

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 39

By: Allen

AS INTRODUCED

An Act relating to damages; amending 47 O.S. 2011, Section 4-104, which relates to damaging or tampering with certain vehicles or implements of husbandry; providing penalties; clarifying certain crime; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 4-104, is amended to read as follows:

Section 4-104. ~~(a)~~ A. A person, who, with intent and without right to do so, injures or tampers with any vehicle or implement of husbandry or in any other manner damages any part or portion of said vehicle or implement of husbandry or any accessories, appurtenance or attachments thereto is guilty of ~~a misdemeanor~~.

1. A misdemeanor, if the injury or damage causes a loss which has an aggregate value of One Thousand Dollars (\$1,000.00) or less, and upon conviction, shall be punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), imprisonment in the county jail for not more than one (1) year or by both fine and imprisonment;

1 2. A felony, if the injury or damage causes a loss which has an
2 aggregate value of more than One Thousand Dollars (\$1,000.00) but
3 less than Twenty-five Thousand Dollars (\$25,000.00), and upon
4 conviction, shall be punished by a fine not to exceed Five Thousand
5 Dollars (\$5,000.00), imprisonment in the custody of the Department
6 of Corrections for not more than five (5) years or by both fine and
7 imprisonment;

8 3. A felony, if the injury or damage causes a loss which has an
9 aggregate value of more than Twenty-five Thousand Dollars
10 (\$25,000.00), and upon conviction, shall be punished by a fine not
11 to exceed Ten Thousand Dollars (\$10,000.00), imprisonment in the
12 custody of the Department of Corrections for not more than ten (10)
13 years or by both fine and imprisonment; or

14 4. A felony, if the person has two (2) or more prior
15 convictions for an offense under this section, notwithstanding the
16 value of loss caused by the injury or damage, and upon conviction,
17 shall be punished by a fine not to exceed Five Thousand Dollars
18 (\$5,000.00), imprisonment in the custody of the Department of
19 Corrections for a term of not more than five (5) years or by both
20 fine and imprisonment.

21 ~~(b)~~ B. A person, who, without right to do so and with intent to
22 commit a crime, tampers with or climbs into or upon a vehicle or
23 implement of husbandry whether it is in motion or at rest, attempts
24 to manipulate any of the levers, starting mechanism, brakes or other

1 mechanism or device of a vehicle or implement of husbandry while the
2 same is at rest and unattended, or sets in motion any vehicle or
3 implement of husbandry while the same is at rest and unattended is
4 guilty of a misdemeanor, and upon conviction, shall be punished by a
5 fine not to exceed Five Thousand Dollars (\$5,000.00), imprisonment
6 in the county jail for not more than one (1) year or by both fine
7 and imprisonment.

8 ~~(e)~~ C. This section shall not apply as stated in Section 11-
9 1002 of this title.

10 SECTION 2. This act shall become effective November 1, 2015.

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