

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 786 By: Shaw and Pittman of the  
Senate  
3  
4 and  
5 Loring of the House  
6  
7

8 [ burglary - establishing offenses - penalties -  
9 maximum sentences - codification - effective date ]  
10

11 AUTHOR: Add the following House Coauthor: Cleveland

12 AMENDMENT NO. 1. Replace the stricken title, enacting clause and  
13 entire bill and insert

14 "[ burglary - modifying elements of offense -  
15 authorizing courts to order payment of  
16 restitution - codification - effective date ]  
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19 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

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

22 Section 1435. A. Every person who breaks and enters the  
23 dwelling house of another, in which there is at the time no human  
24 being present, any commercial building or any part of any building,

1 room, booth, tent, railroad car, automobile, truck, trailer, vessel  
2 or other structure or erection including an outbuilding, as defined  
3 in subsection B of this section, in which any property is kept, ~~or~~  
4 ~~breaks into or forcibly opens, any coin operated or vending machine~~  
5 ~~or device~~ with intent to steal any property therein or to commit any  
6 felony, is guilty of burglary in the second degree.

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

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

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

16 1. Burglary in the first degree for any term not less than  
17 seven (7) years nor more than twenty (20) years; and

18 2. Burglary in the second degree not exceeding seven (7) years  
19 ~~and not less than two (2) years.~~

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

23  
24

1 A. Every person who breaks into or forcibly opens any coin-  
2 operated or vending machine or device with intent to steal any  
3 property therein is punishable as follows:

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

9 2. If the value of the property is One Thousand Dollars  
10 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars  
11 (\$2,500.00), the defendant shall be guilty of a felony punishable by  
12 imprisonment in the custody of the Department of Corrections not to  
13 exceed two (2) years, or in the county jail not to exceed one (1)  
14 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),  
15 or by both such imprisonment and fine;

16 3. If the value of the property is Two Thousand Five Hundred  
17 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars  
18 (\$15,000.00), the defendant shall be guilty of a felony punishable  
19 by imprisonment in the custody of the Department of Corrections not  
20 to exceed five (5) years, or in the county jail not to exceed one  
21 (1) year, or by a fine not to exceed One Thousand Dollars  
22 (\$1,000.00), or by both such imprisonment and fine; or

23 4. If the value of the property is Fifteen Thousand Dollars  
24 (\$15,000.00) or more, the defendant shall be guilty of a felony

1 punishable by imprisonment in the custody of the Department of  
2 Corrections not to exceed eight (8) years, or by a fine not to  
3 exceed One Thousand Dollars (\$1,000.00), or by both such  
4 imprisonment and fine.

5 B. In addition to any penalty imposed, the court may order a  
6 person convicted under this section to pay restitution to the  
7 victim, including restitution for any property damage, as provided  
8 in Section 991a of Title 22 of the Oklahoma Statutes.

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

10 Passed the House of Representatives the 27th day of April, 2017.

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13 \_\_\_\_\_  
14 Presiding Officer of the House of  
Representatives

15 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2017.

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19 Presiding Officer of the Senate

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1 ENGROSSED SENATE  
2 BILL NO. 786

By: Shaw and Pittman of the  
Senate

3 and

4 Loring of the House

5  
6  
7 [ burglary - establishing offenses - penalties -  
8 maximum sentences - codification - effective date ]  
9

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

11 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1435, is  
12 amended to read as follows:

13 Section 1435. A. Every person who breaks and enters the  
14 dwelling house of another, in which there is at the time no human  
15 being present, or any commercial building or any part of any  
16 building, room, booth, tent, railroad car, automobile, truck,  
17 trailer, vessel or other structure or erection, in which any  
18 property is kept, or breaks into or forcibly opens, any coin  
19 operated or vending machine or device with intent to steal any  
20 property therein or to commit any felony, is guilty of burglary in  
21 the second degree.

22 B. Every person who breaks and enters on any commercial or  
23 residential property or any room, booth, tent, railroad car,  
24 automobile, truck, trailer or vessel of another, in which any

1 property is kept, with intent to steal any property therein or to  
2 commit any felony, is guilty of burglary in the third degree.

3 SECTION 6. AMENDATORY 21 O.S. 2011, Section 1436, is  
4 amended to read as follows:

5 Section 1436. Burglary is a felony punishable by imprisonment  
6 in the ~~State Penitentiary~~ custody of the Department of Corrections  
7 as follows:

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

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

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

13 SECTION 7. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 1443 of Title 21, unless there  
15 is created a duplication in numbering, reads as follows:

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

19 1. If the value of the property is less than One Thousand  
20 Dollars (\$1,000.00), the defendant shall be guilty of a misdemeanor  
21 punishable by imprisonment in the county jail not to exceed one (1)  
22 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or  
23 by both such imprisonment and fine;

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1           2. If the value of the property is One Thousand Dollars  
2 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars  
3 (\$2,500.00), the defendant shall be guilty of a felony punishable by  
4 imprisonment in the custody of the Department of Corrections not to  
5 exceed two (2) years, or in the county jail not to exceed one (1)  
6 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),  
7 or by both such imprisonment and fine;

8           3. If the value of the property is Two Thousand Five Hundred  
9 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars  
10 (\$15,000.00), the defendant shall be guilty of a felony punishable  
11 by imprisonment in the custody of the Department of Corrections not  
12 to exceed five (5) years, or in the county jail not to exceed one  
13 (1) year, or by a fine not to exceed One Thousand Dollars  
14 (\$1,000.00), or by both such imprisonment and fine; or

15           4. If the value of the property is Fifteen Thousand Dollars  
16 (\$15,000.00) or more, the defendant shall be guilty of a felony  
17 punishable by imprisonment in the custody of the Department of  
18 Corrections not to exceed eight (8) years, or by a fine not to  
19 exceed One Thousand Dollars (\$1,000.00), or by both such  
20 imprisonment and fine.

21           SECTION 8. This act shall become effective November 1, 2017.  
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