

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 1056

By: McEntire

5  
6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to domestic assault and battery and  
9 sentencing requirements; amending 21 O.S. 2011,  
10 Section 13.1, as last amended by Section 1, Chapter  
11 290, O.S.L. 2015 (21 O.S. Supp. 2018, Section 13.1),  
12 which relates to required minimum sentences; adding  
13 offense to list of crimes; amending 21 O.S. 2011,  
14 Section 644, as amended by Section 1, Chapter 71,  
15 O.S.L. 2014 (21 O.S. Supp. 2018, Section 644), which  
16 relates to assault and battery offenses; deleting  
17 penalty option for certain prohibited act; amending  
18 57 O.S. 2011, Section 571, as last amended by Section  
19 4, Chapter 117, O.S.L. 2018 (57 O.S. Supp. 2018,  
20 Section 571), which relates to violent crime  
21 definition; modifying scope of definition to include  
22 certain crimes; and providing an effective date.

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

24 SECTION 1. AMENDATORY 21 O.S. 2011, Section 13.1, as  
last amended by Section 1, Chapter 290, O.S.L. 2015 (21 O.S. Supp.  
2018, Section 13.1), is amended to read as follows:

Section 13.1 Persons convicted of:

1. First degree murder as defined in Section 701.7 of this  
title;

1           2. Second degree murder as defined by Section 701.8 of this  
2 title;

3           3. Manslaughter in the first degree as defined by Section 711  
4 of this title;

5           4. Poisoning with intent to kill as defined by Section 651 of  
6 this title;

7           5. Shooting with intent to kill, use of a vehicle to facilitate  
8 use of a firearm, crossbow or other weapon, assault, battery, or  
9 assault and battery with a deadly weapon or by other means likely to  
10 produce death or great bodily harm, as provided for in Section 652  
11 of this title;

12           6. Assault with intent to kill as provided for in Section 653  
13 of this title;

14           7. Conjoint robbery as defined by Section 800 of this title;

15           8. Robbery with a dangerous weapon as defined in Section 801 of  
16 this title;

17           9. First degree robbery as defined in Section 797 of this  
18 title;

19           10. First degree rape as provided for in Section 1111, 1114 or  
20 1115 of this title;

21           11. First degree arson as defined in Section 1401 of this  
22 title;

23           12. First degree burglary as provided for in Section 1436 of  
24 this title;

- 1 13. Bombing as defined in Section 1767.1 of this title;
- 2 14. Any crime against a child provided for in Section 843.5 of  
3 this title;
- 4 15. Forcible sodomy as defined in Section 888 of this title;
- 5 16. Child pornography or aggravated child pornography as  
6 defined in Section 1021.2, 1021.3, 1024.1, 1024.2 or 1040.12a of  
7 this title;
- 8 17. Child prostitution as defined in Section 1030 of this  
9 title;
- 10 18. Lewd molestation of a child as defined in Section 1123 of  
11 this title;
- 12 19. Abuse of a vulnerable adult as defined in Section 10-103 of  
13 Title 43A of the Oklahoma Statutes who is a resident of a nursing  
14 facility;
- 15 20. Aggravated trafficking as provided for in subsection C of  
16 Section 2-415 of Title 63 of the Oklahoma Statutes;
- 17 21. Aggravated assault and battery upon any person defending  
18 another person from assault and battery; ~~or~~
- 19 22. Human trafficking as provided for in Section 748 of this  
20 title; or
- 21 23. Domestic assault and battery as provided for in subsection  
22 C, D, E, F, G or J of Section 644 of this title,  
23 shall be required to serve not less than eighty-five percent (85%)  
24 of any sentence of imprisonment imposed by the judicial system prior

1 to becoming eligible for consideration for parole. Persons  
2 convicted of these offenses shall not be eligible for earned credits  
3 or any other type of credits which have the effect of reducing the  
4 length of the sentence to less than eighty-five percent (85%) of the  
5 sentence imposed.

6 SECTION 2. AMENDATORY 21 O.S. 2011, Section 644, as  
7 amended by Section 1, Chapter 71, O.S.L. 2014 (21 O.S. Supp. 2018,  
8 Section 644), is amended to read as follows:

9 Section 644. A. Assault shall be punishable by imprisonment in  
10 a county jail not exceeding thirty (30) days, or by a fine of not  
11 more than Five Hundred Dollars (\$500.00), or by both such fine and  
12 imprisonment.

13 B. Assault and battery shall be punishable by imprisonment in a  
14 county jail not exceeding ninety (90) days, or by a fine of not more  
15 than One Thousand Dollars (\$1,000.00), or by both such fine and  
16 imprisonment.

17 C. Any person who commits any assault and battery against a  
18 current or former spouse, a present spouse of a former spouse, a  
19 former spouse of a present spouse, parents, a foster parent, a  
20 child, a person otherwise related by blood or marriage, a person  
21 with whom the defendant is or was in a dating relationship as  
22 defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an  
23 individual with whom the defendant has had a child, a person who  
24 formerly lived in the same household as the defendant, or a person

1 living in the same household as the defendant shall be guilty of  
2 domestic abuse. Upon conviction, the defendant shall be punished by  
3 imprisonment in the county jail for not more than one (1) year, or  
4 by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by  
5 both such fine and imprisonment. Upon conviction for a second or  
6 subsequent offense, the person shall be punished by imprisonment in  
7 the custody of the Department of Corrections for not more than four  
8 (4) years, or by a fine not exceeding Five Thousand Dollars  
9 (\$5,000.00), or by both such fine and imprisonment. The provisions  
10 of Section 51.1 of this title shall apply to any second or  
11 subsequent offense.

12 D. 1. Any person who, with intent to do bodily harm and  
13 without justifiable or excusable cause, commits any assault,  
14 battery, or assault and battery upon a current or former spouse, a  
15 present spouse of a former spouse, a parent, a foster parent, a  
16 child, a person otherwise related by blood or marriage, a person  
17 with whom the defendant is in a dating relationship as defined by  
18 Section 60.1 of Title 22 of the Oklahoma Statutes, an individual  
19 with whom the defendant has a child, a person who formerly lived in  
20 the same household as the defendant, or a person living in the same  
21 household as the defendant with any sharp or dangerous weapon, upon  
22 conviction, is guilty of domestic assault or domestic assault and  
23 battery with a dangerous weapon which shall be a felony and  
24 punishable by imprisonment in the custody of the Department of

1 Corrections not exceeding ten (10) years, or by imprisonment in a  
2 county jail not exceeding one (1) year. The provisions of Section  
3 51.1 of this title shall apply to any second or subsequent  
4 conviction for a violation of this paragraph.

5 2. Any person who, without such cause, shoots a current or  
6 former spouse, a present spouse of a former spouse, a parent, a  
7 foster parent, a child, a person otherwise related by blood or  
8 marriage, a person with whom the defendant is in a dating  
9 relationship as defined by Section 60.1 of Title 22 of the Oklahoma  
10 Statutes, an individual with whom the defendant has a child, a  
11 person who formerly lived in the same household as the defendant, or  
12 a person living in the same household as the defendant, by means of  
13 any deadly weapon that is likely to produce death shall, upon  
14 conviction, be guilty of domestic assault and battery with a deadly  
15 weapon which shall be a felony punishable by imprisonment in the  
16 custody of the Department of Corrections not exceeding life. The  
17 provisions of Section 51.1 of this title shall apply to any second  
18 or subsequent conviction for a violation of this paragraph.

19 E. Any person convicted of domestic abuse committed against a  
20 pregnant woman with knowledge of the pregnancy shall be guilty of a  
21 misdemeanor, punishable by imprisonment in the county jail for not  
22 more than one (1) year.

23 Any person convicted of a second or subsequent offense of  
24 domestic abuse against a pregnant woman with knowledge of the

1 pregnancy shall be guilty of a felony, punishable by imprisonment in  
2 the custody of the Department of Corrections for not less than ten  
3 (10) years.

4 Any person convicted of domestic abuse committed against a  
5 pregnant woman with knowledge of the pregnancy and a miscarriage  
6 occurs or injury to the unborn child occurs shall be guilty of a  
7 felony, punishable by imprisonment in the custody of the Department  
8 of Corrections for not less than twenty (20) years.

9 F. Any person convicted of domestic abuse as defined in  
10 subsection C of this section that results in great bodily injury to  
11 the victim shall be guilty of a felony and punished by imprisonment  
12 in the custody of the Department of Corrections for not more than  
13 ten (10) years, ~~or by imprisonment in the county jail for not more~~  
14 ~~than one (1) year.~~ The provisions of Section 51.1 of this title  
15 shall apply to any second or subsequent conviction of a violation of  
16 this subsection.

17 G. Any person convicted of domestic abuse as defined in  
18 subsection C of this section that was committed in the presence of a  
19 child shall be punished by imprisonment in the county jail for not  
20 less than six (6) months nor more than one (1) year, or by a fine  
21 not exceeding Five Thousand Dollars (\$5,000.00), or by both such  
22 fine and imprisonment. Any person convicted of a second or  
23 subsequent domestic abuse as defined in subsection C of this section  
24 that was committed in the presence of a child shall be punished by

1 imprisonment in the custody of the Department of Corrections for not  
2 less than one (1) year nor more than five (5) years, or by a fine  
3 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such  
4 fine and imprisonment. The provisions of Section 51.1 of this title  
5 shall apply to any second or subsequent offense. For every  
6 conviction of domestic abuse, domestic assault or domestic assault  
7 and battery with a dangerous weapon, or domestic assault and battery  
8 with a deadly weapon, the court shall:

9 1. Specifically order as a condition of a suspended sentence or  
10 probation that a defendant participate in counseling or undergo  
11 treatment to bring about the cessation of domestic abuse as  
12 specified in paragraph 2 of this subsection;

13 2. a. The court shall require the defendant to participate  
14 in counseling or undergo treatment for domestic abuse  
15 by an individual licensed practitioner or a domestic  
16 abuse treatment program certified by the Attorney  
17 General. If the defendant is ordered to participate  
18 in a domestic abuse counseling or treatment program,  
19 the order shall require the defendant to attend the  
20 program for a minimum of fifty-two (52) weeks,  
21 complete the program, and be evaluated before and  
22 after attendance of the program by a program counselor  
23 or a private counselor. Three unexcused absences in  
24 succession or seven unexcused absences in a period of



1 fifty-two (52) weeks from any court-ordered domestic  
2 abuse counseling or treatment program shall be prima  
3 facie evidence of the violation of the conditions of  
4 probation for the district attorney to seek  
5 acceleration or revocation of any probation entered by  
6 the court.

7 b. A program for anger management, couples counseling, or  
8 family and marital counseling shall not solely qualify  
9 for the counseling or treatment requirement for  
10 domestic abuse pursuant to this subsection. The  
11 counseling may be ordered in addition to counseling  
12 specifically for the treatment of domestic abuse or  
13 per evaluation as set forth below. If, after  
14 sufficient evaluation and attendance at required  
15 counseling sessions, the domestic violence treatment  
16 program or licensed professional determines that the  
17 defendant does not evaluate as a perpetrator of  
18 domestic violence or does evaluate as a perpetrator of  
19 domestic violence and should complete other programs  
20 of treatment simultaneously or prior to domestic  
21 violence treatment, including but not limited to  
22 programs related to the mental health, apparent  
23 substance or alcohol abuse or inability or refusal to  
24 manage anger, the defendant shall be ordered to

1 complete the counseling as per the recommendations of  
2 the domestic violence treatment program or licensed  
3 professional;

- 4 3. a. The court shall set a review hearing no more than one  
5 hundred twenty (120) days after the defendant is  
6 ordered to participate in a domestic abuse counseling  
7 program or undergo treatment for domestic abuse to  
8 assure the attendance and compliance of the defendant  
9 with the provisions of this subsection and the  
10 domestic abuse counseling or treatment requirements.  
11 The court may suspend sentencing of the defendant  
12 until the defendant has presented proof to the court  
13 of enrollment in a program of treatment for domestic  
14 abuse by an individual licensed practitioner or a  
15 domestic abuse treatment program certified by the  
16 Attorney General and attendance at weekly sessions of  
17 such program. Such proof shall be presented to the  
18 court by the defendant no later than one hundred  
19 twenty (120) days after the defendant is ordered to  
20 such counseling or treatment. At such time, the court  
21 may complete sentencing, beginning the period of the  
22 sentence from the date that proof of enrollment is  
23 presented to the court, and schedule reviews as  
24 required by subparagraphs a and b of this paragraph

1 and paragraphs 4 and 5 of this subsection. Three  
2 unexcused absences in succession or seven unexcused  
3 absences in a period of fifty-two (52) weeks from any  
4 court-ordered domestic abuse counseling or treatment  
5 program shall be prima facie evidence of the violation  
6 of the conditions of probation for the district  
7 attorney to seek acceleration or revocation of any  
8 probation entered by the court.

9 b. The court shall set a second review hearing after the  
10 completion of the counseling or treatment to assure  
11 the attendance and compliance of the defendant with  
12 the provisions of this subsection and the domestic  
13 abuse counseling or treatment requirements. The court  
14 shall retain continuing jurisdiction over the  
15 defendant during the course of ordered counseling  
16 through the final review hearing;

17 4. The court may set subsequent or other review hearings as the  
18 court determines necessary to assure the defendant attends and fully  
19 complies with the provisions of this subsection and the domestic  
20 abuse counseling or treatment requirements;

21 5. At any review hearing, if the defendant is not  
22 satisfactorily attending individual counseling or a domestic abuse  
23 counseling or treatment program or is not in compliance with any  
24 domestic abuse counseling or treatment requirements, the court may

1 order the defendant to further or continue counseling, treatment, or  
2 other necessary services. The court may revoke all or any part of a  
3 suspended sentence, deferred sentence, or probation pursuant to  
4 Section 991b of Title 22 of the Oklahoma Statutes and subject the  
5 defendant to any or all remaining portions of the original sentence;

6 6. At the first review hearing, the court shall require the  
7 defendant to appear in court. Thereafter, for any subsequent review  
8 hearings, the court may accept a report on the progress of the  
9 defendant from individual counseling, domestic abuse counseling, or  
10 the treatment program. There shall be no requirement for the victim  
11 to attend review hearings; and

12 7. If funding is available, a referee may be appointed and  
13 assigned by the presiding judge of the district court to hear  
14 designated cases set for review under this subsection. Reasonable  
15 compensation for the referees shall be fixed by the presiding judge.  
16 The referee shall meet the requirements and perform all duties in  
17 the same manner and procedure as set forth in Sections 1-8-103 and  
18 2-2-702 of Title 10A of the Oklahoma Statutes pertaining to referees  
19 appointed in juvenile proceedings.

20 The defendant may be required to pay all or part of the cost of  
21 the counseling or treatment, in the discretion of the court.

22 H. As used in subsection G of this section, "in the presence of  
23 a child" means in the physical presence of a child; or having  
24 knowledge that a child is present and may see or hear an act of

1 domestic violence. For the purposes of subsections C and G of this  
2 section, "child" may be any child whether or not related to the  
3 victim or the defendant.

4 I. For the purposes of subsections C and G of this section, any  
5 conviction for assault and battery against a current or former  
6 spouse, a present spouse of a former spouse, a former spouse of a  
7 present spouse, parents, a foster parent, a child, a person  
8 otherwise related by blood or marriage, a person with whom the  
9 defendant is or was in a dating relationship as defined by Section  
10 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom  
11 the defendant has had a child, a person who formerly lived in the  
12 same household as the defendant, or any person living in the same  
13 household as the defendant, shall constitute a sufficient basis for  
14 a felony charge:

15 1. If that conviction is rendered in any state, county or  
16 parish court of record of this or any other state; or

17 2. If that conviction is rendered in any municipal court of  
18 record of this or any other state for which any jail time was  
19 served; provided, no conviction in a municipal court of record  
20 entered prior to November 1, 1997, shall constitute a prior  
21 conviction for purposes of a felony charge.

22 J. Any person who commits any assault and battery with intent  
23 to cause great bodily harm by strangulation or attempted  
24 strangulation against a current or former spouse, a present spouse

1 of a former spouse, a former spouse of a present spouse, parents, a  
2 foster parent, a child, a person otherwise related by blood or  
3 marriage, a person with whom the defendant is or was in a dating  
4 relationship as defined by Section 60.1 of Title 22 of the Oklahoma  
5 Statutes, an individual with whom the defendant has had a child, a  
6 person who formerly lived in the same household as the defendant, or  
7 a person living in the same household as the defendant shall, upon  
8 conviction, be guilty of domestic abuse by strangulation and shall  
9 be punished by imprisonment in the custody of the Department of  
10 Corrections for a period of not less than one (1) year nor more than  
11 three (3) years, or by a fine of not more than Three Thousand  
12 Dollars (\$3,000.00), or by both such fine and imprisonment. Upon a  
13 second or subsequent conviction for a violation of this section, the  
14 defendant shall be punished by imprisonment in the custody of the  
15 Department of Corrections for a period of not less than three (3)  
16 years nor more than ten (10) years, or by a fine of not more than  
17 Twenty Thousand Dollars (\$20,000.00), or by both such fine and  
18 imprisonment. The provisions of Section 51.1 of this title shall  
19 apply to any second or subsequent conviction of a violation of this  
20 subsection. As used in this subsection, "strangulation" means any  
21 form of asphyxia; including, but not limited to, asphyxia  
22 characterized by closure of the blood vessels or air passages of the  
23 neck as a result of external pressure on the neck or the closure of  
24 the nostrils or mouth as a result of external pressure on the head.

1 K. Any district court of this state and any judge thereof shall  
2 be immune from any liability or prosecution for issuing an order  
3 that requires a defendant to:

4 1. Attend a treatment program for domestic abusers certified by  
5 the Attorney General;

6 2. Attend counseling or treatment services ordered as part of  
7 any suspended or deferred sentence or probation; and

8 3. Attend, complete, and be evaluated before and after  
9 attendance by a treatment program for domestic abusers, certified by  
10 the Attorney General.

11 L. There shall be no charge of fees or costs to any victim of  
12 domestic violence, stalking, or sexual assault in connection with  
13 the prosecution of a domestic violence, stalking, or sexual assault  
14 offense in this state.

15 M. In the course of prosecuting any charge of domestic abuse,  
16 stalking, harassment, rape, or violation of a protective order, the  
17 prosecutor shall provide the court, prior to sentencing or any plea  
18 agreement, a local history and any other available history of past  
19 convictions of the defendant within the last ten (10) years relating  
20 to domestic abuse, stalking, harassment, rape, violation of a  
21 protective order, or any other violent misdemeanor or felony  
22 convictions.

23 N. Any plea of guilty or finding of guilt for a violation of  
24 subsection C, F, G, I or J of this section shall constitute a

1 conviction of the offense for the purpose of this act or any other  
2 criminal statute under which the existence of a prior conviction is  
3 relevant for a period of ten (10) years following the completion of  
4 any court imposed probationary term; provided, the person has not,  
5 in the meantime, been convicted of a misdemeanor involving moral  
6 turpitude or a felony.

7 O. For purposes of subsection F of this section, "great bodily  
8 injury" means bone fracture, protracted and obvious disfigurement,  
9 protracted loss or impairment of the function of a body part, organ  
10 or mental faculty, or substantial risk of death.

11 P. Any pleas of guilty or nolo contendere or finding of guilt  
12 to a violation of any provision of this section shall constitute a  
13 conviction of the offense for the purpose of any subsection of this  
14 section under which the existence of a prior conviction is relevant  
15 for a period of ten (10) years following the completion of any  
16 sentence or court imposed probationary term.

17 SECTION 3. 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



1 state laws and the rules and regulations promulgated under such  
2 laws;

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

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

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

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

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

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

22 f. assault with intent to kill, as provided for in  
23 Section 653 of Title 21 of the Oklahoma Statutes,  
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- 1 g. assault with intent to commit a felony, as provided  
2 for in Section 681 of Title 21 of the Oklahoma  
3 Statutes,
- 4 h. assaults with a dangerous weapon while masked or  
5 disguised, as provided for in Section 1303 of Title 21  
6 of the Oklahoma Statutes,
- 7 i. murder in the first degree, as provided for in Section  
8 701.7 of Title 21 of the Oklahoma Statutes,
- 9 j. murder in the second degree, as provided for in  
10 Section 701.8 of Title 21 of the Oklahoma Statutes,
- 11 k. manslaughter in the first degree, as provided for in  
12 Section 711 of Title 21 of the Oklahoma Statutes,
- 13 l. manslaughter in the second degree, as provided for in  
14 Section 716 of Title 21 of the Oklahoma Statutes,
- 15 m. kidnapping, as provided for in Section 741 of Title 21  
16 of the Oklahoma Statutes,
- 17 n. burglary in the first degree, as provided for in  
18 Section 1431 of Title 21 of the Oklahoma Statutes,
- 19 o. burglary with explosives, as provided for in Section  
20 1441 of Title 21 of the Oklahoma Statutes,
- 21 p. kidnapping for extortion, as provided for in Section  
22 745 of Title 21 of the Oklahoma Statutes,
- 23 q. maiming, as provided for in Section 751 of Title 21 of  
24 the Oklahoma Statutes,

- 1           r.    robbery, as provided for in Section 791 of Title 21 of
- 2                    the Oklahoma Statutes,
- 3           s.    robbery in the first degree, as provided for in
- 4                    Section 797 et seq. of Title 21 of the Oklahoma
- 5                    Statutes,
- 6           t.    robbery in the second degree, as provided for in
- 7                    Section 797 et seq. of Title 21 of the Oklahoma
- 8                    Statutes,
- 9           u.    armed robbery, as provided for in Section 801 of Title
- 10                   21 of the Oklahoma Statutes,
- 11           v.    robbery by two or more persons, as provided for in
- 12                    Section 800 of Title 21 of the Oklahoma Statutes,
- 13           w.    robbery with dangerous weapon or imitation firearm, as
- 14                    provided for in Section 801 of Title 21 of the
- 15                    Oklahoma Statutes,
- 16           x.    child abuse, as provided for in Section 843.5 of Title
- 17                    21 of the Oklahoma Statutes,
- 18           y.    wiring any equipment, vehicle or structure with
- 19                    explosives, as provided for in Section 849 of Title 21
- 20                    of the Oklahoma Statutes,
- 21           z.    forcible sodomy, as provided for in Section 888 of
- 22                    Title 21 of the Oklahoma Statutes,
- 23           aa.   rape in the first degree, as provided for in Section
- 24                    1114 of Title 21 of the Oklahoma Statutes,

- 1 bb. rape in the second degree, as provided for in Section  
2 1114 of Title 21 of the Oklahoma Statutes,
- 3 cc. rape by instrumentation, as provided for in Section  
4 1111.1 of Title 21 of the Oklahoma Statutes,
- 5 dd. lewd or indecent proposition or lewd or indecent act  
6 with a child under sixteen (16) years of age, as  
7 provided for in Section 1123 of Title 21 of the  
8 Oklahoma Statutes,
- 9 ee. use of a firearm or offensive weapon to commit or  
10 attempt to commit a felony, as provided for in Section  
11 1287 of Title 21 of the Oklahoma Statutes,
- 12 ff. pointing firearms, as provided for in Section 1279 of  
13 Title 21 of the Oklahoma Statutes,
- 14 gg. rioting, as provided for in Section 1311 of Title 21  
15 of the Oklahoma Statutes,
- 16 hh. inciting to riot, as provided for in Section 1320.2 of  
17 Title 21 of the Oklahoma Statutes,
- 18 ii. arson in the first degree, as provided for in Section  
19 1401 of Title 21 of the Oklahoma Statutes,
- 20 jj. injuring or burning public buildings, as provided for  
21 in Section 349 of Title 21 of the Oklahoma Statutes,
- 22 kk. sabotage, as provided for in Section 1262 of Title 21  
23 of the Oklahoma Statutes,  
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- 1 1l. criminal syndicalism, as provided for in Section 1261  
2 of Title 21 of the Oklahoma Statutes,  
3 mm. extortion, as provided for in Section 1481 of Title 21  
4 of the Oklahoma Statutes,  
5 nn. obtaining signature by extortion, as provided for in  
6 Section 1485 of Title 21 of the Oklahoma Statutes,  
7 oo. seizure of a bus, discharging firearm or hurling  
8 missile at bus, as provided for in Section 1903 of  
9 Title 21 of the Oklahoma Statutes,  
10 pp. mistreatment of a mental patient, as provided for in  
11 Section 843.1 of Title 21 of the Oklahoma Statutes,  
12 qq. using a vehicle to facilitate the discharge of a  
13 weapon pursuant to Section 652 of Title 21 of the  
14 Oklahoma Statutes,  
15 rr. bombing offenses as defined in Section 1767.1 of Title  
16 21 of the Oklahoma Statutes,  
17 ss. child pornography or aggravated child pornography as  
18 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a  
19 of Title 21 of the Oklahoma Statutes,  
20 tt. child prostitution as defined in Section 1030 of Title  
21 21 of the Oklahoma Statutes,  
22 uu. abuse of a vulnerable adult as defined in Section 10-  
23 103 of Title 43A of the Oklahoma Statutes who is a  
24 resident of a nursing facility,

- 1 vv. aggravated trafficking as provided for in subsection C  
2 of Section 2-415 of Title 63 of the Oklahoma Statutes,  
3 ww. aggravated assault and battery upon any person  
4 defending another person from assault and battery, as  
5 provided for in Section 646 of Title 21 of the  
6 Oklahoma Statutes,  
7 xx. human trafficking as provided for in Section 748 of  
8 Title 21 of the Oklahoma Statutes, ~~or~~  
9 yy. terrorism crimes as provided in Section 1268 et seq.  
10 of Title 21 of the Oklahoma Statutes, or  
11 zz. domestic assault and battery as provided for in  
12 subsection C, D, E, F, G or J of Section 644 of Title  
13 21 of the Oklahoma Statutes.

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

16 SECTION 4. This act shall become effective November 1, 2019.

18 57-1-7925 GRS 02/13/19  
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