

3 Senate Bill No. 815
4 As Amended

5 SENATE BILL NO. 815 - By: WILSON and CORN of the Senate and SMITHSON
6 of the House.

7 [crimes and punishments - second degree arson - mandatory
8 percentage of sentence -
9 emergency]

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

11 SECTION 1. AMENDATORY 21 O.S. 2001, Section 1402, is
12 amended to read as follows:

13 Section 1402. A. Any person who willfully and maliciously sets
14 fire to or burns or by the use of any explosive device or substance
15 or while manufacturing or attempting to manufacture a controlled
16 dangerous substance in violation of subsection G of Section 2-401 of
17 Title 63 of the Oklahoma Statutes destroys in whole or in part, or
18 causes to be burned or destroyed, or aids, counsels or procures the
19 burning or destruction of any uninhabited or unoccupied building or
20 structure or contents thereof, whether the property of ~~himself~~ such
21 person or another, shall be guilty of arson in the second degree,
22 which is a felony, and upon conviction thereof shall be punished by
23 a fine not to exceed Twenty Thousand Dollars (\$20,000.00) or be
24 confined in the State Penitentiary for not more than twenty-five
25 (25) years or both.

1 B. Any person convicted of any violation of subsection A of
2 this section where the building or structure or contents thereof was
3 of historical value at the time of the act or on any historical
4 registry shall be required to serve not less than eighty percent
5 (80%) of any sentence of imprisonment imposed by the court prior to
6 becoming eligible for consideration for parole, and no earned
7 credits shall apply which have the effect of reducing the length of
8 sentence to less than eighty percent (80%) of the sentence imposed.

9 SECTION 2. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
14 PASS, As Amended and Coauthored.