

1 STATE OF OKLAHOMA

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

3 SENATE BILL 942

By: Sykes

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5
6 AS INTRODUCED

7 An Act relating to murder; amending 21 O.S. 2011,
8 Section 701.7, as last amended by Section 1, Chapter
9 208, O.S.L. 2012 (21 O.S. Supp. 2012, Section 701.7),
10 which relates to murder in the first degree; adding
11 certain result that is murder in the first degree;
12 and providing an effective date.

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

14 SECTION 1. AMENDATORY 21 O.S. 2011, Section 701.7, as
15 last amended by Section 1, Chapter 208, O.S.L. 2012 (21 O.S. Supp.
16 2012, Section 701.7), is amended to read as follows:

17 Section 701.7. A. A person commits murder in the first degree
18 when that person unlawfully and with malice aforethought causes the
19 death of another human being. Malice is that deliberate intention
20 unlawfully to take away the life of a human being, which is
21 manifested by external circumstances capable of proof.

22 B. A person also commits the crime of murder in the first
23 degree, regardless of malice, when that person or any other person
24 takes the life of a human being during, or if the death of a human
being results from, the commission or attempted commission of murder

1 of another person, shooting or discharge of a firearm or crossbow
2 with intent to kill, intentional discharge of a firearm or other
3 deadly weapon into any dwelling or building as provided in Section
4 1289.17A of this title, forcible rape, robbery with a dangerous
5 weapon, kidnapping, escape from lawful custody, eluding an officer,
6 first degree burglary, first degree arson, unlawful distributing or
7 dispensing of controlled dangerous substances or synthetic
8 controlled substances, trafficking in illegal drugs, ~~or~~
9 manufacturing or attempting to manufacture a controlled dangerous
10 substance or a fire that is the result of manufacturing or
11 attempting to manufacture methamphetamine.

12 1. Except as provided in paragraph 3 of this subsection, the
13 term "synthetic controlled substance" means a substance:

- 14 a. the chemical structure of which is substantially
15 similar to the chemical structure of a controlled
16 substance in Schedule I or II,
17 b. which has a stimulant, depressant, or hallucinogenic
18 effect on the central nervous system that is
19 substantially similar to or greater than the
20 stimulant, depressant, or hallucinogenic effect on the
21 central nervous system of a controlled substance in
22 Schedule I or II, or
23 c. with respect to a particular person, which such person
24 represents or intends to have a stimulant, depressant,

1 or hallucinogenic effect on the central nervous system
2 that is substantially similar to or greater than the
3 stimulant, depressant, or hallucinogenic effect on the
4 central nervous system of a controlled substance in
5 Schedule I or II.

6 2. The designation of gamma butyrolactone does not preclude a
7 finding pursuant to paragraph 1 of this subsection that the chemical
8 is a synthetic controlled substance.

9 3. Such term does not include:

- 10 a. a controlled substance,
- 11 b. any substance for which there is an approved new drug
12 application,
- 13 c. with respect to a particular person any substance, if
14 an exemption is in effect for investigational use, for
15 that person, under Section 505 of the Federal Food,
16 Drug, and Cosmetic Act (21 U.S.C. 355) to the extent
17 conduct with respect to such substance is pursuant to
18 such exemption, or
- 19 d. any substance to the extent not intended for human
20 consumption before such an exemption takes effect with
21 respect to that substance.

22 C. A person commits murder in the first degree when the death
23 of a child results from the willful or malicious injuring,
24 torturing, maiming or using of unreasonable force by said person or

1 who shall willfully cause, procure or permit any of said acts to be
2 done upon the child pursuant to Section 843.5 of this title. It is
3 sufficient for the crime of murder in the first degree that the
4 person either willfully tortured or used unreasonable force upon the
5 child or maliciously injured or maimed the child.

6 D. A person commits murder in the first degree when that person
7 unlawfully and with malice aforethought solicits another person or
8 persons to cause the death of a human being in furtherance of
9 unlawfully manufacturing, distributing or dispensing controlled
10 dangerous substances, as defined in the Uniform Controlled Dangerous
11 Substances Act, unlawfully possessing with intent to distribute or
12 dispense controlled dangerous substances, or trafficking in illegal
13 drugs.

14 E. A person commits murder in the first degree when that person
15 intentionally causes the death of a law enforcement officer,
16 correctional officer, or corrections employee while the officer or
17 employee is in the performance of official duties.

18 SECTION 2. This act shall become effective November 1, 2013.

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