

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 2291

By: O'Donnell

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2011, Section 13.1, as last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp. 2016, Section 13.1), which relates to required service of prison sentences; deleting aggravated trafficking from minimum mandatory prison requirement; providing separate minimum mandatory sentencing requirements for certain convictions; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp. 2016, Section 13.1), is amended to read as follows:

Section 13.1 A. Persons convicted of:

1. First degree murder as defined in Section 701.7 of this title;
2. Second degree murder as defined by Section 701.8 of this title;
3. Manslaughter in the first degree as defined by Section 711 of this title;

- 1 4. Poisoning with intent to kill as defined by Section 651 of
2 this title;
- 3 5. Shooting with intent to kill, use of a vehicle to facilitate
4 use of a firearm, crossbow or other weapon, assault, battery, or
5 assault and battery with a deadly weapon or by other means likely to
6 produce death or great bodily harm, as provided for in Section 652
7 of this title;
- 8 6. Assault with intent to kill as provided for in Section 653
9 of this title;
- 10 7. Conjoint robbery as defined by Section 800 of this title;
- 11 8. Robbery with a dangerous weapon as defined in Section 801 of
12 this title;
- 13 9. First degree robbery as defined in Section 797 of this
14 title;
- 15 10. First degree rape as provided for in Section 1111, 1114 or
16 1115 of this title;
- 17 11. First degree arson as defined in Section 1401 of this
18 title;
- 19 12. First degree burglary as provided for in Section 1436 of
20 this title;
- 21 13. Bombing as defined in Section 1767.1 of this title;
- 22 14. Any crime against a child provided for in Section 843.5 of
23 this title;
- 24 15. Forcible sodomy as defined in Section 888 of this title;

1 16. Child pornography or aggravated child pornography as
2 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of
3 this title;

4 17. Child prostitution as defined in Section 1030 of this
5 title;

6 18. Lewd molestation of a child as defined in Section 1123 of
7 this title;

8 19. Abuse of a vulnerable adult as defined in Section 10-103 of
9 Title 43A of the Oklahoma Statutes who is a resident of a nursing
10 facility;

11 20. ~~Aggravated trafficking as provided for in subsection C of~~
12 ~~Section 2-415 of Title 63 of the Oklahoma Statutes;~~

13 ~~21.~~ Aggravated assault and battery upon any person defending
14 another person from assault and battery; or

15 ~~22.~~ 21. Human trafficking as provided for in Section 748 of
16 this title,

17 shall be required to serve not less than eighty-five percent (85%)
18 of any sentence of imprisonment imposed by the judicial system prior
19 to becoming eligible for consideration for parole. Persons
20 convicted of these offenses shall not be eligible for earned credits
21 or any other type of credits which have the effect of reducing the
22 length of the sentence to less than eighty-five percent (85%) of the
23 sentence imposed.

24 B. Persons convicted of:

1 1. Trafficking in the First Degree as provided for in paragraph
2 1 of Subsection D of Section 2-415 of Title 63 of the Oklahoma
3 Statutes;

4 2. Second or subsequent transporting with intent to distribute
5 or dispense, distributing or possessing with intent to distribute a
6 controlled dangerous substance to a person or manufacture or attempt
7 to manufacture within three hundred (300) feet of specified
8 properties as provided for in subsection F of Section 2-401 of Title
9 63 of the Oklahoma Statutes; or

10 3. Aggravated manufacturing as provided for in paragraph 3 of
11 Subsection (G) of Section 2-401 of Title 63 of the Oklahoma
12 Statutes,
13 shall be required to serve not less than eighty-five (85%) of any
14 sentence of imprisonment imposed by the judicial system prior to
15 becoming eligible for consideration for parole. Persons sentenced
16 under this subsection shall not be eligible for earned credits or
17 any other type of credits which have the effect of reducing the
18 length of the sentence to less than eighty-five (85%) of the
19 sentence imposed. Persons sentenced under this subsection may be
20 released at 70% subject to electronic monitoring, on which they must
21 remain until 85% of their sentence has been served.

SECTION 2. This act shall become effective November 1, 2017.

56-1-5917 GRS 01/18/17