

ENROLLED HOUSE
BILL NO. 1142

By: Peters, Calvey, Nance and
Winchester of the House

and

Reynolds of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Sections 1401 and 1402, as last amended by Sections 240 and 241, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Sections 1401 and 1402), which relate to arson; expanding actions that constitute arson; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 1401, as last amended by Section 240, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, 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 or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, 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 or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes, 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 shall be punished by a fine 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.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 1402, as last amended by Section 241, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, 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 or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes 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 shall be punished by a fine 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 3. This act shall become effective November 1, 2001.

Passed the House of Representatives the 7th day of March, 2001.

Presiding Officer of the House of
Representatives

Passed the Senate the 3rd day of April, 2001.

Presiding Officer of the Senate