

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1735

By: Daniels of the Senate

and

O'Donnell of the House

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. Section 2021, Section 1438, which relates to
12 penalties for unlawful entry without permission;
13 making certain acts unlawful; providing penalties;
14 and providing an effective date.

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

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

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

23 B. Every person who, without the intention to commit any crime
24 therein, shall willfully and intentionally break and enter into any

1 building, trailer, vessel or other premises used as a dwelling
2 without the permission of the owner or occupant thereof, except in
3 the cases and manner allowed by law, shall be guilty of a
4 misdemeanor.

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

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

9 2. Clearly marked with a sign or signs that indicates to the
10 public that entry is forbidden,

11 shall, upon conviction, be guilty of a misdemeanor punishable by

12 imprisonment in the county jail for a term of not more than one (1)

13 year, or a fine of not more than Five Hundred Dollars (\$500.00), or

14 by both such fine and imprisonment. Any second or subsequent

15 conviction under the provisions of this subsection shall be a felony

16 punishable by imprisonment in the custody of the Department of

17 Corrections for a term of not more than two (2) years, or by a fine

18 of not more than One Thousand Dollars (\$1,000.00), or by both such

19 fine and imprisonment.

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

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
23 04/03/2024 - DO PASS, As Amended.
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