

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 11, 2017

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 786

By: Shaw and Pittman of the Senate and Loring and Cleveland of the House

Title: Burglary; modifying elements of offense; authorizing courts to order payment of restitution;
maximum sentences. Effective date.

_____ together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

SENATE CONFEREES:

Shaw

Jech

Fry

Floyd

Treat

Matthews

Thompson

HOUSE CONFEREES:

Conference Committee on Judiciary – Criminal Justice and Corrections

Senate Action _____ Date _____ House Action _____ Date _____

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STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED

SENATE BILL NO. 786

By: Shaw and Pittman of the
Senate

and

Loring and Cleveland of the
House

AS INTRODUCED

An Act relating to burglary; amending 21 O.S. 2011, Section 1435, which relates to burglary in second degree; modifying certain requirements for offense; establishing offenses; modifying penalties; providing definition; amending 21 O.S. 2011, Section 1436, which relates to penalty for burglary; modifying maximum sentences; establishing certain misdemeanor offenses and penalties; establishing certain felony offenses and penalties; providing for certain restitution; providing for codification; and providing an effective date.

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

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

Section 1435. A. Every person who breaks and enters the dwelling house of another, in which there is at the time no human

1 ~~being present, any commercial building or any part of any building,~~
2 ~~room, booth, tent, railroad car, automobile, truck, trailer, vessel~~
3 ~~or other structure or erection,~~ in which any property is kept, or
4 ~~breaks into or forcibly opens, any coin operated or vending machine~~
5 ~~or device~~ any outbuilding, in which any property is kept, with
6 intent to steal any property therein or to commit any felony, is
7 guilty of burglary in the second degree.

8 B. Every person who breaks and enters any railroad car,
9 automobile, truck, trailer or vessel of another, in which any
10 property is kept, with intent to steal any property therein or to
11 commit any felony, is guilty of burglary in the third degree.

12 C. As used in this section, "outbuilding" includes a shed,
13 garage, cabana, cottage or pool house or any structure subordinate
14 to, but not connected with, the primary residence or building on a
15 parcel of property.

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

18 Section 1436. Burglary is a felony punishable by imprisonment
19 in the ~~State Penitentiary~~ custody of the Department of Corrections
20 as follows:

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

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

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

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

5 A. Every person who breaks into or forcibly opens any coin-
6 operated or vending machine or device with intent to steal any
7 property therein is punishable as follows:

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

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

20 3. If the value of the property is Two Thousand Five Hundred
21 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
22 (\$15,000.00), the defendant shall be guilty of a felony punishable
23 by imprisonment in the custody of the Department of Corrections not
24 to exceed five (5) years, or in the county jail not to exceed one

1 (1) year, or by a fine not to exceed One Thousand Dollars
2 (\$1,000.00), or by both such imprisonment and fine; or

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

9 B. In addition to any penalty imposed, the court may order a
10 person convicted under this section to pay restitution to the
11 victim, including restitution for any property damage, as provided
12 in Section 991a of Title 22 of the Oklahoma Statutes.

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

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