

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB786 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Ben Loring

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED
COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 786

By: Shaw and Pittman of the
Senate

and

Loring of the House

PROPOSED COMMITTEE SUBSTITUTE

An act relating to burglary; amending 21 O.S. 2011, Sections 1435 and 1436, which relate to burglary crimes; modifying elements of offense; making certain acts unlawful; defining term; modifying certain penalty; providing penalty for third degree burglary; making certain acts unlawful; providing penalties; authorizing courts to order payment of restitution; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1435, is amended to read as follows:

Section 1435. A. Every person who breaks and enters the dwelling house of another, in which there is at the time no human being present, any commercial building or any part of any building, room, booth, tent, railroad car, automobile, truck, trailer, vessel

1 or other structure or erection other than an outbuilding, as defined
2 in subsection C of this section, in which any property is kept, ~~or~~
3 ~~breaks into or forcibly opens, any coin operated or vending machine~~
4 ~~or device~~ with intent to steal any property therein or to commit any
5 felony, is guilty of burglary in the second degree.

6 B. Every person who breaks and enters any outbuilding on any
7 commercial or residential property or any room, booth, tent,
8 railroad car, automobile, truck, trailer or vessel of another, in
9 which any property is kept with intent to steal any property therein
10 or to commit any felony, is guilty of burglary in the third degree.

11 C. As used in this section, "outbuilding" includes a shed,
12 garage, cabana, cottage or pool house or any structure subordinate
13 to, but not connected with, the primary residence or building on a
14 parcel of property.

15 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1436, is
16 amended to read as follows:

17 Section 1436. Burglary is a felony punishable by imprisonment
18 in the ~~State Penitentiary~~ custody of the Department of Corrections
19 as follows:

20 1. Burglary in the first degree for any term not less than
21 seven (7) years nor more than twenty (20) years; ~~and~~

22 2. Burglary in the second degree not exceeding seven (7) years
23 ~~and not less than two (2) years; and~~

24 3. Burglary in the third degree not exceeding three (3) years.

1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1443 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Every person who breaks into or forcibly opens any coin-
5 operated or vending machine or device with intent to steal any
6 property therein is punishable as follows:

7 1. If the value of the property is less than One Thousand
8 Dollars (\$1,000.00), the defendant shall be guilty of a misdemeanor
9 punishable by imprisonment in the county jail not to exceed one (1)
10 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
11 by both such imprisonment and fine;

12 2. If the value of the property is One Thousand Dollars
13 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
14 (\$2,500.00), the defendant shall be guilty of a felony punishable by
15 imprisonment in the custody of the Department of Corrections not to
16 exceed two (2) years, or in the county jail not to exceed one (1)
17 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
18 or by both such imprisonment and fine;

19 3. If the value of the property is Two Thousand Five Hundred
20 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
21 (\$15,000.00), the defendant shall be guilty of a felony punishable
22 by imprisonment in the custody of the Department of Corrections not
23 to exceed five (5) years, or in the county jail not to exceed one
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1 (1) year, or by a fine not to exceed One Thousand Dollars
2 (\$1,000.00), or by both such imprisonment and fine; or

3 4. If the value of the property is Fifteen Thousand Dollars
4 (\$15,000.00) or more, the defendant shall be guilty of a felony
5 punishable by imprisonment in the custody of the Department of
6 Corrections not to exceed eight (8) years, or by a fine not to
7 exceed One Thousand Dollars (\$1,000.00), or by both such
8 imprisonment and fine.

9 B. In addition to any penalty imposed, the court may order a
10 person convicted under this section to pay restitution to the
11 victim, including restitution for any property damage, as provided
12 in Section 991a of Title 22 of the Oklahoma Statutes.

13 SECTION 4. This act shall become effective November 1, 2017.

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15 56-1-7350 GRS 03/28/17
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