

1 STATE OF OKLAHOMA

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

3 SENATE BILL 786

By: Treat

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5
6 AS INTRODUCED

7 An Act relating to burglary; amending 21 O.S. 2011,
8 Section 1435, which relates to burglary in second
9 degree; modifying certain requirements for offense;
10 establishing offenses; modifying penalties; providing
11 definition; amending 21 O.S. 2011, Section 1436,
12 which relates to penalty for burglary; modifying
13 maximum sentences; providing for codification; and
14 providing an effective date.

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

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

18 Section 1435. A. Every person who breaks and enters the
19 dwelling house of another, in which there is at the time no human
20 being present, or any commercial building or any part of any
21 building, room, booth, tent, railroad car, automobile, truck,
22 trailer, vessel or other structure or erection, 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
property therein or to commit any felony, is guilty of burglary in
the second degree.

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

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

8 Section 1436. Burglary is a felony punishable by imprisonment
9 in the ~~State Penitentiary~~ custody of the Department of Corrections
10 as follows:

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

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

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

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

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

22 1. If the value of the property is less than One Thousand
23 Dollars (\$1,000.00), the defendant shall be guilty of a misdemeanor
24 punishable by imprisonment in the county jail not to exceed one (1)

1 year, or by a fine not to exceed Five Hundred Dollars (\$500.00), or
2 by both such imprisonment and fine;

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

10 3. If the value of the property is Two Thousand Five Hundred
11 Dollars (\$2,500.00) or more but less than Fifteen Thousand Dollars
12 (\$15,000.00), the defendant shall be guilty of a felony punishable
13 by imprisonment in the custody of the Department of Corrections not
14 to exceed five (5) years, or in the county jail not to exceed one
15 (1) year, or by a fine not to exceed One Thousand Dollars
16 (\$1,000.00), or by both such imprisonment and fine; or

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

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

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