

1 STATE OF OKLAHOMA

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

3 SENATE BILL 702

By: Paddack

4
5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2001, Sections 13.1, as last amended by
9 Section 1, Chapter 199, O.S.L. 2007, and 741, as last
10 amended by Section 4, Chapter 261, O.S.L. 2007 (21
11 O.S. Supp. 2008, Sections 13.1 and 741), which relate
12 to mandatory minimum sentences and kidnapping; adding
13 kidnapping to mandatory minimum sentencing;
14 increasing penalty for kidnapping; providing an
15 effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 21 O.S. 2001, Section 13.1, as
18 last amended by Section 1, Chapter 199, O.S.L. 2007 (21 O.S. Supp.
19 2008, Section 13.1), is amended to read as follows:

20 Section 13.1 Persons convicted of:

- 21 1. First degree murder as defined in Section 701.7 of this
22 title;
- 23 2. Second degree murder as defined by Section 701.8 of this
24 title;
3. Manslaughter in the first degree as defined by Section 711
of this title;

1 4. Poisoning with intent to kill as defined by Section 651 of
2 this title;

3 5. Shooting with intent to kill, use of a vehicle to facilitate
4 use of a firearm, crossbow or other weapon, assault, battery, or
5 assault and battery with a deadly weapon or by other means likely to
6 produce death or great bodily harm, as provided for in Section 652
7 of this title;

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

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

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

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

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

17 11. First degree arson as defined in Section 1401 of this
18 title;

19 12. First degree burglary as provided for in Section 1436 of
20 this title;

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

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

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

1 16. Child pornography as defined in Section 1021.2, 1021.3 or
2 1024.1 of this title;

3 17. Child prostitution as defined in Section 1030 of this
4 title;

5 18. Lewd molestation of a child as defined in Section 1123 of
6 this title;

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

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

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

20 SECTION 2. AMENDATORY 21 O.S. 2001, Section 741, as last
21 amended by Section 4, Chapter 261, O.S.L. 2007 (21 O.S. Supp. 2008,
22 Section 741), is amended to read as follows:
23
24

1 Section 741. Any person who, without lawful authority, forcibly
2 seizes and confines another, or inveigles or kidnaps another, with
3 intent, either:

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

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

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

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

1 shall be advised that the mandatory post-imprisonment supervision
2 shall be in addition to the actual imprisonment.

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

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

8

9 52-1-1480 NP 3/6/2009 6:12:46 AM

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24