

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1735 By: Daniels of the Senate
3 and
4 O'Donnell of the House
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7 An Act relating to crimes and punishments; amending
8 21 O.S. 2021, Section 1435, as amended by Section 1,
9 Chapter 245, O.S.L. 2022 (21 O.S. Supp. 2023, Section
10 1435), which relates to burglary in the second and
11 third degrees; modifying elements of felony offense;
12 and providing an effective date.

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14 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
15 and insert:

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17 "An Act relating to crimes and punishments; amending
18 21 O.S. Section 2021, Section 1438, which relates to
19 penalties for unlawful entry without permission;
20 making certain acts unlawful; providing penalties;
21 and providing an effective date.

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

23 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1438, is
24 amended to read as follows:

1 Section 1438. A. Every person who, under circumstances not
2 amounting to any burglary, enters any building or part of any
3 building, booth, tent, warehouse, railroad car, vessel, or other
4 structure or erection with intent to commit any felony, larceny, or
5 malicious mischief, is guilty of a misdemeanor.

6 B. Every person who, without the intention to commit any crime
7 therein, shall willfully and intentionally break and enter into any
8 building, trailer, vessel or other premises used as a dwelling
9 without the permission of the owner or occupant thereof, except in
10 the cases and manner allowed by law, shall be guilty of a
11 misdemeanor.

12 C. Every person who, with the intent to commit a crime, enters
13 an area of a commercial business that is:

14 1. Commonly reserved for personnel of the commercial business
15 where money or other property is kept; or

16 2. Clearly marked with a sign or signs that indicates to the
17 public that entry is forbidden,
18 shall, upon conviction, be guilty of a misdemeanor punishable by
19 imprisonment in the county jail for a term of not more than one (1)
20 year, or a fine of not more than Five Hundred Dollars (\$500.00), or
21 by both such fine and imprisonment. Any second or subsequent
22 conviction under the provisions of this subsection shall be a felony
23 punishable by imprisonment in the custody of the Department of
24 Corrections for a term of not more than two (2) years, or by a fine

1 of not more than One Thousand Dollars (\$1,000.00), or by both such
2 fine and imprisonment.

3 SECTION 2. This act shall become effective November 1, 2024."

4 Passed the House of Representatives the 22nd day of April, 2024.

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7 _____
8 Presiding Officer of the House of
Representatives

9 Passed the Senate the ____ day of _____, 2024.

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1 ENGROSSED SENATE
2 BILL NO. 1735

By: Daniels of the Senate

and

O'Donnell of the House

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6 An Act relating to crimes and punishments; amending
7 21 O.S. 2021, Section 1435, as amended by Section 1,
8 Chapter 245, O.S.L. 2022 (21 O.S. Supp. 2023, Section
9 1435), which relates to burglary in the second and
10 third degrees; modifying elements of felony offense;
11 and providing an effective date.

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

13 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1435, as
14 amended by Section 1, Chapter 245, O.S.L. 2022 (21 O.S. Supp. 2023,
15 Section 1435), is amended to read as follows:

16 Section 1435. A. Every person who breaks and enters the
17 dwelling house of another, in which there is at the time no human
18 being present, or any commercial building or any part of any
19 building, room, booth, tent, railroad car, or other structure or
20 erection in which any property is kept or who enters into a
21 restricted area of a commercial building without authorization or
22 breaks into or forcibly opens, any coin-operated or vending machine
23 or device with intent to steal any property therein or to commit any
24 felony, is guilty of burglary in the second degree.

1 B. Every person who breaks and enters, climbs under, or uses
2 any jack stands or any other item to raise any automobile, truck,
3 trailer or vessel of another, in which any property is kept, with
4 intent to:

- 5 1. Steal any property therein;
 - 6 2. Steal any property attached thereto; or
 - 7 3. Commit any felony,
- 8 is guilty of burglary in the third degree.

9 C. As used in subsection B of this section, the term "property
10 attached thereto" includes, but is not limited to, tires, wheels,
11 and catalytic converters.

12 SECTION 4. This act shall become effective November 1, 2024.
13 Passed the Senate the 4th day of March, 2024.

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15 _____
16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2024.

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21 Presiding Officer of the House
22 of Representatives
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