

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2364

By: Billy and Inman

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5
6 AS INTRODUCED

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

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

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

16 Section 21. A. Any person who, without authority, brings into
17 or has in his or her possession in any jail or state penal
18 institution or other place where prisoners are located, any gun,
19 knife, bomb or other dangerous instrument, any controlled dangerous
20 substance as defined by Section 2-101 et seq. of Title 63 of the
21 Oklahoma Statutes, any intoxicating beverage or low-point beer as
22 defined by Sections 163.1 and 163.2 of Title 37 of the Oklahoma
23 Statutes, money, or financial documents for a person other than the
24 inmate or a spouse of the inmate, including but not limited to tax

1 returns, shall be guilty of a felony and, upon conviction, shall be
2 punished by imprisonment in the custody of the Department of
3 Corrections for a term of not less than one (1) year nor more than
4 five (5) years, or by a fine of not less than One Hundred Dollars
5 (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both
6 such fine and imprisonment.

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

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

23 D. Any person who, without authority, brings into or has in his
24 or her possession in any jail or state penal institution or other

1 place where prisoners are located, cigarettes, cigars, snuff,
2 chewing tobacco, or any other form of tobacco product shall, upon
3 conviction, be guilty of a misdemeanor punishable by imprisonment in
4 the county jail not to exceed one (1) year, or by a fine not
5 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
6 imprisonment.

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

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

21 G. "Electronic communication" means any transfer of signs,
22 signals, writings, images, sounds, data, or intelligence of any
23 nature transmitted in whole or part by a wire, radio,
24 electromagnetic, photo-electronic, or photo-optical system, and

1 includes, but is not limited to, the transfer of that communication
2 through the Internet.

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

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5 53-2-8233 GRS 12/19/11

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