

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3304

By: Wright of the House

and

Fields of the Senate

COMMITTEE SUBSTITUTE

An Act relating to crime and punishment; amending 57
O.S. 2011, Section 571, as amended by Section 1,
Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2017, Section
571), which relates to definitions; modifying
inclusions; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 571, as
amended by Section 1, Chapter 397, O.S.L. 2015 (57 O.S. Supp. 2017,
Section 571), is amended to read as follows:

Section 571. As used in the Oklahoma Statutes, unless another
definition is specified:

1. "Capacity" means the actual available bedspace as certified
by the State Board of Corrections subject to applicable federal and
state laws and the rules and regulations promulgated under such
laws; and

1 2. "Violent crime" means any of the following felony offenses
2 and any attempts to commit or conspiracy or solicitation to commit
3 the following crimes:

- 4 a. assault, battery, or assault and battery with a
5 dangerous or deadly weapon;
- 6 b. shooting with intent to kill, assault, battery, or
7 assault and battery with a deadly weapon or by other
8 means likely to produce death or great bodily harm, as
9 provided for in Section 652 of the Oklahoma Statutes;
- 10 c. aggravated assault and battery on a police officer,
11 sheriff, highway patrolman, or any other officer of
12 the law;
- 13 d. poisoning with intent to kill;
- 14 e. shooting with intent to kill;
- 15 f. assault with intent to kill;
- 16 g. assault with intent to commit a felony;
- 17 h. assaults while masked or disguised;
- 18 i. murder in the first degree;
- 19 j. murder in the second degree;
- 20 k. manslaughter in the first degree;
- 21 l. manslaughter in the second degree;
- 22 m. kidnapping;
- 23 n. burglary in the first degree;
- 24 o. burglary with explosives;

- p. kidnapping for extortion;
- q. maiming;
- r. robbery;
- s. robbery in the first degree;
- t. robbery in the second degree;
- u. armed robbery;
- v. robbery by two (2) or more persons;
- w. robbery with dangerous weapon or imitation firearm;
- x. child abuse;
- y. wiring any equipment, vehicle or structure with explosives;
- z. forcible sodomy;
- aa. rape in the first degree;
- bb. rape in the second degree;
- cc. rape by instrumentation;
- dd. lewd or indecent proposition or lewd or indecent act with a child;
- ee. use of a firearm or offensive weapon to commit or attempt to commit a felony;
- ff. pointing firearms;
- gg. rioting;
- hh. inciting to riot;
- ii. arson in the first degree;
- jj. injuring or burning public buildings;

1 kk. sabotage;
2 ll. criminal syndicalism;
3 mm. extortion;
4 nn. obtaining signature by extortion;
5 oo. seizure of a bus, discharging firearm or hurling
6 missile at bus;
7 pp. mistreatment of a mental patient;
8 qq. using a vehicle to facilitate the discharge of a
9 weapon pursuant to Section 652 of Title 21 of the
10 Oklahoma Statutes;
11 rr. bombing offenses as defined in Section 1767.1 of Title
12 21 of the Oklahoma Statutes;
13 ss. child pornography or aggravated child pornography as
14 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
15 of Title 21 of the Oklahoma Statutes;
16 tt. child prostitution as defined in Section 1030 of Title
17 21 of the Oklahoma Statutes;
18 uu. abuse of a vulnerable adult as defined in Section 10-
19 103 of Title 43A of the Oklahoma Statutes who is a
20 resident of a nursing facility;
21 vv. aggravated trafficking as provided for in subsection C
22 of Section 2-415 of Title 63 of the Oklahoma Statutes;
23 ww. aggravated assault and battery upon any person
24 defending another person from assault and battery;

1 xx. human trafficking as provided for in Section 748 of
2 Title 21 of the Oklahoma Statutes; ~~or~~
3 yy. terrorism crimes as provided in Sections 1268 et seq.
4 of Title 21 of the Oklahoma Statutes; or
5 zz. using a vehicle to feloniously elude a peace officer,
6 as provided for in Section 540A of Title 21 of the
7 Oklahoma Statutes.

8 Such offenses shall constitute exceptions to nonviolent offenses
9 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

10 SECTION 2. This act shall become effective November 1, 2018.

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