

3 **Senate Bill No. 1858**
4 **As Amended**

5 SENATE BILL NO. 1858 - By: MORGAN and CORN of the Senate and HIETT
6 of the House.

7 [crimes and punishments - eluding an officer - murder in
8 the first degree - effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 21 O.S. 2001, Section 701.7, as
12 amended by Section 2, Chapter 520, O.S.L. 2004 (21 O.S. Supp. 2005,
13 Section 701.7), is amended to read as follows:

14 Section 701.7 A. A person commits murder in the first degree
15 when that person unlawfully and with malice aforethought causes the
16 death of another human being. Malice is that deliberate intention
17 unlawfully to take away the life of a human being, which is
18 manifested by external circumstances capable of proof.

19 B. A person also commits the crime of murder in the first
20 degree, regardless of malice, when that person or any other person
21 takes the life of a human being during, or if the death of a human
22 being results from, the commission or attempted commission of murder
23 of another person, shooting or discharge of a firearm or crossbow
24 with intent to kill, intentional discharge of a firearm or other
25 deadly weapon into any dwelling or building as provided in Section

1 1289.17A of this title, forcible rape, robbery with a dangerous
2 weapon, kidnapping, escape from lawful custody, eluding an officer,
3 first degree burglary, first degree arson, unlawful distributing or
4 dispensing of controlled dangerous substances, or trafficking in
5 illegal drugs.

6 C. A person commits murder in the first degree when the death
7 of a child results from the willful or malicious injuring,
8 torturing, maiming or using of unreasonable force by said person or
9 who shall willfully cause, procure or permit any of said acts to be
10 done upon the child pursuant to Section 7115 of Title 10 of the
11 Oklahoma Statutes. It is sufficient for the crime of murder in the
12 first degree that the person either willfully tortured or used
13 unreasonable force upon the child or maliciously injured or maimed
14 the child.

15 D. A person commits murder in the first degree when that person
16 unlawfully and with malice aforethought solicits another person or
17 persons to cause the death of a human being in furtherance of
18 unlawfully manufacturing, distributing or dispensing controlled
19 dangerous substances, as defined in the Uniform Controlled Dangerous
20 Substances Act, unlawfully possessing with intent to distribute or
21 dispense controlled dangerous substances, or trafficking in illegal
22 drugs.

1 E. A person commits murder in the first degree when that person
2 intentionally causes the death of a law enforcement officer or
3 correctional officer while the officer is in the performance of
4 official duties.

5 SECTION 2. This act shall become effective July 1, 2006.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health and safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO
11 PASS, As Amended and Coauthored.