STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 1072 By: Barrington of the Senate

and

Roan of the House

COMMITTEE SUBSTITUTE

An act relating to crimes and punishments; amending 21 O.S. 2011, Sections 1289.19 and 1289.26, which relate to certain definitions and the wearing of body armor when committing a felony; adding definition; modifying scope of certain enhanced penalty; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.19, is amended to read as follows:

Section 1289.19 As used in Sections 1289.20 through 1289.22 and Section 1289.26 of this title ~~and Section 2 of this act~~:

1. "Restricted bullet" means a round or elongated missile with a core of less than sixty percent (60%) lead and having a fluorocarbon coating, which is designed to travel at a high velocity and is capable of penetrating body armor; ~~and~~

2. "Body armor" means a vest or shirt of ten (10) plies or more of bullet resistant material as defined by the Office of Development, Testing and Dissemination, a division of the United States Department of Justice; and

3. "Kevlar Helmet" means the Personnel Armor System Ground Troops Helmet (PASGT Helmet) made from layers of Kevlar, a ballistic aramid fabric treated with a phenolic resin system which offers protection against shrapnel and ballistic threats, or any replacement for the Kevlar Helmet developed for and used by the U.S. Army, U.S. Air Force, U.S. Marine Corps and U.S. Navy. Nothing in this section shall be construed to prohibit the lawful possession of a helmet or Kevlar Helmet or body armor related to purposes of collecting or from a veteran's time of service.

SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.26, is amended to read as follows:

Section 1289.26

USE OF BODY ARMOR

Any person who commits or attempts to commit a felony while wearing body armor or a Kevlar helmet as defined in Section 1289.19 of this title, in addition to the penalty provided by statute for the felony committed or attempted, upon conviction shall be guilty of a felony for wearing such body armor or a Kevlar helmet, which shall be a separate offense from the felony committed or attempted, and shall be punishable by imprisonment in the State Penitentiary

for a period of not more than ten (10) years for the first offense, and for a period of not more than twenty (20) years for any second or subsequent offense.

SECTION 3. This act shall become effective November 1, 2012.

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