

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 2288

By: O'Donnell

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6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 21 O.S. 2011, Sections 1435 and 1436, which relate to
9 second degree burglary and penalties for burglary;
10 modifying elements of second degree burglary; making
11 certain acts unlawful; defining term; updating
12 language; decreasing and adding penalties; providing
13 for codification; and providing an effective date.

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

15 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1435, is
16 amended to read as follows:

17 Section 1435. A. Every person who breaks and enters the
18 dwelling house of another, in which there is at the time no human
19 being present, or any commercial building or any part of any
20 building, room, booth, tent, railroad car, automobile, truck,
21 trailer, vessel or other, structure or erection, other than an
22 outbuilding as defined in subsection C of this section, in which any
23 property is kept, ~~or breaks into or forcibly opens, any coin-~~
24 ~~operated or vending machine or device with intent to steal any~~

1 property therein or to commit any felony, is guilty of burglary in
2 the second degree.

3 B. Every person who breaks and enters any outbuilding on any
4 commercial or residential property or any room, booth, tent,
5 railroad car, automobile, truck, trailer or vessel of another, in
6 which any property is kept, with intent to steal any property
7 therein or to commit any felony is guilty of burglary in the third
8 degree.

9 C. As used in this section, "outbuilding" includes a shed,
10 garage, cabana, cottage or pool house or any structure subordinate
11 to, but not connected with, the primary residence or building on a
12 parcel of property.

13 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1436, is
14 amended to read as follows:

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

18 1. Burglary in the first degree for any term not less than
19 ~~seven (7)~~ four (4) years nor more than twenty (20) years; ~~and~~

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

22 3. Burglary in the third degree not exceeding three (3) years.

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1 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1443 of Title 21, unless there
3 is created a duplication in numbering, reads as follows:

4 Every person who breaks into or forcibly opens any coin-operated
5 or vending machine or device with intent to steal any property
6 therein is punishable as follows:

7 a. if the value of the property is less than One Thousand
8 Dollars (\$1,000.00), the defendant shall be guilty of
9 a misdemeanor punishable by imprisonment in the county
10 jail not to exceed one (1) year, or by a fine not to
11 exceed Five Hundred Dollars (\$500.00), or by both such
12 imprisonment and fine,

13 b. if the value of the property is One Thousand Dollars
14 (\$1,000.00) or more but less than Two Thousand Five
15 Hundred Dollars (\$2,500.00), the defendant shall be
16 guilty of a felony punishable by imprisonment in the
17 custody of the Department of Corrections not to exceed
18 two (2) years, or in the county jail not to exceed one
19 (1) year, or by a fine not to exceed One Thousand
20 Dollars (\$1,000.00), or by both such imprisonment and
21 fine;

22 c. if the value of the property is Two Thousand Five
23 Hundred Dollars (\$2,500.00) or more but less than
24 Fifteen Thousand Dollars (\$15,000.00), the defendant

1 shall be guilty of a felony punishable by imprisonment
2 in the custody of the Department of Corrections not to
3 exceed five (5) years, or in the county jail not to
4 exceed one (1) year, or by a fine not to exceed One
5 Thousand Dollars (\$1,000.00), or by both such
6 imprisonment and fine; and

7 d. if the value of the property is Fifteen Thousand
8 Dollars (\$15,000.00) or more, the defendant shall be
9 guilty of a felony punishable by imprisonment in the
10 custody of the Department of Corrections not to exceed
11 eight (8) years, or by a fine not to exceed One
12 Thousand Dollars (\$1,000.00), or by both such
13 imprisonment and fine.

14 SECTION 4. This act shall become effective November 1, 2017.

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16 56-1-5914 GRS 01/18/17
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