

1 **SENATE FLOOR VERSION**

2 April 1, 2019

3 ENGROSSED HOUSE
4 BILL NO. 2281

By: Pae of the House

5 and

6 Brooks and **Weaver** of the
7 Senate

8
9 An Act relating to prisons and reformatories;
10 amending 57 O.S. 2011, Section 571, as last amended
11 by Section 4, Chapter 117, O.S.L. 2018 (57 O.S. Supp.
12 2018, Section 571), which relates to definitions of
13 capacity and violent crime; expanding scope of
14 definition to include certain crime; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 57 O.S. 2011, Section 571, as last
18 amended by Section 4, Chapter 117, O.S.L. 2018 (57 O.S. Supp. 2018,
19 Section 571), is amended to read as follows:

20 Section 571. As used in the Oklahoma Statutes, unless another
21 definition is specified:

22 1. "Capacity" means the actual available bedspace as certified
23 by the State Board of Corrections subject to applicable federal and
24 state laws and the rules and regulations promulgated under such
laws; and

1 2. "Violent crime" means any of the following felony offenses
2 and any attempts to commit or conspiracy or solicitation to commit
3 the following crimes:

4 a. assault, battery, or assault and battery with a
5 dangerous or deadly weapon, as provided for in
6 Sections 645 and 652 of Title 21 of the Oklahoma
7 Statutes,

8 b. assault, battery, or assault and battery with a deadly
9 weapon or by other means likely to produce death or
10 great bodily harm, as provided for in Section 652 of
11 Title 21 of the Oklahoma Statutes,

12 c. aggravated assault and battery on a police officer,
13 sheriff, highway patrolman, or any other officer of
14 the law, as provided for in Section 650 of Title 21 of
15 the Oklahoma Statutes,

16 d. poisoning with intent to kill, as provided for in
17 Section 651 of Title 21 of the Oklahoma Statutes,

18 e. shooting with intent to kill, as provided for in
19 Section 652 of Title 21 of the Oklahoma Statutes,

20 f. assault with intent to kill, as provided for in
21 Section 653 of Title 21 of the Oklahoma Statutes,

22 g. assault with intent to commit a felony, as provided
23 for in Section 681 of Title 21 of the Oklahoma
24 Statutes,

- 1 h. assaults with a dangerous weapon while masked or
2 disguised, as provided for in Section 1303 of Title 21
3 of the Oklahoma Statutes,
4 i. murder in the first degree, as provided for in Section
5 701.7 of Title 21 of the Oklahoma Statutes,
6 j. murder in the second degree, as provided for in
7 Section 701.8 of Title 21 of the Oklahoma Statutes,
8 k. manslaughter in the first degree, as provided for in
9 Section 711 of Title 21 of the Oklahoma Statutes,
10 l. manslaughter in the second degree, as provided for in
11 Section 716 of Title 21 of the Oklahoma Statutes,
12 m. kidnapping, as provided for in Section 741 of Title 21
13 of the Oklahoma Statutes,
14 n. burglary in the first degree, as provided for in
15 Section 1431 of Title 21 of the Oklahoma Statutes,
16 o. burglary with explosives, as provided for in Section
17 1441 of Title 21 of the Oklahoma Statutes,
18 p. kidnapping for extortion, as provided for in Section
19 745 of Title 21 of the Oklahoma Statutes,
20 q. maiming, as provided for in Section 751 of Title 21 of
21 the Oklahoma Statutes,
22 r. robbery, as provided for in Section 791 of Title 21 of
23 the Oklahoma Statutes,
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- 1 s. robbery in the first degree, as provided for in
2 Section 797 et seq. of Title 21 of the Oklahoma
3 Statutes,
- 4 t. robbery in the second degree, as provided for in
5 Section 797 et seq. of Title 21 of the Oklahoma
6 Statutes,
- 7 u. armed robbery, as provided for in Section 801 of Title
8 21 of the Oklahoma Statutes,
- 9 v. robbery by two or more persons, as provided for in
10 Section 800 of Title 21 of the Oklahoma Statutes,
- 11 w. robbery with dangerous weapon or imitation firearm, as
12 provided for in Section 801 of Title 21 of the
13 Oklahoma Statutes,
- 14 x. child abuse, as provided for in Section 843.5 of Title
15 21 of the Oklahoma Statutes,
- 16 y. wiring any equipment, vehicle or structure with
17 explosives, as provided for in Section 849 of Title 21
18 of the Oklahoma Statutes,
- 19 z. forcible sodomy, as provided for in Section 888 of
20 Title 21 of the Oklahoma Statutes,
- 21 aa. rape in the first degree, as provided for in Section
22 1114 of Title 21 of the Oklahoma Statutes,
- 23 bb. rape in the second degree, as provided for in Section
24 1114 of Title 21 of the Oklahoma Statutes,

- 1 cc. rape by instrumentation, as provided for in Section
2 1111.1 of Title 21 of the Oklahoma Statutes,
3 dd. lewd or indecent proposition or lewd or indecent act
4 with a child under sixteen (16) years of age, as
5 provided for in Section 1123 of Title 21 of the
6 Oklahoma Statutes,
7 ee. use of a firearm or offensive weapon to commit or
8 attempt to commit a felony, as provided for in Section
9 1287 of Title 21 of the Oklahoma Statutes,
10 ff. pointing firearms, as provided for in Section 1279 of
11 Title 21 of the Oklahoma Statutes,
12 gg. rioting, as provided for in Section 1311 of Title 21
13 of the Oklahoma Statutes,
14 hh. inciting to riot, as provided for in Section 1320.2 of
15 Title 21 of the Oklahoma Statutes,
16 ii. arson in the first degree, as provided for in Section
17 1401 of Title 21 of the Oklahoma Statutes,
18 jj. injuring or burning public buildings, as provided for
19 in Section 349 of Title 21 of the Oklahoma Statutes,
20 kk. sabotage, as provided for in Section 1262 of Title 21
21 of the Oklahoma Statutes,
22 ll. criminal syndicalism, as provided for in Section 1261
23 of Title 21 of the Oklahoma Statutes,
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- 1 mm. extortion, as provided for in Section 1481 of Title 21
2 of the Oklahoma Statutes,
- 3 nn. obtaining signature by extortion, as provided for in
4 Section 1485 of Title 21 of the Oklahoma Statutes,
- 5 oo. seizure of a bus, discharging firearm or hurling
6 missile at bus, as provided for in Section 1903 of
7 Title 21 of the Oklahoma Statutes,
- 8 pp. mistreatment of a mental patient, as provided for in
9 Section 843.1 of Title 21 of the Oklahoma Statutes,
- 10 qq. using a vehicle to facilitate the discharge of a
11 weapon pursuant to Section 652 of Title 21 of the
12 Oklahoma Statutes,
- 13 rr. bombing offenses as defined in Section 1767.1 of Title
14 21 of the Oklahoma Statutes,
- 15 ss. child pornography or aggravated child pornography as
16 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
17 of Title 21 of the Oklahoma Statutes,
- 18 tt. child prostitution as defined in Section 1030 of Title
19 21 of the Oklahoma Statutes,
- 20 uu. abuse of a vulnerable adult as defined in Section 10-
21 103 of Title 43A of the Oklahoma Statutes who is a
22 resident of a nursing facility,
- 23 vv. aggravated trafficking as provided for in subsection C
24 of Section 2-415 of Title 63 of the Oklahoma Statutes,

1 ww. aggravated assault and battery upon any person
2 defending another person from assault and battery, as
3 provided for in Section 646 of Title 21 of the
4 Oklahoma Statutes,

5 xx. human trafficking, as provided for in Section 748 of
6 Title 21 of the Oklahoma Statutes, ~~or~~

7 yy. terrorism crimes as provided in Section 1268 et seq.
8 of Title 21 of the Oklahoma Statutes, or

9 zz. eluding a peace officer, as provided for in subsection
10 B or C of Section 540A of Title 21 of the Oklahoma
11 Statutes.

12 Such offenses shall constitute exceptions to nonviolent offenses
13 pursuant to Article VI, Section 10 of the Oklahoma Constitution.

14 SECTION 2. This act shall become effective November 1, 2019.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
16 April 1, 2019 - DO PASS and referred to second committee and
17 withdrawn from Appropriations Committee April 11, 2019
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