

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 4373

By: Ford, West (Tammy), and
Roberts (Eric) of the House

and

Weaver of the Senate

8 An Act relating to crimes and punishments; amending
21 O.S. 2021, Sections 1435 and 1436, which relate to
9 second and third degree burglary and related
penalties; modifying elements of certain prohibited
10 act; defining term; modifying penalty of third degree
burglary; and providing an effective date.

13 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

14 "An Act relating to burglary; amending 21 O.S 2021,
15 Sections 1435 and 1436, which relate to second-degree
burglary and penalties; modifying elements of certain
16 offense; defining term; modifying punishment for
certain offense; and providing an effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2021, Section 1435, is
21 amended to read as follows:

22 Section 1435. A. Every person who breaks and enters the
23 dwelling house of another, in which there is at the time no human
24 being present, or any commercial building or any part of any

1 building, room, booth, tent, railroad car or other structure or
2 erection in which any property is kept or breaks into or forcibly
3 opens, any ~~coin-operated~~ coin-operated or vending machine or device
4 with intent to steal any property therein or to commit any felony,
5 is guilty of burglary in the second degree.

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

10 1. Steal any property therein;

11 2. Steal any property attached thereto; or ~~to commit~~

12 3. Commit any felony,

13 is guilty of burglary in the third degree.

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

17 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1436, is
18 amended to read as follows:

19 Section 1436. Burglary is a felony punishable by imprisonment
20 in the custody of the Department of Corrections as follows:

21 1. Burglary in the first degree for any term not less than
22 seven (7) years nor more than twenty (20) years;

23 2. Burglary in the second degree not exceeding seven (7) years;
24 and

1 3. Burglary in the third degree not exceeding five (5) years,
2 or by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by
3 both such fine and imprisonment.

4 SECTION 3. This act shall become effective November 1, 2022.”

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6 Passed the Senate the 27th day of April, 2022.

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8 _____
9 Presiding Officer of the Senate

10 Passed the House of Representatives the ____ day of _____,
11 2022.

12
13 _____
14 Presiding Officer of the House
15 of Representatives

1 ENGROSSED HOUSE
2 BILL NO. 4373

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8 21 O.S. 2021, Sections 1435 and 1436, which relate to
9 second and third degree burglary and related
10 penalties; modifying elements of certain prohibited
11 act; defining term; modifying penalty of third degree
12 burglary; and providing an effective date.

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

14 SECTION 4. AMENDATORY 21 O.S. 2021, Section 1435, is
15 amended to read as follows:

16 Section 1435. A. Every person who breaks and enters the
17 dwelling house of another, in which there is at the time no human
18 being present, or any commercial building or any part of any
19 building, room, booth, tent, railroad car or other structure or
20 erection in which any property is kept or breaks into or forcibly
21 opens, any coin-operated or vending machine or device with intent to
22 steal any property therein or to commit any felony, is guilty of
23 burglary in the second degree.

24 B. Every person who breaks and enters, climbs under, or uses
any jack stands or any other item to raise any automobile, truck,

1 trailer or vessel of another, in which any property is kept, with
2 intent to ~~steal~~:

- 3 1. Steal any property therein;
- 4 2. Steal any property attached thereto; or ~~to commit~~
- 5 3. Commit any felony,

6 is guilty of burglary in the third degree.

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

10 SECTION 5. AMENDATORY 21 O.S. 2021, Section 1436, is
11 amended to read as follows:

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13 in the custody of the Department of Corrections as follows:

- 14 1. Burglary in the first degree for any term not less than
15 seven (7) years nor more than twenty (20) years;
- 16 2. Burglary in the second degree not exceeding seven (7) years;
17 and
- 18 3. Burglary in the third degree not exceeding five (5) years,
19 or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by
20 both such fine and imprisonment.

21 SECTION 6. This act shall become effective November 1, 2022.
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1 Passed the House of Representatives the 14th day of March, 2022.

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3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2022.

6
7
8 _____
9 Presiding Officer of the Senate