

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 987

By: Paddack, Barrington and  
Marlatt of the Senate

3

and

4

Newell of the House

5

6

7 ( crimes and punishment - first degree murder -

8

effective date )

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11 AMENDMENT NO. 1. Strike the stricken title, enacting clause and  
entire bill and insert

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13 "An Act relating to crimes and punishment; amending  
14 21 O.S. 2011, Section 701.7, which relates to the  
crime of first degree murder; expanding scope of  
15 crime; defining term; and providing an effective  
date.

16

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 701.7, is

19 amended to read as follows:

20 Section 701.7 A. A person commits murder in the first degree  
21 when that person unlawfully and with malice aforethought causes the  
22 death of another human being. Malice is that deliberate intention  
23 unlawfully to take away the life of a human being, which is  
24 manifested by external circumstances capable of proof.

1 B. A person also commits the crime of murder in the first  
2 degree, regardless of malice, when that person or any other person  
3 takes the life of a human being during, or if the death of a human  
4 being results from, the commission or attempted commission of murder  
5 of another person, shooting or discharge of a firearm or crossbow  
6 with intent to kill, intentional discharge of a firearm or other  
7 deadly weapon into any dwelling or building as provided in Section  
8 1289.17A of this title, forcible rape, robbery with a dangerous  
9 weapon, kidnapping, escape from lawful custody, eluding an officer,  
10 first degree burglary, first degree arson, unlawful distributing or  
11 dispensing of controlled dangerous substances or synthetic  
12 controlled substances, ~~or~~ trafficking in illegal drugs, or  
13 manufacturing or attempting to manufacture a controlled dangerous  
14 substance.

15 1. Except as provided in paragraph 3 of this subsection, the  
16 term "synthetic controlled substance" means a substance:

- 17 a. the chemical structure of which is substantially  
18 similar to the chemical structure of a controlled  
19 substance in Schedule I or II,
- 20 b. which has a stimulant, depressant, or hallucinogenic  
21 effect on the central nervous system that is  
22 substantially similar to or greater than the  
23 stimulant, depressant, or hallucinogenic effect on the

24

1 central nervous system of a controlled substance in  
2 Schedule I or II, or

3 c. with respect to a particular person, which such person  
4 represents or intends to have a stimulant, depressant,  
5 or hallucinogenic effect on the central nervous system  
6 that is substantially similar to or greater than the  
7 stimulant, depressant, or hallucinogenic effect on the  
8 central nervous system of a controlled substance in  
9 Schedule I or II.

10 2. The designation of gamma butyrolactone does not preclude a  
11 finding pursuant to paragraph 1 of this subsection that the chemical  
12 is a synthetic controlled substance.

13 3. Such term does not include:

14 a. a controlled substance,

15 b. any substance for which there is an approved new drug  
16 application,

17 c. with respect to a particular person any substance, if  
18 an exemption is in effect for investigational use, for  
19 that person, under Section 505 of the Federal Food,  
20 Drug, and Cosmetic Act (21 U.S.C. 355) to the extent  
21 conduct with respect to such substance is pursuant to  
22 such exemption, or

1           d. any substance to the extent not intended for human  
2           consumption before such an exemption takes effect with  
3           respect to that substance.

4           C. A person commits murder in the first degree when the death  
5 of a child results from the willful or malicious injuring,  
6 torturing, maiming or using of unreasonable force by said person or  
7 who shall willfully cause, procure or permit any of said acts to be  
8 done upon the child pursuant to Section 843.5 of this title. It is  
9 sufficient for the crime of murder in the first degree that the  
10 person either willfully tortured or used unreasonable force upon the  
11 child or maliciously injured or maimed the child.

12           D. A person commits murder in the first degree when that person  
13 unlawfully and with malice aforethought solicits another person or  
14 persons to cause the death of a human being in furtherance of  
15 unlawfully manufacturing, distributing or dispensing controlled  
16 dangerous substances, as defined in the Uniform Controlled Dangerous  
17 Substances Act, unlawfully possessing with intent to distribute or  
18 dispense controlled dangerous substances, or trafficking in illegal  
19 drugs.

20           E. A person commits murder in the first degree when that person  
21 intentionally causes the death of a law enforcement officer or  
22 correctional officer while the officer is in the performance of  
23 official duties.

24           SECTION 2. This act shall become effective November 1, 2012."

