

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 803

By: Morgan

AS INTRODUCED

An Act relating to public health and safety and crimes and punishments; providing short title; stating purpose and initiatives to accomplish purpose; amending Section 30, Chapter 4, 1st Extraordinary Session, O.S.L. 1999, as amended by Section 2, Chapter 291, O.S.L. 2000 (21 O.S. Supp. 2000, Section 13.1), which relates to required service of minimum percentage of service; adding crime to minimum sentencing list; amending 21 O.S. 1991, Section 843.1, as last amended by Section 151, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 843.1), which relates to caretakers; modifying certain prohibition; modifying term; subjecting prison term to minimum sentencing; providing for codification; and declaring an emergency.

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 1-1900.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. This act shall be known and may be cited as the "Long-Term Care Reform and Accountability Act of 2001".

B. The purpose of the act shall be to design, develop and implement policies and procedures that improve the quality of care provided in this state's long-care delivery system for the elderly and disabled. The purpose of this act shall be accomplished through a series of initiatives that may include, but need not be limited to:

1. Standardized reporting requirements among state agencies with long-term care oversight responsibilities;

2. Tax incentives for older facilities to encourage renovation or improved maintenance of existing facilities;

3. Provision of low interest construction loans for new facilities and low interest financing of such loans;

4. Creation of a Long-Term Care Development Authority; and

5. A review and assessment of the value of the roles that family caregivers contribute to this state's long-term care delivery system.

SECTION 2. AMENDATORY Section 30, Chapter 4, 1st Extraordinary Session, O.S.L. 1999, as amended by Section 2, Chapter 291, O.S.L. 2000 (21 O.S. Supp. 2000, Section 13.1), is amended to read as follows:

Section 13.1 A. Persons convicted of ~~first~~:

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

2. Robbery with a dangerous weapon as defined in Section 801 of this title, ~~first~~;

3. First degree rape as defined in Section 1115 of this title, ~~first~~;

4. First degree arson as defined in Section 1401 of this title, ~~first~~;

5. First degree burglary as defined in Section 1436 of this title, ~~bombing~~;

6. Bombing as defined in Section 1767.1 of this title, ~~any~~;

7. Any crime against a child provided for in Section 7115 of Title 10 of the Oklahoma Statutes, ~~forcible~~;

8. Forcible sodomy as defined in Section 888 of this title, ~~child~~;

9. Child pornography as defined in Section 1021.2 or 1021.3 of this title, ~~child~~;

10. Child prostitution as defined in Section 1030 of this title, ~~lewd~~;

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

12. 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,

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 3. AMENDATORY 21 O.S. 1991, Section 843.1, as last amended by Section 151, Chapter 5, 1st Extraordinary Session, O.S.L. 1999 (21 O.S. Supp. 2000, Section 843.1), is amended to read as follows:

Section 843.1 A. 1. No ~~caretaker~~ caregiver or other person shall willfully abuse, neglect, commit sexual abuse, or exploit any person entrusted to the care of ~~the caretaker~~ such caregiver or other person in a nursing facility or other setting, or shall cause, secure, or permit any of these acts to be done.

2. For purposes of this section, the terms "~~caretaker~~ caregiver", "abuse", "neglect", "sexual abuse", and "exploit" shall have the same meaning as such terms are defined and clarified in Section 10-103 of Title 43A of the Oklahoma Statutes.

B. 1. Any person convicted of a violation of this section, except as provided in paragraph 2 of this subsection, shall be guilty of a felony and shall be subject to incarceration in the custody of the Department of Corrections for a period not to exceed ten (10) years. Such person's term shall further be subject to the provisions of Section 13.1 of this title.

2. Any person convicted of violating the provisions of this section by committing sexual abuse shall be guilty of a felony. Any person convicted of a violation of this paragraph shall be subject to incarceration in the custody of the Department of Corrections for a period not to exceed fifteen (15) years.

3. The fine for a violation of this section shall not be more than Ten Thousand Dollars (\$10,000.00).

C. Consent shall not be a defense for any violation of this section.

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.

48-1-189

CJ

6/12/2015 11:20:42 AM