SENATE FLOOR VERSION
February 20, 2013
AS AMENDED

SENATE BILL NO. 995 By: Crain of the Senate

and

Martin (Steve) of the House

[crimes of mass violence - eligibility for parole - juvenile or youthful offender affirmative defense - penalties - codification - emergency]

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1270 of Title 21, unless there is created a duplication in numbering, reads as follows:

A. Any person who endeavors, plans, plots or conspires to commit a crime of mass violence at a school, a place of worship, a place of employment, a sporting event, an entertainment venue or any other location used for large gatherings of people and commits an overt act in furtherance thereof:

1. Shall be guilty of a felony, and upon conviction punished by imprisonment in the custody of the Department of Corrections for not less than ten (10) years nor more than life;

2. Shall not qualify for a deferred sentence or a suspended sentence;

3. Shall be required to serve not less than eighty-five percent (85%) of any sentence of imprisonment imposed by the judicial system prior to becoming eligible for consideration for parole; and

4. Shall not be eligible for earned credits or any other type of credits which have the effect of reducing the length of the sentence to less than eighty-five percent (85%) of the sentence imposed.

B. Any person thirteen (13), fourteen (14), fifteen (15), sixteen (16) or seventeen (17) years of age who is charged with violating subsection A of this section shall be considered as an adult. The reverse certification process shall not apply to this crime.

C. It shall be an affirmative defense to conspiracy to commit a crime of mass violence if an individual:

1. Withdraws from the conspiracy;

2. Reports the conspiracy to law enforcement in sufficient time to allow law enforcement to prevent the crime; and

3. The crime was actually prevented.

Provided, however, the individual asserting the affirmative defense shall fully cooperate with the prosecution of his or her former co-conspirators.

D. Any person having reason to believe that another person is endeavoring, planning, plotting or conspiring to commit a crime of mass violence at a school, a place of worship or any other location open to the public shall as soon as practicably possible report the matter to law enforcement. Any person who violates this subsection shall be guilty of a misdemeanor and, upon conviction, shall be punished by imprisonment in the county jail for not more than one (1) year and by a fine of One Thousand Dollars ($1,000). Provided, however, any person who violates this subsection, and the crime of mass violence is carried out or is attempted to be carried out, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for not less than five (5) years and by a fine of Ten Thousand Dollars ($10,000).

E. As used in this section:

1. "Endeavor" means to take any action or step in the planning, preparation or execution of a crime of mass violence;

2. "Crime of mass violence" means any action intended to cause the serious injury or death of at least three people through the use of a deadly weapon, dangerous weapon or weapon of mass destruction;

3. "Dangerous weapon" means any implement, substance or natural resource likely to produce death or great bodily harm in the manner it is used, attempted to be used or planned to be used; and

4. "Deadly weapon" means any instrument designed or constructed to cause death or great bodily injury.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 20, 2013 - DO PASS AS AMENDED