

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 140

 By: Brooks and Jech of the
 Senate

6 and

7 Newton of the House

8
9
10 An Act relating to sentencing; amending 22 O.S. 2011,
11 Section 996.1, as last amended by Section 1, Chapter
12 157, O.S.L. 2018 (22 O.S. Supp. 2020, Section 996.1),
13 which relates to Delayed Sentencing Program for Young
14 Adults; modifying definition; clarifying language;
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 22 O.S. 2011, Section 996.1, as
18 last amended by Section 1, Chapter 157, O.S.L. 2018 (22 O.S. Supp.
19 2020, Section 996.1), is amended to read as follows:

20 Section 996.1. As used in the Delayed Sentencing Program for
21 Young Adults:

22 "Offender" means any adult eighteen (18) through ~~twenty-one (21)~~
23 twenty-five (25) years of age as of the date of a verdict of guilty
24 or a plea of guilty or nolo contendere for a nonviolent felony
 offense or a juvenile who has been certified to stand trial as an

1 adult for a nonviolent felony offense, who has no charges pending
2 for a violent offense and who has not been ~~convicted~~ sentenced, or
3 adjudicated as a juvenile delinquent or youthful offender, of:

4 1. Assault, battery, or assault and battery with a dangerous or
5 deadly weapon as defined by Sections 645 and subsection C of 652 of
6 Title 21 of the Oklahoma Statutes, or Section 2-219 of Title 43A of
7 the Oklahoma Statutes;

8 2. Aggravated assault and battery on a police officer, sheriff,
9 highway patrolman, or any other officer of the law as defined by
10 Sections 650, subsection C of 650.2, 650.5, subsection B of 650.6,
11 or subsection C of 650.7 of Title 21 of the Oklahoma Statutes;

12 3. Poisoning with intent to kill as defined by Section 651 of
13 Title 21 of the Oklahoma Statutes;

14 4. Shooting with intent to kill as defined by Section 652 of
15 Title 21 of the Oklahoma Statutes;

16 5. Assault with intent to kill as defined by Section 653 of
17 Title 21 of the Oklahoma Statutes;

18 6. Using a vehicle to facilitate the intentional discharge of
19 any kind of firearm in violation of Section 652 of Title 21 of the
20 Oklahoma Statutes;

21 7. Discharging any firearm or other deadly weapon at or into
22 any dwelling as defined in Section 1289.17A of Title 21 of the
23 Oklahoma Statutes;

1 8. Assault with intent to commit a felony as defined by Section
2 681 of Title 21 of the Oklahoma Statutes;

3 9. Assaults while masked or disguised as defined by Section
4 1303 of Title 21 of the Oklahoma Statutes;

5 10. Murder in the first degree as defined by Section 701.7 of
6 Title 21 of the Oklahoma Statutes;

7 11. Murder in the second degree as defined by Section 701.8 of
8 Title 21 of the Oklahoma Statutes;

9 12. Manslaughter in the first degree as defined by Sections
10 711, 712, ~~713~~ or 714 of Title 21 of the Oklahoma Statutes;

11 13. Manslaughter in the second degree as defined by Sections
12 716 or 717 of Title 21 of the Oklahoma Statutes;

13 14. Kidnapping as defined by Section 741 of Title 21 of the
14 Oklahoma Statutes;

15 15. Burglary in the first degree as defined by Section 1431 of
16 Title 21 of the Oklahoma Statutes;

17 16. Kidnapping for extortion as defined by Section 745 of Title
18 21 of the Oklahoma Statutes;

19 17. Maiming as defined by Section 751 of Title 21 of the
20 Oklahoma Statutes;

21 18. Robbery as defined by Section 791 of Title 21 of the
22 Oklahoma Statutes;

23 19. Robbery in the first degree as defined by Section 797 of
24 Title 21 of the Oklahoma Statutes;

1 20. Robbery in the second degree as defined by Section 797 of
2 Title 21 of the Oklahoma Statutes;

3 21. Armed robbery as defined by Section 801 of Title 21 of the
4 Oklahoma Statutes;

5 22. Robbery by two (2) or more persons as defined by Section
6 800 of Title 21 of the Oklahoma Statutes;

7 23. Robbery with dangerous weapon or imitation firearm as
8 defined by Section 801 of Title 21 of the Oklahoma Statutes;

9 24. Any crime against a child provided for in Section 843.5 of
10 Title 21 of the Oklahoma Statutes;

11 25. Wiring equipment, vehicle or structure with explosives as
12 defined by Section 849 of Title 21 of the Oklahoma Statutes;

13 26. Forcible sodomy as defined by Section 888 of Title 21 of
14 the Oklahoma Statutes;

15 27. Rape in the first degree as defined by Sections 1111 and
16 1114 of Title 21 of the Oklahoma Statutes;

17 28. Rape by instrumentation as defined by Section 1111.1 of
18 Title 21 of the Oklahoma Statutes;

19 29. Lewd or indecent proposition or lewd or indecent act with a
20 child as defined by Section 1123 of Title 21 of the Oklahoma
21 Statutes;

22 30. Use of a firearm or offensive weapon to commit or attempt
23 to commit a felony as defined by Section 1287 of Title 21 of the
24 Oklahoma Statutes;

1 31. Pointing firearms as defined by Section 1289.16 of Title 21
2 of the Oklahoma Statutes;

3 32. Rioting as defined by Sections 1311 or 1321.8 of Title 21
4 of the Oklahoma Statutes;

5 33. Inciting to riot as defined by Section 1320.2 of Title 21
6 of the Oklahoma Statutes;

7 34. Arson in the first degree as defined by Section 1401 of
8 Title 21 of the Oklahoma Statutes;

9 35. Endangering human life during arson as defined by Section
10 1405 of Title 21 of the Oklahoma Statutes;

11 36. Procure, produce, distribute, or possess juvenile
12 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma
13 Statutes;

14 37. Parental consent to juvenile pornography as defined by
15 Section 1021.3 of Title 21 of the Oklahoma Statutes;

16 38. Distributing obscene material or child pornography as
17 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

18 39. Unlawful manufacturing, attempting to unlawfully
19 manufacture or aggravated manufacturing of any controlled dangerous
20 substance as defined by subsection G of Section 2-401 and paragraph
21 3 of subsection G of Section 2-401 of Title 63 of the Oklahoma
22 Statutes; or

23 40. Any violation of the Trafficking in Illegal Drugs Act as
24 defined by Section 2-415 of Title 63 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
dated 03/25/2021 - DO PASS.