STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 1320 By: Laughlin

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 13.1 (Section 2, Chapter 437, O.S.L. 2001), which relates to mandatory minimum time of sentence to be served; adding felony offenses relating to use of firearms; adding abuse of vulnerable adult; repealing 21 O.S. 2001, Section 13.1 (Section 2, Chapter 428, O.S.L. 2001), which relates to mandatory minimum time of sentence to be served and which is a duplicate section; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 13.1 (Section 2, Chapter 437, O.S.L. 2001), is amended to read as follows:

Section 13.1 Persons convicted of:

1. First degree murder as defined in Section 701.9 of this title;

2. Second degree murder as defined by Section 701.8 of this title;

3. Manslaughter in the first degree as defined by Section 711 of this title;

4. Poisoning with intent to kill as defined by Section 651 of this title;

5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as defined by Section 652 of this title;

6. Assault with intent to kill as defined by Section 653 of this title;

7. Conjoint robbery as defined by Section 800 of this title;

8. Robbery with a dangerous weapon as defined in Section 801 of this title;

9. First degree robbery as defined in Section 797 of this title;

10. First degree rape as defined in Section 1115 of this title;

11. First degree arson as defined in Section 1401 of this title;

12. First degree burglary as defined in Section 1436 of this title;

13. Bombing as defined in Section 1767.1 of this title;

14. Any crime against a child provided for in Section 7115 of Title 10 of the Oklahoma Statutes;

15. Forcible sodomy as defined in Section 888 of this title;

16. Child pornography as defined in Section 1021.2, 1021.3 or 1024.1 of this title;

17. Child prostitution as defined in Section 1030 of this title; ~~and~~

18. Lewd molestation of a child as defined in Section 1123 of this title;

19. Abuse of a vulnerable adult as defined in Section 10-103 of Title 43A of the Oklahoma Statutes who is a resident of a nursing facility; and

20. Any felony offense where a firearm is used in the commission of the offense,

shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial 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. REPEALER 21 O.S. 2001, Section 13.1 (Section 2, Chapter 428, O.S.L. 2001), is hereby repealed.

SECTION 3. 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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