

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1406

By: Dollens of the House

5 and

6 Quinn of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to criminal procedure; amending 22
11 O.S. 2011, Sections 991a-17 and 991a-20, which relate
12 to the Elderly and Incapacitated Victim's Protection
13 Program; updating language and internal statutory
14 citations; increasing penalties; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 22 O.S. 2011, Section 991a-17, is
18 amended to read as follows:

19 Section 991a-17. Whenever a person is convicted of an offense
20 enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title in which the
21 victim is elderly or incapacitated, the court shall upon conviction:

- 22 1. Commit the defendant for confinement as provided by law;
23 provided, the first ~~thirty (30)~~ one hundred eighty (180) days of the
24 sentence shall not be subject to probation, suspension or deferral;
provided further, this mandatory minimum period of confinement shall

1 be served in the county jail as a condition of a suspended or
2 deferred sentence, pursuant to Section 991a of ~~Title 22 of the~~
3 ~~Oklahoma Statutes~~ this title and may be served by night or weekend
4 incarceration pursuant to Section 991a-2 of ~~Title 22 of the Oklahoma~~
5 ~~Statutes~~ this title; and

6 2. a. Require restitution be paid to the victim for out-of-
7 pocket expenses, loss or damage to property and
8 medical expenses for injury proximately caused by the
9 conduct of the defendant pursuant to Section ~~447~~ 991a-
10 18 of this ~~act~~ title, or

11 b. Assign the offender to perform a required term of
12 community service, according to a schedule consistent
13 with the employment and family responsibility of the
14 person convicted, or

15 c. Require restitution as provided in subparagraph a of
16 this paragraph and community service as provided in
17 subparagraph b of this paragraph; and

18 3. The court may further impose a fine or any other penalty
19 otherwise provided by law.

20 SECTION 2. AMENDATORY 22 O.S. 2011, Section 991a-20, is
21 amended to read as follows:

22 Section 991a-20. A. Every person who, having been convicted of
23 any offense against an elderly or incapacitated person, as
24 enumerated in Section ~~445~~ 991a-16 of this ~~act~~ title, commits any

1 crime against an elderly or incapacitated person after such
2 conviction is punishable as follows:

3 1. If the offense of which such person is subsequently
4 convicted is such that upon a first conviction an offender would be
5 punishable by imprisonment in the ~~State Penitentiary~~ custody of the
6 Department of Corrections for any term exceeding five (5) years,
7 such person is punishable by imprisonment in the ~~State Penitentiary~~
8 custody of the Department of Corrections for a term of not less than
9 ~~ten (10)~~ twenty (20) years; or

10 2. If such subsequent offense is such that upon a first
11 conviction the offender would be punishable by imprisonment in the
12 ~~State Penitentiary~~ custody of the Department of Corrections for five
13 (5) years or less, then the person convicted of such subsequent
14 offense is punishable by imprisonment in the ~~State Penitentiary~~
15 custody of the Department of Corrections for a term of not ~~exceeding~~
16 ~~fifteen (15)~~ less than ten (10) years.

17 B. Every person who, having been twice convicted of felony
18 offenses against an elderly or incapacitated person, commits a third
19 felony offense against an elderly or incapacitated person within ten
20 (10) years of the date following the completion of the execution of
21 the first sentence, shall be punishable by imprisonment in the ~~State~~
22 ~~Penitentiary~~ custody of the Department of Corrections for a term of
23 not less than ~~twenty (20)~~ thirty (30) years.

24

1 C. All felony offenses arising out of the same transaction or
2 occurrence or series of events closely related in time and location
3 shall be considered as one offense for the purposes of this section.

4 D. Nothing in this section shall affect the punishment by death
5 or life imprisonment without parole in all crimes now or hereafter
6 made punishable by death or life imprisonment without parole.

7 SECTION 3. This act shall become effective November 1, 2017.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL JUSTICE AND
10 CORRECTIONS, dated 02/22/2017 - DO PASS, As Coauthored.

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