

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 453

By: Smith

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 434, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 51.1), which relates to habitual offender punishment; changing punishments for habitual offenders; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 434, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 51.1), is amended to read as follows:

Section 51.1 A. Except as otherwise provided in the Elderly and Incapacitated Victim's Protection Program, every person who, having been convicted of any offense punishable by imprisonment in the State Penitentiary, commits any crime after such conviction is punishable therefor as follows:

1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the State Penitentiary for any term exceeding five (5) years, such person ~~is punishable~~ may be punished by imprisonment in the State Penitentiary for a term ~~not less than~~ in the range of ten (10) years to life imprisonment.

2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the State Penitentiary for five (5) years, or any less term, then the person convicted of such subsequent offense ~~is punishable~~ may be punished by imprisonment in the State Penitentiary for a term not exceeding ten (10) years.

3. If such subsequent conviction is for petit larceny, the person convicted of such subsequent offense ~~is punishable~~ may be punished by imprisonment in the State Penitentiary for a term not exceeding five (5) years.

B. Every person who, having been twice convicted of felony offenses, commits a ~~third, or thereafter,~~ subsequent felony ~~offenses~~ offense within ten (10) years of the date following the completion of the execution of the sentence, ~~shall~~ may be punished by imprisonment in the State Penitentiary for a term ~~of not less than twenty (20) years~~ in the range of twice the minimum term for a first time offender to life imprisonment. If the subsequent felony offense does not carry a minimum sentence as a first time offender, the person may be punished by imprisonment in the State Penitentiary for a term in the range of two (2) years to life imprisonment. 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. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

SECTION 2. This act shall become effective July 1, 2001.

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.