

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 987

By: Paddack, Barrington and
Marlatt of the Senate

and

Newell of the House

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10 COMMITTEE SUBSTITUTE

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

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

17 SECTION 1. AMENDATORY 21 O.S. 2011, Section 701.7, is
18 amended to read as follows:

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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.

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

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3 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03/27/2012 - DO
4 PASS, As Amended.
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