STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

HOUSE BILL HB2410 By: Phillips

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 30, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 13.1), which relates to required service of minimum percentage of crimes; clarifying language; amending 57 O.S. 1991, Section 571, as amended by Section 10, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1999, Section 571), which relates to definitions for Oklahoma Prison Overcrowding Emergency Powers Act; eliminating certain definition; modifying definition for nonviolent offense; repealing 57 O.S. 1991, Sections 570, as last amended by Section 433, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 572, 573, 574, 575 and 576 (57 O.S. Supp. 1999, Section 570), which relate to the Oklahoma Prison Overcrowding Emergency Powers Act; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 30, Chapter 4, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 1999, Section 13.1), is amended to read as follows:

Section 13.1 Persons convicted of first degree murder as defined in Section 701.9 of ~~Title 21 of the Oklahoma Statutes~~ this title, robbery with a dangerous weapon as defined in Section 801 of ~~Title 21 of the Oklahoma Statutes~~ this title, first degree rape as defined in Section 1115 of ~~Title 21 of the Oklahoma Statutes~~ this title, first degree arson as defined in Section 1401 of ~~Title 21 of the Oklahoma Statutes~~ this title, first degree burglary as defined in Section 1436 of ~~Title 21 of the Oklahoma Statutes~~ this title, bombing as defined in Section 1767.1 of ~~Title 21 of the Oklahoma Statutes~~ this title, child abuse as defined in Section 7115 of Title

10 of the Oklahoma Statutes, forcible sodomy as defined in Section 888 of ~~Title 21 of the Oklahoma Statutes~~ this title, child pornography as defined in Section 1021.2 or 1021.3 of ~~Title 21 of the Oklahoma Statutes~~ this title, child prostitution as defined in Section 1030 of ~~Title 21 of the Oklahoma Statutes~~ this title, or lewd molestation of a child as defined in Section 1123 of ~~the Oklahoma Statutes~~ this title shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the ~~judicial~~ court system prior to becoming eligible for consideration for parole. Persons convicted of these offenses shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 571, as amended by Section 10, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 1999, Section 571), is amended to read as follows:

Section 571. As used in ~~this act:~~

~~1. "Capacity" means the actual available bedspace as certified by the State Board of Corrections subject to applicable federal and state laws and the rules and regulations promulgated under such laws;~~

~~2. "Department" means the Department of Corrections of the State of Oklahoma;~~

~~3. "Director" means the Director of the Department of Corrections;~~

~~4. "Emergency time credit" means time reduction of sentence allowed when ninety-five percent (95%) of capacity is exceeded pursuant to this act; and~~

~~5. "Nonviolent~~ the Oklahoma Statutes, unless otherwise provided, "nonviolent offense" means any felony offense except the following, or any attempts to commit or conspiracy or solicitation to commit the following crimes:

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

b. aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law;

c. poisoning with intent to kill;

d. shooting with intent to kill;

e. assault with intent to kill;

f. assault with intent to commit a felony;

g. assaults while masked or disguised;

h. murder in the first degree;

i. murder in the second degree;

j. manslaughter in the first degree;

k. manslaughter in the second degree;

l. kidnapping;

m. burglary in the first degree;

n. burglary with explosives;

o. kidnapping for extortion;

p. maiming;

q. robbery;

r. robbery in the first degree;

s. robbery in the second degree;

t. armed robbery;

u. robbery by two (2) or more persons;

v. robbery with dangerous weapon or imitation firearm;

w. child ~~beating~~ abuse;

x. wiring any equipment, vehicle or structure with explosives;

y. forcible sodomy;

z. rape in the first degree;

aa. rape in the second degree;

bb. rape by instrumentation;

cc. lewd or indecent proposition or lewd or indecent act with a child;

dd. use of a firearm or offensive weapon to commit or attempt to commit a felony;

ee. pointing firearms;

ff. rioting;

gg. inciting to riot;

hh. arson in the first degree;

ii. injuring or burning public buildings;

jj. sabotage;

kk. criminal syndicalism;

ll. extortion;

mm. obtaining signature by extortion;

nn. seizure of a bus, discharging firearm or hurling missile at bus; ~~or~~

oo. mistreatment of a mental patient;

pp. child pornography; or

qq. child prostitution.

SECTION 3. REPEALER 57 O.S. 1991, Sections 570, as last amended by Section 433, Chapter 5, 1st Extraordinary Session, O.S.L. 1999, 572, 573, 574, 575 and 576 (57 O.S. Supp. 1999, Section 570), are hereby repealed.

SECTION 4. This act shall become effective July 1, 2000.

SECTION 5. 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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