ENGROSSED HOUSE
BILL NO. 1459

By: Ellis and Nance of the House

and

Shurden of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 13.1, as amended by Section 7, Chapter 22, O.S.L. 2002 (21 O.S. Supp. 2004, Section 13.1), which relates to mandatory minimum percentage of sentence to be served for certain offenses; adding assault and battery of a peace officer to mandatory minimum percentage requirement; providing an exception; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 13.1, as amended by Section 7, Chapter 22, O.S.L. 2002 (21 O.S. Supp. 2004, Section 13.1), is amended to read as follows:

Section 13.1 Persons convicted of:

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

2. Second degree murder as defined by Section 701.8 of this title;

3. Manslaughter in the first degree as defined by Section 711 of this title;

4. Poisoning with intent to kill as defined by Section 651 of this title;

5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or assault and battery with a deadly weapon or by other means likely to produce death or great bodily harm, as defined by Section 652 of this title;

6. Assault with intent to kill as defined by Section 653 of this title;

7. Conjoint robbery as defined by Section 800 of this title;

8. Robbery with a dangerous weapon as defined in Section 801 of this title;

9. First degree robbery as defined in Section 797 of this title;

10. First degree rape as defined in Section 1115 of this title;

11. First degree arson as defined in Section 1401 of this title;

12. First degree burglary as defined in Section 1436 of this title;

13. Bombing as defined in Section 1767.1 of this title;

14. Any crime against a child provided for in Section 7115 of Title 10 of the Oklahoma Statutes;

15. Forcible sodomy as defined in Section 888 of this title;

16. Child pornography as defined in Section 1021.2, 1021.3 or 1024.1 of this title;

17. Child prostitution as defined in Section 1030 of this title;

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

19. 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; or

20. Assault and battery upon a peace officer as defined in Section 649 of this title, unless the person convicted is a mentally ill person as defined by Section 1-103 of Title 43A of the Oklahoma Statutes,

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

Passed the House of Representatives the 23rd day of February, 2005.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2005.

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Presiding Officer of the Senate