

THE STATE SENATE
Monday, February 23, 2009

Committee Substitute for
Senate Bill No. 702

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 702 - By: Paddock of the Senate and Thomsen of the House.

[crimes and punishments - mandatory minimum sentences - kidnapping - effective date - emergency]

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 assault and battery with a deadly weapon or by other means likely to

1 produce death or great bodily harm, as provided for in Section 652
2 of this title;

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

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

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

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

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

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

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

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

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

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

20 16. Child pornography as defined in Section 1021.2, 1021.3 or
21 1024.1 of this title;

22 17. Child prostitution as defined in Section 1030 of this
23 title;

1 18. Lewd molestation of a child as defined in Section 1123 of
2 this title;

3 19. Abuse of a vulnerable adult as defined in Section 10-103 of
4 Title 43A of the Oklahoma Statutes who is a resident of a nursing
5 facility; ~~or~~

6 20. Aggravated trafficking as provided for in subsection C of
7 Section 2-415 of Title 63 of the Oklahoma Statutes; or

8 21. Kidnapping as defined in Section 741 of this title,
9 shall be required to serve not less than eighty-five percent (85%)
10 of any sentence of imprisonment imposed by the judicial system prior
11 to becoming eligible for consideration for parole. Persons
12 convicted of these offenses shall not be eligible for earned credits
13 or any other type of credits which have the effect of reducing the
14 length of the sentence to less than eighty-five percent (85%) of the
15 sentence imposed.

16 SECTION 2. AMENDATORY 21 O.S. 2001, Section 741, as last
17 amended by Section 4, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,
18 Section 741), is amended to read as follows:

19 Section 741. Any person who, without lawful authority, forcibly
20 seizes and confines another, or inveigles or kidnaps another, with
21 intent, either:

22 First. To cause such other person to be confined or imprisoned
23 in this state against the will of the other person; or

1 Second. To cause such other person to be sent out of this state
2 against the will of the other person; or

3 Third. To cause such person to be sold as a slave, or in any
4 way held to service against the will of such person, shall be guilty
5 of a felony punishable by imprisonment in the custody of the
6 Department of Corrections for a term not exceeding ten (10) years
7 less than five (5) years. Upon any trial for a violation of this
8 section, the consent thereto of the person kidnapped or confined,
9 shall not be a defense, unless it appears satisfactorily to the
10 jury, that such person was above the age of twelve (12) years, and
11 that such consent was not extorted by threat, or by duress.

12 Except for persons sentenced to life or life without parole, on
13 and after the effective date of this act any person sentenced to
14 imprisonment ~~for two (2) years or more~~ for a violation of this
15 section and the offense involved sexual abuse or sexual
16 exploitation, shall be required to serve a term of post-imprisonment
17 supervision pursuant to subparagraph f of paragraph 1 of subsection
18 A of Section 991a of Title 22 of the Oklahoma Statutes under
19 conditions determined by the Department of Corrections. The jury
20 shall be advised that the mandatory post-imprisonment supervision
21 shall be in addition to the actual imprisonment.

22 SECTION 3. This act shall become effective July 1, 2009.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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