SENATE FLOOR VERSION
April 2, 2012

ENGROSSED HOUSE
BILL NO. 2364 By: Billy, Inman and Ritze of the House

and

Childers of the Senate

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 21, which relates to contraband in jails or prisons; providing for the disposal of certain contraband; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 21, is amended to read as follows:

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

inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Hundred Dollars ($100.00) nor more than One Thousand Dollars ($1,000.00), or by both such fine and imprisonment.

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

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

D. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco, or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars ($500.00), or by both such fine and imprisonment.

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

F. Any electronic communication device which has no identifiable owner and which is seized as a result of a violation of this section may be disposed of or sold by the agency that seized the device.

G. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data, or intelligence of any

nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 3-29-12 - DO PASS.