

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1947

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2001, Sections 152, 155 and 156, which relate  
9 to persons capable of committing crimes, subjection  
10 to superior and duress; providing exception to  
11 certain affirmative defense; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2001, Section 152, is  
15 amended to read as follows:

16 Section 152. All persons are capable of committing crimes,  
17 except those belonging to the following classes:

- 18 1. Children under the age of seven (7) years;
- 19 2. Children over the age of seven (7) years, but under the age  
20 of fourteen (14) years, in the absence of proof that at the time of  
21 committing the act or neglect charged against them, they knew its  
22 wrongfulness;
- 23 3. Persons who are impaired by reason of mental retardation  
24 upon proof that at the time of committing the act charged against  
them they were incapable of knowing its wrongfulness;

1 4. Mentally ill persons, and all persons of unsound mind,  
2 including persons temporarily or partially deprived of reason, upon  
3 proof that at the time of committing the act charged against them  
4 they were incapable of knowing its wrongfulness;

5 5. Persons who committed the act, or made the omission charged,  
6 under an ignorance or mistake of fact which disproves any criminal  
7 intent. But ignorance of the law does not excuse from punishment  
8 for its violation;

9 6. Persons who committed the act charged without being  
10 conscious thereof; and

11 7. Persons who committed the act, or make the omission charged,  
12 while under involuntary subjection to the power of superiors, unless  
13 such act constituted murder in the first degree as defined pursuant  
14 to Section 701.7 of this title.

15 SECTION 2. AMENDATORY 21 O.S. 2001, Section 155, is  
16 amended to read as follows:

17 Section 155. The involuntary subjection to the power of a  
18 superior which exonerates a person charged with a criminal act or  
19 omission from punishment therefor, arises from duress, provided that  
20 such criminal act did not constitute murder in the first degree as  
21 defined pursuant to Section 701.7 of this title.

22 SECTION 3. AMENDATORY 21 O.S. 2001, Section 156, is  
23 amended to read as follows:

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1 Section 156. A person is entitled to assert duress as a defense  
2 if that person committed a prohibited act or omission because of a  
3 reasonable belief that there was imminent danger of death or great  
4 bodily harm from another upon oneself, ones spouse, or ones child,  
5 unless such act constituted murder in the first degree as defined  
6 pursuant to Section 701.7 of this title.

7 SECTION 4. This act shall become effective November 1, 2008.

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