

THE STATE SENATE
Monday, April 6, 2009

Committee Substitute for
ENGROSSED

House Bill No. 1030

COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 1030 - By: Wright (John) of the House and Sykes of the Senate.

[crimes and punishments - mandatory minimum sentences - home invasion - codification - effective date]

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

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

Section 13.1 Persons convicted of:

- 1. First degree murder as defined in Section 701.7 of this title;
- 2. Second degree murder as defined by Section 701.8 of this title;
- 3. Manslaughter in the first degree as defined by Section 711 of this title;
- 4. Poisoning with intent to kill as defined by Section 651 of this title;
- 5. Shooting with intent to kill, use of a vehicle to facilitate use of a firearm, crossbow or other weapon, assault, battery, or

1 assault and battery with a deadly weapon or by other means likely to
2 produce death or great bodily harm, as provided for in Section 652
3 of this title;

4 6. Assault with intent to kill as provided for in Section 653
5 of this title;

6 7. Conjoint robbery as defined by Section 800 of this title;

7 8. Robbery with a dangerous weapon as defined in Section 801 of
8 this title;

9 9. First degree robbery as defined in Section 797 of this
10 title;

11 10. First degree rape as provided for in Section 1115 of this
12 title;

13 11. First degree arson as defined in Section 1401 of this
14 title;

15 12. First degree burglary as provided for in Section 1436 of
16 this title;

17 13. Bombing as defined in Section 1767.1 of this title;

18 14. Any crime against a child provided for in Section 7115 of
19 Title 10 of the Oklahoma Statutes;

20 15. Forcible sodomy as defined in Section 888 of this title;

21 16. Child pornography as defined in Section 1021.2, 1021.3 or
22 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. Home invasion as defined in Section 2 of this act,
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. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1443 of Title 21, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Any two or more persons who enter the dwelling of another,
22 while armed with a deadly weapon and with the intent to commit some
23 crime by:

- 1 1. Forcibly bursting or breaking a wall, or an outer door,
2 window, or shutter of a window of the dwelling or the lock or bolts
3 of a door, or the fastening of a window or shutter; or
4 2. Breaking in, in any other manner, or being assisted or aided
5 by one or more persons then actually present; or
6 3. Unlocking an outer door by means of false keys or by picking
7 a lock, or by lifting a latch or opening a window,
8 while there are one or more persons in the dwelling are guilty of
9 home invasion.

10 B. Home invasion is a felony punishable by imprisonment in the
11 custody of the Department of Corrections for a term of not less than
12 fifteen (15) years nor more than twenty (20) years.

13 C. If conduct constituting an offense under this section also
14 constitutes an offense under another section of law, the person may
15 be prosecuted under either section or under both sections.

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-1-09 - DO
18 PASS, As Amended.