

1 ENGROSSED SENATE
2 BILL NO. 39

By: Allen of the Senate

3 and

4 Enns of the House

5
6 An Act relating to damages; amending 47 O.S. 2011,
7 Section 4-104, which relates to damaging or tampering
8 with certain vehicles or implements of husbandry;
9 providing penalties; modifying inclusions; clarifying
10 certain crime; and providing an effective date.

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

12 SECTION 1. AMENDATORY 47 O.S. 2011, Section 4-104, is
13 amended to read as follows:

14 Section 4-104. ~~(a)~~ A. A person, who, with intent and without
15 right to do so, injures or tampers with or in any way damages any
16 part or portion of any vehicle or implement of husbandry or ~~in any~~
17 ~~other manner damages any part or portion of said vehicle or~~
18 ~~implement of husbandry~~ any construction equipment or any
19 accessories, appurtenance or attachments thereto is guilty of a
20 misdemeanor:

21 1. A misdemeanor, if the injury or damage causes a loss which
22 has an aggregate value of One Thousand Dollars (\$1,000.00) or less,
23 and upon conviction, the fine shall not exceed Five Thousand Dollars
24 (\$5,000.00);

1 2. A felony, if the injury or damage causes a loss which has an
2 aggregate value of more than One Thousand Dollars (\$1,000.00) but
3 less than Twenty-five Thousand Dollars (\$25,000.00), and upon
4 conviction, the fine shall not exceed Five Thousand Dollars
5 (\$5,000.00);

6 3. A felony, if the injury or damage causes a loss which has an
7 aggregate value of more than Twenty-five Thousand Dollars
8 (\$25,000.00), and upon conviction, the fine shall not exceed Ten
9 Thousand Dollars (\$10,000.00); or

10 4. A felony, if the person has two or more prior convictions
11 for an offense under this section, notwithstanding the value of loss
12 caused by the injury or damage, and upon conviction, the fine shall
13 not exceed Five Thousand Dollars (\$5,000.00).

14 ~~(b)~~ B. A person, who, without right to do so and with intent to
15 commit a crime, tampers with or climbs into or upon a vehicle or
16 implement of husbandry or construction equipment, whether it is in
17 motion or at rest, attempts to manipulate any of the levers,
18 starting mechanism, brakes or other mechanism or device of a vehicle
19 or implement of husbandry while the same is at rest and unattended,
20 or sets in motion any vehicle or implement of husbandry or
21 construction equipment while the same is at rest and unattended is
22 guilty of a misdemeanor, and upon conviction, the fine shall not
23 exceed Five Thousand Dollars (\$5,000.00).

