

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3132

By: McMullen

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Sections 646, as amended by Section 6, Chapter 460, O.S.L. 2002 and 647, as amended by Section 7, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005, Sections 646 and 647), which relate to aggravated assault and battery; expanding scope of crime; modifying penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 646, as amended by Section 6, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005, Section 646), is amended to read as follows:

Section 646. A. An assault and battery becomes aggravated when committed under any of the following circumstances:

1. When great bodily injury is inflicted upon the person assaulted; ~~or~~

2. When committed by a person of robust health or strength upon one who is aged, decrepit, or incapacitated, as defined in Section 641 of this title; or

3. When committed by a criminal street gang, as defined in subsection F of Section 856 of this title.

B. For purposes of this section "great bodily injury" means bone fracture, protracted and obvious disfigurement, protracted loss or impairment of the function of a body part, organ or mental faculty, or substantial risk of death.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 647, as amended by Section 7, Chapter 460, O.S.L. 2002 (21 O.S. Supp. 2005, Section 647), is amended to read as follows:

Section 647 Aggravated assault and battery shall be ~~punished~~  
punishable by imprisonment in the ~~State Penitentiary~~ custody of the  
Department of Corrections not exceeding five (5) years, or by  
imprisonment in a county jail not exceeding one (1) year, or by a  
fine of not more than ~~Five Hundred Dollars (\$500.00)~~ Five Thousand  
Dollars (\$5,000.00), or both such fine and imprisonment.

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

50-2-9003            GRS            01/09/06