

SB 1064

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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 1064
As Amended

SENATE BILL NO. 1064 - By: Barrington of the Senate and Shannon of the House.

[crimes and punishments - contraband - cellular phone - 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 imprisonment in the custody of the Department of Corrections for not less than one (1) year or more than five (5) years, or a fine of not less than

1 One Hundred Dollars (\$100.00) or more than One Thousand Dollars
2 (\$1,000.00), or both such fine and imprisonment.

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

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

19 D. Any person who, without authority, brings into or has in his
20 or her possession in any jail or state penal institution or other
21 place where prisoners are located, cigarettes, cigars, snuff,
22 chewing tobacco, or any other form of tobacco product, ~~or any~~
23 ~~cellular phone or electronic device capable of sending or receiving~~

1 ~~digital transmissions~~ shall, upon conviction, be guilty of a
2 misdemeanor punishable by imprisonment in the county jail not to
3 exceed one (1) year, or by a fine not ~~to exceed~~ exceeding Five
4 Hundred Dollars (\$500.00), or by both such fine and imprisonment.

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

14 F. "Electronic communication" means any transfer of signs,
15 signals, writings, images, sounds, data, or intelligence of any
16 nature transmitted in whole or part by a wire, radio,
17 electromagnetic, photo-electronic, or photo-optical system, and
18 includes, but is not limited to, the transfer of that communication
19 through the Internet.

20 SECTION 2. It being immediately necessary for the preservation
21 of the public peace, health and safety, an emergency is hereby
22 declared to exist, by reason whereof this act shall take effect and
23 be in full force from and after its passage and approval.

1 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO
2 PASS, As Amended and Coauthored.