in the first degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not less than ten (10) years. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 188. AMENDATORY 21 O.S. 1991, Section 799, as amended by Section 241, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 799), is amended to read as follows:

Section 799. Any person guilty of robbery in the second degree shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 189. AMENDATORY 21 O.S. 1991, Section 800, as amended by Section 242, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than five (5) years nor more than fifty (50) years. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 190. AMENDATORY 21 O.S. 1991, Section 801, as amended by Section 243, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony and, upon conviction therefor, shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than five (5) years, at the discretion of the court, or the jury trying the same.

Upon conviction therefor, any person guilty of three separate and distinct felonies, in violation of this section shall suffer punishment by imprisonment for life in the State Penitentiary, or for a period of time of not less than ten (10) years, and it is mandatory upon the court to impose no less than the minimum sentence of ten (10) years. The sentence imposed upon such person shall not be reduced to less than ten (10) calendar years, nor suspended, nor shall any person be eligible for probation or parole or receive any deduction from his sentence for good conduct until he shall have served ten (10) calendar years of such sentence. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 191. AMENDATORY 21 O.S. 1991, Section 817, as amended by Section 244, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 817), is amended to read as follows:

Section 817. Any person guilty of aiding suicide shall be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than seven (7) years.

SECTION 192. AMENDATORY 21 O.S. 1991, Section 818, as amended by Section 245, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 818), is amended to read as follows:

Section 818. Every person guilty of aiding an attempt at suicide shall be guilty of a felony punishable by imprisonment in

the State Penitentiary not exceeding two (2) years, or by a fine not exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 193. AMENDATORY 21 O.S. 1991, Section 832, as amended by Section 246, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~, punishable by imprisonment in the State Penitentiary for not less than five (5) years, or by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 194. AMENDATORY 21 O.S. 1991, Section 843.1, as last amended by Section 7, Chapter 298, O.S.L. 1998 (21 O.S. Supp. 1998, Section 843.1), is amended to read as follows:

Section 843.1 A. 1. No caretaker shall willfully abuse, neglect, commit sexual abuse, or exploit any person entrusted to the care of the caretaker, or shall cause, secure, or permit any of these acts to be done.

2. For purposes of this section, the terms "caretaker", "abuse", "neglect", "sexual abuse", and "exploit" shall have the same meaning as such terms are defined and clarified in Section 10-103 of Title 43A of the Oklahoma Statutes.

B. 1. Any person convicted of a violation of this section, except as provided in paragraph 2 of this subsection, ~~committed before the effective date of Section 20.1 of this title~~ shall be subject to incarceration in the custody of the Department of Corrections for a period not to exceed ten (10) years. ~~Any person convicted of a violation of this section, except as provided in paragraph 2 of this subsection, committed on or after the effective date of Section 20.1 of this title shall be guilty of a Schedule C felony.~~

2. Any person convicted of violating the provisions of this section by committing sexual abuse shall be guilty of a felony~~. Any person convicted of a violation of this section committed before the effective date of Section 20.1 of this title shall be subject to~~ punishable by incarceration in the custody of the Department of Corrections for a period not to exceed fifteen (15) years. ~~Any person convicted of a violation of this section committed on or after the effective date of Section 20.1 of this title shall be guilty of a Schedule S-1 felony.~~ The fine for a violation of this section shall not be more than Ten Thousand Dollars ($10,000.00).

C. Consent shall not be a defense for any violation of this section.

SECTION 195. AMENDATORY 21 O.S. 1991, Section 849, as amended by Section 248, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and, upon conviction therefor, shall suffer punishment by imprisonment for a period of time of not less than five (5) years, or imprisonment in the State Penitentiary for life, at the discretion of the court or the jury trying the same. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 196. AMENDATORY 21 O.S. 1991, Section 850, as last amended by Section 7, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, 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 telephonic, computerized, 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 Schedule E felony on a second or subsequent offense committed on or after the effective date of Section 20.1 of this title and a felony punishable by not more than ten (10) years incarceration in the custody of the Department of Corrections for a second or subsequent offense committed before the effective date of Section 20.1 of this title. ~~The fine for a felony violation of this section shall not exceed Ten Thousand Dollars ($10,000.00).~~ 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. Upon conviction, any person guilty of a felony in violation of this section shall be punishable by the imposition of a fine not exceeding Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a period of not more than ten (10) years, or by both such fine and imprisonment.

G. 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.~~ H. No person, partnership, company or corporation that installs telephonic, computerized, 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 197. AMENDATORY 21 O.S. 1991, Section 851, as amended by Section 250, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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, or takes such child or children without the State of Oklahoma, with the intent wholly to abandon it shall be deemed guilty of a felony and, upon conviction thereof shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year nor more than ten (10) years.

SECTION 198. AMENDATORY 21 O.S. 1991, Section 852, as last amended by Section 251, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ which is punishable in the same manner as any subsequent conviction pursuant to the provisions of this section. Any subsequent conviction pursuant to this section shall be a felony, punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. 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 felony~~. The~~ punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a fine

~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

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. Except for a third or subsequent conviction, all felony convictions herein shall be administered under the provisions of the Community Sentencing Act.

G. 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 199. AMENDATORY 21 O.S. 1991, Section 852.1, as amended by Section 252, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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~~ this title 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 felony~~. The~~ punishable by imprisonment for not more than four (4) years in the State Penitentiary or by the imposition of a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 200. AMENDATORY 21 O.S. 1991, Section 853, as amended by Section 253, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for any period of time not less than one (1) year or more than ten (10) years.

SECTION 201. AMENDATORY 21 O.S. 1991, Section 856, as last amended by Section 254, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment in the custody of the Department of Corrections not to exceed three (3) years, or by a fine ~~for a violation of this subsection shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

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 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.

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 felony~~. The~~ punishable by imprisonment in the custody of the Department of Corrections for a term not to exceed one (1) year, or a fine ~~for a violation of this subsection shall~~ not to exceed Three Thousand Dollars ($3,000.00), or both such fine and imprisonment.

E. Every person convicted of a second or subsequent violation of subsection D of this section shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term not to exceed five (5) years or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

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 202. AMENDATORY 21 O.S. 1991, Section 856.1, as amended by Section 255, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ <u>punishable by imprisonment in the State Penitentiary for a term not more than twenty (20) years and a</u> fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Two Hundred Thousand Dollars ($200,000.00). 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 203. AMENDATORY Section 2, Chapter 196, O.S.L. 1996, as amended by Section 256, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~for a second or subsequent violation shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), or by imprisonment not exceeding three (3) years, or by both such fine and imprisonment. 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 204. AMENDATORY 21 O.S. 1991, Section 861, as amended by Section 257, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than two (2) years nor more than five (5) years.

SECTION 205. AMENDATORY 21 O.S. 1991, Section 867, as amended by Section 258, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 and punishable by imprisonment in the State Penitentiary for not less than one (1) year nor for more than three (3) years.

B. Conviction of the crime of trafficking in children, subsequent to a prior conviction for such offense in any form, shall be a felony and punishable by imprisonment in the State Penitentiary for not less than three (3) years. No suspension of judgment or sentence shall be permitted.

SECTION 206. AMENDATORY 21 O.S. 1991, Section 872, as amended by Section 259, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 872), is amended to read as follows:

Section 872. Any person guilty of the crime of adultery shall be guilty of a felony and punished by imprisonment ~~for a felony. The~~ in the State Penitentiary not exceeding five (5) years or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 207. AMENDATORY 21 O.S. 1991, Section 883, as amended by Section 260, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 883), is amended to read as follows:

Section 883. Any person guilty of bigamy shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years.

SECTION 208. AMENDATORY 21 O.S. 1991, Section 884, as amended by Section 261, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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, shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 209. AMENDATORY 21 O.S. 1991, Section 885, as amended by Section 262, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 210. AMENDATORY 21 O.S. 1991, Section 886, as last amended by Section 5, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Section 886), is amended to read as follows:

Section 886. Any person who is guilty of the detestable and abominable crime against nature, committed with mankind or with a beast, shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years. 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 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 211. AMENDATORY 21 O.S. 1991, Section 888, as last amended by Section 264, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony punishable by imprisonment in the State Penitentiary for a period of not more than twenty (20) years. 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 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. Any person convicted of this offense shall not be eligible for a community sentence.

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 212. AMENDATORY 21 O.S. 1991, Section 891, as amended by Section 265, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 213. AMENDATORY 21 O.S. 1991, Section 941, as last amended by Section 266, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and upon conviction thereof~~. The~~, shall be punished by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00), nor more than Two Thousand Dollars ($2,000.00)~~. Such fine shall be in addition to any other punishment provided by law and shall not be in lieu of other punishment~~, and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years.

SECTION 214. AMENDATORY 21 O.S. 1991, Section 946, as amended by Section 267, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony

and, upon conviction~~. The~~, shall be punished by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years.

SECTION 215. AMENDATORY 21 O.S. 1991, Section 948, as last amended by Section 268, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction~~. The~~ shall be punished by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, and 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.

SECTION 216. AMENDATORY 21 O.S. 1991, Section 954, as amended by Section 270, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony and, upon conviction thereof~~. The~~, shall be punished by a fine ~~for a violation of this section shall~~ of not ~~be~~

less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000,00), or by confinement in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

SECTION 217. AMENDATORY 21 O.S. 1991, Section 982, as amended by Section 271, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 of commercial gambling shall be guilty of a felony~~. The~~ and punished by imprisonment for not more than ten (10) years or a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 218. AMENDATORY 21 O.S. 1991, Section 984, as amended by Section 272, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 984), is amended to read as follows:

Section 984. A. Dealing in gambling devices is manufacturing, transferring or possessing with intent to transfer any gambling device or subassembly or essential part thereof.

B. Any person dealing in gambling devices shall be guilty of a felony~~. The~~ punishable by imprisonment for not more than five (5) years or a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 219. AMENDATORY 21 O.S. 1991, Section 986, as amended by Section 273, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 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 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 shall be guilty of a felony~~. The~~ and shall be punished by imprisonment for not more than five (5) years or a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

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 220. AMENDATORY 21 O.S. 1991, Section 987, as amended by Section 274, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 of disseminating gambling information shall be guilty of a felony~~. The~~ and shall be punished by imprisonment for not more than five (5) years or a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 221. AMENDATORY 21 O.S. 1991, Section 991, as amended by Section 275, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The fine for a felony violation of this section~~ and shall be fined not more than Ten Thousand Dollars ($10,000.00) or be imprisoned for a period of not more than ten (10) years or both said fine and imprisonment.

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 222. AMENDATORY 21 O.S. 1991, Section 1021, as last amended by Section 276, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1021), is amended to read as follows:

Section 1021. A. Every person who willfully either:

1. Lewdly exposes his 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, of a felony~~. The~~ and shall be punished by the imposition of 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 by imprisonment for not less than thirty (30) days nor more than ten (10) years, or by both such fine and imprisonment. 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, of a felony and shall be punished by imprisonment in a state correctional institution for not less than ten (10) years nor more than thirty (30) years. Persons

convicted under this subsection shall not be eligible for a deferred sentence.

SECTION 223. AMENDATORY 21 O.S. 1991, Section 1021.2, as last amended by Section 277, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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, of a felony~~. The~~ and shall be punished by imprisonment for not more than twenty (20) years or by the imposition of a fine ~~for a violation of this section shall~~ of not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or by both said fine and imprisonment. 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 224. AMENDATORY 21 O.S. 1991, Section 1021.3, as last amended by Section 278, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony and, upon conviction~~. The~~, shall be imprisoned in the State Penitentiary for a period of not more than twenty (20) years or a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment. 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 225. AMENDATORY 21 O.S. 1991, Section 1024.2, as amended by Section 279, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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~~ Sections 1024.1 through 1024.4 of this title. Such person shall, upon conviction, be guilty of a felony~~. The~~ and shall be imprisoned for a period of not more than five (5) years or 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 by both such fine and imprisonment.

SECTION 226. AMENDATORY 21 O.S. 1991, Section 1031, as last amended by Section 280, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

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 felony punishable by imprisonment in the custody of the Department of Corrections for not more than ten (10) years.

SECTION 227. AMENDATORY 21 O.S. 1991, Section 1040.51, as amended by Section 281, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony~~. The~~ and shall be punished by a fine ~~for a violation of this section shall~~ of not to exceed Twenty-five Thousand Dollars ($25,000.00) or by imprisonment for not to exceed fifteen (15) years, or by both such fine and imprisonment. 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 228. AMENDATORY 21 O.S. 1991, Section 1053, as amended by Section 282, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1053), is amended to read as follows:

Section 1053. Any person who contrives, prepares, sets up, proposes or draws any lottery shall be guilty of a felony~~. The~~ punishable 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 imprisonment in the State Penitentiary not exceeding two (2) years or by imprisonment in a county jail not exceeding one (1) year, or by a fine of Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.

SECTION 229. AMENDATORY 21 O.S. 1991, Section 1068, as amended by Section 284, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ and be punished by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or by imprisonment for a term not exceeding two (2) years in the State Penitentiary, or by both such fine and imprisonment.

SECTION 230. AMENDATORY Section 3, Chapter 186, O.S.L. 1995, as amended by Section 285, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1073), is amended to read as follows:

Section 1073. Any person who promotes a pyramid promotional scheme shall be guilty of a felony and, upon conviction, ~~for each violation of the Oklahoma Pyramid Promotional Scheme Act. The~~ shall be punishable by a fine ~~for a violation shall~~ of not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or by imprisonment in the State

Penitentiary for not more than ten (10) years, or by both such fine and imprisonment, for each violation of this act.

SECTION 231. AMENDATORY 21 O.S. 1991, Section 1081, as amended by Section 286, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of pandering, and upon conviction for any offense under this article shall be guilty of a felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years and by a fine ~~for a violation under this article shall~~ of not ~~be~~ less than Three Hundred Dollars ($300.00) and ~~shall~~ not to exceed 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.~~

SECTION 232. AMENDATORY 21 O.S. 1991, Section 1085, as amended by Section 287, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ <u>and shall be punished by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than twenty (20) years, and by a</u> fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ less than Three Hundred Dollars ($300.00) and not 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.~~

SECTION 233. AMENDATORY 21 O.S. 1991, Section 1086, as amended by Section 288, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 control or of which he 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 felony and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years.

SECTION 234. AMENDATORY 21 O.S. 1991, Section 1087, as amended by Section 289, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony punishable by imprisonment of not less than one (1) year nor more than ten (10) years.

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 control or of which he 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 felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, 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 by both such fine and imprisonment.

SECTION 235. AMENDATORY 21 O.S. 1991, Section 1088, as amended by Section 290, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment for not less than one (1) year nor more than twenty-five (25) years, 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.~~

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 control or of which he 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 felony~~. The~~ punishable by imprisonment for a period of not less than one (1) year nor more than ten (10) years, 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.~~

SECTION 236. AMENDATORY 21 O.S. 1991, Section 1115, as amended by Section 292, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1115), is amended to read as follows:

Section 1115. Rape in the first degree is a felony punishable by death or imprisonment in the State Penitentiary, not less than five (5) years, in the discretion of the jury, or in case the jury fails or refuses to fix the punishment then the same shall be pronounced by the court. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 237. AMENDATORY 21 O.S. 1991, Section 1116, as amended by Section 293, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1116), is amended to read as follows:

Section 1116. Rape in the second degree is a felony punishable by imprisonment in the State Penitentiary not less than one (1) year nor more than fifteen (15) years.

SECTION 238. AMENDATORY 21 O.S. 1991, Section 1117, as amended by Section 294, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not less than ten (10) years.

SECTION 239. AMENDATORY 21 O.S. 1991, Section 1118, as amended by Section 295, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 240. AMENDATORY 21 O.S. 1991, Section 1119, as amended by Section 296, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 241. AMENDATORY 21 O.S. 1991, Section 1120, as amended by Section 297, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 242. AMENDATORY 21 O.S. 1991, Section 1122, as amended by Section 298, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony and shall be confined in the State Penitentiary for a term of not less than two (2) years nor more than ten (10) years; and 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 243. AMENDATORY 21 O.S. 1991, Section 1123, as last amended by Section 299, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony and shall be punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than twenty (20) years. 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 felony and shall not be eligible for probation, suspended or deferred sentence. Any person convicted of a third or subsequent violation of subsection A of this section shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term of life without parole. Any person convicted of this offense shall not be eligible for a community sentence.

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 felony and shall be

punished by imprisonment in the State Penitentiary for not more than five (5) years.

SECTION 244. AMENDATORY 21 O.S. 1991, Section 1161, as amended by Section 300, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or in the county jail not exceeding one (1) year, or by a fine ~~for a violation of this subsection shall~~ not ~~exceed~~ exceeding

Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 245. AMENDATORY 21 O.S. 1991, Section 1162, as amended by Section 301, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 246. AMENDATORY 21 O.S. 1991, Section 1163, as amended by Section 302, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding two (2) years, or in a county jail not exceeding six (6) months, or by a fine not exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment.

SECTION 247. AMENDATORY 21 O.S. 1991, Section 1168.6, as amended by Section 305, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony pursuant to the provisions of Sections 1168 through 1168.5 of this title shall be punishable by a fine not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment.

SECTION 248. 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. 1998, 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 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.

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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years, or by a fine ~~for a violation~~ of ~~this subsection shall~~ not ~~be~~ more than Two Thousand Five Hundred Dollars ($2,500.00), or by both such fine and imprisonment.

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 felony~~. The~~ punishable 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 by imprisonment in the State Penitentiary for a term not exceeding ten (10) years, or by both such fine and imprisonment.

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 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 249. AMENDATORY 21 O.S. 1991, Section 1192, as amended by Section 308, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1192), is amended to read as follows:

Section 1192. Any person who shall inoculate himself or any other person or shall suffer himself 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 <u>deemed a felon, and</u>, upon conviction thereof, guilty of a felony <u>and shall be punished by imprisonment in the State Penitentiary for not more than five (5) years nor less than two (2) years</u>.

SECTION 250. AMENDATORY 21 O.S. 1991, Section 1192.1, as amended by Section 309, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony, punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years.

SECTION 251. AMENDATORY 21 O.S. 1991, Section 1214, as amended by Section 310, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~,~~ and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not more than three (3) years, or fined by not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

SECTION 252. AMENDATORY 21 O.S. 1991, Section 1217, as amended by Section 311, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 in the performance of their duties, or who knowingly and willfully obstruct, interfere with or impede the progress of firemen to reach the destination of a fire, shall be deemed guilty of a felony and shall be punished therefor by imprisonment in the State Penitentiary for a term not exceeding ten (10) years nor less than two (2) years.

SECTION 253. AMENDATORY Section 1, Chapter 195, O.S.L. 1995, as amended by Section 312, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1229), is amended to read as follows:

Section 1229. For livestock utilized for exhibition purposes, it shall be unlawful for any person to inject into the livestock or cause the livestock to ingest any drug, chemical or substance that is not labeled for use on animals, or to administer any chemical or substance used on livestock for the specific purpose of altering the appearance of livestock or to alter the muscle or fat content of the animal's carcass or to perform any surgical procedure to alter the appearance of the livestock. Ordinary and customary veterinarian procedures, including but not limited to dehorning, branding, tagging or notching ears, castrating, deworming, vaccinating or docking the tail of farm animals shall not be prohibited. Surgery of any kind performed to change the natural contour or appearance of the animal's body or hide, shall be prohibited by this section. Any violation of the provisions of this section shall be a misdemeanor, upon conviction, punishable by a fine of not less than One Thousand Dollars ($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the county jail for a term not less than thirty (30) days nor more than one (1) year, or by both such fine and imprisonment. A second or subsequent violation of the provisions of this section shall be a felony, upon conviction, punishable by a fine of not less than One Thousand Dollars

($1,000.00), nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment in the State Penitentiary for a term not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment.

SECTION 254. AMENDATORY Section 8, Chapter 363, O.S.L. 1992, as last amended by Section 313, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment for not more than five (5) years or a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00) or both such fine and imprisonment;

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 felony~~. The~~ punishable by imprisonment for not more than five (5) years or a fine ~~for a violation~~ of ~~this subparagraph shall~~ not ~~be~~ more than Fifty Thousand Dollars ($50,000.00) or both such fine and imprisonment;

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 felony~~. The~~ punishable by imprisonment for not more than five (5) years or a fine ~~for a violation~~ of ~~this subparagraph shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00) or both such fine and imprisonment;

4. Unlawful disposal of hazardous waste shall be guilty of a felony~~. The~~ punishable by imprisonment for not more than five (5) years or a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00) or both such fine and imprisonment; and

5. Unlawful concealment of hazardous waste shall be guilty of a felony~~. The~~ punishable by imprisonment for not less than two (2) years nor more than ten (10) years and a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~be~~ more than One Hundred Thousand Dollars ($100,000.00).

SECTION 255. AMENDATORY 21 O.S. 1991, Section 1263, as amended by Section 314, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony, and upon conviction thereof~~.~~ ~~The~~ shall be punished by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. 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 256. AMENDATORY 21 O.S. 1991, Section 1265.2, as amended by Section 315, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1265.2), is amended to read as follows:

Section 1265.2 Whoever destroys, impairs, injures, interferes or tampers with real or personal property with intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be guilty of a felony~~. The~~ punishable by imprisonment for not more than ten (10) years, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both; provided, if such person so

acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year.

SECTION 257. AMENDATORY 21 O.S. 1991, Section 1265.3, as amended by Section 316, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment for not more than ten (10) years, or a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or both; provided, if such person so acts with the intent to hinder, delay or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, the minimum punishment shall be imprisonment for not less than one (1) year.

SECTION 258. AMENDATORY 21 O.S. 1991, Section 1265.4, as amended by Section 317, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be liable to one-half (1/2) 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 be guilty of a felony if the underlying crime is~~

~~a felony~~. 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 259. AMENDATORY 21 O.S. 1991, Section 1266, as amended by Section 319, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary from five (5) years to life.

SECTION 260. AMENDATORY 21 O.S. 1991, Section 1266.5, as amended by Section 320, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be fined not ~~be~~ more than Twenty Thousand Dollars ($20,000.00), or imprisoned not less than one (1) year nor more than twenty (20) years in the State Penitentiary, or may be both so fined and imprisoned. No person convicted of any violation of this act

shall ever be entitled to suspension or probation of sentence by the trial court.

SECTION 261. AMENDATORY 21 O.S. 1991, Section 1272.2, as last amended by Section 323, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~for a violation of this section shall~~ not to exceed One Thousand Dollars ($1,000.00) or imprisonment in the State Penitentiary for a period not to exceed two (2) years or both such fine and imprisonment.

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 262. AMENDATORY 21 O.S. 1991, Section 1278, as last amended by Section 324, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00), by imprisonment for a period not exceeding two (2) years, or by both such fine and imprisonment. 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 263. 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. 1998, 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 felony~~. The~~ punishable by a fine ~~for a violation of this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), and imprisonment for not more than two (2) years. 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 264. AMENDATORY 21 O.S. 1991, Section 1284, as last amended by Section 328, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment in

the State Penitentiary for a period not less than one (1) year nor more than ten (10) years.

SECTION 265. AMENDATORY 21 O.S. 1991, Section 1287, as last amended by Section 329, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony for possessing such weapon or device, which shall be a separate offense from the felony committed or attempted and shall be punishable by imprisonment in the State Penitentiary for a period of not less than two (2) years nor for more than ten (10) years for the first offense, and for a period of not less than ten (10) years nor more than thirty (30) years for any second or subsequent offense. Any person convicted of this offense shall not be eligible for a community sentence.

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 266. AMENDATORY 21 O.S. 1991, Section 1289.17, as last amended by Section 330, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony, for which a person convicted thereof shall be sentenced to imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years.

SECTION 267. AMENDATORY 21 O.S. 1991, Section 1289.18, as amended by Section 331, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 possession or under his immediate control a sawed-off shotgun or a sawed-off rifle, whether concealed or not, shall upon conviction be guilty of a felony for the possession of such device~~. The~~ and shall be punishable by a fine ~~for a violation of this section shall~~ not to exceed One

Thousand Dollars ($1,000.00) or imprisonment in the State Penitentiary for a period not to exceed two (2) years, or both such fine and imprisonment.

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 268. AMENDATORY 21 O.S. 1991, Section 1289.20, as amended by Section 332, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ and shall be punished 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 by imprisonment in the State Penitentiary for not more than ten (10) years, or by both such fine and imprisonment.

SECTION 269. AMENDATORY 21 O.S. 1991, Section 1289.21, as amended by Section 333, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony and shall be punished by imprisonment in the State Penitentiary for not less than two (2) years nor more than ten (10) years. The sentence so imposed shall not be suspended.

SECTION 270. AMENDATORY Section 2, Chapter 216, O.S.L. 1992, as amended by Section 334, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony for wearing such body armor, which shall be a separate offense from the felony committed or attempted, and shall be punishable by imprisonment in the State Penitentiary for a period of not more than ten (10) years for the first offense, and for a period of not more than twenty (20) years for any second or subsequent offense.

SECTION 271. AMENDATORY Section 21, Chapter 272, O.S.L. 1995, as amended by Section 335, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by a fine ~~for a violation~~ of ~~this subsection shall be~~ Five Thousand Dollars ($5,000.00).

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 272. AMENDATORY 21 O.S. 1991, Section 1302, as amended by Section 336, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ and shall be punished 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), and by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

SECTION 273. AMENDATORY 21 O.S. 1991, Section 1303, as amended by Section 337, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction thereof~~. The~~ shall be punishable 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~~, and by imprisonment in the

State Penitentiary for a term of not less than five (5) years nor more than twenty (20) years.

SECTION 274. AMENDATORY 21 O.S. 1991, Section 1304, as amended by Section 338, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 in fear of life, bodily harm or the destruction of his or their property, shall be deemed guilty of committing a felony, and upon conviction thereof~~. The~~ shall be punished 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), and by imprisonment in the county jail or State Penitentiary for a period of not less than ninety (90) days nor more than one (1) year.

SECTION 275. AMENDATORY 21 O.S. 1991, Section 1312, as amended by Section 339, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1312), is amended to read as follows:

Section 1312. Every person guilty 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 felony~~ is punishable in the same manner as a principal in such crime;

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 felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than two (2) years;

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 felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than two (2) years;

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 felony punishable by imprisonment in the State Penitentiary for not exceeding twenty (20) and not less than two (2) years;

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

Any person convicted of the offense of rioting shall not be eligible for a community sentence.

SECTION 276. AMENDATORY 21 O.S. 1991, Section 1320.4, as amended by Section 340, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1320.4), is amended to read as follows:

Section 1320.4 Any person guilty of the crime, as set forth in Section 1320.2 of this title, shall be deemed guilty of a felony~~. The~~, punishable by not more than ten (10) years in prison, or 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.

SECTION 277. AMENDATORY 21 O.S. 1991, Section 1320.5, as amended by Section 341, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1320.5), is amended to read as follows:

Section 1320.5 Any person guilty of the crime, as set forth in Section 1320.3 of this title, shall be deemed guilty of a felony~~. The~~, punishable by not more than five (5) years in prison, or 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.

SECTION 278. AMENDATORY 21 O.S. 1991, Section 1321.7, as amended by Section 343, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony.

B. Any person guilty of violating this section shall, upon conviction thereof, be imprisoned for not less than two (2) years nor more than ten (10) years.

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

~~C.~~ D. 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; or

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

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.~~ E. 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 279. AMENDATORY 21 O.S. 1991, Section 1321.8, as amended by Section 344, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 be guilty of a misdemeanor.

C. Any person who violates the provisions of this section, except subsection B of this section, shall be guilty of a felony, <u>and</u> upon conviction thereof <u>shall be imprisoned for not less than two (2) years nor more than ten (10) years</u>.

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:

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 280. AMENDATORY 21 O.S. 1991, Section 1327, as amended by Section 345, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and upon conviction thereof~~. The~~ shall be punished by imprisonment in the State Penitentiary for a term not less than two (2) years, nor more than ten (10) years, 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 by both such fine and imprisonment. 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 be guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary from ten (10) years to life.

SECTION 281. AMENDATORY 21 O.S. 1991, Section 1368, as last amended by Section 346, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 guilty of a felony and~~, upon conviction, shall be guilty of a felony~~. The~~ and shall be punished by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary for a term not to exceed ten (10) years, or by both such fine and imprisonment.

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 282. AMENDATORY 21 O.S. 1991, Section 1401, as last amended by Section 347, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of arson in the first degree, which is a felony, and upon conviction thereof~~. Arson in the first degree is a felony. The~~ shall be punished by a fine ~~for a violation of this section shall~~ not to exceed Twenty-five Thousand Dollars ($25,000.00) or be confined to the State Penitentiary for not more than thirty-five (35) years or both. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 283. AMENDATORY 21 O.S. 1991, Section 1402, as amended by Section 348, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of arson in the second degree, which is a felony, and upon conviction thereof~~. Arson in the second degree is a felony. The~~ shall be punished by a fine ~~for a violation of this section shall~~ not to exceed Twenty Thousand Dollars ($20,000.00) or be confined in the State Penitentiary for not more than twenty-five (25) years or both.

SECTION 284. AMENDATORY 21 O.S. 1991, Section 1403, as amended by Section 349, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of arson in the third degree, and upon conviction thereof~~. The~~ shall be punished by a fine ~~for a violation of this subsection shall~~ not to exceed Ten Thousand Dollars ($10,000.00) or be confined in the State Penitentiary for not more than fifteen (15) years.

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 be guilty of arson in the third degree, and upon conviction thereof~~. The~~ shall be punished by a fine ~~for a violation of this subsection shall~~ not to exceed Ten Thousand Dollars ($10,000.00) or be confined in the State Penitentiary for not more than fifteen (15) years or both.

C. Arson in the third degree is a felony.

SECTION 285. AMENDATORY 21 O.S. 1991, Section 1404, as amended by Section 350, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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~~ Section 1401, 1402 or 1403 of this title shall be guilty of arson in the fourth degree, and upon conviction thereof~~. The~~ shall be punished by a fine ~~for a violation of this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00) or be confined in the State Penitentiary for not more than ten (10) years or both.

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~~ Section 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 be guilty of arson in the fourth degree, and upon conviction thereof~~. The~~ shall be punished by a fine ~~for a violation of this subsection shall~~ not to exceed Five Thousand Dollars ($5,000.00) or be confined in the State Penitentiary for not more than ten (10) years or both.

C. Arson in the fourth degree is a felony.

SECTION 286. AMENDATORY Section 2, Chapter 145, O.S.L. 1996, as amended by Section 351, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1405), is amended to read as follows:

Section 1405. Any person violating any of the provisions of ~~Sections~~ Section 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 be guilty of a felony~~,~~ and upon conviction~~. The~~ shall be punished by imprisonment in the State Penitentiary for not less than three (3)

years nor more than ten (10) years, or by a fine ~~for a violation of this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00) or both. If personal injury results, the person shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years.

SECTION 287. AMENDATORY 21 O.S. 1991, Section 1411, as amended by Section 352, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 288. AMENDATORY 21 O.S. 1991, Section 1412, as amended by Section 353, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 289. AMENDATORY 21 O.S. 1991, Section 1414, as amended by Section 354, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 290. AMENDATORY 21 O.S. 1991, Section 1415, as amended by Section 355, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 without the consent in writing thereto of the person holding such bill, receipt or voucher, shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 291. AMENDATORY 21 O.S. 1991, Section 1416, as amended by Section 356, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 292. AMENDATORY 21 O.S. 1991, Section 1436, as amended by Section 357, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1436), is amended to read as follows:

Section 1436. ~~A.~~ Burglary is a felony punishable by imprisonment in the State Penitentiary as follows:

1. Burglary in the first degree ~~is a felony.~~ for any term not less than seven (7) years nor more than twenty (20) years; and

~~B.~~ 2. Burglary in the second degree ~~is a felony~~ not exceeding seven (7) years and not less than two (2) years. Any person convicted of this offense shall not be eligible for a community sentence.

SECTION 293. AMENDATORY 21 O.S. 1991, Section 1441, as amended by Section 358, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) nor more than fifty (50) years.

SECTION 294. AMENDATORY 21 O.S. 1991, Section 1462, as last amended by Section 360, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1462), is amended to read as follows:

Section 1462. Every person guilty of embezzlement shall be guilty of a felony punishable in the manner prescribed for feloniously stealing property of the value of that embezzled, except that every person convicted of felonious embezzlement of any item valued at Fifty Dollars ($50.00) or more but less than Five Hundred Dollars ($500.00) shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights per week or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, and every person convicted of embezzlement of any item valued at less than Fifty Dollars ($50.00) shall be guilty of a misdemeanor. And 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 295. AMENDATORY 21 O.S. 1991, Section 1463, as amended by Section 361, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years.

SECTION 296. AMENDATORY 21 O.S. 1991, Section 1483, as amended by Section 362, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony. A conviction for extortion is punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years. A conviction for attempted extortion is punishable by imprisonment in the State Penitentiary for a term not exceeding two (2) years.

SECTION 297. AMENDATORY 21 O.S. 1991, Section 1488, as amended by Section 363, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 will. Blackmail is a felony~~. The~~ punishable by imprisonment in the State Penitentiary for not to exceed five (5) years or a fine ~~for a conviction for blackmail shall~~ not to exceed Ten Thousand Dollars ($10,000.00) or by both such imprisonment and fine.

SECTION 298. AMENDATORY 21 O.S. 1991, Section 1503, as last amended by Section 364, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars ($100.00), or be imprisoned 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) but less than Five Hundred Dollars ($500.00), any person convicted pursuant to this section shall be guilty of a felony and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, and if the value of such food, lodging, services or accommodations is valued at more than Five Hundred Dollars ($500.00), any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not

exceeding five (5) years. 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 be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding One Hundred Dollars ($100.00), or be imprisoned 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 gave a check on which payment was refused, or that he 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 surreptitiously removed or attempted to remove his baggage, or that he 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 299. AMENDATORY 21 O.S. 1991, Section 1506, as amended by Section 365, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding three (3) years or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00)~~. In~~, or by both such fine and imprisonment; and, 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 300. AMENDATORY 21 O.S. 1991, Section 1521, as last amended by Section 366, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a misdemeanor and upon conviction thereof shall be punished 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) <u>but is less than Five Hundred Dollars ($500.00)</u>, any person convicted pursuant to this section shall be guilty of a felony <u>and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes. If the value of the worthless check is Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term not exceeding seven (7) years or by a fine not to exceed Five Hundred Dollars ($500.00), or both such fine and imprisonment</u>.

SECTION 301. AMENDATORY 21 O.S. 1991, Section 1531, as amended by Section 367, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony <u>punishable by imprisonment in the State Penitentiary not exceeding ten (10) years</u>.

SECTION 302. AMENDATORY 21 O.S. 1991, Section 1532, as amended by Section 368, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony <u>punishable in the same manner and to the same extent as for larceny of the money or property so received</u>.

SECTION 303. AMENDATORY 21 O.S. 1991, Section 1541.2, as last amended by Section 369, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 but less than Five Hundred Dollars ($500.00), any person convicted pursuant to this section shall be guilty of a felony~~. The~~ and shall be punished by incarceration in the county jail for not to exceed one (1) year or incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes, and if the value is Five Hundred Dollars ($500.00) or more, any person convicted hereunder shall be deemed guilty of a felony and shall be punished by imprisonment in the State Penitentiary, for a term not more than ten (10) years, or by a fine ~~for a violation of this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 304. AMENDATORY 21 O.S. 1991, Section 1541.3, as last amended by Section 370, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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~~ Five Hundred Dollars ($500.00) or more, even though each separate instrument is written for less than ~~Fifty Dollars~~ Five Hundred Dollars ($500.00), all in pursuance of a common scheme or plan to cheat and defraud, shall be deemed guilty of a felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary, for a term not more than ten (10) years, or by a fine ~~for a violation of~~

~~this section shall~~ not to exceed Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment. If the total sum of two or more false or bogus checks, drafts or orders is Fifty Dollars ($50.00) or more, but less than Five Hundred Dollars ($500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 305. AMENDATORY 21 O.S. 1991, Section 1543, as amended by Section 372, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding three (3) years or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding the value of the money or property so obtained, or by both such fine and imprisonment.

SECTION 306. AMENDATORY 21 O.S. 1991, Section 1544, as amended by Section 373, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 of such cheat shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding seven (7) years, instead of by punishment prescribed by those sections.

SECTION 307. AMENDATORY 21 O.S. 1991, Section 1550, as amended by Section 374, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 possession or under his 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for a period of not less than two (2) years nor more than five (5) years, 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 by both such fine and imprisonment.

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 308. AMENDATORY 21 O.S. 1991, Section 1550.33, as amended by Section 375, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a person who is subject to the penalties of this subsection shall~~ and fined not ~~be~~ more than Three Thousand Dollars ($3,000.00) or imprisoned in the State Penitentiary not more than three (3) years, or both.

(b) A person who is subject to the penalties of this subsection shall be guilty of a felony and shall be imprisoned in the State Penitentiary not more than seven (7) years.

(c) A person who violates any provision of the Oklahoma Credit Card Crime Act shall be deemed guilty of a felony.

SECTION 309. AMENDATORY 21 O.S. 1991, Section 1550.41, as last amended by Section 376, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 felony 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.

D. 1. The violation of any of the provisions of subsection B of this section shall constitute a misdemeanor and, upon conviction

thereof, shall be punishable 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 felony and, upon conviction thereof~~. The~~, shall be punishable by a fine ~~for a violation of subsection C of this section shall~~ not ~~exceed~~ exceeding Ten Thousand Dollars ($10,000.00) or a term of imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

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 310. AMENDATORY 21 O.S. 1991, Section 1621, as amended by Section 377, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1621), is amended to read as follows:

Section 1621. Forgery is a felony punishable by imprisonment in the State Penitentiary as follows:

~~A.~~ 1. Forgery in the first degree ~~is a felony.~~ by imprisonment not less than seven (7) years nor more than twenty (20) years; and

~~B.~~ 2. Forgery in the second degree ~~is a felony~~ not exceeding seven (7) years.

SECTION 311. AMENDATORY 21 O.S. 1991, Section 1632, as amended by Section 378, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, and not less than three (3) years.

SECTION 312. AMENDATORY 21 O.S. 1991, Section 1635, as amended by Section 379, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than three (3) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 313. AMENDATORY 21 O.S. 1991, Section 1662, as amended by Section 380, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding One Thousand Dollars ($1,000.00), or both.

SECTION 314. 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. 1998, 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for not exceeding five (5) years or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

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 315. AMENDATORY 21 O.S. 1991, Section 1680.2, as amended by Section 382, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be a felony, upon conviction~~. The~~, punishable by a fine ~~for a violation of this section shall~~ not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary for a term not to exceed seven (7) years, or by both such fine and imprisonment.

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 316. AMENDATORY 21 O.S. 1991, Section 1681, as amended by Section 383, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ and shall be punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section~~

~~shall~~ not ~~exceed~~ exceeding Two Hundred Fifty Dollars ($250.00), or by both such fine and imprisonment.

SECTION 317. AMENDATORY 21 O.S. 1991, Section 1685, as amended by Section 384, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by imprisonment in the county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00). 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 318. AMENDATORY 21 O.S. 1991, Section 1694, as amended by Section 385, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine~~

~~for a violation of this section shall be~~, punishable as provided in Section 1699.1 of this title.

SECTION 319. AMENDATORY 21 O.S. 1991, Section 1695, as amended by Section 386, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a violation of this section shall be~~, punishable as provided in Section 1699.1 of this title.

SECTION 320. AMENDATORY 21 O.S. 1991, Section 1696, as amended by Section 387, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony. 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~~, punishable as provided in Section 1699.1 of this title.

SECTION 321. AMENDATORY 21 O.S. 1991, Section 1697, as amended by Section 388, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a violation of this section shall be~~, punishable as provided in Section 1699.1 of this title.

SECTION 322. AMENDATORY 21 O.S. 1991, Section 1699.1, as amended by Section 389, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1699.1), is amended to read as follows:

Section 1699.1 A. Every person who is guilty of a felony under any of the provisions of Sections 1694, 1695, 1696 and 1697 of this title shall be ~~guilty of a felony. The fine for violating any of such sections shall be~~ punished by imprisonment in the State Penitentiary for not less than one (1) year nor more than ten (10) years, or a fine not less than Two Thousand Dollars ($2,000.00) nor more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

B. Every person who upon conviction is guilty 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 not more than Five Hundred Dollars ($500.00).

SECTION 323. AMENDATORY 21 O.S. 1991, Section 1705, as last amended by Section 390, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1705), is amended to read as follows:

Section 1705. Grand larceny is a felony punishable by imprisonment in the State Penitentiary not exceeding five (5) years if the value of the property is Five Hundred Dollars ($500.00) or more and if the value of the property is less than Five Hundred Dollars ($500.00) punishable by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 324. AMENDATORY 21 O.S. 1991, Section 1707, as amended by Section 391, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding eight (8) years.

SECTION 325. AMENDATORY 21 O.S. 1991, Section 1708, as amended by Section 392, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years.

SECTION 326. AMENDATORY 21 O.S. 1991, Section 1713, as amended by Section 393, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not to exceed five (5) years, or in the county jail not to exceed one (1) year, or by a fine ~~for a violation of this section shall~~ not to exceed Five Hundred Dollars ($500.00) or by both such fine and imprisonment.

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 327. AMENDATORY 21 O.S. 1991, Section 1716, as amended by Section 394, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony and upon conviction shall be ~~guilty of a felony~~ punished by confinement in the State Penitentiary for a term of not less than three (3) years, nor more than ten (10) years; and any person in this state who shall steal any sheep, or goat, ~~upon conviction thereof,~~ shall be guilty of a felony and upon conviction therefor shall be punished by confinement in the State Penitentiary for a term not less than six (6) months, nor more than three (3) years. 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 328. AMENDATORY 21 O.S. 1991, Section 1719, as amended by Section 395, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 to have been stolen, shall be guilty of grand larceny, regardless of the value thereof, and upon conviction~~. The~~ shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Two Hundred Dollars ($200.00), or by confinement in the county jail not exceeding two (2) months, or by both such fine and imprisonment.

SECTION 329. AMENDATORY 21 O.S. 1991, Section 1719.1, as last amended by Section 396, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 the current market value of said domesticated fish or game is less than Fifty Dollars ($50.00), be guilty of a misdemeanor and 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 the current market value of said domesticated fish or game is <u>Five Hundred Dollars ($500.00) or more, be guilty of a felony and shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) or imprisonment in the State</u>

Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment. If the current market value is Fifty Dollars ($50.00) or more but less than Five Hundred Dollars ($500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes. ~~The fine for a violation of this section shall not be more than Five Thousand Dollars ($5,000.00).~~

SECTION 330. AMENDATORY Section 6, Chapter 36, O.S.L. 1993, as amended by Section 397, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 to have been stolen, shall be deemed guilty of grand larceny, regardless of the value thereof, and upon conviction thereof~~. The~~ shall be punished by imprisonment in the State Penitentiary not exceeding ten (10) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Twenty Thousand Dollars ($20,000.00) or by both such fine and imprisonment.

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 331. AMENDATORY 21 O.S. 1991, Section 1720, as amended by Section 398, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be

guilty of a felony, and upon conviction shall be punished by confinement in the State Penitentiary for a term of not less than three (3) years, nor more than twenty (20) years.

SECTION 332. AMENDATORY 21 O.S. 1991, Section 1721, as amended by Section 399, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. In addition to other penalties~~, and 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), or confinement in the State Penitentiary for a term of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment.

SECTION 333. AMENDATORY 21 O.S. 1991, Section 1722, as last amended by Section 400, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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:

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 by a fine of not more than One Hundred Dollars ($100.00), or imprisonment in the county jail not to exceed sixty (60) days, or by both such fine and imprisonment;

2. Be guilty of a felony if the value of such product so taken is ~~Fifty Dollars ($50.00)~~ Five Hundred Dollars ($500.00) or more and upon conviction thereof, 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), or confinement in the State Penitentiary for a term of not less than one (1) year, and not more than ten (10) years, or by both such fine and imprisonment. If the value exceeds Fifty Dollars ($50.00) but is less than Five Hundred Dollars ($500.00), the person shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes.

SECTION 334. AMENDATORY 21 O.S. 1991, Section 1724, as amended by Section 402, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1724), is amended to read as follows:

Section 1724. Any person convicted of larceny from the house shall be guilty of a felony punishable by imprisonment in the State Penitentiary for a period of time not to exceed five (5) years.

SECTION 335. AMENDATORY 21 O.S. 1991, Section 1726, as amended by Section 403, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 possession, and who does not have valid written evidence of his title to such mercury, shall be guilty of a felony~~,~~ and upon conviction thereof~~. The~~ shall be punishable by imprisonment in the State Penitentiary for a term not less than one year nor more than five (5) years, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

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 336. AMENDATORY 21 O.S. 1991, Section 1727, as amended by Section 404, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~,~~ and upon conviction~~. The fine for a violation of this section~~ shall be punished by confinement in the State Penitentiary for not less than one (1) year nor more than five (5) years, or by confinement in the county jail for not less than

ninety (90) days nor more than two hundred (200) days, or shall ~~not~~ be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 337. AMENDATORY 21 O.S. 1991, Section 1728, as amended by Section 405, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 knew or should have known that the same was stolen shall upon conviction thereof be guilty of a felony~~. The fine for a violation of this section~~ and shall be confined in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years, or shall be confined in the county jail for not less than ninety (90) days nor more than two hundred (200) days, or shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00), or both such fine and imprisonment.

SECTION 338. AMENDATORY 21 O.S. 1991, Section 1731, as last amended by Section 406, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 shall, on his 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. If it be shown, upon the trial of a case where the value of the goods, edible meat or other corporeal personal property is less than Fifty Dollars ($50.00), that the defendant has two or more times before been convicted of the same offense, regardless of the value of the goods, edible meat or other corporeal personal property involved in the first two convictions, upon the third or any subsequent conviction, the punishment shall be by confinement in the State Penitentiary for not less than two (2) nor more than five (5) years;

4. In the event the value of the goods, edible meat or other corporeal property is Fifty Dollars ($50.00) or more, but is less than Five Hundred Dollars ($500.00), the defendant shall be guilty of a felony and shall be punished by incarceration in the county jail for not more than one (1) year or by incarceration in the county jail one or more nights or weekends pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes, at the option of the court, and shall be subject to a fine of not more than Five Thousand Dollars ($5,000.00) and ordered to provide restitution to the victim as provided in Section 991a of Title 22 of the Oklahoma Statutes; and

5. In the event the value of the goods, edible meat or other corporeal property is Five Hundred Dollars ($500.00) or more,

punishment shall be by confinement in the State Penitentiary for not less than one (1) year nor more than five (5) years.

SECTION 339. AMENDATORY 21 O.S. 1991, Section 1751, as amended by Section 407, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding four (4) years or in a county jail not less than six (6) months.

SECTION 340. AMENDATORY 21 O.S. 1991, Section 1752, as amended by Section 408, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary for not less than four (4) years.

SECTION 341. AMENDATORY Section 1, Chapter 139, O.S.L. 1995, as amended by Section 409, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1752.1), is amended to read as follows:

Section 1752.1 A. Any person shall 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 be guilty of a felony 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 be guilty of a felony if the person discharges a firearm or weapon at a train, or rail-mounted work equipment.

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. <u>Any person violating the felony provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not exceeding four (4) years. If personal injury results, such person shall be punished by imprisonment in the State Penitentiary.</u>

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 342. AMENDATORY 21 O.S. 1991, Section 1753.8, as last amended by Section 411, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a misdemeanor and upon conviction thereof shall be punished 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 felony~~. The~~, punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than One Thousand Dollars ($1,000.00). In addition, the person may be ordered to pay restitution, which shall be paid to the city, state or county, ~~and/or~~ or to perform not less than forty (40) days of community service, or to such combination of fine, imprisonment, community service, and/or restitution, as the Court may order.

SECTION 343. AMENDATORY 21 O.S. 1991, Section 1767.2, as amended by Section 416, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction~~. The~~ shall be punished by imprisonment in the State Penitentiary for not less than three (3) years nor more than ten (10) years, 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 by both. If personal injury results, such person~~, upon conviction, shall be guilty of a felony~~ shall be punished by imprisonment in the State Penitentiary for not less than seven (7) years or life imprisonment.

SECTION 344. AMENDATORY 21 O.S. 1991, Section 1777, as amended by Section 417, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding five (5) years and not less than two (2) years, or by imprisonment in a county jail not exceeding one (1) year, or by a fine ~~for a violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

SECTION 345. AMENDATORY 21 O.S. 1991, Section 1778, as amended by Section 418, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than three (3) years.

SECTION 346. AMENDATORY 21 O.S. 1991, Section 1785, as amended by Section 419, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony punishable by imprisonment in the State Penitentiary for not exceeding three (3) years, or in a county jail not exceeding one (1) year.

SECTION 347. AMENDATORY 21 O.S. 1991, Section 1786, as amended by Section 420, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary not exceeding three (3) years, or in the county jail not exceeding one (1) year, 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~~.

SECTION 348. AMENDATORY 21 O.S. 1991, Section 1834, as amended by Section 421, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and shall, upon conviction~~. The~~, be punished by imprisonment in the State Penitentiary for a period not exceeding three (3) years or in the county jail not exceeding one (1) year, or by a fine ~~for a violation~~ of ~~this section shall~~ not to exceed Five Hundred Dollars ($500.00); 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.

SECTION 349. AMENDATORY 21 O.S. 1991, Section 1834.2, as amended by Section 422, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 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 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 be guilty of embezzlement and shall, upon conviction~~. The~~, be punished 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 by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by both such fine and imprisonment.

SECTION 350. AMENDATORY 21 O.S. 1991, Section 1837, as amended by Section 423, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction shall be punished by confinement in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

SECTION 351. AMENDATORY 21 O.S. 1991, Section 1903, as amended by Section 425, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony, and shall, upon conviction~~. The fine for a violation of this subsection shall~~, be imprisoned for not more than twenty (20) years, or fined 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 be guilty of a felony, and shall, upon conviction~~. The fine for a violation of this subsection shall~~, be imprisoned for not more than ten (10) years, or fined not ~~be~~ more than Five Thousand Dollars ($5,000.00), or both.

C. In addition, any person violating subsection A or B of this section using a dangerous or deadly weapon shall be guilty of a felony, and shall, upon conviction~~. The fine for a violation of this subsection shall~~, be imprisoned for not more than twenty (20) years, or fined 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 person. 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 felony~~. The fine for a violation of this subsection~~, and shall, upon conviction, be imprisoned for not more than ten (10) years, or fined not ~~be~~ more than Ten Thousand Dollars ($10,000.00), or both.

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 felony~~. The~~ punishable by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00) or by imprisonment for not more than five (5) years, or both.

SECTION 352. AMENDATORY 21 O.S. 1991, Section 1904, as amended by Section 426, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 be guilty of a felony and, upon conviction~~. The~~, shall be punished by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or imprisoned not more than five (5) years, or both.

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

SECTION 353. AMENDATORY 21 O.S. 1991, Section 1955, as amended by Section 428, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1955), is amended to read as follows:

Section 1955. A. ~~The fine for~~ Upon conviction of a felony ~~conviction~~ under the provisions of the Oklahoma Computer Crimes Act, punishment shall be by a fine of not less than Five Thousand Dollars ($5,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or by confinement in the State Penitentiary for a term of not more than ten (10) years, or by both such fine and imprisonment.

B. Upon conviction of a misdemeanor under the provisions of the Oklahoma Computer Crimes Act, punishment shall be 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 354. AMENDATORY 21 O.S. 1991, Section 1958, as amended by Section 429, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term of not more than five (5) years, or by a fine ~~for a violation~~ of ~~this section shall~~ not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

SECTION 355. AMENDATORY 21 O.S. 1991, Section 1976, as amended by Section 430, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, and shall, upon conviction~~. The~~, be punishable by a fine ~~for a violation of this section shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or by

imprisonment in the State Penitentiary for a term not to exceed five (5) years, or both such fine and imprisonment.

D. ~~The fine for a~~ A second or subsequent conviction for a violation of this section shall constitute a felony and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

SECTION 356. AMENDATORY 21 O.S. 1991, Section 1977, as amended by Section 431, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, and shall, upon conviction~~. The~~, be punishable by a fine ~~for a felony violation of this section shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. ~~The fine for a~~ A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00), or by imprisonment in the State

Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

SECTION 357. AMENDATORY 21 O.S. 1991, Section 1978, as amended by Section 432, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 constitute a misdemeanor, and shall, upon conviction, be punishable by a fine not to exceed Five Thousand Dollars ($5,000.00).

C. A violation of this section involving one hundred or more articles shall constitute a felony, and shall, upon conviction~~. The~~, be punishable by a fine ~~for a violation of this subsection shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. ~~The fine for a~~ A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00) or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

SECTION 358. AMENDATORY 21 O.S. 1991, Section 1979, as amended by Section 433, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 constitute a misdemeanor, and shall, upon conviction, be punishable by a fine 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 constitute a felony, and shall, upon conviction~~. The~~, be punishable by a fine ~~for a violation of this subsection shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. ~~The fine for a~~ A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00) or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

SECTION 359. AMENDATORY 21 O.S. 1991, Section 1980, as amended by Section 434, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, 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 constitute a misdemeanor, and shall, upon conviction, be punishable by a fine 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 constitute a felony, and shall, upon conviction~~. The~~, be punishable by a fine ~~for a violation of this subsection shall~~ not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment in the State Penitentiary for a term not more than five (5) years, or both such fine and imprisonment.

D. ~~The fine for a~~ A second or subsequent conviction for a violation of this section shall constitute a felony, and shall, upon conviction, be punishable by a fine not to exceed One Hundred Thousand Dollars ($100,000.00) or by imprisonment in the State Penitentiary for a term not less than two (2) years nor more than five (5) years, or both such fine and imprisonment.

SECTION 360. AMENDATORY 22 O.S. 1991, Section 17, as last amended by Section 435, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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 be guilty of a felony and, upon conviction~~. The fine for a violation of this section~~, shall be punished by a fine of not less than Ten Thousand Dollars ($10,000.00) and not to exceed three times the value of the proceeds of the contract, or by imprisonment not exceeding ten (10) years in the custody of the Department of Corrections, or both such fine and imprisonment.

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 361. AMENDATORY 22 O.S. 1991, Section 107, as amended by Section 436, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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 guilty of a felony, and is punishable by imprisonment in the state prison for not less than two (2) years.

SECTION 362. AMENDATORY 22 O.S. 1991, Section 1110, as amended by Section 437, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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 within five (5) days following the date of such forfeiture shall, 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 felony~~. The fine for a violation of this section shall not exceed~~ and shall be fined not more than One Thousand Dollars ($1,000.00) or imprisoned not more than one (1) year, or both. 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 363. AMENDATORY 22 O.S. 1991, Section 1263, as amended by Section 438, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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 be guilty of a felony. ~~The fine for a~~ A violation of any provision of this section shall be punished by a fine of not less than Fifty Dollars ($50.00), nor more than Two Thousand Dollars ($2,000.00), and imprisonment of not less than thirty (30) days in jail, nor more than five (5) years in the State Penitentiary.

SECTION 364. AMENDATORY 22 O.S. 1991, Section 1264, as amended by Section 439, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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 felony of perjury and, upon conviction therefor, shall be imprisoned in the State Penitentiary not less than two (2) years nor more than five (5) years for each offense.

SECTION 365. AMENDATORY 22 O.S. 1991, Section 1404, as amended by Section 440, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, 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 felony~~ punished by a term of imprisonment of not less than ten (10) years 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. 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 derived pecuniary value, or by which he 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, 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 366. AMENDATORY 26 O.S. 1991, Section 16-101, as amended by Section 441, Chapter 133, O.S.L. 1997 (26 O.S. Supp. 1998, Section 16-101), is amended to read as follows:

Section 16-101. Any person deemed guilty of a felony under provisions of this act shall, upon conviction, be confined in the State Penitentiary~~. The fine for such a violation shall not exceed~~ <u>for not more than two (2) years, or fined not more than</u> Five Thousand Dollars ($5,000.00)<u>, or both</u>.

SECTION 367. AMENDATORY 29 O.S. 1991, Section 3-201, as amended by Section 442, Chapter 133, O.S.L. 1997 (29 O.S. Supp. 1998, 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 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 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 shall be guilty of a felony <u>and</u>, upon

conviction~~. Any game warden violating the provisions of this subsection~~, shall be sentenced to a term not less than two (2) years nor more than seven (7) years in the State Penitentiary and shall be summarily removed from office.

SECTION 368. AMENDATORY 34 O.S. 1991, Section 23, as amended by Section 443, Chapter 133, O.S.L. 1997 (34 O.S. Supp. 1998, 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 is legally entitled to vote. Any person signing any name other than his own to any petition, or knowingly signing his 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 felony~~. The fine for a violation of this section~~ and shall ~~not exceed~~ be punished by a fine of not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the State Penitentiary not exceeding two (2) years, or by both such fine and imprisonment in the discretion of the court before which such conviction shall be had.

SECTION 369. AMENDATORY 36 O.S. 1991, Section 311.1, as last amended by Section 444, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1998, 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 felony~~. The fine for the violation shall not~~, for which the punishment shall be a fine of not to exceed Five Thousand Dollars ($5,000.00). 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 be guilty of a felony~~. The fine for the violation shall not~~, for which the punishment for each occurrence shall be a fine of not to exceed Five Thousand Dollars ($5,000.00)~~. Any~~, or commitment to the custody of the Department of Corrections for not less than one (1) year and not more than five (5) years or both said fine and commitment, and 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 to timely file any statement required by this Code shall be subject, after notice and hearing, to censure, suspension or revocation of certificate. Annual statements filed after the last day of February shall be accompanied by a late filing fee in the amount of Two Hundred Fifty Dollars ($250.00). Repeated willful violations, after notice and hearing, may subject the insurer to both censure, suspension, or revocation of certificate and fine of not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00) for each occurrence in addition to the late filing fee. Any late filing fees and fines 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 370. AMENDATORY 36 O.S. 1991, Section 935, as amended by Section 446, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1998, 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 this act.

B. A person convicted of violating this section shall be guilty of a felony~~. The fine for a violation of this section shall be~~ and, upon conviction, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by imprisonment for not more than three (3) years or by both such fine and imprisonment.

SECTION 371. AMENDATORY 37 O.S. 1991, Section 538, as amended by Section 451, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1998, 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 possession a valid and existing distiller's license issued pursuant to the provisions of the Oklahoma Alcoholic Beverage Control Act shall be guilty of a felony~~,~~ and upon conviction~~. The fine for a violation of this subsection shall~~ be fined not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00), or imprisoned in the State Penitentiary for not more than three (3) years, or both such fine and imprisonment.

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 be guilty of a felony~~,~~ and upon conviction~~. The fine~~

~~for a violation of this subsection shall~~ be fined not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00), or imprisoned in the State Penitentiary for not more than three (3) years, or both such fine and imprisonment.

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 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 be guilty of a felony~~. The felony fine for a violation of this subsection shall not exceed~~ and be fined not more than Two Thousand Five Hundred Dollars ($2,500.00), or imprisoned in the State Penitentiary for not more than one (1) year, or both such fine and imprisonment.

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 be guilty of a misdemeanor and upon conviction be fined not more than One Thousand Five Hundred Dollars ($1,500.00), or imprisoned 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 age in writing or by presenting false documentation of age for the purpose of inducing any person to sell or serve him alcoholic beverage or issue him 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 be guilty of a misdemeanor and fined 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 be guilty of a felony~~. The fine for a violation of this~~

~~subsection shall be~~, and shall be fined not less than Two Thousand Five Hundred Dollars ($2,500.00) nor more than Five Thousand Dollars ($5,000.00), or imprisoned in the State Penitentiary for not more than five (5) years, or both such fine and imprisonment. 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 be guilty of a felony~~. The fine for a violation of this subsection~~, and shall be fined not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00), or imprisoned in the State Penitentiary for not more than one (1) year, or both such fine and imprisonment.

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 be guilty of a misdemeanor, and shall be fined not more than One Hundred Dollars ($100.00), or imprisoned 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 be guilty of a misdemeanor.

SECTION 372. AMENDATORY 37 O.S. 1991, Section 587, as amended by Section 452, Chapter 133, O.S.L. 1997 (37 O.S. Supp. 1998, 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 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 be guilty of a felony and, upon conviction~~. The fine for the violation~~, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) and by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years. Any person who shall have in his possession any molds, dies, engraving, or other articles, things or machines used or capable of being used to counterfeit said stamps, shall be guilty of a felony and, upon conviction~~. The fine for the violation~~, shall be punished by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) and by imprisonment in the State Penitentiary for not less than one (1) year nor more than five (5) years.

SECTION 373. AMENDATORY 40 O.S. 1991, Section 169, as amended by Section 454, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, 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 be guilty of a felony, and on conviction thereof shall be imprisoned in the State Penitentiary not less than one (1) year nor more than five (5) years. 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 374. AMENDATORY 40 O.S. 1991, Section 182, as amended by Section 455, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, 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 be deemed guilty of a felony, and shall upon conviction, be punished by imprisonment for a period of not less than one (1) year nor more than two (2) years.

SECTION 375. AMENDATORY 40 O.S. 1991, Section 196.13, as amended by Section 456, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, 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 be guilty of a felony and, upon conviction~~. The~~, shall be punished by a fine ~~for a violation of this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00) or double the amount of the kickback or by imprisonment in the State Penitentiary for a period not to exceed five (5) years, or both such fine and imprisonment.

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 376. AMENDATORY 42 O.S. 1991, Section 153, as amended by Section 460, Chapter 133, O.S.L. 1997 (42 O.S. Supp. 1998, Section 153), is amended to read as follows:

Section 153. ~~(1)~~ A. 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)~~ B. Any person willfully and knowingly appropriating such trust funds to a use not permitted by subsection ~~(1)~~ A of this section, upon conviction, shall be guilty of the felony of embezzlement~~. The fine for a violation of this subsection~~ and shall be punished by imprisonment in the State Penitentiary for a period not to exceed five (5) years or by a fine not to exceed Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

~~(3)~~ C. 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)~~ B of this section.

~~(4)~~ D. 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 377. AMENDATORY 43 O.S. 1991, Section 14, as amended by Section 461, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1998, 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 be deemed

guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section shall not exceed~~ shall be fined in any sum not exceeding 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~~ and imprisonment in the State Penitentiary not less than one (1) year nor more than five (5) years.

SECTION 378. AMENDATORY 43 O.S. 1991, Section 124, as amended by Section 463, Chapter 133, O.S.L. 1997 (43 O.S. Supp. 1998, 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 felony and shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than three (3) years.

SECTION 379. AMENDATORY 44 O.S. 1991, Section 210, as amended by Section 465, Chapter 133, O.S.L. 1997 (44 O.S. Supp. 1998, 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, 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 in the discharge of their duties, shall be deemed guilty of a felony~~,~~ and upon conviction shall be imprisoned in the State Penitentiary not more than two (2) years.

SECTION 380. AMENDATORY 45 O.S. 1991, Section 807, as amended by Section 466, Chapter 133, O.S.L. 1997 (45 O.S. Supp. 1998, 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 shall be guilty of a felony~~,~~ and on conviction thereof~~. The fine for a violation of this section~~ shall be subject to a fine in an amount not to exceed Ten Thousand Dollars ($10,000.00), or to imprisonment in the State Penitentiary for not less than one (1) year or more than ten (10) years, or both such fine and imprisonment.

SECTION 381. AMENDATORY 43A O.S. 1991, Section 2-217, as amended by Section 467, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1998, 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 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 be guilty of a felony and, upon conviction~~. The fine for a violation of this section~~, shall be fined not to exceed One Thousand Dollars ($1,000.00) or confined in the State Penitentiary not to exceed five (5) years, or both.

SECTION 382. AMENDATORY 43A O.S. 1991, Section 2-219, as amended by Section 468, Chapter 133, O.S.L. 1997 (43A O.S. Supp. 1998, 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 be guilty of a felony, and on conviction thereof~~. The~~ shall be punished by imprisonment in the State Penitentiary for not more than five (5) years, or a fine ~~for a~~

~~violation of this section shall~~ not ~~exceed~~ exceeding Five Hundred Dollars ($500.00), or both said fine and imprisonment.

SECTION 383. AMENDATORY 47 O.S. 1991, Section 4-107, as amended by Section 473, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, Section 4-107), is amended to read as follows:

Section 4-107. ~~(a)~~ 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 be deemed guilty of a felony~~,~~ and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than five (5) years.

~~(b)~~ 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)~~ 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 felony.

~~(d)~~ 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)~~ 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; and

3. "Falsify" includes alter and forge.

~~(f)~~ 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 384. AMENDATORY 47 O.S. 1991, Section 4-108, as amended by Section 474, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 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 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 possession any motor vehicle which he 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 duty as such officer, shall be deemed guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be fined not less than One Hundred Dollars ($100.00) nor more than Five Thousand Dollars ($5,000.00), or imprisoned in the State Penitentiary for a period of not less than one (1) year nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court. 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 385. AMENDATORY 47 O.S. 1991, Section 4-109, as amended by Section 475, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be liable to pay a fine of not less than Fifty Dollars ($50.00), nor more than Five Thousand Dollars ($5,000.00), or to imprisonment in the State Penitentiary for a period of not less than one (1) year, nor more than ten (10) years, or by both such fine and imprisonment, at the discretion of the court.

SECTION 386. AMENDATORY 47 O.S. 1991, Section 6-301, as amended by Section 477, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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~~ paragraph 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 license after such license has been suspended, revoked or canceled or to possess his license after having

received notice of its suspension, revocation, or cancellation,

b. to lend his 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 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, 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 violation of any of the provisions of paragraph 1 of this section shall constitute a misdemeanor and shall, upon conviction thereof, be punishable by a fine of not less than Twenty-five Dollars ($25.00), nor more than Two Hundred Dollars ($200.00); the violation of any of the provisions of ~~paragraphs~~ paragraph 2 or 3 of this section shall constitute a felony and shall, upon conviction thereof~~. The~~, be punishable by a fine ~~for a violation of paragraphs 2 or 3 of this section shall~~ not ~~exceed~~ exceeding Ten Thousand Dollars ($10,000.00) or a term of

imprisonment in the State Penitentiary not to exceed seven (7) years, or by both such fine and imprisonment.

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 387. AMENDATORY 47 O.S. 1991, Section 10-102, as last amended by Section 478, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 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 felony~~. The~~ punishable by imprisonment for not less than ten (10) days nor more than two (2) years, or by a fine ~~for a violation of this section shall be~~ of not less than Fifty Dollars ($50.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

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 388. AMENDATORY Section 6, Chapter 382, O.S.L. 1992, as amended by Section 479, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 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 felony~~. The~~ punishable by imprisonment for not less than one (1) year nor more than ten (10) years, or by a fine ~~for a violation of this section shall be~~ of not less than One Thousand Dollars ($1,000.00) nor more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment.

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 389. AMENDATORY 47 O.S. 1991, Section 11-207, as last amended by Section 1, Chapter 23, O.S.L. 1998 (47 O.S. Supp. 1998, Section 11-207), 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.

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 felony~~. The~~ punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine ~~for a violation of this section shall be~~ of not more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

SECTION 390. AMENDATORY 47 O.S. 1991, Section 11-902, as last amended by Section 3, Chapter 89, O.S.L. 1998 (47 O.S. Supp. 1998, Section 11-902), is amended to read as follows:

Section 11-902. A. It is unlawful and punishable as provided in this section 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 felony~~. The~~ and shall be sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed five (5) years, and a fine ~~shall be~~ of not more than Two Thousand Five Hundred Dollars ($2,500.00)~~. Such fine shall be in addition to other punishment provided for by law and shall not be imposed in lieu of such other punishment~~. Any person who is convicted of a second felony offense pursuant to the provisions of this section shall be ~~subject to~~ sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed seven (7) years and a fine

of 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~~. Any person who is convicted of a third or subsequent felony offense pursuant to the provisions of this section shall be ~~subject to~~ sentenced to the custody of the Department of Corrections for not less than one (1) year and not to exceed ten (10) years and a fine of 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~~.

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 or at a place determined by the Director of the Department of Corrections. 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. Electronic monitoring with participation in a substance abuse treatment program and follow-up treatment; or

3. A correctional facility operated by the Department of Corrections.

E. In the event a felony conviction does not result in the person being sentenced to the custody of the Department of Corrections, the person shall be required to serve not less than ten (10) days of community service, or to undergo inpatient 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, 991c-2 and 996.3 of Title 22 of the Oklahoma Statutes.

F. 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.~~ G. 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.~~ H. 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.~~ I. 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 391. AMENDATORY 47 O.S. 1991, Section 11-904, as amended by Section 482, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 felony~~. The~~ and shall be punished by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a fine ~~for a violation of this subsection shall be~~ of 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.~~

B. 1. Any person who causes an accident resulting in great bodily injury to any person other than himself 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 felony~~. The~~ punishable by imprisonment in a state correctional institution for not less than one (1) year and not more than five (5) years, and a fine ~~for a violation of this subsection shall be for~~ of 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.~~

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 392. AMENDATORY 47 O.S. 1991, Section 11-1111, as amended by Section 483, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 violation of this section shall be deemed a felony and, upon conviction, shall be punishable by imprisonment in a state penal institution for not more than ten (10) years.

SECTION 393. AMENDATORY 47 O.S. 1991, Section 17-102, as amended by Section 484, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, Section 17-102), is amended to read as follows:

Section 17-102. 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 to constitute a felony shall be guilty of a felony~~. The~~ and shall be punished by imprisonment for not less than one (1) year nor more than five (5) years, or by a fine ~~for a felony violation of the Uniform Vehicle Code, unless otherwise provided, shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 394. AMENDATORY 47 O.S. 1991, Section 1503, as amended by Section 486, Chapter 133, O.S.L. 1997 (47 O.S. Supp. 1998, 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 felony~~. The~~, punishable by imprisonment for not more than ten (10) years, or by a fine ~~for a violation of this subsection shall be for~~ of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

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, upon conviction is guilty of a felony~~. The~~, punishable by imprisonment for not more than ten (10) years, or by a fine ~~for a violation of this subsection shall be~~ of not more than One Hundred Thousand Dollars ($100,000.00), or both such imprisonment and fine.

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, upon conviction is guilty of a felony~~. The~~, punishable by imprisonment for not more than five (5) years, or by a fine ~~for a violation of this subsection shall be~~ of not more than Fifty Thousand Dollars ($50,000.00), or by both such imprisonment and fine.

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~~ subsection 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~~ subsection A, B or C of this section, and upon conviction is guilty of a felony~~. The~~, punishable by imprisonment for not more than five (5) years, or by a fine ~~for a violation of this subsection shall be~~ of not more than Fifty Thousand Dollars ($50,000.00), or by both such imprisonment and fine.

E. A person commits conspiracy when, with an intent that a violation proscribed by ~~subsections~~ subsection A, B or C of this section be committed, the person agrees with another to the commission of the violation proscribed by ~~subsections~~ subsection A, B or C of this section, and upon conviction is guilty of felony~~. The~~ punishable by imprisonment for not more than two (2) years, or by a fine ~~for a violation of this subsection shall be~~ of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such imprisonment and fine. 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~~ subsection A, B or C of this section be committed, the person commands, encourages, or requests another to commit the violation proscribed by ~~subsections~~ subsection A, B or C of this section, and upon conviction is guilty of a felony~~. The~~, punishable by imprisonment for not more than two (2) years, or by a fine ~~for a violation of this subsection shall be~~ of

not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

G. A person commits aiding and abetting when, either before or during the commission of a violation proscribed by ~~subsections~~ subsection 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~~ subsection A, B or C of this section, and upon conviction is guilty of a felony~~. The~~, punishable by imprisonment for not more than one (1) year, or by a fine ~~for a violation of this subsection shall be~~ of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

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~~ subsection A, B, C, D, E, F or G of this section, and upon conviction is guilty of a felony~~. The~~ punishable by imprisonment for not more than one (1) year, or by a fine ~~for a violation of this subsection shall be~~ of not more than Five Thousand Dollars ($5,000.00), or by both such imprisonment and fine.

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 395. AMENDATORY 51 O.S. 1991, Section 36.5, as amended by Section 487, Chapter 133, O.S.L. 1997 (51 O.S. Supp. 1998, 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, states as true any material matter which he knows to be false, shall

be guilty of the felony of perjury, and upon conviction~~. In~~ be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in addition ~~to any other punishment imposed~~ thereto, the person shall forfeit any public office or employment held by the person.

SECTION 396. AMENDATORY 51 O.S. 1991, Section 36.6, as amended by Section 488, Chapter 133, O.S.L. 1997 (51 O.S. Supp. 1998, 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 and having entered upon the duties of his office or employment, who, while holding his 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 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 or a change in the form of government thereof by force, violence, or other unlawful means, shall be guilty of a felony and, upon conviction~~. In~~, be punished by imprisonment in the state prison for not less than one (1) year nor more than fourteen (14) years; and in addition ~~to any other punishment imposed~~ thereto, the person shall forfeit his or her office or employment.

SECTION 397. AMENDATORY 52 O.S. 1991, Section 47.6, as last amended by Section 489, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, 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 be guilty of a felony~~.~~ ~~The fine for a violation of this subsection~~ and shall ~~not exceed~~ be subject for each offense to a fine of not more than Twenty-five Thousand Dollars ($25,000.00) or imprisonment for a term not to exceed fifteen (15) years, or by both such fine and imprisonment.

SECTION 398. AMENDATORY 52 O.S. 1991, Section 108, as amended by Section 490, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 108), is amended to read as follows:

Section 108. Every person who, having taken an oath that he 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, shall willfully and contrary to such oath state any material matter which he knows to be

false, is guilty of the felony of perjury, and upon conviction, shall be punished by imprisonment in the State Penitentiary for not more than five (5) years.

SECTION 399. AMENDATORY 52 O.S. 1991, Section 109, as amended by Section 491, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, 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, or by any order, rule or regulation of the Commission made under the provisions of this act 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 knows to be false is guilty of the felony of perjury, and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for not less than two (2) years, nor more than ten (10) years.

SECTION 400. AMENDATORY 52 O.S. 1991, Section 114, as amended by Section 492, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, 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 or by any lawful order, 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 office, arising by virtue of or growing out of the enforcement of or an attempt to enforce the provisions of this act, or any lawful order, 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 when such duty arises by virtue of or grows out of the attempt to enforce the provisions of this act or of any lawful order, rule, or regulation of the Commission made hereunder, shall be guilty of a misdemeanor and upon conviction thereof may be punished by fine not exceeding Five Hundred Dollars ($500.00), or by confinement 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 be guilty of a felony and, upon conviction, may be punished by imprisonment in the State Penitentiary for a period of not less than one (1) year nor more than five (5) years.

SECTION 401. AMENDATORY 52 O.S. 1991, Section 115, as amended by Section 493, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, Section 115), is amended to read as follows:

Section 115. If two or more persons conspire to violate any provision of this act, or any lawful order, 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 or conspire to produce oil or gas from any well or wells in any common source of supply in the State of Oklahoma in excess of the allowable production permitted from such well or wells as fixed and determined by any lawful order, 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 or by any lawful order, 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 felony~~. The fine for the offense shall not exceed~~ in any court having jurisdiction of the offense, be fined not more than Five Thousand Dollars ($5,000.00) or imprisoned in the State Penitentiary for a period of not exceeding five (5) years, or both.

SECTION 402. AMENDATORY 52 O.S. 1991, Section 117, as amended by Section 494, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, 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 acts or conduct with respect to (a) enforcing any order, rule or regulation of the Commission made under this act, or (b) the discharge of any duty by any such officer or person imposed upon him by the provisions of this act, or by any order, rule, or regulation of the Commission issued and promulgated under the provisions of this act, shall be guilty of a felony~~. The fine for a violation of this section~~ and shall be punished by imprisonment in the State Penitentiary not ~~exceed~~ exceeding five (5) years, and by a fine not exceeding 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.~~

SECTION 403. AMENDATORY 52 O.S. 1991, Section 118, as amended by Section 495, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, 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 acts or conduct with respect to (a) enforcing any provision of this act or of any order, rule, or regulation of the Commission made under or in pursuance of this act, or (b) the discharge of any duty by any such officer or person imposed upon him by the provisions of this act, or by any order, rule, or regulation of the Commission issued and promulgated under the provisions of this act, shall be influenced thereby shall be guilty of a felony~~. The fine for a violation of this section shall not exceed~~ punishable by imprisonment in the State Penitentiary not exceeding ten (10) years, and by a fine not exceeding 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.~~

SECTION 404. AMENDATORY 52 O.S. 1991, Section 235, as amended by Section 496, Chapter 133, O.S.L. 1997 (52 O.S. Supp. 1998, 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 be guilty of the felony of grand larceny, and, upon conviction thereof, shall be sentenced to the State Penitentiary not to exceed five (5) years.

SECTION 405. AMENDATORY 56 O.S. 1991, Section 26.18, as amended by Section 497, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, 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, 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 be guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be imprisoned not less than one (1) year or more than five (5) years or be fined not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00), or be both so fined and imprisoned in the discretion of the court.

SECTION 406. AMENDATORY 56 O.S. 1991, Section 183, as last amended by Section 498, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, 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 felony, punishable by imprisonment in the State Penitentiary for not to exceed two (2) years, 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.

SECTION 407. AMENDATORY 56 O.S. 1991, Section 185, as amended by Section 499, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, 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 be guilty of a misdemeanor, 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 felony, if the aggregate amount of assistance received as a result thereof is in excess of Five Hundred Dollars ($500.00), and upon conviction thereof~~. The fine for a felony violation of this section~~ shall be fined not ~~exceed~~ more than Five Thousand Dollars ($5,000.00) or be imprisoned in the State Penitentiary for a term not more than two (2) years or by both such fine and imprisonment in the discretion of the court.

SECTION 408. AMENDATORY 56 O.S. 1991, Section 243, as last amended by Section 500, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, 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 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 any of the provisions of this section shall be guilty of a:

a. misdemeanor, 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 punishable by a fine of not more than Five Hundred Dollars ($500.00), or by 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. felony, 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)<u>, and</u>, upon conviction thereof~~. The fine for a felony violation of this section shall not exceed~~<u>, shall be punishable by a fine of not more than</u> Five Thousand Dollars ($5,000.00)<u>, or by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court</u>.

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 felony~~. The~~, punishable by a fine ~~for a violation~~ of ~~this paragraph shall~~ not ~~exceed~~ more than Five Thousand Dollars ($5,000.00), by imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment, in the discretion of the court.

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 409. AMENDATORY 56 O.S. 1991, Section 1006, as amended by Section 501, Chapter 133, O.S.L. 1997 (56 O.S. Supp. 1998, Section 1006), is amended to read as follows:

Section 1006. A. Any person found to have committed 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 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 felony, and upon conviction thereof~~. The fine for a felony Medicaid fraud violation~~ shall ~~be~~ pay a fine 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 be imprisoned for not more than three (3) years, or both such fine and imprisonment.

2. Any person committing 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 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 for not more than one (1) year, or both such fine and imprisonment.

Any person who violates paragraph 7 of subsection A of Section 1005 of this title shall be guilty of a felony.

SECTION 410. AMENDATORY 57 O.S. 1991, Section 13, as amended by Section 502, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 13), is amended to read as follows:

Section 13. If any person committed to prison, for the purpose of detaining him for trial, for a capital offense, shall break prison and escape, he shall be guilty of a felony and shall be imprisoned in the state prison for the term of two (2) years.

SECTION 411. AMENDATORY 57 O.S. 1991, Section 21, as last amended by Section 503, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a violation of this subsection shall be~~ and is subject to imprisonment in the State Penitentiary for not less than one (1) year or more than five (5) years, or a fine of not less than One Hundred Dollars ($100.00) or more than One Thousand Dollars ($1,000.00), or both such fine and imprisonment.

B. If an inmate is found to be in possession of any such item, upon conviction, such inmate shall be guilty of a felony and shall be subject to imprisonment for not less than five (5) years nor more than twenty (20) years in the State Penitentiary.

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 be guilty of a felony and shall be

punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years. 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 412. AMENDATORY 59 O.S. 1991, Section 15.26, as last amended by Section 505, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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 subject to his direction shall be guilty of a felony, and upon conviction~~. The fine for a violation of this section shall not exceed~~ shall be punishable by imprisonment for a period of not more than one (1) year, or by a fine of not more than Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment.

SECTION 413. AMENDATORY 59 O.S. 1991, Section 396.25, as amended by Section 507, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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, and any person who with like intent, aids or abets any person in violation of this section or any portion thereof, shall be deemed guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be punished by a fine of not less than Five Hundred Dollars ($500.00), nor exceeding 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~~, and imprisonment in the State Penitentiary for a period of not less than three (3) years and not more than fifty (50) years. 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 414. AMENDATORY 59 O.S. 1991, Section 475.20, as last amended by Section 508, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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, 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 be guilty of a misdemeanor, for the first offense and a felony for the second offense, upon conviction thereof. 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~~ Upon conviction, the person or entity shall be sentenced to pay a fine of not less than Two Hundred Fifty Dollars ($250.00), nor more than Two Thousand Dollars ($2,000.00), or be

imprisoned for a period not exceeding one (1) year, or both, for each offense.

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~~ paragraph 1 of this ~~section~~ subsection, 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, 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 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 415. AMENDATORY 59 O.S. 1991, Section 1322, as last amended by Section 510, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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 willful misstatement in such affidavit relating to the security or consideration promised or given shall ~~be~~ <u>render the person making it subject to the same prosecution and penalty as one who commits</u> the felony of perjury.

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 416. AMENDATORY 59 O.S. 1991, Section 1335, as amended by Section 511, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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 within thirty (30) days following the date of such forfeiture, or (2) willfully fails to comply with the terms of his personal recognizance, shall be guilty of a felony~~. The fine for a violation of this section~~ and shall be fined not ~~exceed~~ more than Five Thousand Dollars ($5,000.00) or imprisoned not more than two (2) years, or both.

SECTION 417. AMENDATORY 59 O.S. 1991, Section 1512, as last amended by Section 512, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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 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.

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 shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not in excess of One

Thousand Dollars ($1,000.00), by confinement 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 be guilty of a felony, and upon conviction~~. The fine for a violation of this paragraph~~ shall ~~not~~ be punished by imprisonment in the State Penitentiary not to exceed five (5) years or in the county jail not to exceed one (1) year, or by a fine not to exceed Five Hundred Dollars ($500.00), or by both such imprisonment and fine.

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 pledged or sold in that transaction were stolen or embezzled shall be guilty of a misdemeanor and upon conviction shall be punished 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, 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 418. AMENDATORY 59 O.S. 1991, Section 1529, as amended by Section 513, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, Section 1529), is amended to read as follows:

Section 1529. Willful violation of any of the provisions of this act 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 a willful violation of this act shall be a felony punishable by not more than three (3) years in the State Penitentiary.

SECTION 419. AMENDATORY 59 O.S. 1991, Section 1750.11, as amended by Section 514, Chapter 133, O.S.L. 1997 (59 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a violation of this subsection shall not exceed~~ punishable by a term of imprisonment for not less than two (2) years nor more than five (5) years, or by a fine of not more than Two Thousand Dollars ($2,000.00), or by both such imprisonment and fine.

SECTION 420. AMENDATORY 62 O.S. 1991, Section 81, as amended by Section 518, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1998, 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, 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 shall so fail, neglect or refuse to comply with 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 state on his official bond for a sum double in amount of any such illegal or fraudulent voucher, and shall be deemed guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be punished by a fine in a sum of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) and by imprisonment in the State Penitentiary for a term

of not less than one (1) year nor more than five (5) years. ~~Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.~~

SECTION 421. AMENDATORY 62 O.S. 1991, Section 89.11, as last amended by Section 519, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1998, 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 a felony~~. The fine for a violation of this subsection~~ and shall be punishable by imprisonment in the State Penitentiary for a term not to exceed three (3) years, by a fine of Ten Thousand Dollars ($10,000.00)~~. A violation of this section~~, or by both such imprisonment and fine, and shall also constitute 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 422. AMENDATORY 62 O.S. 1991, Section 604, as amended by Section 520, Chapter 133, O.S.L. 1997 (62 O.S. Supp. 1998, Section 604), is amended to read as follows:

Section 604. Any person who with intent to defraud uses on a public security:

~~(a)~~ 1. A facsimile signature, or any reproduction of it, of any authorized officer~~,~~; or

~~(b)~~ 2. 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 guilty of a felony and shall be punishable as provided by Section 9 of Title 21 of the Oklahoma Statutes.

SECTION 423. AMENDATORY 63 O.S. 1991, Section 1-731, as amended by Section 523, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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. Any person violating this section shall be guilty of a felony punishable by imprisonment for not less than one (1) year nor more than three (3) years in the State Penitentiary.

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 424. AMENDATORY 63 O.S. 1991, Section 2-312.1, as amended by Section 527, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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, upon conviction thereof shall be guilty of a felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term of not more than three (3) years, or by a fine ~~for a violation of this section shall~~ not to exceed Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

SECTION 425. AMENDATORY 63 O.S. 1991, Section 2-328, as amended by Section 528, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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 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 second or subsequent violation of subsection A of this section shall be a felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by a fine ~~for a violation of this subsection shall~~ not to exceed Twenty-five Thousand Dollars ($25,000.00), or by both such fine and

imprisonment. 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 under subsection C or E of this section is a felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by a fine ~~for a violation of this subsection shall~~ not to exceed Twenty-five Thousand Dollars ($25,000.00), or by both such fine and imprisonment. Any imprisonment imposed shall not run concurrent with other imprisonment sentences for violations of other provisions of Title 63 of the Oklahoma Statutes.

SECTION 426. AMENDATORY 63 O.S. 1991, Section 2-401, as last amended by Section 529, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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 or to 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;

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 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 felony~~. The~~ and shall be sentenced to a term of imprisonment for not less than five (5) years nor more than life and 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. 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 felony~~. The~~ and shall be sentenced to a term of imprisonment for not less than two (2) years nor more than life and 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. 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 felony~~. The~~ and shall be sentenced to a term of imprisonment for not more than five (5) years and 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;

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 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 felony~~. The~~ and shall be sentenced to a term of imprisonment for not more than five (5) years and 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; 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 guilty of a felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary for a term not to exceed life and 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 a felony~~. The~~ punishable by imprisonment in the State Penitentiary for a term of not less than ten (10) years nor more than life and 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.

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 or subsection E of this section, shall be ~~subject to~~ punished by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized, which shall be in addition to other punishment provided 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. Any person who is at least eighteen (18) years of age and who violates the provisions of this section by using or soliciting the use of services of a person less than eighteen (18) years of age to distribute, dispense, transport with intent to distribute or dispense or cultivate a controlled dangerous substance or by distributing a controlled dangerous substance to a person under eighteen (18) years of age is punishable by twice the fine and by twice the imprisonment otherwise authorized.

E. Any person who violates any provision of this section by transporting with intent to distribute or dispense, distributing or possessing with intent to distribute a controlled dangerous substance to a 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 public housing project shall be punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine or by both, not exceeding twice that authorized by the appropriate provision of this section and 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, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and 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.

F. 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 guilty of a felony~~. The~~ and shall be punished by imprisonment in the State Penitentiary for not less than twenty (20) years nor more than life 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. A person convicted of a second or subsequent violation of the provisions of this subsection shall be required to serve at least ten (10) years of such person's sentence before becoming eligible for parole or any early release from incarceration.

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 of this title.

G. For purposes of this section, "public housing project" means any dwelling or accommodations operated as a state or federally subsidized multifamily housing project by any housing authority, nonprofit corporation or municipal developer or housing projects created pursuant to the Oklahoma Housing Authorities Act.

SECTION 427. AMENDATORY 63 O.S. 1991, Section 2-402, as last amended by Section 530, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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.

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 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 guilty of a felony <u>punishable by imprisonment for not less than two (2) years nor more than ten (10) years</u>. A second or subsequent violation 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 a felony <u>punishable by imprisonment for not less than four (4) years nor more than twenty (20) years</u>.

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 guilty of a misdemeanor punishable by confinement for not more than one (1) year. A second or subsequent violation of this section with respect to any Schedule III, IV or V substance, <u>marihuana,</u> 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 a felony punishable by imprisonment for not less than two (2) years nor more than ten (10) years. ~~A second or subsequent violation of this section with respect to marihuana, other than possession of marihuana, shall be a felony.~~

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 be guilty of a felony~~.~~ and punished by:

1. For a first offense, a term of imprisonment, or by the imposition of a fine ~~shall~~, or by both, not ~~exceed~~ exceeding 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, a term of imprisonment not exceeding three times that authorized by the appropriate provision of this section and 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.

SECTION 428. AMENDATORY 63 O.S. 1991, Section 2-404, as amended by Section 531, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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 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;

4. To refuse or fail to make, keep, or furnish any record, notification, order form, statement, invoice, or information required under this act;

5. To refuse any entry into any premises or inspection authorized by this 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.

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 guilty of a felony~~. The~~ punishable by imprisonment for not more than five (5) years, and 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.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine 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.

SECTION 429. AMENDATORY 63 O.S. 1991, Section 2-406, as amended by Section 533, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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 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; or

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 this section is guilty of a felony~~. The~~ punishable by imprisonment for not more than twenty (20) years or a fine ~~for a violation of this subsection shall be~~ of not more than Two Hundred Fifty Thousand Dollars ($250,000.00), or both.

C. Any person convicted of a second or subsequent violation of this section is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized. Convictions for second or subsequent violations of this section shall not be subject to statutory provisions for suspended sentences, deferred sentences, or probation.

SECTION 430. AMENDATORY 63 O.S. 1991, Section 2-407, as last amended by Section 534, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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, 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 this section is guilty of a felony~~. The~~ punishable by imprisonment for not more than ten (10) years, by a fine ~~for a violation of this subsection shall be~~ of not more than Ten Thousand Dollars ($10,000.00), or by both such fine and imprisonment. A second or subsequent offense under this section is a felony~~. The~~ punishable by imprisonment for not less than four (4) years nor more than twenty (20) years, 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 by both such fine and imprisonment.

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 431. AMENDATORY 63 O.S. 1991, Section 2-415, as last amended by Section 535, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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:

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 be 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 be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00)

and not more than One Hundred Thousand Dollars ($100,000.00), or

b. one thousand (1,000) pounds or more of a mixture or substance containing a detectable amount of marihuana, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

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 punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), 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 punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

3. Heroin:

a. ten (10) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or

b. twenty-eight (28) grams or more of a mixture or substance containing a detectable amount of heroin, such violation shall be punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

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 punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than Two Hundred Thousand Dollars ($200,000.00), 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 punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00);

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 punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), or

b. if the quantity involved is more than one thousand (1,000) dosage units, such violation shall be punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00);

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 punishable by a fine of not less than Twenty Thousand Dollars ($20,000.00) and not more than Fifty Thousand Dollars ($50,000.00), 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 punishable by a fine of not less than Fifty Thousand Dollars ($50,000.00) and not more than Two Hundred Fifty Thousand Dollars ($250,000.00); 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 punishable by a fine of not less than Twenty-five Thousand Dollars ($25,000.00) and not more than One Hundred Thousand Dollars ($100,000.00), 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 punishable by a fine of not less than One Hundred Thousand Dollars ($100,000.00) and not more than Five Hundred Thousand Dollars ($500,000.00).

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,~~ punishable by a term of imprisonment as follows:

1. Not less than twice the term of imprisonment provided for in Section 2-401 of this title;

2. If the person has previously been convicted of one violation of this section or has been previously convicted of a felony violation of the Uniform Controlled Dangerous Substances Act arising

from separate and distinct transactions, not less than three times the term of imprisonment provided for in Section 2-401 of this title; and

3. If the person has previously been convicted of two or more violations of this section or any provision of the Uniform Controlled Dangerous Substances Act which constitutes a felony, or a combination of such violations arising out of separate and distinct transactions, life without parole.

The terms of imprisonment specified in this subsection 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 432. AMENDATORY 63 O.S. 1991, Section 2-509, as last amended by Section 536, Chapter 133, O.S.L. 1997 (63 O.S. Supp. 1998, 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 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 in accordance with Section 2-505 of this title.

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 felony~~. The~~ and punishable as such by a fine ~~for a violation of this section shall~~ of not to exceed Fifty

Thousand Dollars ($50,000.00) and imprisonment in the State Penitentiary for not less than two (2) years nor more than life. 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. Any person convicted of a second or subsequent violation of subsection B of this section ~~shall be subject to~~ is punishable by a term of imprisonment twice that otherwise authorized and by twice the fine otherwise authorized. 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 who receives information of such plants growing in the State of Oklahoma, 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 433. AMENDATORY 64 O.S. 1991, Section 64, as amended by Section 537, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be guilty of the felony of perjury and, upon conviction thereof, shall be punished by imprisonment in the State Penitentiary for a term not to exceed one (1) year.

SECTION 434. AMENDATORY 64 O.S. 1991, Section 88, as amended by Section 538, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 lease term, or upon cancellation of a certificate of purchase on state-owned lands, shall be deemed guilty of a felony, and upon conviction thereof~~. The fine for a violation of this section~~ shall be punished 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 State Penitentiary for not less than one (1) year nor more than five (5) years, or by both such fine and imprisonment. 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 435. AMENDATORY 64 O.S. 1991, Section 111, as amended by Section 539, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction~~. The fine for a violation of this section~~ shall be punished by imprisonment in the State Penitentiary not ~~exceed~~ exceeding five (5) years, or by a fine not exceeding Three Thousand Dollars ($3,000.00) and imprisonment in jail not exceeding one (1) year.

SECTION 436. AMENDATORY 64 O.S. 1991, Section 112, as amended by Section 540, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be deemed guilty of a felony and, upon conviction~~. The fine for a violation of this section~~, shall be punished by imprisonment in the State Penitentiary not ~~exceed~~ exceeding five (5) years, or by a fine not exceeding Three Thousand Dollars ($3,000.00) and imprisonment in jail not exceeding one (1) year.

SECTION 437. AMENDATORY 64 O.S. 1991, Section 114, as amended by Section 541, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be guilty of a felony and shall be punished by confinement in the State Penitentiary not exceeding five (5) years and, 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.

SECTION 438. AMENDATORY 64 O.S. 1991, Section 115, as amended by Section 542, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction shall be punished by imprisonment in the State Penitentiary not exceeding five (5) years and in addition thereto shall be immediately discharged by the Commissioners of the Land Office upon the discovery of such acts.

SECTION 439. AMENDATORY 64 O.S. 1991, Section 123, as amended by Section 543, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 violating this provision shall be guilty of a felony and, upon conviction~~. The fine for a violation of this provision shall be~~, shall be punished 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 State Penitentiary for a term of not more than three (3) years or both such fine and imprisonment; 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.

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 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 440. AMENDATORY 64 O.S. 1991, Section 132, as amended by Section 544, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, Section 132), is amended to read as follows:

Section 132. This act 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 shall be deemed guilty of a felony and, upon conviction~~. The fine for a violation of this section~~, shall be punished by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00) and by imprisonment in the State Penitentiary for a term of not less than three (3) years nor more than ten (10) years or by both such fine and imprisonment.

SECTION 441. AMENDATORY 64 O.S. 1991, Section 157, as amended by Section 545, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be guilty of the felony of perjury and upon conviction thereof in a court of competent jurisdiction shall be punished by a fine not to exceed Three

Thousand Dollars ($3,000.00) or by imprisonment in the State Penitentiary not exceeding five (5) years or by both such fine and imprisonment.

SECTION 442. AMENDATORY 64 O.S. 1991, Section 251, as amended by Section 546, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 be deemed guilty of the felony of perjury~~,~~ and upon conviction thereof shall be punished by imprisonment in the State Penitentiary for a term of not less than one (1) year nor more than three (3) years. 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 be guilty of the felony of perjury and shall be punished as herein provided.

SECTION 443. AMENDATORY 64 O.S. 1991, Section 459, as amended by Section 547, Chapter 133, O.S.L. 1997 (64 O.S. Supp. 1998, 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 this act, or who violates any other terms or provisions of this act, shall be guilty of a felony~~,~~ and upon conviction~~. The fine for a violation of this section~~ shall be punished by a fine of not less than Fifty Dollars ($50.00) and not to exceed Fifty Thousand Dollars ($50,000.00), or by imprisonment for not less than thirty (30) days and not to exceed ten (10) years, or by both such fine and imprisonment.

SECTION 444. AMENDATORY 66 O.S. 1991, Section 304, as last amended by Section 20, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (66 O.S. Supp. 1998, Section 304), is amended to read as follows:

Section 304. A. The Department of Transportation 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 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 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 the Railroad Revitalization 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 the Railroad Revitalization Act or from revenues; provided, further, no attorney employed by the Department, nor any member of any law firm of which the member 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 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, not to exceed twenty percent (20%) of the funds available in the Railroad Maintenance Revolving Fund during any one (1) year, at locations approved by the Oklahoma Corporation Commission, such Oklahoma Railroad Maintenance Revolving Fund monies as may be budgeted by the Department of Transportation for the purposes of installing signal lights, gate arms, or other active warning devices where any public road, street, or highway crosses a railroad right-of-way; provided, however, nothing in this act shall negate, change, or otherwise modify any existing statutory or common law duty of a railroad company;

10. To expend income and funds from the Oklahoma Railroad Maintenance Revolving Fund in the exercise of any or all of the foregoing powers; and

11. To do all things necessary or convenient to carry out the powers expressly granted in this 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 of this provision shall constitute a ~~Schedule F~~ felony and, upon conviction, ~~if the offense occurs on or after the effective date of Section 20.1 of Title 21 of the Oklahoma Statutes. If the offense occurs before the effective date of Section 20.1 of Title 21 of the Oklahoma Statutes, the crime~~ shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years~~. The~~ or a fine ~~for a violation of this provision shall be~~ not less than Five Hundred Dollars ($500.00) ~~and not~~ nor more than Five Thousand Dollars ($5,000.00) or by both such fine and imprisonment.

C. All meetings of the Department shall be open public meetings, and all records shall be public records, except when considering personnel.

SECTION 445. AMENDATORY 67 O.S. 1991, Section 83, as amended by Section 549, Chapter 133, O.S.L. 1997 (67 O.S. Supp. 1998, 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, shall be deemed guilty of a felony, and upon conviction~~. The fine for a violation of this section shall be~~ in any court of competent jurisdiction shall be fined in any sum 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. Any~~ and confined in the State Penitentiary for a term of not less than one (1) year and not more than five (5) years, and any person so convicted shall be forever barred from holding any office of profit or trust within the State of Oklahoma.

SECTION 446. AMENDATORY 68 O.S. 1991, Section 218.1, as amended by Section 551, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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 felony~~. The fine for the violation shall not~~ punishable by a fine not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary for a term of not more than ten (10) years or by both such fine and imprisonment.

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 felony~~. The fine for a violation of this subsection shall not~~ punishable by a fine not to exceed Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary for a term of not more than ten (10) years, or by both such fine and imprisonment.

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 447. AMENDATORY 68 O.S. 1991, Section 240.1, as amended by Section 552, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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 be guilty, upon conviction, of a felony~~. The fine~~

~~for a violation of this subsection~~ and shall be punished by imposition of a fine of not less than One Thousand Dollars ($1,000.00) and not more than Fifty Thousand Dollars ($50,000.00) or by imprisonment in the State Penitentiary for not less than two (2) years and not more than five (5) years, or by both such fine and imprisonment.

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 448. AMENDATORY 68 O.S. 1991, Section 241, as amended by Section 553, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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 be guilty, upon conviction, of a felony~~. The fine for a violation of this subsection~~ and shall be punished by the imposition of a fine of not less than One Thousand Dollars ($1,000.00) and not more than Fifty Thousand Dollars ($50,000.00), or shall be imprisoned in the State Penitentiary for not less than two (2) years and not more than five (5) years, or shall be punished by both said fine and imprisonment.

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 449. AMENDATORY 68 O.S. 1991, Section 246, as amended by Section 555, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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 be guilty, upon conviction, of the felony of perjury~~. The fine for the violation~~ and shall be punished by the imposition of a fine of not less than Five Hundred Dollars ($500.00) or more than Five Thousand Dollars ($5,000.00), or by imprisonment in the county jail for not less than ninety (90) days or more than one (1) year or by imprisonment in a state correctional institution for not less than ninety (90) days, or more than ten (10) years.

SECTION 450. AMENDATORY 68 O.S. 1991, Section 317, as amended by Section 556, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 317), is amended to read as follows:

Section 317. ~~(a)~~ 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~~ of this title, 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 be guilty of a felony, and upon conviction thereof~~. The fine for a violation of this subsection shall not exceed~~ shall be punished by imprisonment in the State Penitentiary for a term of not more than twenty (20) years, or by a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

~~(b)~~ B. Each person violating any other provision of this article shall be guilty of a misdemeanor, and upon conviction thereof shall be punished 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 451. AMENDATORY Section 4, Chapter 339, O.S.L. 1992, as amended by Section 557, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 349), is amended to read as follows:

Section 349. A. There is hereby levied upon the sale of cigarettes at a tribally owned or licensed store a tax in the amount of seventy-five percent (75%) of the cigarette excise taxes imposed by Section 301 et seq. of ~~Title 68 of the Oklahoma Statutes~~ this

title, which tax shall be in lieu of all sales and excise taxes on such cigarettes.

B. A federally recognized Indian tribe or nation may receive a refund for a portion of the tax imposed pursuant to the provisions of this section if it can provide sufficient documentation that sales of cigarettes to its tribal members exceed twenty-five percent (25%) of its total sales of cigarettes. The amount of the refund shall be the amount of tax paid which is attributable to sales of cigarettes made to tribal members which is in excess of twenty-five percent (25%) of the tribe's or nation's total sales of cigarettes. Refunds shall be paid quarterly. The Tax Commission shall promulgate rules and regulations to administer the provisions of this subsection.

C. All cigarettes which are sold or held for sale at a tribally owned or licensed store shall have affixed thereto a stamp or stamps evidencing payment of the in lieu tax required by subsection A of this section.

D. It shall be unlawful for any person knowingly to ship, transport, receive, possess, sell, distribute or purchase contraband cigarettes. Any person who engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband cigarettes shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00). Any person convicted of a second or subsequent violation hereof shall be guilty of a felony and shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00), by a term of imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment.

E. Any person who knowingly engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband cigarettes shall be subject to the forfeiture of property as is provided by Section 305 of ~~Title 68 of the Oklahoma Statutes~~

this title and assessment of penalty as provided thereby and assessment for any delinquent taxes found to be owing.

SECTION 452. AMENDATORY Section 10, Chapter 339, O.S.L. 1992, as amended by Section 558, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 426), is amended to read as follows:

Section 426. A. There is hereby levied upon the sale of tobacco products at a tribally owned or licensed store a tax in the amount of seventy-five percent (75%) of the tobacco products excise taxes imposed by Section 401 et seq. of ~~Title 68 of the Oklahoma Statutes~~ this title, which tax shall be in lieu of all sales and excise taxes on said tobacco products.

B. A federally recognized Indian tribe or nation may receive a refund for a portion of the tax imposed pursuant to the provisions of this section if it can provide sufficient documentation that sales of tobacco products to its tribal members exceed twenty-five percent (25%) of its total sales of tobacco products. The amount of the refund shall be the amount of tax paid which is attributable to sales of tobacco products made to tribal members which is in excess of twenty-five percent (25%) of the tribe's or nation's total sales of tobacco products. Refunds shall be paid quarterly. The Tax Commission shall promulgate rules and regulations to administer the provisions of this subsection.

C. It shall be unlawful for any person knowingly to ship, transport, receive, possess, sell, distribute or purchase contraband tobacco products. Any person who engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband tobacco products shall, upon conviction, be guilty of a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00). Any person convicted of a second or subsequent violation hereof shall be guilty of a felony and shall be punishable by a fine of not more than Five Thousand Dollars ($5,000.00), by a

term of imprisonment in the State Penitentiary for not more than two (2) years, or by both such fine and imprisonment.

D. Any person who knowingly engages in shipping, transporting, receiving, possessing, selling, distributing or purchasing contraband tobacco products shall be subject to the forfeiture of property as is provided by Section 417 of ~~Title 68 of the Oklahoma Statutes~~ this title and assessment of penalty as provided thereby and assessment for any delinquent taxes found to be owing.

SECTION 453. AMENDATORY 68 O.S. 1991, Section 450.8, as amended by Section 559, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 450.8), is amended to read as follows:

Section 450.8 A. Any dealer violating the provisions of this act, 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 guilty of a felony~~. The fine for a violation of this subsection shall not exceed~~ punishable by imprisonment in the State Penitentiary for not more than five (5) years or by the imposition of a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

C. Nothing in this act may in any manner provide immunity for a dealer from criminal prosecution pursuant to Oklahoma law.

SECTION 454. AMENDATORY 68 O.S. 1991, Section 450.9, as amended by Section 560, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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 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 possession, any counterfeit stamps.

C. Any person convicted of violating any provision of this section shall be guilty of a felony~~. The fine for a violation of this section shall not exceed~~ and shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

SECTION 455. AMENDATORY 68 O.S. 1991, Section 2861, as last amended by Section 565, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, 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 be deemed guilty of a felony, and upon conviction thereof~~.~~ ~~The fine for a violation of this section~~ shall be punished by a fine of not less than Two Hundred Dollars ($200.00) and not more than One Thousand Dollars ($1,000.00) or by imprisonment in the State Penitentiary for not less than six (6) months or more than two (2) years, or by both such fine and imprisonment.

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 456. AMENDATORY 68 O.S. 1991, Section 2920, as amended by Section 567, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 2920), is amended to read as follows:

Section 2920. If any county treasurer in this state or his 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 be deemed guilty of a felony, and on conviction thereof shall be sentenced to imprisonment in the State Penitentiary for a time not less than one (1) year nor more than five (5) years.

SECTION 457. AMENDATORY 69 O.S. 1991, Section 310, as amended by Section 569, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1998, Section 310), is amended to read as follows:

Section 310. ~~(a)~~ A. No official or employee of the Commission, governing body or other governmental instrumentality who is authorized in his 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 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)~~ 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 be guilty of a felony~~,~~ and upon conviction thereof~~. The fine for a violation of this section shall~~

~~not exceed~~ shall be punished by imprisonment in the State Penitentiary for a term of not to exceed five (5) years, or by a fine not exceeding Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine. 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)~~ 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 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 be guilty of a felony and, upon conviction, shall be punished and penalized as provided by this section.

~~(d)~~ 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 458. AMENDATORY 69 O.S. 1991, Section 1213, as last amended by Section 570, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1998, Section 1213), is amended to read as follows:

Section 1213. ~~(a)~~ 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)~~ 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 be deemed guilty of a misdemeanor.

~~(b)~~ 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 be guilty of a felony~~. The fine for a violation of this subsection shall not exceed~~ punishable by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by a fine of not more than One Thousand

Dollars ($1,000.00), or by both such fine and imprisonment. 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)~~ 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 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 459. AMENDATORY 69 O.S. 1991, Section 1705, as last amended by Section 21, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (69 O.S. Supp. 1998, Section 1705), is amended to read as follows:

Section 1705. The 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. 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. However, contracts for bridges may include earthwork and structures for the approaches thereto.

(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 of this provision shall constitute a ~~Schedule F~~ felony~~, if the offense occurs on or after the effective date of Section 20.1 of Title 21 of the Oklahoma Statutes. If the offense occurs before the effective date of Section 20.1 of Title 21 of the Oklahoma Statutes, the crime~~ and shall be punishable by incarceration in the custody of the Department of Corrections for a term not to exceed five (5) years~~. The~~ 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 by both such fine and imprisonment.

(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 460. AMENDATORY 69 O.S. 1991, Section 1802, as amended by Section 572, Chapter 133, O.S.L. 1997 (69 O.S. Supp. 1998, Section 1802), is amended to read as follows:

Section 1802. Any person who is convicted of a violation of any of the provisions of this Code herein or by the laws of this state declared to constitute a felony, and for which another penalty is not provided in this Code, shall be punished by imprisonment for not less than one (1) year nor more than five (5) years, or by a fine of not less than Five Hundred Dollars ($500.00) nor more than Five Thousand Dollars ($5,000.00), or by both such fine and imprisonment.

SECTION 461. AMENDATORY 70 O.S. 1991, Section 23-106, as amended by Section 576, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1998, Section 23-106), is amended to read as follows:

Section 23-106. The 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 of violating any of the provisions of this section shall be guilty of a felony~~. The~~, and shall be punishable by a fine ~~for a violation of this section shall~~ of not ~~be~~ less than Five Hundred Dollars ($500.00), and not ~~be~~ more than Five Thousand Dollars ($5,000.00), or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

SECTION 462. AMENDATORY 70 O.S. 1991, Section 3909, as last amended by Section 577, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ <u>punishable by imprisonment in the custody of the Department of Corrections for a period of not more than five (5) years or by a</u> fine ~~for a violation of this section shall~~ <u>of</u> not ~~be~~ more than Twenty Thousand Dollars ($20,000.00)<u>, or by both such fine and imprisonment</u>. Such person shall also be subject to immediate removal from office or employment.

SECTION 463. AMENDATORY 70 O.S. 1991, Section 4306, as amended by Section 578, Chapter 133, O.S.L. 1997 (70 O.S. Supp. 1998, 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 be guilty of a felony~~. The~~ <u>punishable by imprisonment in the State Penitentiary for a period of not more than five (5) years or by a</u> fine ~~for a violation of this section shall~~ <u>of</u> not ~~be~~ more than Twenty Thousand Dollars ($20,000.00)<u>, or by both such fine and imprisonment</u>. Any person found guilty 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 464. AMENDATORY 71 O.S. 1991, Section 407, as last amended by Section 10, Chapter 152, O.S.L. 1998 (71 O.S. Supp. 1998, Section 407), is amended to read as follows:

Section 407. (a) Any person who willfully violates any provision of this act except Section 403 of this title, or who willfully violates any rule or order under this act, or who willfully violates Section 403 of this title knowing the statement made to be false or misleading in any material respect, shall be guilty of a felony, and shall upon conviction~~. The fine for such violation shall~~ be fined not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or imprisoned not more than ten (10) years, or both.

(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 limits the power of the state to punish any person for any conduct which constitutes a crime by statutes.

SECTION 465. AMENDATORY 71 O.S. 1991, Section 460, as amended by Section 580, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1998, 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 or any rule thereunder, or any order of the Administrator of which this person has notice, shall be guilty of a felony~~. The fine for such violation shall~~ <u>and may be fined</u> not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00) <u>or imprisoned not more than five (5) years or both</u>. 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 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 this act 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 466. AMENDATORY 71 O.S. 1991, Section 658, as amended by Section 581, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1998, Section 658), is amended to read as follows:

Section 658. A. Any person who willfully violates any provision of this Code except Section 654 of this title, or any rule under this Code, 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 be guilty of a felony~~. The fine for such violation shall~~ <u>and may be fined</u> not ~~be~~ more than Twenty-five Thousand Dollars ($25,000.00) <u>or imprisoned not more than three (3) years, or both</u>.

B. The Administrator may refer such evidence as is available concerning violations of this Code 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 limits the power of the state to punish any person for any conduct which constitutes a crime under any other statute.

SECTION 467. AMENDATORY 71 O.S. 1991, Section 823, as amended by Section 582, Chapter 133, O.S.L. 1997 (71 O.S. Supp. 1998, 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~~ Section 811, 819, 821 or 822 of this title or who willfully violates any rule under the 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 be guilty of a felony~~,~~ and may upon conviction~~. The fine for such violation shall~~ be fined not ~~be~~ more than Ten Thousand Dollars ($10,000.00) or imprisoned not more than ten (10) years, or both, for each offense. 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 468. AMENDATORY 73 O.S. 1991, Section 162, as amended by Section 583, Chapter 133, O.S.L. 1997 (73 O.S. Supp. 1998, Section 162), is amended to read as follows:

Section 162. (a) It shall be unlawful for any member or employee of the 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 of any of the provisions of this section shall constitute a felony~~. The fine for a violation of this section shall be~~ <u>and shall be punishable by a fine of</u> not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00)<u>, or by imprisonment in the State Penitentiary for not less than one (1) year and not more than five (5) years or by both such fine and imprisonment</u>.

SECTION 469. AMENDATORY 74 O.S. 1991, Section 71, as amended by Section 584, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, 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 be a felony. ~~The fine for a violation of this section shall not~~ Any officer of said Office convicted under this section shall be punished by a fine not to exceed Five Thousand Dollars ($5,000.00) and by imprisonment in the State Penitentiary not less than five (5) years nor more than ten (10) years. Such fine shall be in addition to other punishment provided by law and shall not be imposed in lieu of other punishment.

SECTION 470. AMENDATORY 74 O.S. 1991, Section 85.45h, as amended by Section 585, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, 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~~.~~; or

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 felony~~. The fine for a violation of the Minority Business Enterprise Assistance Act shall not exceed~~, punishable by imprisonment in the State Penitentiary for not more than five (5) years, or a fine of not more than Ten Thousand Dollars ($10,000.00), or by both such imprisonment and fine.

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 471. AMENDATORY 74 O.S. 1991, Section 85.47h, as amended by Section 586, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, Section 85.47h), is amended to read as follows:

Section 85.47h A. A person shall not 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 person shall not 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 any provision of this section shall be guilty of a felony and, upon conviction~~. The fine for a violation of this section shall not exceed~~, shall be subject to a fine not exceeding Ten Thousand Dollars ($10,000.00) or imprisonment of up to five (5) years, or both such fine and imprisonment.

SECTION 472. AMENDATORY 74 O.S. 1991, Section 3404, as amended by Section 590, Chapter 133, O.S.L. 1997 (74 O.S. Supp. 1998, 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 be guilty of a felony~~. The fine for a violation of this section shall not exceed~~, and upon conviction shall be fined not more than Ten Thousand Dollars ($10,000.00) or double the amount of the financial gain or be imprisoned for not more than five (5) years, or both.

SECTION 473. AMENDATORY 79 O.S. 1991, Section 103, as amended by Section 592, Chapter 133, O.S.L. 1997 (79 O.S. Supp. 1998, 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 any infraction of this article, shall be guilty of a

felony, and upon conviction thereof~~. The fine for a violation of this section shall not exceed~~ shall be fined in any sum not exceeding Five Thousand Dollars ($5,000.00), or imprisoned in the State Penitentiary not exceeding five (5) years, or both, at the discretion of the court.

SECTION 474. AMENDATORY 82 O.S. 1991, Section 674, as amended by Section 593, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, 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 this act, 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 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 a felony, and on conviction thereof~~. The fine for a violation of this section shall not exceed~~ shall subject such officer to imprisonment in the State Penitentiary for a term not exceeding two (2) years, or a fine not exceeding Five Thousand Dollars ($5,000.00), or both such fine and imprisonment, and the officer offending shall be liable personally and upon his official bond for all losses to such district and for all profits realized by such unlawful use of monies.

SECTION 475. AMENDATORY 82 O.S. 1991, Section 867, as amended by Section 594, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, 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 shall be guilty of a felony and, on conviction thereof~~. The fine for a violation of this section shall not exceed~~ shall be subject to a fine in an amount not exceeding Ten Thousand Dollars ($10,000.00) or to confinement in the county jail for not less than one (1) year nor more than ten (10) years, or both.

SECTION 476. AMENDATORY 82 O.S. 1991, Section 1086.3, as amended by Section 595, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, 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 provision shall constitute a felony~~. The fine for a violation of this provision shall be~~ and shall be punishable by a fine of not less than Five Hundred Dollars ($500.00) and not more than Five Thousand Dollars ($5,000.00) or by imprisonment in the State Penitentiary for not more than five (5) years, or by both such fine and imprisonment.

SECTION 477. AMENDATORY 82 O.S. 1991, Section 1281, as amended by Section 596, Chapter 133, O.S.L. 1997 (82 O.S. Supp. 1998, 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 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 violation of this section shall be a felony and shall work a forfeiture of office or employment~~. The fine for a violation of this section shall not exceed~~ and shall be punishable by a fine not exceeding Five Hundred Dollars ($500.00), or by imprisonment in the State Penitentiary not exceeding five (5) years, or both.

SECTION 478. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 51.1 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, every person who, having been convicted of any offense punishable by imprisonment in the State Penitentiary, commits any crime after such conviction is punishable therefor as follows:

1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the State Penitentiary for any term exceeding five (5) years, such person is punishable by imprisonment in the State Penitentiary for a term not less than ten (10) years;

2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the State Penitentiary for five (5) years, or any less term, then the person convicted of such subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding ten (10) years; and

3. If such subsequent conviction is for petit larceny, the person convicted of such subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years.

B. Every person who, having been twice convicted of felony offenses, commits a third, or thereafter, felony offenses within ten (10) years of the date following the completion of the execution of the sentence, shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years. 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. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

SECTION 479. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 51.2 of Title 21, unless there is created a duplication in numbering, reads as follows:

No person shall be sentenced as a second and subsequent offender under Section 481 of this act, or any other section of the Oklahoma Statutes, when a period of ten (10) years has elapsed since the completion of the sentence imposed on the former conviction; provided, said person has not, in the meantime, been convicted of a misdemeanor involving moral turpitude or a felony.

SECTION 480. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 51.3 of Title 21, unless there is created a duplication in numbering, reads as follows:

Every person who, having been convicted of petit larceny, or of an attempt to commit an offense which if perpetrated, would be punishable by imprisonment in the State Penitentiary, commits any crime after such conviction, is punishable as follows:

1. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the

State Penitentiary for life, such person is punishable by imprisonment in such prison for life;

2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the State Penitentiary for any term less than for life, such person is punishable by imprisonment in such prison for the longest term prescribed upon a conviction for such first offense; and

3. If such subsequent conviction is for petit larceny, or for any attempt to commit an offense, which, if perpetrated, would be punishable by imprisonment in the State Penitentiary, then such person is punishable by imprisonment in such prison for a term not exceeding five (5) years.

SECTION 481. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 860.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

In all cases in which the defendant is prosecuted for a second or subsequent offense, except in those cases in which former conviction is an element of the offense, the procedure shall be as follows:

1. The trial shall proceed initially as though the offense charged was the first offense; when the indictment or information is read all reference to prior offenses shall be omitted; during the trial of the case no reference shall be made nor evidence received of prior offenses except as permitted by the rules of evidence; the judge shall instruct the jury only on the offense charged; the jury shall be further instructed to determine only the guilt or innocence on the offense charged, and that punishment at this time shall not be determined by the jury; and

2. If the verdict be guilty of the offense charged, that portion of the indictment or information relating to prior offenses shall be read to the jury and evidence of prior offenses shall be received. The court shall then instruct the jury on the law relating to second

and subsequent offenses, and the jury shall then retire to determine the fact of former conviction, and the punishment, as in other cases.

SECTION 482. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 926.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

In all cases of a verdict of conviction for any offense against any of the laws of the State of Oklahoma, the jury may, and shall upon the request of the defendant, assess and declare the punishment in their verdict within the limitations fixed by law, and the court shall render a judgment according to such verdict, except as hereinafter provided.

SECTION 483. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 927.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

Where the jury finds a verdict of guilty, and fails to agree on the punishment to be inflicted, or does not declare such punishment by their verdict, the court shall assess and declare the punishment and render the judgment accordingly.

SECTION 484. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 928.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

If the jury assesses a punishment, whether of imprisonment or fine, greater than the highest limit declared by law for the offense of which they convict the defendant, the court shall disregard the excess and pronounce sentence and render judgment according to the highest limit prescribed by law in the particular case.

SECTION 485. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-13 of Title 22, unless there is created a duplication in numbering, reads as follows:

Sections 485 through 492 of this act shall be known and may be cited as the "Elderly and Incapacitated Victim's Protection Program".

SECTION 486. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-14 of Title 22, unless there is created a duplication in numbering, reads as follows:

The purpose and intent of the Elderly and Incapacitated Victim's Protection Program is to provide enhanced sentencing for persons committing certain offenses against elderly or incapacitated persons.

SECTION 487. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-15 of Title 22, unless there is created a duplication in numbering, reads as follows:

As used in the Elderly and Incapacitated Victim's Protection Program:

1. "Elderly person" means any person sixty-two (62) years of age or older; and

2. "Incapacitated person" means any person who is disabled by reason of mental or physical illness or disability to such extent the person lacks the ability to effectively protect self or property.

SECTION 488. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-16 of Title 22, unless there is created a duplication in numbering, reads as follows:

The provisions of the Elderly and Incapacitated Victim's Protection Program shall apply to any person convicted of one or more of the following offenses where the victim is an elderly or incapacitated person:

1. Assault, battery, or assault and battery with a dangerous weapon;

2. Aggravated assault and battery;

3. Burglary in the second degree;

4. Use of a firearm or offensive weapon to commit or attempt to commit a felony, or pointing a firearm;

5. Grand larceny;

6. Extortion, or obtaining a signature by extortion;

7. Fraud, or obtaining or attempting to obtain property by trick or deception; or

8. Embezzlement.

SECTION 489. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-17 of Title 22, unless there is created a duplication in numbering, reads as follows:

Whenever a person is convicted of an offense enumerated in Section 488 of this act in which the victim is elderly or incapacitated, the court shall upon conviction:

1. Commit the defendant for confinement as provided by law; provided, the first thirty (30) days of the sentence shall not be subject to probation, suspension or deferral; provided further, this mandatory minimum period of confinement shall be served in the county jail as a condition of a suspended or deferred sentence, pursuant to Section 991a of Title 22 of the Oklahoma Statutes and may be served by night or weekend incarceration pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes; and

2. a. Require restitution be paid to the victim for out-of-pocket expenses, loss or damage to property and medical expenses for injury proximately caused by the conduct of the defendant pursuant to Section 490 of this act, or

b. Assign the offender to perform a required term of community service, according to a schedule consistent with the employment and family responsibility of the person convicted, or

c. Require restitution as provided in subparagraph a of this paragraph and community service as provided in subparagraph b of this paragraph; and

3. The court may further impose a fine or any other penalty otherwise provided by law.

SECTION 490. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-18 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. The court shall at the time of sentencing:

1. Determine whether the property may be restored in kind to the owner or the person entitled to possession thereof;

2. Determine whether defendant is possessed of sufficient skill to repair and restore property damaged;

3. Provide restitution to the victim according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, he is able to pay such restitution without imposing manifest hardship on the defendant or his immediate family; and

4. Determine the extent of the out-of-pocket expenses, loss or damage to property and injury to the victim proximately caused by the conduct of the defendant.

B. The court shall allow credit for property returned in kind, for property damages ordered to be repaired by the defendant, and for property ordered to be restored by the defendant and after granting such credit, the court shall assess the actual out-of-pocket expenses, losses, damages and injuries suffered by the victim.

C. In no event shall a victim be entitled to recover restitution in excess of the actual out-of-pocket expenses, losses, damages and injuries, proximately caused by the conduct of the

defendant and restitution shall not be ordered to be paid on account of pain or suffering, provided however, that nothing in this section shall abridge or preclude any victim from the civil right to recover damages by separate civil cause of action brought against the defendant.

D. If the defendant fails to pay restitution in the manner or within the time period specified by the court, the court may enter an order directing the sheriff to seize any real or personal property of the defendant to the extent necessary to satisfy the order of restitution and dispose of such property by public sale. All property seized for the purposes of satisfying restitution shall be seized under the procedures established in Section 491 of this act.

E. A sentence including provisions of restitution may be modified or revoked by the court if the offender commits another offense, or the offender fails to make restitution as ordered by the court, but no sentencing provision to make restitution shall be modified if the court finds that the offender has had the financial ability to make restitution, and he has willfully refused to do so. If the court shall find that the defendant has failed to make restitution and that the failure is not willful, the court may impose an additional period of time within which to make restitution. The length of said additional period shall not be more than two (2) years. The court shall retain all of the incidents of the original sentence, including the authority to revoke or further modify the sentence if the conditions of payment are violated during such additional period.

SECTION 491. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-19 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Any peace officer of this state shall seize any property, except property exempt under Section 1 of Title 31 of the Oklahoma

Statutes, to be held until a forfeiture for sale has been declared or release ordered.

B. Within ten (10) days from the time the property is seized, notice of seizure and intended forfeiture proceeding shall be filed in the office of the clerk of the district court for the county in which the property is seized and shall be given all owners and parties in interest.

C. Notice shall be given by the party seeking forfeiture and sale according to the following methods:

1. Upon each owner or party in interest whose right, title or interest is of record at the Tax Commission, by mailing a copy of the notice by certified mail to the address shown upon the records of the Tax Commission;

2. Upon each owner or party in interest whose name and address is known to the attorney or the party seeking the action to recover unpaid restitution, by mailing a copy of the notice by registered mail to the last-known address; and

3. Upon all other owners or interested parties, whose addresses are unknown, but who are believed to have an interest in the property, by one publication in a newspaper of general circulation in the county where the seizure was made.

D. Within sixty (60) days after the mailing and publication of the notice, the owner of the property and any other party in interest or claimant may file a verified answer and claim to the property described in the notice.

E. If at the end of sixty (60) days after the notice has been mailed or published there is no verified answer on file, the court shall hear evidence upon the fact of exemption under Section 1 of Title 31 of the Oklahoma Statutes, and shall order the property forfeited and sold to pay restitution, if such property is not proved exempt.

F. If a verified answer is filed, the forfeiture for sale proceeding shall be set for hearing not less than ten (10) days nor more than sixty (60) days after the filing of the answer.

G. At a hearing on the forfeiture the evidence of ownership and exemption under Section 1 of Title 31 of the Oklahoma Statutes shall be satisfied by a preponderance of the evidence.

H. The claimant of any right, title or interest in the property may prove his lien, mortgage or conditional sales contract to be a bona fide ownership interest by a preponderance of the evidence.

I. In the event of such proof, the court shall order the property released to the bona fide owner, lienholder, mortgagee or vendor if the amount due him is equal to, or in excess of, the value of the property as of the date of the seizure, it being the intention of this section to forfeit only the right, title or interest of the offender.

J. If the amount due to such person is less than the value of the property, or if no bona fide claim is established, the property shall be forfeited and sold under judgment of the court, as on sale upon execution.

K. Property taken or detained under this section shall not be repleviable, but shall be deemed to be in the custody of the office of the district attorney of the county in which the property was seized, subject only to the orders and decrees of the court having jurisdiction thereof.

L. The proceeds of the sale of any property shall be distributed as follows, in the order indicated:

1. To the bona fide purchaser, conditional sales vendor or mortgagee of the property, if any, up to the amount of his interest in the property, when the court declaring the forfeiture orders a distribution to such person;

2. To the payment of the actual expenses of storing the property;

3. To the payment of court costs and costs of the sheriff in conducting the sale;

4. To the payment of restitution to the victim; and

5. The balance of the proceeds of such sale shall be paid to the defendant.

M. If the court finds that the party seeking the forfeiture failed to satisfy the requirements provided for in subsection G of this section, the court shall order the property released to the owner or owners.

N. Upon failure to give the notice of seizure and intended forfeiture as provided in subsections B and C of this section, any owner or party in interest may petition the court for return of the property. The court shall schedule a hearing within ten (10) days of the filing of the petition for return of the property. The petitioner shall be required to prove ownership interest or other claim to the property and the court shall return the property if the claim is proved by a preponderance of the evidence and the property is not otherwise required as evidence in a criminal prosecution. Failure to give the notice of seizure and intended forfeiture shall not be construed to prohibit, deny, void or dismiss any criminal prosecution or serve as grounds for any motion to suppress evidence.

O. In addition to other provisions of this section, seized property shall be released upon the following conditions:

1. Dismissal of a forfeiture proceeding;

2. Failure to file criminal charges within ninety (90) days from the date of seizure, provided the property is held as evidence and not forfeited to the state or returned to an owner or party in interest as provided in subsection N of this section. Provided however, the district attorney may request the court to grant an extension beyond the ninety-day limitation for filing charges if a criminal investigation may result in charges being filed after that time. If an extension to file criminal charges is granted, the

seized property may be held until the court orders the property released; or

3. Dismissal or acquittal of criminal charges, provided the property is held as evidence and not forfeited to the state or returned to an owner or party in interest as provided in subsection N of this section.

SECTION 492. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 991a-20 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Every person who, having been convicted of any offense against an elderly or incapacitated person, as enumerated in Section 488 of this act, commits any crime against an elderly or incapacitated person after such conviction is punishable as follows:

1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the State Penitentiary for any term exceeding five (5) years, such person is punishable by imprisonment in the State Penitentiary for a term not less than ten (10) years; or

2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the State Penitentiary for five (5) years or less, then the person convicted of such subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding fifteen (15) years.

B. Every person who, having been twice convicted of felony offenses against an elderly or incapacitated person, commits a third felony offense against an elderly or incapacitated person within ten (10) years of the date following the completion of the execution of the first sentence, shall be punishable by imprisonment in the State Penitentiary for a term of not less than twenty (20) years.

C. All felony offenses arising out of the same transaction or occurrence or series of events closely related in time and location shall be considered as one offense for the purposes of this section.

D. Nothing in this section shall affect the punishment by death or life imprisonment without parole in all crimes now or hereafter made punishable by death or life imprisonment without parole.

SECTION 493. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 353.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

In all cases where a sentence of imprisonment in the State Penitentiary is imposed, the court, in assessing the term of the confinement, may fix a minimum and a maximum term, both of which shall be within the limits now or hereafter provided by law as the penalty for conviction of the offense. The minimum term may be less than, but shall not be more than, one-third (1/3) of the maximum sentence imposed by the court. Provided, however, that the terms of this section shall not limit or alter the right in trials in which a jury is used for the jury to assess the penalty of confinement and fix a minimum and maximum term of confinement, so long as the maximum confinement be not in excess of the maximum term of confinement provided by law for conviction of the offense.

SECTION 494. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-419.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. It shall be unlawful for any individual eighteen (18) or more years of age to solicit, employ, hire, or use an individual under eighteen (18) years of age to unlawfully transport, carry, sell, give away, prepare for sale, or peddle any controlled dangerous substance.

B. A person who violates subsection A of this section shall be guilty of a felony and upon conviction shall be punishable by a term

of imprisonment, or fine, or both, not exceeding twice that authorized by Section 2-401 of Title 63 of the Oklahoma Statutes.

C. A person who violates subsection A of this section after a previous conviction pursuant to that subsection which has become final, shall be punishable by a term of imprisonment not exceeding three times that authorized by Section 2-401 of Title 63 of the Oklahoma Statutes.

D. A person who violates subsection A of this section by employing, hiring, or using an individual under fifteen (15) years of age, may be imprisoned for not more than twenty-five (25) years, fined not more than One Hundred Thousand Dollars ($100,000.00), or both, in addition to any other punishment authorized by this section.

E. It shall not be a defense to this section that a person did not know the age of an individual.

SECTION 495. REPEALER Section 5, Chapter 133, O.S.L. 1997, as amended by Section 4, Chapter 2, 1st Extraordinary Session, O.S.L. 1998, Section 6, Chapter 133, O.S.L. 1997, and Section 7, Chapter 133, O.S.L. 1997, as amended by Section 1, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 15, 16 and 17), Section 22, Chapter 133, O.S.L. 1997, as amended by Section 5, Chapter 2, 1st Extraordinary Session, O.S.L. 1998 (21 O.S. Supp. 1998, Section 18), 57 O.S. 1991, Section 365, as last amended by Section 28, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 365), Section 29, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 365A), 22 O.S. 1991, Section 982, as last amended by Section 19, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Section 982), Section 46, Chapter 133, O.S.L. 1997, as amended by Section 11, Chapter 333, O.S.L. 1997 (22 O.S. Supp. 1998, Section 987.8), Section 48, Chapter 133, O.S.L. 1997, as amended by Section 12, Chapter 333, O.S.L. 1997, and Section 52, Chapter 133, O.S.L. 1997 (22 O.S. Supp. 1998, Sections 987.10 and 987.14), Section 63, Chapter 133, O.S.L. 1997 (74 O.S.

Supp. 1998, Section 450.2), Section 73, Chapter 133, O.S.L. 1997 (57 O.S. Supp. 1998, Section 588), 2 O.S. 1991, Sections 9-34, 9-35, 9-36, and 9-37, as amended by Sections 12, 13, 14 and 15, Chapter 10, O.S.L. 1997 (2 O.S. Supp. 1998, Sections 9-34, 9-35, 9-36 and 9-37), 6 O.S. 1991, Section 809, as last amended by Section 75, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1998, Section 809), 21 O.S. 1991, Section 644, as last amended by Section 217, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 644), 21 O.S. 1991, Section 650.2, as last amended by Section 3, Chapter 333, O.S.L. 1997 (21 O.S. Supp. 1998, Section 650.2), 21 O.S. 1991, Section 1283, as last amended by Section 327, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1283), 21 O.S. 1991, Section 1542, as amended by Section 371, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Section 1542), Section 8, Chapter 178, O.S.L. 1992, as amended by Section 448, Chapter 133, O.S.L. 1997 (36 O.S. Supp. 1998, Section 1658.2), 40 O.S. 1991, Section 4-508, as last amended by Section 453, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, Section 4-508), 63 O.S. 1991, Section 2-401, as last amended by Section 1, Chapter 59, O.S.L. 1997 (63 O.S. Supp. 1998, Section 2-401), 63 O.S. 1991, Section 2-505, as last amended by Section 1, Chapter 110, O.S.L. 1997 (63 O.S. Supp. 1998, Section 2-505), 68 O.S. 1991, Section 1364, as amended by Section 562, Chapter 133, O.S.L. 1997 (68 O.S. Supp. 1998, Section 1364), and Sections 598, 599, 600, and 601, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1998, Sections 20.1, 20.2, 20.3, and 20.4), are hereby repealed.

SECTION 496. This act shall become effective July 1, 1999.

SECTION 497. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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