

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1744

By: Billy

COMMITTEE SUBSTITUTE

An Act relating to prisons and reformatories;
amending 57 O.S. 2001, Section 21, which relates to
prohibited items in penal institutions and jails;
prohibiting possession of certain electronic devices;
and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 21, is
amended to read as follows:

Section 21. A. Any person who, without authority, brings into
or has in his or her possession in any jail or state penal
institution or other place where prisoners are located, any gun,
knife, bomb or other dangerous instrument, any controlled dangerous
substance as defined by Section 2-101 et seq. of Title 63 of the
Oklahoma Statutes, any intoxicating beverage or low-point beer as
defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
Statutes, money, or financial documents for a person other than the
inmate or a spouse of the inmate, including, but not limited to tax
returns, or any electronic device capable of sending and receiving
digital or cellular transmissions shall be guilty of a felony and is
subject to imprisonment in the State Penitentiary for not less than
one (1) year or more than five (5) years, or a fine of not less than
One Hundred Dollars (\$100.00) or more than One Thousand Dollars
(\$1,000.00), or both such fine and imprisonment.

B. If an inmate is found to be in possession of any such item,
upon conviction, ~~such~~ the inmate shall be guilty of a felony and

shall be subject to imprisonment for not less than five (5) years nor more than twenty (20) years in the State Penitentiary.

C. If the person found to be in possession of any such item has, prior to the commission of ~~said~~ the offense, committed two or more felony offenses, and said possession of contraband was within ten (10) years of the completion of the execution of the sentence, ~~such~~ the person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years. 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.

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

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