

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1715

By: Justice

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 443, as amended by Section 1, Chapter 74, O.S.L. 2005 (21 O.S. Supp. 2005, Section 443), which rates to escape; expanding conditions under which a person is subject to crime of escape; making language gender neutral; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 443, as amended by Section 1, Chapter 74, O.S.L. 2005 (21 O.S. Supp. 2005, Section 443), is amended to read as follows:

Section 443. A. Any person having been imprisoned in a county or city jail or detained in a juvenile detention facility awaiting charges on a felony offense or prisoner awaiting trial or having been sentenced on a felony charge to the custody of the Department of Corrections or any other prisoner having been lawfully detained who escapes from a juvenile detention facility while actually confined therein or escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a trusty, or while awaiting transportation to a Department of Corrections facility for execution of sentence, shall be guilty of a felony punishable by imprisonment of not less than one (1) year nor more than seven (7) years.

B. Any person who is an inmate in the custody of the Department of Corrections who escapes from said custody, either while actually confined in a correctional facility, while assigned to an alternative to incarceration authorized by law, while assigned to

the Preparole Conditional Supervision Program as authorized by Section 365 of Title 57 of the Oklahoma Statutes or while permitted to be at large as a trusty, shall be guilty of a felony punishable by imprisonment of not less than two (2) years nor more than seven (7) years.

C. For the purposes of this section, an inmate assigned to an alternative to incarceration authorized by law or to the Preparole Conditional Supervision Program shall be considered to have escaped if the inmate cannot be located within a twenty-four hour period or if he or she fails to report to a correctional facility or institution, as directed. This includes any person escaping by absconding from an electronic monitoring device or absconding after removing an electronic monitoring device from their body.

D. For the purposes of this section, if the individual who escapes has felony convictions for offenses other than the offense for which ~~he~~ the person was serving imprisonment at the time of ~~his~~ the escape, those previous felony convictions may be used for enhancement of punishment pursuant to the provisions of Section 434 of this ~~act~~ title. The fact that any such convictions may have been used to enhance punishment in the sentence for the offense for which ~~he~~ the person was imprisoned at the time of the escape shall not prevent such convictions from being used to enhance punishment for the escape.

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

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