

1 ENGROSSED SENATE
2 BILL NO. 786

By: Shaw and Pittman of the
Senate

3 and

4 Loring of the House
5
6

7 [burglary - establishing offenses - penalties -
8 maximum sentences - codification - effective date]
9

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

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

13 Section 1435. A. Every person who breaks and enters the
14 dwelling house of another, in which there is at the time no human
15 being present, or any commercial building or any part of any
16 building, room, booth, tent, railroad car, automobile, truck,
17 trailer, vessel or other structure or erection, in which any
18 property is kept, or breaks into or forcibly opens, any coin
19 operated or vending machine or device with intent to steal any
20 property therein or to commit any felony, is guilty of burglary in
21 the second degree.

22 B. Every person who breaks and enters on any commercial or
23 residential property or any room, booth, tent, railroad car,
24 automobile, truck, trailer or vessel of another, in which any

1 property is kept, with intent to steal any property therein or to
2 commit any felony, is guilty of burglary in the third degree.

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

5 Section 1436. Burglary is a felony punishable by imprisonment
6 in the ~~State Penitentiary~~ custody of the Department of Corrections
7 as follows:

8 1. Burglary in the first degree for any term not less than
9 ~~seven (7)~~ four (4) years nor more than twenty (20) years; ~~and~~

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

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

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

16 Every person who breaks into or forcibly opens any coin-operated
17 or vending machine or device with intent to steal any property
18 therein is punishable as follows:

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

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

8 3. If the value of the property is Two Thousand Five Hundred
9 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
10 (\$15,000.00), the defendant shall be guilty of a felony punishable
11 by imprisonment in the custody of the Department of Corrections not
12 to exceed five (5) years, or in the county jail not to exceed one
13 (1) year, or by a fine not to exceed One Thousand Dollars
14 (\$1,000.00), or by both such imprisonment and fine; or

15 4. If the value of the property is Fifteen Thousand Dollars
16 (\$15,000.00) or more, the defendant shall be guilty of a felony
17 punishable by imprisonment in the custody of the Department of
18 Corrections not to exceed eight (8) years, or by a fine not to
19 exceed One Thousand Dollars (\$1,000.00), or by both such
20 imprisonment and fine.

21 SECTION 4. This act shall become effective November 1, 2017.
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1 Passed the Senate the 21st day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives