

THE HOUSE OF REPRESENTATIVES
Monday, February 23, 2009

House Bill No. 1790

HOUSE BILL NO. 1790 - By: SHANNON of the House.

An Act relating to prisons and reformatories; 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 or penal institutions; updating language; modifying penalty for certain prohibited act; and providing an effective date.

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

1 SECTION 1. AMENDATORY 57 O.S. 2001, Section 21, as amended by Section
2 5, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2008, Section 21), is amended to read as
3 follows:
4 Section 21. A. Any person who, without authority, brings into or has in his or her
5 possession in any jail or state penal institution or other place where prisoners are
6 located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous
7 substance as defined by ~~Section 2-101 et seq. of Title 63 of the Oklahoma Statutes~~ the
8 Uniform Controlled Dangerous Substances Act, any intoxicating beverage or low-point
9 beer as defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, money,
10 ~~or~~ financial documents for a person other than the inmate or a spouse of the inmate,
11 including but not limited to tax returns, or any cellular phone or electronic device
12 capable of sending or receiving digital transmissions shall, upon conviction, be guilty of a

1 felony ~~and is subject to~~ punishable by imprisonment in the custody of the Department of
2 Corrections for not less than one (1) year or more than five (5) years, or a fine of not less
3 than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00), or
4 by both such fine and imprisonment.

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

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

17 D. Any person who, without authority, brings into or has in his or her possession in
18 any jail or state penal institution or other place where prisoners are located, cigarettes,
19 cigars, snuff, chewing tobacco, or any other form of tobacco product, ~~or any cellular phone~~
20 ~~or electronic device capable of sending or receiving digital transmissions~~ shall, upon
21 conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 to exceed one (1) year, or a fine not to exceed Five Hundred Dollars (\$500.00), or by both
2 such fine and imprisonment.

3 SECTION 2. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-19-09 - DO PASS.