

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1600

By: Justice of the Senate

3 and

4 Coody of the House

5

6

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8 (crimes and punishments - assault - eligible

9 offenses - defining terms - effective date -

10 emergency)

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12 AUTHORS: Add the following House Coauthors: Inman, BigHorse,
13 Dorman, Hoskin, Kern, Kiesel, Luttrell, Pittman, Proctor,
Renegar, Sherrer and Tibbs

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15 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
16 entire bill and insert

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18 "(crimes and punishments - assault - eligible

19 offenses - defining terms - effective date -

20 emergency)

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22

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

24

1 SECTION 1. AMENDATORY 21 O.S. 2001, Section 843.1, as
2 last amended by Section 5, Chapter 261, O.S.L. 2007 (21 O.S. Supp.
3 2007, Section 843.1), is amended to read as follows:

4 Section 843.1 A. 1. No caretaker or other person shall abuse,
5 commit financial neglect, neglect, commit sexual abuse, or exploit
6 any person entrusted to the care of such caretaker or other person
7 in a nursing facility or other setting, or knowingly cause, secure,
8 or permit any of these acts to be done.

9 2. For purposes of this section, the terms, "abuse", "financial
10 neglect", "neglect", "sexual abuse", and "exploit" shall have the
11 same meaning as such terms are defined and clarified in Section 10-
12 103 of Title 43A of the Oklahoma Statutes.

13 B. 1. Any person convicted of a violation of this section,
14 except as provided in paragraph 2 of this subsection, shall be
15 guilty of a felony. The violator, upon conviction, shall be
16 punished by imprisonment in the custody of the Department of
17 Corrections for a term not to exceed ten (10) years, and by a fine
18 not exceeding Ten Thousand Dollars (\$10,000.00), or by both such
19 fine and imprisonment, and in addition, the person shall be subject
20 to the Elderly and Incapacitated Victim's Protection Act. Such
21 person's term shall further be subject to the provisions of Section
22 13.1 of this title for mandatory minimum sentencing.

23 2. Any person convicted of violating the provisions of this
24 section by committing sexual abuse shall be guilty of a felony. The

1 person convicted of sexual abuse shall be punished by imprisonment
2 in the custody of the Department of Corrections for a term not to
3 exceed fifteen (15) years, and by a fine not exceeding Ten Thousand
4 Dollars (\$10,000.00), or by both such fine and imprisonment, and in
5 addition, the person shall be subject to the Elderly and
6 Incapacitated Victim's Protection Act. Such person's imprisonment
7 term imposed pursuant to this section shall further be subject to
8 the provisions of Section 13.1 of this title for mandatory minimum
9 sentencing.

10 C. Consent shall not be a defense for any violation of this
11 section.

12 D. Except for persons sentenced to life or life without parole,
13 any person sentenced to imprisonment for two (2) years or more for a
14 violation of paragraph 2 of subsection B of this section shall be
15 required to serve a term of post-imprisonment supervision pursuant
16 to subparagraph f of paragraph 1 of subsection A of Section 991a of
17 Title 22 of the Oklahoma Statutes under conditions determined by the
18 Department of Corrections. The jury shall be advised that the
19 mandatory post-imprisonment supervision shall be in addition to the
20 actual imprisonment.

21 SECTION 2. AMENDATORY Section 1, Chapter 195, O.S.L.
22 2003 (21 O.S. Supp. 2007, Section 843.3), is amended to read as
23 follows:
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1 Section 843.3 A. Any person who engages in abuse, sexual
2 abuse, or exploitation of a vulnerable adult, as defined in Section
3 10-103 of Title 43A of the Oklahoma Statutes, shall be guilty of a
4 felony. The person, upon conviction, shall be fined not more than
5 Ten Thousand Dollars (\$10,000.00) or be imprisoned in the custody of
6 the Department of Corrections for a term of not more than ~~eighteen~~
7 ~~(18) months~~ two (2) years, or both such fine and imprisonment.

8 B. Any person who has a responsibility to care for a vulnerable
9 adult as defined by Section 10-103 of Title 43A of the Oklahoma
10 Statutes who purposely, knowingly or recklessly neglects the
11 vulnerable adult ~~as defined in Section 10-103 of Title 43A of the~~
12 ~~Oklahoma Statutes~~ shall be guilty of a felony. The person, upon
13 conviction, shall be fined not more than Ten Thousand Dollars
14 (\$10,000.00) or be imprisoned in the custody of the Department of
15 Corrections for a term of not more than ~~eighteen (18) months~~ two (2)
16 years, or both such fine and imprisonment.

17 C. In addition the court shall consider any provision of the
18 Elderly and Incapacitated Victim's Protection Act when the victim is
19 an elderly or incapacitated person as defined by Section 991a-15 of
20 Title 22 of the Oklahoma Statutes.

21 SECTION 3. AMENDATORY 22 O.S. 2001, Section 991a-15, is
22 amended to read as follows:

23 Section 991a-15. As used in the Elderly and Incapacitated
24 Victim's Protection ~~Program~~ Act:

1 1. "Elderly person" means any person sixty-two (62) years of
2 age or older; and

3 2. "Incapacitated person" means any person who is disabled by
4 reason of mental or physical illness or disability to such extent
5 the person lacks the ability to effectively protect self or
6 property.

7 SECTION 4. AMENDATORY 22 O.S. 2001, Section 991a-16, is
8 amended to read as follows:

9 Section 991a-16. The provisions of the Elderly and
10 Incapacitated Victim's Protection ~~Program~~ Act shall apply to any
11 person convicted of one or more of the following offenses where the
12 victim is an elderly or incapacitated person as defined in Section
13 991a-15 of this title:

14 1. Assault, battery, or assault and battery with a dangerous
15 weapon;

16 2. Aggravated assault and battery;

17 3. Burglary in the second degree;

18 4. Use of a firearm or offensive weapon to commit or attempt to
19 commit a felony, or pointing a firearm;

20 5. Grand larceny;

21 6. Extortion, or obtaining a signature by extortion;

22 7. Fraud, or obtaining or attempting to obtain property by
23 trick or deception; ~~or~~

24 8. Embezzlement; or

