

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1639

By: Hasenbeck

7  
8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to sentencing; creating the Oklahoma  
10                   Domestic Abuse Survivorship Act; defining terms;  
11                   directing courts to consider certain mitigating  
12                   factors during sentencing and pleas; requiring  
13                   defendants to provide certain documentary evidence;  
14                   providing sentencing ranges upon finding by the  
15                   court; requiring the administration of an evaluation;  
16                   authorizing submission of results to the defendant  
17                   and the court; assigning responsibility of cost of  
18                   evaluations; allowing certain persons to make  
19                   application for sentencing relief; authorizing the  
20                   Court of Criminal Appeals to develop and disseminate  
21                   standard application form; stating absence of a  
22                   limitation period when applying for relief; providing  
23                   guidelines for when persons may apply for relief;  
24                   providing procedures for filing applications; stating  
types of documentary evidence necessary for  
consideration; providing for the filing of  
applications without costs under certain  
circumstances; allowing the state to object upon  
showing of certain evidence; providing for the  
dismissal of applications; authorizing courts to  
grant leave to file amendment applications;  
authorizing courts to grant certain motion; providing  
for sentencing review hearings; stating procedures  
for hearings; providing sentencing ranges upon  
finding by the court; providing procedures for  
amending judgment and sentences; establishing  
restrictions on subsequent applications; allowing  
amended judgment and sentences to be appealed;  
stating requirement for appeals; directing the

1 Supreme Court to establish education and training  
2 requirements; providing guidelines for rules;  
3 requiring certain attorneys to complete annual  
4 education and training; amending 22 O.S. 2021,  
5 Section 982, which relates to presentence  
6 investigations; expanding scope of circumstances;  
7 providing for codification; and providing an  
8 effective date.

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

9 SECTION 1. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1090 of Title 22, unless there  
11 is created a duplication in numbering, reads as follows:

12 Sections 1 through 13 of this act shall be known and may be  
13 cited as the "Oklahoma Domestic Abuse Survivorship Act".

14 SECTION 2. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1090.1 of Title 22, unless there  
16 is created a duplication in numbering, reads as follows:

17 As used in this act:

18 1. "Conditional release" means a type of release from custody  
19 that is not parole but which must comply with conditions such as  
20 electronic monitoring;

21 2. "Deferred sentence" means a type of sentence as provided in  
22 Section 991c of Title 22 of the Oklahoma Statutes;

23 3. "Domestic abuse" means any act of physical harm or the  
24 threat of imminent physical harm which is committed by an adult,

1 emancipated minor, or minor child thirteen (13) years of age or  
2 older against another adult, emancipated minor or minor child who is  
3 currently or was previously an intimate partner or family or  
4 household member;

5 4. "Economic abuse" means any behavior that has a substantial  
6 and adverse effect on the ability of an individual to:

- 7 a. acquire, use, or maintain money or other property,
- 8 b. obtain goods including, but not limited to, food and  
9 clothing, or
- 10 c. obtain services including, but not limited to,  
11 utilities;

12 5. "Parole" means a conditional release of an offender who has  
13 served part of the term for which he or she was sentenced to prison;

14 6. "Physical abuse" means any real or threatened physical  
15 injury or damage to the body that is not accidental;

16 7. "Posttraumatic stress disorder" means the same as such term  
17 is defined in the Diagnostic and Statistical Manual of Mental  
18 Disorders, Fifth Edition (DSM-5, 2013), and occurred as a result of  
19 the victimization of a survivor;

20 8. "Psychological abuse" means a pattern of real or threatened  
21 mental intimidation, threats, coercive control, and humiliation that  
22 is intended to provoke fear of harm; and

23 9. "Revocation hearing" means a type of hearing as provided in  
24 Section 991b of Title 22 of the Oklahoma Statutes;

1 10. "Sentencing hearing" means a type of postconviction hearing  
2 in which the defendant is brought before the court for imposition of  
3 the sentence; and

4 11. "Suspended sentence" means a type of sentence as provided  
5 in Section 991a of Title 22 of the Oklahoma Statutes.

6 SECTION 3. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1090.2 of Title 22, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. During a hearing to:

10 1. Sentence a person; or

11 2. Accept a plea of guilty,

12 for a person who is a survivor of domestic abuse, and has been  
13 charged with the crime against his or her intimate partner where  
14 self-defense could have been raised as an affirmative defense, the  
15 court shall consider as a mitigating factor that the person has been  
16 abused physically, sexually, economically, or psychologically by the  
17 person the defendant defended his or herself against;

18 B. The defendant shall provide to the court evidence including,  
19 but not limited to:

20 1. Documentary evidence, corroborating that the defendant was,  
21 at the time of the offense or within one (1) year prior to the  
22 commission of the offense, a victim of domestic abuse, as such term  
23 is defined in Section 2 of this act, perpetrated by the person the  
24 defendant defended his or herself against; and

1           2. At least one piece of documentary evidence shall be a court  
2 record, presentence report, social services record, hospital record,  
3 sworn statement from a witness to the domestic violence who is not  
4 the defendant, law enforcement record, domestic incident report, or  
5 order of protection.

6           Other evidence may include, but shall not be limited to, local  
7 jail records or records of the Department of Corrections,  
8 documentation prepared at or near the time of the commission of the  
9 offense or the prosecution thereof tending to support the claims of  
10 the person, or verification of consultation with a licensed medical  
11 care provider or mental health care provider, employee of a court  
12 acting within the scope of his or her employment, member of the  
13 clergy, attorney, social worker, or rape crisis counselor, or other  
14 advocate acting on behalf of an agency that assists victims of  
15 domestic abuse. Expert testimony from a psychiatrist, psychologist,  
16 or mental health professional showing that the defendant has been  
17 diagnosed with posttraumatic stress disorder may also be submitted  
18 to the court as evidence.

19           C. If the court finds by a preponderance of the evidence that  
20 the defendant is a survivor of domestic abuse within one (1) year  
21 prior to or on the date of the offense by the person the defendant  
22 defended his or herself against, then the sentencing range for the  
23 defendant shall be as follows:  
24

1 1. If the offense carries up to five (5) years, not more than  
2 three (3) years;

3 2. If the offense carries up to ten (10) years, not more than  
4 five (5) years; or

5 3. If the offense carries up to twenty (20) years, not more  
6 than seven (7) years.

7 No matter the range for the offense, a defendant providing  
8 mitigation evidence under this section shall not receive a sentence  
9 longer than ten (10) years.

10 D. Prior to sentencing a person pursuant to the provisions of  
11 this act, a psychological or psychiatric evaluation routinely used  
12 by the Department of Mental Health and Substance Abuse Services  
13 shall be administered to the defendant. The evaluation shall be  
14 trauma-informed and take into consideration possible common  
15 diagnoses for abuse victims such as acute stress disorder and  
16 posttraumatic stress disorder. The results of the evaluation shall  
17 be forwarded to the defendant and submitted to the court as  
18 evidence. The Department shall conduct the evaluation at no cost.  
19 Should the defendant choose to defer the evaluation by the  
20 Department in favor of an evaluation conducted by a private  
21 practitioner, the evaluation by the Department shall be considered  
22 waived. It shall be the responsibility of the defendant to bear the  
23 cost of any evaluation conducted by a private practitioner.

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1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1090.3 of Title 22, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. Any person who has been convicted or received a sentence for  
5 a crime against his or her intimate partner where self-defense could  
6 have been raised as an affirmative defense and the abuse was  
7 perpetrated by the person the defendant was defending his or herself  
8 against and who claims:

9           1. That he or she was a victim of domestic abuse, as defined in  
10 Section 2 of this act, at the time of the criminal offense or within  
11 one (1) year leading up to the criminal offense perpetrated by the  
12 person the defendant defended his or herself against;

13           2. That the aforementioned domestic abuse was substantially  
14 related to the commission of the offense; or

15           3. That the sentence previously imposed does not serve the  
16 means of justice when considering the mitigating evidence of  
17 physical, sexual, or psychological abuse,  
18 may make an application to the court in which the judgment and  
19 sentence of the person was imposed. Upon receiving the application,  
20 the court shall institute a proceeding to secure the appropriate  
21 sentencing relief. The Court of Criminal Appeals shall be  
22 authorized to develop and disseminate a standard form for an  
23 application in conformity with the provisions of this section.

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1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1090.4 of Title 22, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. No period of limitation shall apply to the filing of any  
5 application seeking sentencing relief, whether an original  
6 application or a subsequent application.

7 B. For those seeking to submit an application after revocation  
8 of a suspended sentence, acceleration of a deferred sentence, or  
9 revocation of probation, the person may submit the application once  
10 the person has been processed into the custody of the Department of  
11 Corrections only if the person did not invoke the mitigation  
12 procedures outlined in Section 3 of this act during or after the  
13 revocation hearing.

14 C. For those seeking to submit an application after revocation  
15 of parole or conditional release, the person may submit the  
16 application once the person has been processed into the Department  
17 of Corrections only if the person did not invoke the mitigation  
18 procedures outlined in Section 3 of this act during or after the  
19 revocation hearing.

20 D. The provisions of this section shall apply to any  
21 application filed on or after the effective date of this act.

22 SECTION 6. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1090.5 of Title 22, unless there  
24 is created a duplication in numbering, reads as follows:

1       A. A proceeding is commenced by filing an application for  
2 sentencing review with the clerk of the court imposing judgment if  
3 an appeal is not pending. When such a proceeding arises from the  
4 revocation of parole or conditional release, the proceeding shall be  
5 commenced by filing an application with the clerk of the court in  
6 the county in which the parole or conditional release was revoked.  
7 Facts within the personal knowledge of the applicant and the  
8 authenticity of all documents and exhibits included in or attached  
9 to the application shall be sworn to be true and correct. The clerk  
10 of the court shall docket the application upon its receipt, promptly  
11 notify the court, and deliver a copy to the district attorney.

12       B. A valid application for consideration will show by a  
13 preponderance of the evidence, including but not limited to  
14 documentary evidence, corroborating that the applicant:

15       1. Was, at the time of the offense, or within one (1) year  
16 leading up to the commission of the offense, a victim of domestic  
17 abuse, as such term is defined in Section 2 of this act, perpetrated  
18 by the person the defendant defended his or herself against; and

19       2. At least one piece of documentary evidence shall be a court  
20 record, presentence report, social services record, hospital record,  
21 sworn statement from a witness to the domestic violence who is not  
22 the defendant, law enforcement record, domestic incident report, or  
23 order of protection. Other evidence may include, but shall not be  
24 limited to, local jail records or records of the Department of

1 Corrections, documentation prepared at or near the time of the  
2 commission of the offense or the prosecution thereof tending to  
3 support the claims of the person, or verification of consultation  
4 with a licensed medical care provider or mental health care  
5 provider, employee of a court acting within the scope of his or her  
6 employment, member of the clergy, attorney, social worker, or rape  
7 crisis counselor, or other advocate acting on behalf of an agency  
8 that assists victims of domestic abuse. Expert testimony from a  
9 psychiatrist, psychologist, or mental health professional showing  
10 that the defendant has been diagnosed with posttraumatic stress  
11 disorder may also be submitted to the court as evidence.

12 SECTION 7. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1090.6 of Title 22, unless there  
14 is created a duplication in numbering, reads as follows:

15 If the applicant is unable to pay court costs and expenses of  
16 representation, the applicant shall include an affidavit to that  
17 effect with the application, which shall then be filed without  
18 costs. Counsel necessary in representation shall be made available  
19 to the applicant upon filing the application and a finding by the  
20 court that such assistance is necessary to provide a fair  
21 determination of sentencing relief. If an attorney is appointed to  
22 represent such an applicant then the fees and expenses of such  
23 attorney shall be paid from the court fund. The attorney, if

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1 appointed, shall be employed by the respective county's indigent  
2 defense agency.

3 SECTION 8. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1090.7 of Title 22, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. Within thirty (30) days after the docketing of the  
7 application, the state may file an objection if the state has  
8 evidence that directly controverts the evidence of abuse submitted  
9 by the applicant or evidence that provides additional context to the  
10 battering relationship. In considering the application, the court  
11 shall take account of the substance of the application, regardless  
12 of any defects of form. The court may also allow affidavits for  
13 good cause shown. Depositions may be employed only when there is no  
14 other means of obtaining testimony.

15 B. When a court is satisfied, on the basis of the application,  
16 the answer or motion of respondent, and the record, that the  
17 applicant is not entitled to sentencing review and no purpose would  
18 be served by any further proceedings, the court shall order the  
19 application dismissed or grant leave to file an amended application.  
20 Where such evidence exists in the record, an evidentiary hearing  
21 shall be ordered. The judge assigned to the case should not dispose  
22 of it on the basis of information within his or her personal  
23 knowledge not made a part of the record.

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1 C. The court may grant a motion by the state for summary  
2 disposition of the application when it appears from the response and  
3 pleadings that there is no genuine basis for seeking a sentencing  
4 review. An order disposing of an application without a hearing  
5 shall state the findings and conclusions of the court regarding the  
6 issues presented.

7 SECTION 9. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1090.8 of Title 22, unless there  
9 is created a duplication in numbering, reads as follows:

10 A. If the applicant meets the evidentiary burden in the  
11 pleadings, the court shall conduct a sentencing review hearing at  
12 which time a record shall be made and preserved. The court may  
13 receive proof by affidavits, depositions, oral testimony, or other  
14 evidence and may order the applicant to be brought before the court  
15 for the hearing. Any live testimony shall be subject to direct and  
16 cross examination. The state may present evidence only if it  
17 directly controverts the evidence of abuse offered by the applicant,  
18 or evidence that provides additional context to the battering  
19 relationship. A judge should not preside at such a hearing if his  
20 or her testimony is material. The court shall make specific  
21 findings of fact regarding whether or not the applicant was a  
22 survivor of domestic abuse at the time of the criminal offense or  
23 within one (1) year prior to the offense and that the abuse was  
24 perpetrated by the person the defendant defended his or herself

1 against. If the court finds by a preponderance of the evidence that  
2 the applicant is a survivor of domestic abuse, then the new  
3 sentencing range for the defendant shall be:

4 1. If the offense carries up to five (5) years, not more than  
5 three (3) years;

6 2. If the offense carries up to ten (10) years, not more than  
7 five (5) years; or

8 3. If the offense carries up to twenty (20) years, not more  
9 than seven (7) years.

10 No matter the range for the offense, an applicant that meets the  
11 evidentiary burden by a preponderance of the evidence under this  
12 section shall not receive a sentence longer than ten (10) years.

13 B. The court shall amend the judgment and sentence of the  
14 applicant to the new sentence. The order issued by the court shall  
15 be a final judgment.

16 SECTION 10. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1090.9 of Title 22, unless there  
18 is created a duplication in numbering, reads as follows:

19 If the court finds in the affirmative that the applicant was a  
20 survivor of domestic abuse at the time of the criminal offense or  
21 within one year prior to the offense and that the abuse was  
22 perpetrated by the person the defendant defended his or herself  
23 against, the court shall amend the judgment and sentence to reflect  
24 a new sentence consistent with that provided in Section 9 of this

1 act. If the amended sentence reflects less time than the applicant  
2 has already served in the custody of the Department of Corrections,  
3 then the court shall also issue an order of discharge for the  
4 applicant. The court shall enter any supplementary orders as to  
5 time served, custody, bail, discharge, or other matters that may be  
6 necessary and proper.

7 SECTION 11. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 1090.10 of Title 22, unless  
9 there is created a duplication in numbering, reads as follows:

10 All grounds for sentencing relief available to an applicant  
11 under the provisions of this act, shall be raised in his or her  
12 original or amended application. Any ground previously adjudicated  
13 or not raised or knowingly, voluntarily and intelligently waived in  
14 the proceeding that resulted in the conviction or sentence, or in  
15 any other proceeding the applicant has taken to secure relief, may  
16 not be the basis for a subsequent application.

17 SECTION 12. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 1090.11 of Title 22, unless  
19 there is created a duplication in numbering, reads as follows:

20 A. A denied application or an amended judgment and sentence  
21 entered under the provisions of this act may be appealed to the  
22 Court of Criminal Appeals by the applicant or the state within  
23 thirty (30) days from the entry of the amended judgment and  
24 sentence.

1 B. Upon motion of either party on filing a notice of intent to  
2 appeal, within ten (10) days of entering the amended judgment and  
3 sentence, the district court may stay the execution of the amended  
4 judgment and sentence pending disposition on appeal; provided,  
5 however, the Court of Criminal Appeals may direct the vacation of  
6 the order staying the execution prior to final disposition of the  
7 appeal.

8 SECTION 13. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 1090.12 of Title 22, unless  
10 there is created a duplication in numbering, reads as follows:

11 A. 1. The Supreme Court is required to establish by rule,  
12 education and training requirements for judges, associate judges,  
13 special judges, and referees who preside over cases dealing with  
14 domestic violence. Rules shall include, but not be limited to,  
15 education and training relating to domestic abuse, coercive control,  
16 trauma, posttraumatic stress disorder, battered woman syndrome,  
17 survivor use of force, mental health treatment, and other similar  
18 topics.

19 2. All judges who preside over cases dealing with domestic  
20 violence shall attend at least three (3) hours of training in such  
21 courses each calendar year relating to the topics described in  
22 paragraph 1 of this subsection.

23 3. The Administrative Director of the Courts shall be  
24 responsible for developing and administering procedures and rules

1 for such courses for judicial personnel, including monitoring the  
2 attendance of judicial personnel at such training.

3 B. 1. Any district attorney, assistant district attorney,  
4 public defender, assistant public defender, attorney employed by or  
5 under contract with the Oklahoma Indigent Defense System, court-  
6 appointed attorney, or attorney employed by or under contract with a  
7 district court whose duties include domestic violence responsibility  
8 shall complete at least three (3) hours of education and training  
9 annually in courses relating to the topics described in paragraph 1  
10 of subsection A of this section. The education and training  
11 requirements may be accomplished through a collaborative effort  
12 between the judiciary and others with domestic violence  
13 responsibilities.

14 2. Each judicial district shall be responsible for developing  
15 and administering procedures and rules for such courses for  
16 attorneys identified in paragraph 1 of this subsection whose duties  
17 routinely include domestic violence responsibilities. The chief  
18 judge of each judicial district, or any designee judge with domestic  
19 violence case responsibilities, shall carry out this mandate within  
20 one (1) year of the effective date of this act.

21 SECTION 14. AMENDATORY 22 O.S. 2021, Section 982, is  
22 amended to read as follows:

23 Section 982. A. Whenever a person is convicted of a violent  
24 felony offense whether the conviction is for a single offense or

1 part of any combination of offenses, except when the death sentence  
2 is available as punishment for the offense, the court may, before  
3 imposing the sentence, require a presentence investigation be made  
4 of the offender by the Department of Corrections. The court shall  
5 order the defendant to pay a fee to the Department of Corrections of  
6 not less than Fifty Dollars (\$50.00) nor more than Five Hundred  
7 Dollars (\$500.00) for the presentence investigation. In hardship  
8 cases, the court may reduce the amount of the fee and establish a  
9 payment schedule.

10 B. Whenever a person has a prior felony conviction and enters a  
11 plea of guilty or nolo contendere to a felony offense other than a  
12 violent felony offense, without an agreement by the district  
13 attorney regarding the sentence to be imposed, the court may order a  
14 presentence investigation be made by the Department of Corrections.  
15 The fee provided in subsection A of this section shall apply to  
16 persons subject to this subsection.

17 C. Whenever a person has entered a plea of not guilty to a  
18 nonviolent felony offense and is found guilty by a court following a  
19 non-jury trial, the court may require a presentence investigation be  
20 made by the Department of Corrections. The fee provided in  
21 subsection A of this section shall apply to persons subject to this  
22 subsection.

23 D. When conducting a presentence investigation, the Department  
24 shall inquire into the circumstances of the offense and the

1 characteristics of the offender. The information obtained from the  
2 investigation shall include, but not be limited to, a voluntary  
3 statement from each victim of the offense concerning the nature of  
4 the offense and the impact of the offense on the victim and the  
5 immediate family of the victim, the amount of the loss suffered or  
6 incurred by the victim as a result of the criminal conduct of the  
7 offender, and the age, marital status, living arrangements,  
8 financial obligations, income, family history and education, prior  
9 juvenile and criminal records, prior abusive relationships, prior  
10 sexual assaults, prior experiences being human trafficked,  
11 associations with other persons convicted of a felony offense,  
12 social history, indications of a predisposition to violence or  
13 substance abuse, remorse or guilt about the offense or the harm to  
14 the victim, job skills and employment history of the offender. The  
15 Department shall make a report of information from such  
16 investigation to the court, including a recommendation detailing the  
17 punishment which is deemed appropriate for both the offense and the  
18 offender, and specifically a recommendation for or against probation  
19 or suspended sentence. The report of the investigation shall be  
20 presented to the judge within a reasonable time, and upon failure to  
21 present the report, the judge may proceed with sentencing.  
22 Whenever, in the opinion of the court or the Department, it is  
23 desirable, the investigation shall include a physical and mental

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1 examination or either a physical or mental examination of the  
2 offender.

3 E. The district attorney may have a presentence investigation  
4 made by the Department on each person charged with a violent felony  
5 offense and entering a plea of guilty or a plea of nolo contendere  
6 as part of or in exchange for a plea agreement for a violent felony  
7 offense. The presentence investigation shall be completed before  
8 the terms of the plea agreement are finalized. The court shall not  
9 approve the terms of any plea agreement without reviewing the  
10 presentence investigation report to determine whether or not the  
11 terms of the sentence are appropriate for both the offender and the  
12 offense. The fee provided in subsection A of this section shall  
13 apply to persons subject to this subsection and shall be a condition  
14 of the plea agreement and sentence.

15 F. The presentence investigation reports specified in this  
16 section shall not be referred to, or be considered, in any appeal  
17 proceedings. Before imposing a sentence, the court shall advise the  
18 defendant, counsel for the defendant, and the district attorney of  
19 the factual contents and conclusions of the presentence  
20 investigation report. The court shall afford the offender a fair  
21 opportunity to controvert the findings and conclusions of the  
22 reports at the time of sentencing. If either the defendant or the  
23 district attorney desires, a hearing shall be set by the court to  
24 allow both parties an opportunity to offer evidence proving or

1 disproving any finding contained in a report, which shall be a  
2 hearing in mitigation or aggravation of punishment.

3 G. The required presentence investigation and report may be  
4 waived upon written waiver by the district attorney and the  
5 defendant and upon approval by the Court.

6 H. As used in this section, "violent felony offense" means:

7 1. Arson in the first degree;

8 2. Assault with a dangerous weapon, battery with a dangerous  
9 weapon or assault and battery with a dangerous weapon;

10 3. Aggravated assault and battery on a police officer, sheriff,  
11 highway patrol officer, or any other officer of the law;

12 4. Assault with intent to kill, or shooting with intent to  
13 kill;

14 5. Assault with intent to commit a felony, or use of a firearm  
15 to commit a felony;

16 6. Assault while masked or disguised;

17 7. Burglary in the first degree or burglary with explosives;

18 8. Child beating or maiming;

19 9. Forcible sodomy;

20 10. Kidnapping, or kidnapping for extortion;

21 11. Lewd or indecent proposition or lewd or indecent acts with  
22 a child;

23 12. Manslaughter in the first or second degrees;

24 13. Murder in the first or second degrees;

1       14. Rape in the first or second degrees, or rape by  
2 instrumentation;

3       15. Robbery in the first or second degrees, or robbery by two  
4 or more persons, or robbery with a dangerous weapon; or

5       16. Any attempt, solicitation or conspiracy to commit any of  
6 the above enumerated offenses.

7       SECTION 15. This act shall become effective November 1, 2023.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
10 03/01/2023 - DO PASS, As Amended.

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