HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

HOUSE BILL 1336 By: Lockhart

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Sections 991a-17 and 991a-20, which relate to the Elderly and Incapacitated Victim's Protection Program; modifying penalties; updating language; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 991a-17, is amended to read as follows:

Section 991a-17. Whenever a person is convicted of an offense enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title in which the victim is elderly or incapacitated, the court shall upon conviction:

1. Commit the defendant for confinement as provided by law; provided, the first ~~thirty (30)~~ ninety (90) days of the sentence shall not be subject to probation, suspension or deferral; provided further, this mandatory minimum period of confinement shall be served in the county jail as a condition of a suspended or deferred sentence, pursuant to Section 991a of ~~Title 22 of the Oklahoma~~

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

~~Statutes~~ this title and may be served by night or weekend incarceration pursuant to Section 991a-2 of ~~Title 22 of the Oklahoma Statutes~~ this title; and

2. a. Require restitution be paid to the victim for out-of-pocket expenses, loss or damage to property and medical expenses for injury proximately caused by the conduct of the defendant pursuant to Section ~~447~~ 991a-18 of this ~~act~~ title, or

b. Assign the offender to perform a required term of community service, according to a schedule consistent with the employment and family responsibility of the person convicted, or

c. Require restitution as provided in subparagraph a of this paragraph and community service as provided in subparagraph b of this paragraph; and

3. The court may further impose a fine or any other penalty otherwise provided by law.

SECTION 2. AMENDATORY 22 O.S. 2011, Section 991a-20, is amended to read as follows:

Section 991a-20. A. Every person who, having been convicted of any offense against an elderly or incapacitated person, as enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title, commits any crime against an elderly or incapacitated person after such conviction is punishable as follows:

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1. If the offense of which such person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for any term exceeding five (5) years, such person is punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not less than ten (10) years; or

2. If such subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for five (5) years or less, then the person convicted of such subsequent offense is punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term not exceeding fifteen (15) years.

B. Every person who, having been twice convicted of felony offenses against an elderly or incapacitated person, commits a third felony offense against an elderly or incapacitated person ~~within ten (10) years of the date following the completion of the execution of the first sentence~~, shall be punishable by imprisonment in the ~~State Penitentiary~~ custody of the Department of Corrections for a term of not less than twenty (20) years.

C. All felony offenses arising out of the same transaction or occurrence or series of events closely related in time and location shall be considered as one offense for the purposes of this section.

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D. Nothing in this section shall affect the punishment by death or life imprisonment without parole in all crimes now or hereafter made punishable by death or life imprisonment without parole.

SECTION 3. This act shall become effective November 1, 2013.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/13/2013 - DO PASS, As Amended and Coauthored.

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