

ENROLLED SENATE
BILL NO. 1064

By: Barrington of the Senate

and

Shannon of the House

An Act relating to prisons; amending 57 O.S. 2001, Section 21, as amended by Section 5, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2008, Section 21), which relates to contraband in jails and prisons; modifying language; prohibiting cellular phone and certain devices in certain secure places; setting penalty; defining term; and declaring an emergency.

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

SECTION 1. AMENDATORY 57 O.S. 2001, Section 21, as amended by Section 5, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2008, Section 21), is amended to read as follows:

Section 21. A. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by Section 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating beverage or low-point beer as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, money, or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and ~~is subject to, upon conviction, shall be punished by~~ imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year ~~or nor~~ more than five (5) years, or ~~by~~ a fine of not less than One Hundred Dollars (\$100.00) ~~or nor~~ more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment.

B. If an inmate is found to be in possession of any such item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be subject to punished by imprisonment for a term of not less than five (5) years nor more than twenty (20) years in the custody of the Department of Corrections.

C. If the person found to be in possession of any such item prohibited by this section has committed, prior to the commission of said an offense in violation of this section, committed two or more felony offenses, and said the possession of contraband was in violation of this section is within ten (10) years of the completion of the execution of the sentence for any prior offense, such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

D. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco, or any other form of tobacco product, or any cellular phone or electronic device capable of sending or receiving digital transmissions shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not to exceed exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

E. Any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of a jail or state penal institution or other secure place where prisoners are located any cellular phone or electronic device capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

F. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any

nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

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.

Passed the Senate the 20th day of May, 2009.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2009.

Presiding Officer of the House
of Representatives