

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

CONFERENCE COMMITTEE  
SUBSTITUTE  
FOR ENGROSSED  
HOUSE BILL NO. 1379

By: Piatt, Duncan, Nance and  
Hyman of the House

and

Crutchfield of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1167, as amended by Section 1, Chapter 179, O.S.L. 2003 (21 O.S. Supp. 2004, Section 1167), which relates to injury to cemetery or tomb; modifying penalty; requiring performance of community service; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1167, as amended by Section 1, Chapter 179, O.S.L. 2003 (21 O.S. Supp. 2004, Section 1167), is amended to read as follows:

Section 1167. Every person who:

1. Shall willfully with malicious intent destroy, mutilate, deface, injure or remove any tomb, monument or gravestone, or other structure placed in any cemetery or private burying ground, or any fence, railing, or other work for the protection or ornament of any such cemetery or place of burial of any human being, or tomb, monument or gravestone, memento, veteran marker from any war, or memorial, or other structure aforesaid, or of any lot within a cemetery, or shall willfully or with malicious intent destroy, cut, break, or injure any tree, shrub or plant, within the limits thereof; or

2. Knowingly buys, sells or barter for profit any veteran marker from any war that is placed on a lot within a cemetery or

place of burial of any human being, shall be ~~deemed~~ guilty of a misdemeanor if the amount of damage is less than Five Thousand Dollars (\$5,000.00), and shall, upon conviction thereof, be punished by a fine of not less more than ~~Fifty Dollars (\$50.00)~~, ~~nor more than Five Thousand Dollars (\$5,000.00)~~, One Thousand Dollars (\$1,000.00), or by imprisonment in the county jail for a ~~term not to exceed six (6) months~~ not less than ninety (90) days, or by both such fine and imprisonment. In addition, the court shall require the person to perform not more than one hundred twenty (120) hours of community service. If the amount of damage exceeds Five Thousand Dollars (\$5,000.00) the person shall be guilty of a felony and shall, upon conviction thereof, be punished by a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00), or by imprisonment in the county jail for not less than six (6) months, or by both such fine and imprisonment. In addition, the court shall require the person to perform not more than two hundred forty (240) hours of community service. The court shall not suspend any portion of the community service requirement set forth in this section.

SECTION 2. This act shall become effective November 1, 2005.

50-1-7471            GRS            05/12/05