

05/15/2019 04:07:23 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB2310

By: Frix of the House and Bice of the Senate

Title: Criminal procedure; directing judge to provide certain instructions to jury; repealer; effective date.












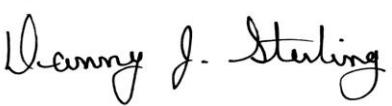





Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HB2310 CCR (C)
HOUSE CONFEREES

Baker, Rhonda		Frix, Avery	
Kannady, Chris		Loring, Ben	
Lowe, Jason		Manger, Robert	
O'Donnell, Terry		Olsen, Jim	
Osburn, Mike		Perryman, David	
Roberts, Dustin		Sterling, Danny	
Strom, Judd		Tadlock, Johnny	
Townley, Tammy		Walke, Collin	
Worthen, Rande			

HB2310 CCR C

SENATE CONFEREES

Bice

Daniels

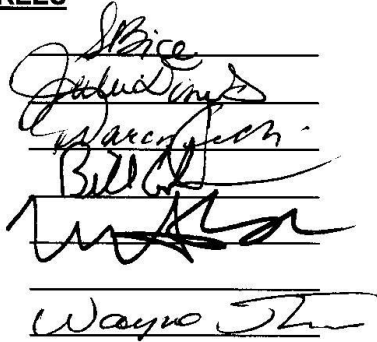
Jech

Coleman

Brooks

Floyd

Shaw

Handwritten signatures of the Senate conferees: Bice, Daniels, Jech, Coleman, Brooks, Floyd, and Shaw. The signatures are written in black ink over horizontal lines.

House Action _____ Date _____ Senate Action _____ Date _____

House Action _____ Date _____ Senate Action _____ Date _____

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2310

By: Frix of the House

and

Bice of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 926.1, which relates to punishments assessed and declared by juries; establishing sentencing procedures for juries that assess and declare punishment in criminal cases; providing for consideration of aggravating and mitigating circumstances unless waived by the state and defendant; directing court to follow specific sentencing procedure under certain circumstances; directing court to instruct juries on laws relating to punishment and sentencing alternatives; defining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 926.1, is amended to read as follows:

Section 926.1 A. In all cases of a verdict of conviction for any offense against any of the laws of the State of Oklahoma, the

1 jury may~~7~~ and shall~~7~~, upon the request of the defendant~~7~~, assess and
2 declare the punishment in their verdict within the limitations fixed
3 by law, and the court shall render a judgment according to such
4 verdict, except as ~~hereinafter~~ provided.

5 B. In all cases in which a jury may assess and declare
6 punishment:

7 1. At the conclusion of the evidence, the judge shall instruct
8 the jury on the offense charged. The jury shall be further
9 instructed to determine only the guilt or innocence of the defendant
10 on the offense charged and that punishment shall not be determined
11 by the jury at this time; and

12 2. If the jury reaches a verdict that the defendant is guilty
13 of the offense charged or guilty of a lesser included offense, the
14 court shall proceed to a second stage in which the jury shall assess
15 punishment within the limitations fixed by law including sentencing
16 alternatives available to the court pursuant to the provisions of
17 Section 991a, 991a-3 or 991c of this title as applicable to the
18 case.

19 C. If the defendant is not prosecuted for a second or
20 subsequent offense, evidence of aggravating and mitigating
21 circumstances and argument on punishment shall be received by the
22 jury unless waived by the state and the defendant. The court shall
23 instruct the jury on the penalty fixed by law for the offense and
24 the jury may assess and declare in its punishment within the penalty

1 fixed by law including any such sentencing alternatives available to
2 the court including the provisions of Section 991a, 991a-3 or 991c
3 of this title as applicable to the case. The jury may assess and
4 declare in its punishment any such sentencing alternatives available
5 to the court.

6 D. If the defendant is prosecuted for a second or subsequent
7 offense, except in those cases in which the former conviction is an
8 element of the offense, the court shall follow the procedure set
9 forth in Section 860.1 of this title. In addition to the evidence
10 of prior convictions, evidence of aggravating and mitigating
11 circumstances and argument on punishment shall be received by the
12 jury unless waived by the state and the defendant. The court shall
13 instruct the jury on the penalty fixed by law for the offense and
14 the jury may assess and declare its punishment within the penalty
15 fixed by law including sentencing alternatives available to the
16 court pursuant to the provisions of Section 991a, 991a-3 or 991c of
17 this title as applicable to the case. The jury may assess and
18 declare in its punishment any such sentencing alternatives available
19 to the court.

20 E. For purposes of this section:

21 1. "Aggravating circumstances" means evidence of the conduct of
22 the defendant relating to the circumstances of the offense itself
23 that would support a more severe sentence within the range of
24 punishment fixed by law; and

1 2. "Mitigating circumstances" means evidence of factors that
2 would support leniency in sentencing including, but not limited to,
3 lack of a prior criminal record, minor participation in the offense,
4 culpability of the victim, past circumstances such as abuse that
5 resulted in the criminal activity, circumstances at the time of the
6 offense such as provocation, stress or emotional problems that,
7 while not excusing the crime, may offer an explanation, mental or
8 physical illness and genuine remorse.

9 SECTION 2. This act shall become effective April 1, 2020.

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11 57-1-8941 GRS 05/13/19
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