

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2713

By: Shelton

AS INTRODUCED

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 providing an effective date.

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. This act shall become effective November 1, 2006.

50-2-8203          GRS          01/18/06