STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2134 By: Wright

AS INTRODUCED

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. 2005, Section 13.1), which relates to prison sentences; adding home invasion to mandatory minimum percentage requirement; prohibiting home invasion; providing penalty; providing for codification; 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. 2005, 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. Home invasion as defined in Section 2 of this act, 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. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1443 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any two or more persons who enter the dwelling of another, while armed with a deadly weapon and with intent to commit some crime therein, by:

1. Forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter; or

2. Breaking in, in any other manner, or being assisted or aided by one or more confederates then actually present; or

3. Unlocking an outer door by means of false keys or by picking the lock thereof, or by lifting a latch or opening a window, while there are one or more persons in the dwelling are guilty of home invasion.

B. Home invasion is a felony punishable by imprisonment in the custody of the Department of Corrections for any term not less than ten (10) years nor more than twenty (20) years.

C. If conduct constituting an offense under this section also constitutes an offense under another section of law, the person may be prosecuted under either section or under both sections.

SECTION 3. This act shall become effective November 1, 2006.

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