

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1023

By: Worthen

AS INTRODUCED

An Act relating to prisons and reformatories;  
amending 57 O.S. 2011, Section 21, as last amended by  
Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp.  
2020, Section 21), which relates to penalties for  
possessing contraband in penal institutions; updating  
statutory references; providing for the forfeiture of  
seized items; and providing an effective date.

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 21, as last  
amended by Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2020,  
Section 21), is amended to read as follows:

Section 21. A. Any person who, without authority, brings into  
or has in his or her possession in any jail or state penal  
institution or other place where prisoners are located, any gun,  
knife, bomb or other dangerous instrument, any controlled dangerous  
substance as defined by ~~Section 2-101 et seq. of Title 63 of the~~  
~~Oklahoma Statutes~~ the Uniform Controlled Dangerous Substances Act,  
any ~~intoxicating~~ alcoholic beverage ~~or low point beer~~ as defined by  
~~Sections 163.1 and 163.2~~ Section 1-103 of Title ~~37~~ 37A of the

Oklahoma Statutes, money or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or by both such fine and imprisonment. Provided, the provisions of this subsection shall not prohibit any Department of Corrections employee who has a valid handgun license pursuant to the Oklahoma Self-Defense Act to keep a firearm in a vehicle on any property set aside for the parking of any vehicle, whether occupied or unoccupied, at any state-owned prison facility, provided the employee has provided annual notification to the Department of Corrections of the brand name, model, serial number, and owner identification information of the firearm, and the firearm is secured and stored in a locked metal storage container located in a locked vehicle. The storage container will be secured in the vehicle by a lockable chain or cable or by utilizing hardware provided by the manufacturer.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by imprisonment for a term

1 of not less than five (5) years nor more than twenty (20) years in  
2 the custody of the Department of Corrections.

3 C. If the person found to be in possession of any item  
4 prohibited by this section has committed, prior to the commission of  
5 an offense in violation of this section, two or more felony  
6 offenses, and the possession of contraband in violation of this  
7 section is within ten (10) years of the completion of the execution  
8 of the sentence for any prior offense, such person, upon conviction,  
9 shall be guilty of a felony and shall be punished by imprisonment in  
10 the custody of the Department of Corrections for a term of not less  
11 than twenty (20) years. Felony offenses relied upon shall not have  
12 arisen out of the same transaction or occurrence or series of events  
13 closely related in time and location.

14 D. Any person who, without authority, brings into or has in his  
15 or her possession in any jail or state penal institution or other  
16 place where prisoners are located, cigarettes, cigars, snuff,  
17 chewing tobacco or any other form of tobacco product shall, upon  
18 conviction, be guilty of a misdemeanor punishable by imprisonment in  
19 the county jail not to exceed one (1) year, or by a fine not  
20 exceeding Five Hundred Dollars (\$500.00), or by both such fine and  
21 imprisonment.

22 E. Any person who knowingly, willfully and without authority  
23 brings into or has in his or her possession in any secure area of a  
24 jail or state penal institution or other secure place where

1 prisoners are located any cellular phone or electronic device  
2 capable of sending or receiving any electronic communication shall,  
3 upon conviction, be guilty of a felony punishable by imprisonment in  
4 the custody of the Department of Corrections for a term not  
5 exceeding two (2) years, or by a fine not exceeding Two Thousand  
6 Five Hundred Dollars (\$2,500.00), or by both such fine and  
7 imprisonment.

8 F. ~~Any electronic communication device which has no~~  
9 ~~identifiable owner and which is~~ contraband item prohibited by the  
10 provisions of this section that is seized as a result of a violation  
11 of this section may be ~~disposed of or sold~~ forfeited by the agency  
12 that seized the ~~device~~ contraband item following the procedures  
13 outlined in Section 2-506 of Title 63 of the Oklahoma Statutes.

14 G. "Electronic communication" means any transfer of signs,  
15 signals, writings, images, sounds, data or intelligence of any  
16 nature transmitted in whole or part by a wire, radio,  
17 electromagnetic, photo-electronic or photo-optical system, and  
18 includes, but is not limited to, the transfer of that communication  
19 through the Internet.

20 SECTION 2. This act shall become effective November 1, 2021.  
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22 58-1-5936 GRS 12/31/20  
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