

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1735

By: Daniels

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 2021, Section 1431, which relates to burglary in the first degree; modifying elements of felony offense; amending 21 O.S. 2021, Section 1435, as amended by Section 1, Chapter 245, O.S.L. 2022 (21 O.S. Supp. 2023, Section 1435), which relates to burglary in the second and third degrees; modifying elements of felony offense; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2021, Section 1431, is amended to read as follows:

Section 1431. Every person who breaks into and enters the dwelling house of another, or who enters into a restricted area of a commercial building without authorization, in which there is at the time some human being, with intent to commit some crime therein, ~~either~~ by:

1. ~~By forcibly~~ Forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock

1 or bolts of such door, or the fastening of such window or shutter;

2 ~~or~~

3 2. Forcibly bursting or breaking the wall, or an outer door,
4 window, or shutter of a window, of such commercial building or by
5 entering an area of a business not ordinarily open to the public
6 without permission;

7 3. ~~By breaking~~ Breaking in any other manner, being armed with a
8 dangerous weapon or being assisted or aided by one or more
9 confederates then actually present; or

10 ~~3. By unlocking~~

11 4. Unlocking an outer door by means of false keys or by picking
12 the lock thereof, or by lifting a latch or opening a window, is
13 guilty of burglary in the first degree.

14 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1435, as
15 amended by Section 1, Chapter 245, O.S.L. 2022 (21 O.S. Supp. 2023,
16 Section 1435), is amended to read as follows:

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

1 or device with intent to steal any property therein or to commit any
2 felony, is guilty of burglary in the second degree.

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

- 7 1. Steal any property therein;
- 8 2. Steal any property attached thereto; or
- 9 3. Commit any felony,

10 is guilty of burglary in the third degree.

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

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

15
16 59-2-3068 CN 1/17/2024 8:38:20 AM
17
18
19
20
21
22
23
24
25