

An Act

ENROLLED HOUSE
BILL NO. 1023

By: Worthen of the House

and

Weaver of the Senate

An Act relating to prisons and reformatories; amending 57 O.S. 2011, Section 21, as last amended by Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2020, Section 21), which relates to penalties for possessing contraband in penal institutions; updating statutory references; providing for the forfeiture of seized items; and providing an effective date.

SUBJECT: Prisons and reformatories

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

SECTION 1. AMENDATORY 57 O.S. 2011, Section 21, as last amended by Section 2, Chapter 226, O.S.L. 2015 (57 O.S. Supp. 2020, Section 21), is amended to read as follows:

Section 21. A. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, any gun, knife, bomb or other dangerous instrument, any controlled dangerous substance as defined by ~~Section 2-101 et seq. of Title 63 of the Oklahoma Statutes~~ the Uniform Controlled Dangerous Substances Act, any ~~intoxicating~~ alcoholic beverage ~~or low-point beer~~ as defined by ~~Sections 163.1 and 163.2~~ Section 1-103 of Title ~~37~~ 37A of the Oklahoma Statutes, money or financial documents for a person other than the inmate or a spouse of the inmate, including but not limited to tax returns, shall be guilty of a felony and, upon conviction, shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than one (1) year nor more than five (5) years, or by a fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00), or

by both such fine and imprisonment. Provided, the provisions of this subsection shall not prohibit any Department of Corrections employee who has a valid handgun license pursuant to the Oklahoma Self-Defense Act to keep a firearm in a vehicle on any property set aside for the parking of any vehicle, whether occupied or unoccupied, at any state-owned prison facility, provided the employee has provided annual notification to the Department of Corrections of the brand name, model, serial number, and owner identification information of the firearm, and the firearm is secured and stored in a locked metal storage container located in a locked vehicle. The storage container will be secured in the vehicle by a lockable chain or cable or by utilizing hardware provided by the manufacturer.

B. If an inmate is found to be in possession of any item prohibited by this section, upon conviction, such inmate shall be guilty of a felony and shall be punished by imprisonment for a term of not less than five (5) years nor more than twenty (20) years in the custody of the Department of Corrections.

C. If the person found to be in possession of any item prohibited by this section has committed, prior to the commission of an offense in violation of this section, two or more felony offenses, and the possession of contraband in violation of this section is within ten (10) years of the completion of the execution of the sentence for any prior offense, such person, upon conviction, shall be guilty of a felony and shall be punished by imprisonment in the custody of the Department of Corrections for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location.

D. Any person who, without authority, brings into or has in his or her possession in any jail or state penal institution or other place where prisoners are located, cigarettes, cigars, snuff, chewing tobacco or any other form of tobacco product shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail not to exceed one (1) year, or by a fine not exceeding Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

E. Any person who knowingly, willfully and without authority brings into or has in his or her possession in any secure area of a jail or state penal institution or other secure place where prisoners are located any cellular phone or electronic device

capable of sending or receiving any electronic communication shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for a term not exceeding two (2) years, or by a fine not exceeding Two Thousand Five Hundred Dollars (\$2,500.00), or by both such fine and imprisonment.

F. ~~Any electronic communication device which has no identifiable owner and which is~~ contraband item prohibited by the provisions of this section that is seized as a result of a violation of this section may be disposed of or sold forfeited by the agency that seized the device contraband item following the procedures outlined in Section 2-506 of Title 63 of the Oklahoma Statutes.

G. "Electronic communication" means any transfer of signs, signals, writings, images, sounds, data or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photo-electronic or photo-optical system, and includes, but is not limited to, the transfer of that communication through the Internet.

SECTION 2. This act shall become effective November 1, 2021.

Passed the House of Representatives the 3rd day of March, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 12th day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____