

1 STATE OF OKLAHOMA

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

3 SENATE BILL 995

By: Crain

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6 AS INTRODUCED

7 An Act relating to crimes of mass violence; making it
8 unlawful to commit a crime of mass violence;
9 providing penalties; prohibiting certain sentences
10 under certain circumstances; requiring certain
11 percentage of certain sentences to be served before
12 eligibility for parole; prohibiting eligibility for
13 certain credits for certain purpose; making persons
14 of certain ages not qualify for juvenile or youthful
15 offender under certain circumstances; prohibiting
16 certain laws to apply to certain circumstances;
17 providing for certain affirmative defense; requiring
18 the reporting of certain actions; providing
19 penalties; defining terms; providing for
20 codification; and declaring an emergency.

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

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

6 3. Shall be required to serve not less than eighty-five percent
7 (85%) of any sentence of imprisonment imposed by the judicial system
8 prior to becoming eligible for consideration for parole; and

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

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

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

20 1. Withdraws from the conspiracy;

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

23 3. The crime was actually prevented.
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1 Provided however, the individual asserting the affirmative defense
2 shall fully cooperate with the prosecution of his or her former co-
3 conspirators.

4 D. Any person having reason to believe that another person is
5 endeavoring, planning, plotting or conspiring to commit a crime of
6 mass violence at a school, a place of worship or any other location
7 open to the public shall as soon as practicably possible report the
8 matter to law enforcement. Any person who violates this subsection
9 shall be guilty of a misdemeanor and, upon conviction, shall be
10 punished by imprisonment in the county jail for not more than one
11 (1) year and by a fine of One Thousand Dollars (\$1,000). Provided
12 however, any person who violates this subsection, and the crime of
13 mass violence is carried out or is attempted to be carried out,
14 shall be guilty of a felony and, upon conviction, shall be punished
15 by imprisonment in the custody of the Department of Corrections for
16 not less than five (5) years and by a fine of Ten Thousand Dollars
17 (\$10,000).

18 E. As used in this section:

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

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

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

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

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

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