

1 ENGROSSED HOUSE  
2 BILL NO. 2544

By: Stinson, Sims and Moore of  
the House

3 and

4 Jech of the Senate

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6  
7  
8 An Act relating to elder abuse; amending 21 O.S.  
9 2011, Section 13.1, as last amended by Section 1,  
Chapter 290, O.S.L. 2015 (21 O.S. Supp. 2020, Section  
10 13.1) and 57 O.S. 2011, Section 571, as last amended  
11 by Section 1, Chapter 28, O.S.L. 2020 (57 O.S. Supp.  
12 2020, Section 571), which relate to crimes; modifying  
13 requirement; updating statutory reference; modifying  
14 definition; and providing an effective date.

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

16 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as  
17 last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
18 2020, Section 13.1), is amended to read as follows:

19 Section 13.1 Persons convicted of:

20 1. First degree murder as defined in Section 701.7 of this  
21 title;

22 2. Second degree murder as defined by Section 701.8 of this  
23 title;

- 1        3.    Manslaughter in the first degree as defined by Section 711  
2 of this title;
- 3        4.    Poisoning with intent to kill as defined by Section 651 of  
4 this title;
- 5        5.    Shooting with intent to kill, use of a vehicle to facilitate  
6 use of a firearm, crossbow or other weapon, assault, battery, or  
7 assault and battery with a deadly weapon or by other means likely to  
8 produce death or great bodily harm, as provided for in Section 652  
9 of this title;
- 10       6.    Assault with intent to kill as provided for in Section 653  
11 of this title;
- 12       7.    Conjoint robbery as defined by Section 800 of this title;
- 13       8.    Robbery with a dangerous weapon as defined in Section 801 of  
14 this title;
- 15       9.    First degree robbery as defined in Section 797 of this  
16 title;
- 17       10.   First degree rape as provided for in Section 1111, 1114 or  
18 1115 of this title;
- 19       11.   First degree arson as defined in Section 1401 of this  
20 title;
- 21       12.   First degree burglary as provided for in Section 1436 of  
22 this title;
- 23       13.   Bombing as defined in Section 1767.1 of this title;
- 24

1        14. Any crime against a child provided for in Section 843.5 of  
2 this title;

3        15. Forcible sodomy as defined in Section 888 of this title;

4        16. Child pornography or aggravated child pornography as  
5 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of  
6 this title;

7        17. Child prostitution as defined in Section 1030 of this  
8 title;

9        18. Lewd molestation of a child as defined in Section 1123 of  
10 this title;

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

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

16       21. Aggravated assault and battery upon any person defending  
17 another person from assault and battery; or

18       22. Human trafficking as provided for in Section 748 of this  
19 title,

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

1 length of the sentence to less than eighty-five percent (85%) of the  
2 sentence imposed.

3 SECTION 2. AMENDATORY 57 O.S. 2011, Section 571, as last  
4 amended by Section 1, Chapter 28, O.S.L. 2020 (57 O.S. Supp. 2020,  
5 Section 571), is amended to read as follows:

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

8 1. "Capacity" means the actual available bedspace as certified  
9 by the State Board of Corrections subject to applicable federal and  
10 state laws and the rules and regulations promulgated under such  
11 laws; and

12 2. "Violent crime" means any of the following felony offenses  
13 and any attempts to commit or conspiracy or solicitation to commit  
14 the following crimes:

15 a. assault, battery, or assault and battery with a  
16 dangerous or deadly weapon, as provided for in  
17 Sections 645 and 652 of Title 21 of the Oklahoma  
18 Statutes,

19 b. assault, battery, or assault and battery with a deadly  
20 weapon or by other means likely to produce death or  
21 great bodily harm, as provided for in Section 652 of  
22 Title 21 of the Oklahoma Statutes,

23 c. aggravated assault and battery on a police officer,  
24 sheriff, highway patrolman, or any other officer of

1           the law, as provided for in Section 650 of Title 21 of  
2           the Oklahoma Statutes,  
3       d.   poisoning with intent to kill, as provided for in  
4           Section 651 of Title 21 of the Oklahoma Statutes,  
5       e.   shooting with intent to kill, as provided for in  
6           Section 652 of Title 21 of the Oklahoma Statutes,  
7       f.   assault with intent to kill, as provided for in  
8           Section 653 of Title 21 of the Oklahoma Statutes,  
9       g.   assault with intent to commit a felony, as provided  
10          for in Section 681 of Title 21 of the Oklahoma  
11          Statutes,  
12       h.   assaults with a dangerous weapon while masked or  
13          disguised, as provided for in Section 1303 of Title 21  
14          of the Oklahoma Statutes,  
15       i.   murder in the first degree, as provided for in Section  
16          701.7 of Title 21 of the Oklahoma Statutes,  
17       j.   murder in the second degree, as provided for in  
18          Section 701.8 of Title 21 of the Oklahoma Statutes,  
19       k.   manslaughter in the first degree, as provided for in  
20          Section 711 of Title 21 of the Oklahoma Statutes,  
21       l.   manslaughter in the second degree, as provided for in  
22          Section 716 of Title 21 of the Oklahoma Statutes,  
23       m.   kidnapping, as provided for in Section 741 of Title 21  
24          of the Oklahoma Statutes,

- n. burglary in the first degree, as provided for in  
Section 1431 of Title 21 of the Oklahoma Statutes,
- o. burglary with explosives, as provided for in Section  
1441 of Title 21 of the Oklahoma Statutes,
- p. kidnapping for extortion, as provided for in Section  
745 of Title 21 of the Oklahoma Statutes,
- q. maiming, as provided for in Section 751 of Title 21 of  
the Oklahoma Statutes,
- r. robbery, as provided for in Section 791 of Title 21 of  
the Oklahoma Statutes,
- s. robbery in the first degree, as provided for in  
Section 797 et seq. of Title 21 of the Oklahoma  
Statutes,
- t. robbery in the second degree, as provided for in  
Section 797 et seq. of Title 21 of the Oklahoma  
Statutes,
- u. armed robbery, as provided for in Section 801 of Title  
21 of the Oklahoma Statutes,
- v. robbery by two or more persons, as provided for in  
Section 800 of Title 21 of the Oklahoma Statutes,
- w. robbery with dangerous weapon or imitation firearm, as  
provided for in Section 801 of Title 21 of the  
Oklahoma Statutes,

- 1           x.    child abuse, as provided for in Section 843.5 of Title  
2               21 of the Oklahoma Statutes,
- 3           y.    wiring any equipment, vehicle or structure with  
4               explosives, as provided for in Section 849 of Title 21  
5               of the Oklahoma Statutes,
- 6           z.    forcible sodomy, as provided for in Section 888 of  
7               Title 21 of the Oklahoma Statutes,
- 8           aa.   rape in the first degree, as provided for in Section  
9               1114 of Title 21 of the Oklahoma Statutes,
- 10          bb.   rape in the second degree, as provided for in Section  
11               1114 of Title 21 of the Oklahoma Statutes,
- 12          cc.    rape by instrumentation, as provided for in Section  
13               1111.1 of Title 21 of the Oklahoma Statutes,
- 14          dd.    lewd or indecent proposition or lewd or indecent act  
15               with a child under sixteen (16) years of age, as  
16               provided for in Section 1123 of Title 21 of the  
17               Oklahoma Statutes,
- 18          ee.    use of a firearm or offensive weapon to commit or  
19               attempt to commit a felony, as provided for in Section  
20               1287 of Title 21 of the Oklahoma Statutes,
- 21          ff.    pointing firearms, as provided for in Section ~~1279~~  
22               1289.16 of Title 21 of the Oklahoma Statutes,
- 23          gg.    rioting, as provided for in Section 1311 of Title 21  
24               of the Oklahoma Statutes,

1       hh.    inciting to riot, as provided for in Section 1320.2 of  
2            Title 21 of the Oklahoma Statutes,  
3       ii.    arson in the first degree, as provided for in Section  
4            1401 of Title 21 of the Oklahoma Statutes,  
5       jj.    injuring or burning public buildings, as provided for  
6            in Section 349 of Title 21 of the Oklahoma Statutes,  
7       kk.    sabotage, as provided for in Section 1262 of Title 21  
8            of the Oklahoma Statutes,  
9       ll.    criminal syndicalism, as provided for in Section 1261  
10           of Title 21 of the Oklahoma Statutes,  
11       mm.   extortion, as provided for in Section 1481 of Title 21  
12           of the Oklahoma Statutes,  
13       nn.   obtaining signature by extortion, as provided for in  
14           Section 1485 of Title 21 of the Oklahoma Statutes,  
15       oo.   seizure of a bus, discharging firearm or hurling  
16           missile at bus, as provided for in Section 1903 of  
17           Title 21 of the Oklahoma Statutes,  
18       pp.   mistreatment of a mental patient, as provided for in  
19           Section 843.1 of Title 21 of the Oklahoma Statutes,  
20       qq.   using a vehicle to facilitate the discharge of a  
21           weapon pursuant to Section 652 of Title 21 of the  
22           Oklahoma Statutes,  
23       rr.   bombing offenses as defined in Section 1767.1 of Title  
24           21 of the Oklahoma Statutes,



1 ss. child pornography or aggravated child pornography as  
2 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a  
3 of Title 21 of the Oklahoma Statutes,  
4 tt. child prostitution as defined in Section 1030 of Title  
5 21 of the Oklahoma Statutes,  
6 uu. abuse of a vulnerable adult as defined in Section 10-  
7 103 of Title 43A of the Oklahoma Statutes ~~who is a~~  
8 ~~resident of a nursing facility,~~  
9 vv. aggravated trafficking as provided for in subsection C  
10 of Section 2-415 of Title 63 of the Oklahoma Statutes,  
11 ww. aggravated assault and battery upon any person  
12 defending another person from assault and battery, as  
13 provided for in Section 646 of Title 21 of the  
14 Oklahoma Statutes,  
15 xx. human trafficking, as provided for in Section 748 of  
16 Title 21 of the Oklahoma Statutes,  
17 yy. terrorism crimes as provided in Section 1268 et seq.  
18 of Title 21 of the Oklahoma Statutes,  
19 zz. eluding a peace officer, as provided for in subsection  
20 B or C of Section 540A of Title 21 of the Oklahoma  
21 Statutes, or  
22 aaa. domestic abuse by strangulation, domestic assault with  
23 a dangerous weapon, domestic assault and battery with  
24 a dangerous weapon, or domestic assault and battery

1 with a deadly weapon, as provided for in Section 644  
2 of Title 21 of the Oklahoma Statutes.

3 Such offenses shall constitute exceptions to nonviolent offenses  
4 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

5 SECTION 3. This act shall become effective November 1, 2021.

6 Passed the House of Representatives the 9th day of March, 2021.

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8 \_\_\_\_\_  
9 Presiding Officer of the House  
of Representatives

10 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2021.

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14 Presiding Officer of the Senate  
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