

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2544

 By: **Stinson** and **Sims**

7 AS INTRODUCED

8 An Act relating to elder abuse; amending 21 O.S.
9 2011, Section 13.1, as last amended by Section 1,
10 Chapter 290, O.S.L. 2015 (21 O.S. Supp. 2020, Section
11 13.1) and 57 O.S. 2011, Section 571, as last amended
12 by Section 1, Chapter 28, O.S.L. 2020 (57 O.S. Supp.
13 2020, Section 571), which relate to crimes; modifying
14 requirement; updating statutory reference; modifying
15 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,

- 1 n. burglary in the first degree, as provided for in
2 Section 1431 of Title 21 of the Oklahoma Statutes,
3 o. burglary with explosives, as provided for in Section
4 1441 of Title 21 of the Oklahoma Statutes,
5 p. kidnapping for extortion, as provided for in Section
6 745 of Title 21 of the Oklahoma Statutes,
7 q. maiming, as provided for in Section 751 of Title 21 of
8 the Oklahoma Statutes,
9 r. robbery, as provided for in Section 791 of Title 21 of
10 the Oklahoma Statutes,
11 s. robbery in the first degree, as provided for in
12 Section 797 et seq. of Title 21 of the Oklahoma
13 Statutes,
14 t. robbery in the second degree, as provided for in
15 Section 797 et seq. of Title 21 of the Oklahoma
16 Statutes,
17 u. armed robbery, as provided for in Section 801 of Title
18 21 of the Oklahoma Statutes,
19 v. robbery by two or more persons, as provided for in
20 Section 800 of Title 21 of the Oklahoma Statutes,
21 w. robbery with dangerous weapon or imitation firearm, as
22 provided for in Section 801 of Title 21 of the
23 Oklahoma Statutes,
24

- 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.
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7 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
8 02/25/2021 - DO PASS, As Coauthored.
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