

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 76

By: Herbert of the Senate

and

Nance of the House

An Act relating to county jails; allowing detention officers who have completed training to carry chemical sprays, stun guns or other nonlethal devices while on duty inside the jail facility; providing for codification; and providing an effective date.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to prisons and reformatories; allowing detention officers who have completed training to carry chemical sprays, stun guns or other less lethal devices while on duty inside the jail facility; amending 57 O.S. 1991, Section 21, as last amended by Section 368, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (57 O.S. Supp. 2000, Section 21), which relates to contraband in penal institutions or jails; adding to list of items considered contraband; modifying penalty; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 54.1 of Title 57, unless there is created a duplication in numbering, reads as follows:

A sheriff may authorize detention officers, who have completed training in their use, to carry chemical sprays, stun guns or other less lethal devices in the commission of their duties inside the jail facility.

SECTION 2. AMENDATORY 57 O.S. 1991, Section 21, as last amended by Section 368, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (57 O.S. Supp. 2000, 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, or financial documents for another person including, but not limited to, tax returns shall be guilty of a felony and is subject to imprisonment in the State Penitentiary for not less than ~~one (1) year~~ two (2) years or more than ~~five (5)~~ ten (10) 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 3. This act shall become effective November 1, 2001."

Passed the House of Representatives the 3rd day of April, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2001.

Presiding Officer of the Senate