

1 ENGROSSED SENATE  
2 BILL NO. 325

By: Daniels of the Senate

3 and

4 Duel of the House

5  
6 An Act relating to criminal prosecutions; amending 22  
7 O.S. 2021, Sections 812.1 and 812.2, which relate to  
8 the right to speedy trial; modifying time limits for  
9 conducting certain criminal proceedings; updating  
10 statutory references; limiting number of continuances  
on certain grounds; adding permissible grounds for  
delay of certain proceedings; increasing frequency of  
certain required review; updating statutory language;  
and providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2021, Section 812.1, is  
15 amended to read as follows:

16 Section 812.1. A. If any person charged with a crime and held  
17 in jail solely by reason thereof is not brought to trial within ~~one~~  
18 ~~(1) year after arrest~~ nine (9) months after the person's initial  
19 appearance on the charge, the court shall set the case for immediate  
20 review as provided in Section ~~2~~ 812.2 of this ~~act~~ title, to  
21 determine if the right of the accused to a speedy trial is being  
22 protected.

23 B. If any person charged with a felony crime who is held to  
24 answer on an appearance bond is not brought to trial within eighteen

1 (18) months after ~~arrest~~ initial appearance, the court shall set the  
2 case for immediate review as provided in Section ~~2~~ 812.2 of this  
3 ~~act~~, title to determine if the right of the accused to a speedy  
4 trial is being protected.

5 C. In the event a mistrial is declared or a conviction is  
6 reversed on appeal, the time limitations provided for in this  
7 section shall commence to run from the date the mistrial is declared  
8 or the date of the mandate of the Court of Criminal Appeals.

9 SECTION 2. AMENDATORY 22 O.S. 2021, Section 812.2, is  
10 amended to read as follows:

11 Section 812.2. A. Whenever the court finds that a case should  
12 be reviewed to determine if the right of an accused to a speedy  
13 trial is being protected, the court shall:

14 1. Issue notice to the ~~District Attorney~~ district attorney, the  
15 accused, and the attorney for the accused that the case will be  
16 reviewed by the court at a date and time which is not less than ten  
17 (10) days nor more than twenty (20) days from the date of the  
18 notice. Each party shall have the opportunity to present evidence  
19 or legal authority in support of its position; and

20 2. Take evidence from both parties regarding the  
21 appropriateness of the cause for the delay. At the hearing, the  
22 court shall consider whether the delay has occurred for any of the  
23 following reasons:

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- 1 a. ~~the delay is the result of~~ due to the application of  
2 the accused or an attorney on behalf of the accused,  
3 b. ~~the delay is the result of~~ due to the fault of the  
4 accused or the attorney for the accused,  
5 c. the accused is incompetent to stand trial,  
6 d. a proceeding to determine the competency of the accused  
7 to stand trial is pending and a determination cannot be  
8 completed within the time limitations fixed for trial,  
9 e. there is material evidence or a material witness which  
10 is unavailable and that reasonable efforts have been  
11 made to procure such evidence or witness, and there are  
12 reasonable grounds to believe that such evidence or  
13 witness can be obtained and trial commenced within a  
14 reasonable time,  
15 f. the accused is charged as a codefendant or  
16 coconspirator and the court has determined that the  
17 codefendants or coconspirators must be tried before  
18 separate juries taken from separate jury panels,  
19 g. the court has other cases pending for trial that are  
20 for persons incarcerated prior to the case in question,  
21 and the court does not have sufficient time to commence  
22 the trial of the case within the time limitation fixed  
23 for trial; provided, no more than three continuances of  
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1 not more than thirty (30) days may be ordered pursuant  
2 to this subparagraph,

3 h. the court, state, accused, or the attorney for the  
4 accused is incapable of proceeding to trial due to  
5 illness or other reason and it is unreasonable to  
6 reassign the case, and

7 i. no court reporter is available for the trial of the  
8 case; provided, if the delay is pursuant to this  
9 subparagraph, a court reporter shall be assigned for  
10 trial within sixty (60) days of the hearing,

11 j. a continuance is granted to allow the prosecution  
12 additional time to prepare in a felony case if the  
13 court enters specific findings that additional time is  
14 justified due to exceptional circumstances, and

15 k. due to other reasonable grounds the court does not have  
16 sufficient time to commence the trial of the case  
17 within the time limit fixed for trial; provided, no  
18 more than one continuance of not more than thirty (30)  
19 days may be ordered pursuant to this subparagraph.

20 B. ~~If, after~~ After hearing all the evidence and the legal  
21 arguments properly submitted, if the court finds by a preponderance  
22 of the evidence ~~that the state is not proceeding with due diligence,~~  
23 that none of the exceptions set out in paragraph 2 of subsection A  
24 of this section justify additional delay and the right of the

1 accused to a speedy trial as provided in this section and Section  
2 812.1 of this title has been violated, the court shall dismiss the  
3 case.

4 C. If a preliminary hearing has been held, the case may be  
5 ~~refiled, unless the applicable statute of limitations has expired,~~  
6 upon a showing of newly discovered evidence which could not have  
7 been discovered prior to trial, unless the applicable statute of  
8 limitations has expired.

9 D. If a preliminary hearing has not been held, the case may be  
10 ~~refiled, upon good cause shown, unless any applicable statute of~~  
11 ~~limitations has expired.~~

12 E. ~~If, after~~ After hearing all the evidence and the legal  
13 arguments properly submitted, if the court finds that the right of  
14 the accused to a speedy trial has not been violated, the court shall  
15 set the case for review ~~in four (4)~~ within three (3) months. If the  
16 case is still pending after the ~~four-month~~ three-month period, the  
17 court shall conduct another review within thirty (30) days. The  
18 ~~four-month~~ review of pending cases every thirty (30) days shall be a  
19 continuing responsibility of the court until final disposition of  
20 the case.

21 SECTION 3. This act shall become effective November 1, 2024.  
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