

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 4373

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

6 and

7 Weaver of the Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2021, Sections 1435 and 1436, which relate to
12 second and third degree burglary and related
13 penalties; modifying elements of certain prohibited
14 act; defining term; modifying penalty of third degree
15 burglary; and providing an effective date.

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

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

19 Section 1435. A. Every person who breaks and enters the
20 dwelling house of another, in which there is at the time no human
21 being present, or any commercial building or any part of any
22 building, room, booth, tent, railroad car or other structure or
23 erection in which any property is kept or breaks into or forcibly
24 opens, any ~~coin-operated~~ coin-operated or vending machine or device

1 with intent to steal any property therein or to commit any felony,
2 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 ~~steal~~:

7 1. Steal any property therein;

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

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

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

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

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

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

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

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