

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 815

By: Wilson

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2001, Section 1402, which relates to arson in the second degree; requiring mandatory percentage of sentence to be served prior to consideration for parole eligibility for certain offense against certain property; prohibiting earned credits; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 1402, is amended to read as follows:

Section 1402. A. Any person who willfully and maliciously sets fire to or burns or by the use of any explosive device or substance or while manufacturing or attempting to manufacture a controlled dangerous substance in violation of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes destroys in whole or in part, or causes to be burned or destroyed, or aids, counsels or procures the burning or destruction of any uninhabited or unoccupied building or structure or contents thereof, whether the property of himself such person or another, shall be guilty of arson in the second degree, which is a felony, and upon conviction thereof shall be punished by a fine not to exceed Twenty Thousand Dollars (\$20,000.00) or be confined in the State Penitentiary for not more than twenty-five (25) years or both.

B. Any person convicted of any violation of subsection A of this section where the building or structure or contents thereof was of historical value at the time of the act or on any historical registry shall be required to serve not less than eighty percent

(80%) of any sentence of imprisonment imposed by the court prior to becoming eligible for consideration for parole, and no earned credits shall apply which have the effect of reducing the length of sentence to less than eighty percent (80%) of the sentence imposed.

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.

50-1-827

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