

1 ENGROSSED SENATE
BILL NO. 702

By: Paddack of the Senate

2
3 and

4 Thomsen of the House

5
6
7 [crimes and punishments - mandatory minimum
8 sentences - kidnapping - effective date -
9 emergency]

10

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

12 SECTION 1. AMENDATORY 21 O.S. 2001, Section 13.1, as
13 last amended by Section 1, Chapter 199, O.S.L. 2007 (21 O.S. Supp.
14 2008, Section 13.1), is amended to read as follows:

15 Section 13.1 Persons convicted of:

16 1. First degree murder as defined in Section 701.7 of this
17 title;

18 2. Second degree murder as defined by Section 701.8 of this
19 title;

20 3. Manslaughter in the first degree as defined by Section 711
21 of this title;

22 4. Poisoning with intent to kill as defined by Section 651 of
23 this title;

24

- 1 5. Shooting with intent to kill, use of a vehicle to facilitate
2 use of a firearm, crossbow or other weapon, assault, battery, or
3 assault and battery with a deadly weapon or by other means likely to
4 produce death or great bodily harm, as provided for in Section 652
5 of this title;
- 6 6. Assault with intent to kill as provided for in Section 653
7 of this title;
- 8 7. Conjoint robbery as defined by Section 800 of this title;
- 9 8. Robbery with a dangerous weapon as defined in Section 801 of
10 this title;
- 11 9. First degree robbery as defined in Section 797 of this
12 title;
- 13 10. First degree rape as provided for in Section 1115 of this
14 title;
- 15 11. First degree arson as defined in Section 1401 of this
16 title;
- 17 12. First degree burglary as provided for in Section 1436 of
18 this title;
- 19 13. Bombing as defined in Section 1767.1 of this title;
- 20 14. Any crime against a child provided for in Section 7115 of
21 Title 10 of the Oklahoma Statutes;
- 22 15. Forcible sodomy as defined in Section 888 of this title;
- 23 16. Child pornography as defined in Section 1021.2, 1021.3 or
24 1024.1 of this title;

1 17. Child prostitution as defined in Section 1030 of this
2 title;

3 18. Lewd molestation of a child as defined in Section 1123 of
4 this title;

5 19. Abuse of a vulnerable adult as defined in Section 10-103 of
6 Title 43A of the Oklahoma Statutes who is a resident of a nursing
7 facility; ~~or~~

8 20. Aggravated trafficking as provided for in subsection C of
9 Section 2-415 of Title 63 of the Oklahoma Statutes; or

10 21. Kidnapping as defined in Section 741 of this title,
11 shall be required to serve not less than eighty-five percent (85%)
12 of any sentence of imprisonment imposed by the judicial system prior
13 to becoming eligible for consideration for parole. Persons
14 convicted of these offenses shall not be eligible for earned credits
15 or any other type of credits which have the effect of reducing the
16 length of the sentence to less than eighty-five percent (85%) of the
17 sentence imposed.

18 SECTION 2. AMENDATORY 21 O.S. 2001, Section 741, as last
19 amended by Section 4, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,
20 Section 741), is amended to read as follows:

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

24

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

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

5 Third. To cause such person to be sold as a slave, or in any
6 way held to service against the will of such person, shall be guilty
7 of a felony punishable by imprisonment in the custody of the
8 Department of Corrections for a term not exceeding ten (10) years
9 less than five (5) years. Upon any trial for a violation of this
10 section, the consent thereto of the person kidnapped or confined,
11 shall not be a defense, unless it appears satisfactorily to the
12 jury, that such person was above the age of twelve (12) years, and
13 that such consent was not extorted by threat, or by duress.

14 Except for persons sentenced to life or life without parole, on
15 and after the effective date of this act any person sentenced to
16 imprisonment ~~for two (2) years or more~~ for a violation of this
17 section and the offense involved sexual abuse or sexual
18 exploitation, shall be required to serve a term of post-imprisonment
19 supervision pursuant to subparagraph f of paragraph 1 of subsection
20 A of Section 991a of Title 22 of the Oklahoma Statutes under
21 conditions determined by the Department of Corrections. The jury
22 shall be advised that the mandatory post-imprisonment supervision
23 shall be in addition to the actual imprisonment.

24

1 SECTION 3. AMENDATORY 21 O.S. 2001, Section 1111.1, as
2 amended by Section 17, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,
3 Section 1111.1), is amended to read as follows:

4 Section 1111.1 Rape by instrumentation is an act within or
5 without the bonds of matrimony in which any inanimate object or any
6 part of the human body, not amounting to sexual intercourse is used
7 in the carnal knowledge of another person without his or her consent
8 and penetration of the anus or vagina occurs to that person.

9 Provided, further, that at least one of the circumstances specified
10 in Section 1111 of this title has been met; further, where the
11 victim is at least sixteen (16) years of age and is less than twenty
12 (20) years of age and is a student, or under the legal custody or
13 supervision of any public or private elementary or secondary school,
14 junior high or high school, or public vocational school, and engages
15 in conduct prohibited by this section, or where the victim is under
16 the legal custody or supervision of a state, federal, county,
17 municipal or political subdivision and engages in conduct prohibited
18 by this section with a federal, state, county, municipal or
19 political subdivision employee or an employee of a contractor of the
20 state, the federal government, a county, a municipality or political
21 subdivision that exercises authority over the victim, consent shall
22 not be an element of the crime. Except for persons sentenced to
23 life or life without parole, any person sentenced to imprisonment
24 for two (2) years or more for a violation of this section shall be

1 required to serve a term of post-imprisonment supervision pursuant
2 to subparagraph f of paragraph 1 of subsection A of Section 991a of
3 Title 22 of the Oklahoma Statutes under conditions determined by the
4 Department of Corrections. The jury shall be advised that the
5 mandatory post-imprisonment supervision shall be in addition to the
6 actual imprisonment.

7 SECTION 4. This act shall become effective July 1, 2009.

8 SECTION 5. It being immediately necessary for the preservation
9 of the public peace, health and safety, an emergency is hereby
10 declared to exist, by reason whereof this act shall take effect and
11 be in full force from and after its passage and approval.

12 Passed the Senate the 4th day of March, 2009.

13

14

Presiding Officer of the Senate

15

16 Passed the House of Representatives the ____ day of _____,
17 2009.

18

19

Presiding Officer of the House
of Representatives

20

21

22

23

24