

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 786

By: Shaw and Pittman of the
Senate

and

Loring and Cleveland of the
House

11 COMMITTEE SUBSTITUTE

12 [burglary - modifying elements of offense -
13 authorizing courts to order payment of
14 restitution - codification - effective date]

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

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

21 Section 1435. A. Every person who breaks and enters the
22 dwelling house of another, in which there is at the time no human
23 being present, any commercial building or any part of any building,
24 room, booth, tent, railroad car, automobile, truck, trailer, vessel

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

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

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

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

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

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

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

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

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

6 2. If the value of the property is One Thousand Dollars
7 (\$1,000.00) or more but less than Two Thousand Five Hundred Dollars
8 (\$2,500.00), the defendant shall be guilty of a felony punishable by
9 imprisonment in the custody of the Department of Corrections not to
10 exceed two (2) years, or in the county jail not to exceed one (1)
11 year, or by a fine not to exceed One Thousand Dollars (\$1,000.00),
12 or by both such imprisonment and fine;

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

20 4. If the value of the property is Fifteen Thousand Dollars
21 (\$15,000.00) or more, the defendant shall be guilty of a felony
22 punishable by imprisonment in the custody of the Department of
23 Corrections not to exceed eight (8) years, or by a fine not to
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1 exceed One Thousand Dollars (\$1,000.00), or by both such
2 imprisonment and fine.

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/13/2017 -
10 DO PASS, As Amended and Coauthored.

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