

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 2713

By: Shelton

COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 991a-17, which relates to the Elderly and Incapacitated Victim's Protection Program; modifying penalty; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 991a-17, is amended to read as follows:

Section 991a-17. Whenever a person is convicted of an offense enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title in which the victim is elderly or incapacitated, the court shall upon conviction:

1. Commit the defendant for confinement as provided by law; provided, the first ~~thirty (30)~~ ninety (90) days of the sentence shall not be subject to probation, suspension or deferral; provided further, this mandatory minimum period of confinement shall be served in the county jail as a condition of a suspended or deferred sentence, pursuant to Section 991a of ~~Title 22 of the Oklahoma Statutes~~ this title and may be served by night or weekend incarceration pursuant to Section 991a-2 of ~~Title 22 of the Oklahoma Statutes~~ this title; and

2. a. Require restitution be paid to the victim for out-of-pocket expenses, loss or damage to property and medical expenses for injury proximately caused by the

conduct of the defendant pursuant to Section ~~447~~ 991a-18 of this ~~act~~ title, or

- b. Assign the offender to perform a required term of community service, according to a schedule consistent with the employment and family responsibility of the person convicted, or
- c. Require restitution as provided in subparagraph a of this paragraph and community service as provided in subparagraph b of this paragraph; and

3. The court may further impose a fine or any other penalty otherwise provided by law.

SECTION 2. 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.

50-2-9403          GRS          02/15/06