

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1406

By: Dollens

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Sections 991a-17 and 991a-20, which relate to the Elderly and Incapacitated Victim's Protection Program; updating language and internal statutory citations; increasing penalties; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 991a-17, is amended to read as follows:

Section 991a-17. Whenever a person is convicted of an offense enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title in which the victim is elderly or incapacitated, the court shall upon conviction:

1. Commit the defendant for confinement as provided by law; provided, the first ~~thirty (30)~~ one hundred eighty (180) days of the sentence shall not be subject to probation, suspension or deferral; provided further, this mandatory minimum period of confinement shall be served in the county jail as a condition of a suspended or deferred sentence, pursuant to Section 991a of ~~Title 22 of the Oklahoma Statutes~~ this title and may be served by night or weekend

1 incarceration pursuant to Section 991a-2 of ~~Title 22 of the Oklahoma~~
2 ~~Statutes~~ this title; and

3 2. a. Require restitution be paid to the victim for out-of-
4 pocket expenses, loss or damage to property and
5 medical expenses for injury proximately caused by the
6 conduct of the defendant pursuant to Section ~~447~~ 991a-
7 18 of this ~~act~~ title, or

8 b. Assign the offender to perform a required term of
9 community service, according to a schedule consistent
10 with the employment and family responsibility of the
11 person convicted, or

12 c. Require restitution as provided in subparagraph a of
13 this paragraph and community service as provided in
14 subparagraph b of this paragraph; and

15 3. The court may further impose a fine or any other penalty
16 otherwise provided by law.

17 SECTION 2. AMENDATORY 22 O.S. 2011, Section 991a-20, is
18 amended to read as follows:

19 Section 991a-20. A. Every person who, having been convicted of
20 any offense against an elderly or incapacitated person, as
21 enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title, commits any
22 crime against an elderly or incapacitated person after such
23 conviction is punishable as follows:

1 1. If the offense of which such person is subsequently
2 convicted is such that upon a first conviction an offender would be
3 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
4 Department of Corrections for any term exceeding five (5) years,
5 such person is punishable by imprisonment in the ~~State Penitentiary~~
6 custody of the Department of Corrections for a term of not less than
7 ~~ten (10)~~ twenty (20) years; or

8 2. If such subsequent offense is such that upon a first
9 conviction the offender would be punishable by imprisonment in the
10 ~~State Penitentiary~~ custody of the Department of Corrections for five
11 (5) years or less, then the person convicted of such subsequent
12 offense is punishable by imprisonment in the ~~State Penitentiary~~
13 custody of the Department of Corrections for a term of not ~~exceeding~~
14 ~~fifteen (15)~~ less than ten (10) years.

15 B. Every person who, having been twice convicted of felony
16 offenses against an elderly or incapacitated person, commits a third
17 felony offense against an elderly or incapacitated person within ten
18 (10) years of the date following the completion of the execution of
19 the first sentence, shall be punishable by imprisonment in the ~~State~~
20 ~~Penitentiary~~ custody of the Department of Corrections for a term of
21 not less than ~~twenty (20)~~ thirty (30) years.

22 C. All felony offenses arising out of the same transaction or
23 occurrence or series of events closely related in time and location
24 shall be considered as one offense for the purposes of this section.

1 D. Nothing in this section shall affect the punishment by death
2 or life imprisonment without parole in all crimes now or hereafter
3 made punishable by death or life imprisonment without parole.

4 SECTION 3. This act shall become effective November 1, 2017.
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