

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1896

By: Pruitt

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 741, as amended by Section 3, Chapter 275, O.S.L. 2004 (21 O.S. Supp. 2005, Section 741 (21 O.S. Supp. 2005, Section 741), which relates to kidnapping; clarifying language; providing enhanced penalties for injury to certain aged victim during commission of offense; stating penalties; raising age of victim for certain claim of defense; eliminating certain defense to certain offense; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 741, as amended by Section 3, Chapter 275, O.S.L. 2004 (21 O.S. Supp. 2005, Section 741), is amended to read as follows:

Section 741. A. Any person who, without lawful authority, forcibly seizes and confines another, or inveigles or kidnaps another, with intent, either:

First. To cause such other person to be confined or imprisoned in this state against the will of the other person; or

Second. To cause such other person to be sent out of this state against the will of the other person; or

Third. To cause such person to be sold as a slave, or in any way held to service against the will of such person, shall be guilty of a felony punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not exceeding ten (10) years.

B. Any person who injures any person fourteen (14) years of age or older during the commission of any violation of any provision of

subsection A of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than ten (10) years nor more than life imprisonment. Any person who injures any person thirteen (13) years of age or younger during the commission of any violation of any provision of subsection A of this section shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term of not less than twenty-five (25) years nor more than life imprisonment.

C. Upon any trial for a violation of this section, the consent thereto of the person kidnapped or confined, shall not be a defense, unless it appears satisfactorily to the jury, that such person was above the age of ~~twelve (12)~~ thirteen (13) years, and that such consent was not extorted by threat, or by duress. It shall not be a defense to any violation of subsection B of this section that the violator did not know the age of the victim.

SECTION 2. This act shall become effective July 1, 2006.

SECTION 3. 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.

50-2-3382

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