

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE BILL HB1737

By: Pope (Tim)

AS INTRODUCED

An Act relating to prisons and reformatories; amending 57 O.S. 1991, Section 571, as amended by Section 10, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 2000, Section 571), which relates to definitions for the Oklahoma Prison Overcrowding Emergency Powers Act; eliminating certain definitions relating to said act; providing scope of certain definition; 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. 2000, 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 57 O.S. 1991, Section 571, as amended by Section 10, Chapter 276, O.S.L. 1993 (57 O.S. Supp. 2000, 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~~ 1. Assault, battery, or assault and battery with a dangerous weapon;

~~b. aggravated~~ 2. Aggravated assault and battery on a police officer, sheriff, highway patrolman, or any other officer of the law;

~~c. poisoning~~ 3. Poisoning with intent to kill;

~~d. shooting~~ 4. Shooting with intent to kill;

~~e. assault~~ 5. Assault with intent to kill;

~~f. assault~~ 6. Assault with intent to commit a felony;

~~g. assaults~~ 7. Assaults while masked or disguised;

~~h. murder~~ 8. Murder in the first degree;

~~i. murder~~ 9. Murder in the second degree;

~~j. manslaughter~~ 10. Manslaughter in the first degree;

~~k. manslaughter~~ 11. Manslaughter in the second degree;

~~l. kidnapping~~ 12. Kidnapping;

~~m. burglary~~ 13. Burglary in the first degree;

~~n. burglary~~ 14. Burglary with explosives;

~~o. kidnapping~~ 15. Kidnapping for extortion;

~~p. maiming~~ 16. Maiming;

~~q. robbery~~ 17. Robbery;

~~r. robbery~~ 18. Robbery in the first degree;

~~s. robbery~~ 19. Robbery in the second degree;

~~t. armed~~ 20. Armed robbery;

~~u. robbery~~ 21. Robbery by two ~~(2)~~ or more persons;

- ~~v.~~ ~~robbery~~ 22. Robbery with dangerous weapon or imitation firearm;
- ~~w.~~ ~~child~~ 23. Child beating;
- ~~x.~~ ~~wiring~~ 24. Wiring any equipment, vehicle or structure with explosives;
- ~~y.~~ ~~forcible~~ 25. Forcible sodomy;
- ~~z.~~ ~~rape~~ 26. Rape in the first degree;
- ~~aa.~~ ~~rape~~ 27. Rape in the second degree;
- ~~bb.~~ ~~rape~~ 28. Rape by instrumentation;
- ~~cc.~~ ~~lewd~~ 29. Lewd or indecent proposition or lewd or indecent act with a child;
- ~~dd.~~ ~~use~~ 30. Use of a firearm or offensive weapon to commit or attempt to commit a felony;
- ~~ee.~~ ~~pointing~~ 31. Pointing firearms;
- ~~ff.~~ ~~rioting~~ 32. Rioting;
- ~~gg.~~ ~~inciting~~ 33. Inciting to riot;
- ~~hh.~~ ~~arson~~ 34. Arson in the first degree;
- ~~ii.~~ ~~injuring~~ 35. Injuring or burning public buildings;
- ~~jj.~~ ~~sabotage~~ 36. Sabotage;
- ~~kk.~~ ~~criminal~~ 37. Criminal syndicalism;
- ~~ll.~~ ~~extortion~~ 38. Extortion;
- ~~mm.~~ ~~obtaining~~ 39. Obtaining signature by extortion;
- ~~nn.~~ ~~seizure~~ 40. Seizure of a bus, discharging firearm or hurling missile at bus; or
- ~~oo.~~ ~~mistreatment~~ 41. Mistreatment of a mental patient.

SECTION 2. 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. 2000, Section 570), are hereby repealed.

SECTION 3. This act shall become effective July 1, 2001.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby

declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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