

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 3304

By: Wright of the House

and

6 Fields of the Senate

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9 COMMITTEE SUBSTITUTE

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

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

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

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

21 1. "Capacity" means the actual available bedspace as certified
22 by the State Board of Corrections subject to applicable federal and
23 state laws and the rules and regulations promulgated under such
24 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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