

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1336

By: Lockhart

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5  
6 AS INTRODUCED

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

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

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

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

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

1 incarceration pursuant to Section 991a-2 of ~~Title 22 of the Oklahoma~~  
2 ~~Statutes~~ this title; and

3 2. a. Require restitution be paid to the victim for  
4 out-of-pocket expenses, loss or damage to property and  
5 medical expenses for injury proximately caused by the  
6 conduct of the defendant pursuant to Section 447 991a-  
7 18 of this ~~act~~ title, or

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

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

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

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

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

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

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

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

22           C. All felony offenses arising out of the same transaction or  
23 occurrence or series of events closely related in time and location  
24 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.

54-1-5286            GRS            01/10/13