

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1064

By: Barrington

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Section 21, as amended by Section 5,
9 Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2008, Section
10 21), which relates to contraband; clarifying
11 language; increasing penalty for cellular phone;
12 setting felony penalty; defining term; and declaring
13 an emergency.

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

15 SECTION 1. AMENDATORY 57 O.S. 2001, Section 21, as
16 amended by Section 5, Chapter 366, O.S.L. 2008 (57 O.S. Supp. 2008,
17 Section 21), is amended to read as follows:

18 Section 21. A. Any person who, without authority, brings into
19 or has in his or her possession in any jail or state penal
20 institution or other place where prisoners are located, any gun,
21 knife, bomb or other dangerous instrument, any controlled dangerous
22 substance as defined by Section 2-101 et seq. of Title 63 of the
23 Oklahoma Statutes, any intoxicating beverage or low-point beer as
24 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

1 inmate or a spouse of the inmate, including but not limited to tax
2 returns, shall be guilty of a felony and is subject to imprisonment
3 in the custody of the Department of Corrections for not less than
4 one (1) year or more than five (5) years, or a fine of not less than
5 One Hundred Dollars (\$100.00) or more than One Thousand Dollars
6 (\$1,000.00), or both such fine and imprisonment.

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

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

23 D. Any person who, without authority, brings into or has in his
24 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 by a fine not ~~to exceed~~ exceeding Five
7 Hundred Dollars (\$500.00), or by both such fine and imprisonment.

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

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

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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