

EHB 1790

THE STATE SENATE  
Tuesday, March 31, 2009

ENGROSSED

House Bill No. 1790

As Amended

ENGROSSED HOUSE BILL NO. 1790 - By: Shannon of the House and Barrington of the Senate.

[ prisons and reformatories - amending 57 O.S., Section 21 - contraband in jails or penal institutions - effective date ]

~~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~~ the Uniform Controlled Dangerous Substances Act, 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, or any cellular phone or electronic device capable of sending or receiving

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

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

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

22 D. Any person who, without authority, brings into or has in his  
23 or her possession in any jail or state penal institution or other

1 place where prisoners are located, cigarettes, cigars, snuff,  
2 chewing tobacco, or any other form of tobacco product, ~~or any~~  
3 ~~cellular phone or electronic device capable of sending or receiving~~  
4 ~~digital transmissions~~ shall, upon conviction, be guilty of a  
5 misdemeanor punishable by imprisonment in the county jail not to  
6 exceed one (1) year, or a fine not to exceed Five Hundred Dollars  
7 (\$500.00), or by both such fine and imprisonment.

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

9 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-25-09 - DO  
10 PASS, As Amended.