

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1072

By: Barrington of the Senate

and

Roan of the House

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10 COMMITTEE SUBSTITUTE

11 An act relating to crimes and punishments; amending
12 21 O.S. 2011, Sections 1289.19 and 1289.26, which
13 relate to certain definitions and the wearing of body
14 armor when committing a felony; adding definition;
15 modifying scope of certain enhanced penalty; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 21 O.S. 2011, Section 1289.19, is
19 amended to read as follows:

20 Section 1289.19 As used in Sections 1289.20 through 1289.22 and
21 Section 1289.26 of this title ~~and Section 2 of this act:~~

22 1. "Restricted bullet" means a round or elongated missile with
23 a core of less than sixty percent (60%) lead and having a
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1 fluorocarbon coating, which is designed to travel at a high velocity
2 and is capable of penetrating body armor; ~~and~~

3 2. "Body armor" means a vest or shirt of ten (10) plies or more
4 of bullet resistant material as defined by the Office of
5 Development, Testing and Dissemination, a division of the United
6 States Department of Justice; and

7 3. "Kevlar Helmet" means the Personnel Armor System Ground
8 Troops Helmet (PASGT Helmet) made from layers of Kevlar, a ballistic
9 aramid fabric treated with a phenolic resin system which offers
10 protection against shrapnel and ballistic threats, or any
11 replacement for the Kevlar Helmet developed for and used by the U.S.
12 Army, U.S. Air Force, U.S. Marine Corps and U.S. Navy. Nothing in
13 this section shall be construed to prohibit the lawful possession of
14 a helmet or Kevlar Helmet or body armor related to purposes of
15 collecting or from a veteran's time of service.

16 SECTION 2. AMENDATORY 21 O.S. 2011, Section 1289.26, is
17 amended to read as follows:

18 Section 1289.26

19 USE OF BODY ARMOR

20 Any person who commits or attempts to commit a felony while
21 wearing body armor or a Kevlar helmet as defined in Section 1289.19
22 of this title, in addition to the penalty provided by statute for
23 the felony committed or attempted, upon conviction shall be guilty

1 of a felony for wearing such body armor or a Kevlar helmet, which
2 shall be a separate offense from the felony committed or attempted,
3 and shall be punishable by imprisonment in the State Penitentiary
4 for a period of not more than ten (10) years for the first offense,
5 and for a period of not more than twenty (20) years for any second
6 or subsequent offense.

7 SECTION 3. This act shall become effective November 1, 2012.

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9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/03/2012 - DO
10 PASS, As Amended.

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