

1 **SENATE FLOOR VERSION**
February 19, 2020
2 **AS AMENDED**

3 SENATE BILL NO. 1496

By: Floyd

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5
6
7 **[violent crimes - definitions - inclusions -**
8 **effective date]**
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 57 O.S. 2011, Section 571, as last
13 amended by Section 1, Chapter 152, O.S.L. 2019 (57 O.S. Supp. 2019,
14 Section 571), is amended to read as follows:

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

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

21 2. "Violent crime" means any of the following felony offenses
22 and any attempts to commit or conspiracy or solicitation to commit
23 the following crimes:
24

- 1 a. assault, battery, or assault and battery with a
2 dangerous or deadly weapon, as provided for in
3 Sections 645 and 652 of Title 21 of the Oklahoma
4 Statutes,
- 5 b. assault, battery, or assault and battery with a deadly
6 weapon or by other means likely to produce death or
7 great bodily harm, as provided for in Section 652 of
8 Title 21 of the Oklahoma Statutes,
- 9 c. aggravated assault and battery on a police officer,
10 sheriff, highway patrolman, or any other officer of
11 the law, as provided for in Section 650 of Title 21 of
12 the Oklahoma Statutes,
- 13 d. poisoning with intent to kill, as provided for in
14 Section 651 of Title 21 of the Oklahoma Statutes,
- 15 e. shooting with intent to kill, as provided for in
16 Section 652 of Title 21 of the Oklahoma Statutes,
- 17 f. assault with intent to kill, as provided for in
18 Section 653 of Title 21 of the Oklahoma Statutes,
- 19 g. assault with intent to commit a felony, as provided
20 for in Section 681 of Title 21 of the Oklahoma
21 Statutes,
- 22 h. assaults with a dangerous weapon while masked or
23 disguised, as provided for in Section 1303 of Title 21
24 of the Oklahoma Statutes,

- 1 i. murder in the first degree, as provided for in Section
2 701.7 of Title 21 of the Oklahoma Statutes,
3 j. murder in the second degree, as provided for in
4 Section 701.8 of Title 21 of the Oklahoma Statutes,
5 k. manslaughter in the first degree, as provided for in
6 Section 711 of Title 21 of the Oklahoma Statutes,
7 l. manslaughter in the second degree, as provided for in
8 Section 716 of Title 21 of the Oklahoma Statutes,
9 m. kidnapping, as provided for in Section 741 of Title 21
10 of the Oklahoma Statutes,
11 n. burglary in the first degree, as provided for in
12 Section 1431 of Title 21 of the Oklahoma Statutes,
13 o. burglary with explosives, as provided for in Section
14 1441 of Title 21 of the Oklahoma Statutes,
15 p. kidnapping for extortion, as provided for in Section
16 745 of Title 21 of the Oklahoma Statutes,
17 q. maiming, as provided for in Section 751 of Title 21 of
18 the Oklahoma Statutes,
19 r. robbery, as provided for in Section 791 of Title 21 of
20 the Oklahoma Statutes,
21 s. robbery in the first degree, as provided for in
22 Section 797 et seq. of Title 21 of the Oklahoma
23 Statutes,
24

- 1 t. robbery in the second degree, as provided for in
2 Section 797 et seq. of Title 21 of the Oklahoma
3 Statutes,
- 4 u. armed robbery, as provided for in Section 801 of Title
5 21 of the Oklahoma Statutes,
- 6 v. robbery by two or more persons, as provided for in
7 Section 800 of Title 21 of the Oklahoma Statutes,
- 8 w. robbery with dangerous weapon or imitation firearm, as
9 provided for in Section 801 of Title 21 of the
10 Oklahoma Statutes,
- 11 x. child abuse, as provided for in Section 843.5 of Title
12 21 of the Oklahoma Statutes,
- 13 y. wiring any equipment, vehicle or structure with
14 explosives, as provided for in Section 849 of Title 21
15 of the Oklahoma Statutes,
- 16 z. forcible sodomy, as provided for in Section 888 of
17 Title 21 of the Oklahoma Statutes,
- 18 aa. rape in the first degree, as provided for in Section
19 1114 of Title 21 of the Oklahoma Statutes,
- 20 bb. rape in the second degree, as provided for in Section
21 1114 of Title 21 of the Oklahoma Statutes,
- 22 cc. rape by instrumentation, as provided for in Section
23 1111.1 of Title 21 of the Oklahoma Statutes,
- 24

- 1 dd. lewd or indecent proposition or lewd or indecent act
2 with a child under sixteen (16) years of age, as
3 provided for in Section 1123 of Title 21 of the
4 Oklahoma Statutes,
- 5 ee. use of a firearm or offensive weapon to commit or
6 attempt to commit a felony, as provided for in Section
7 1287 of Title 21 of the Oklahoma Statutes,
- 8 ff. pointing firearms, as provided for in Section 1279 of
9 Title 21 of the Oklahoma Statutes,
- 10 gg. rioting, as provided for in Section 1311 of Title 21
11 of the Oklahoma Statutes,
- 12 hh. inciting to riot, as provided for in Section 1320.2 of
13 Title 21 of the Oklahoma Statutes,
- 14 ii. arson in the first degree, as provided for in Section
15 1401 of Title 21 of the Oklahoma Statutes,
- 16 jj. injuring or burning public buildings, as provided for
17 in Section 349 of Title 21 of the Oklahoma Statutes,
- 18 kk. sabotage, as provided for in Section 1262 of Title 21
19 of the Oklahoma Statutes,
- 20 ll. criminal syndicalism, as provided for in Section 1261
21 of Title 21 of the Oklahoma Statutes,
- 22 mm. extortion, as provided for in Section 1481 of Title 21
23 of the Oklahoma Statutes,
24

- 1 nn. obtaining signature by extortion, as provided for in
2 Section 1485 of Title 21 of the Oklahoma Statutes,
3 oo. seizure of a bus, discharging firearm or hurling
4 missile at bus, as provided for in Section 1903 of
5 Title 21 of the Oklahoma Statutes,
6 pp. mistreatment of a mental patient, as provided for in
7 Section 843.1 of Title 21 of the Oklahoma Statutes,
8 qq. using a vehicle to facilitate the discharge of a
9 weapon pursuant to Section 652 of Title 21 of the
10 Oklahoma Statutes,
11 rr. bombing offenses as defined in Section 1767.1 of Title
12 21 of the Oklahoma Statutes,
13 ss. child pornography or aggravated child pornography as
14 defined in Section 1021.2, 1021.3, 1024.1 or 1040.12a
15 of Title 21 of the Oklahoma Statutes,
16 tt. child prostitution as defined in Section 1030 of Title
17 21 of the Oklahoma Statutes,
18 uu. abuse of a vulnerable adult as defined in Section 10-
19 103 of Title 43A of the Oklahoma Statutes who is a
20 resident of a nursing facility,
21 vv. aggravated trafficking as provided for in subsection C
22 of Section 2-415 of Title 63 of the Oklahoma Statutes,
23 ww. aggravated assault and battery upon any person
24 defending another person from assault and battery, as

1 provided for in Section 646 of Title 21 of the
2 Oklahoma Statutes,

3 xx. human trafficking, as provided for in Section 748 of
4 Title 21 of the Oklahoma Statutes,

5 yy. terrorism crimes as provided in Section 1268 et seq.
6 of Title 21 of the Oklahoma Statutes, ~~or~~

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

10 aaa. child trafficking, as provided for in Section 866 of
11 Title 21 of the Oklahoma 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, 2020.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
16 February 19, 2020 - DO PASS AS AMENDED