

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2341

By: Turner

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2021, Section 831, which relates to the order of
9 trial; directing courts to inform juries of the range
10 of penalties prior to opening statements; and
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 831, is
14 amended to read as follows:

15 Section 831. The jury having been impaneled and sworn, the
16 trial must proceed in the following order:

17 1. If the indictment or information is for a felony, the clerk
18 or district attorney must read it, and state the plea of the
19 defendant to the jury. In other cases this formality may be
20 dispensed with.

21 2. Prior to the opening statement offered by the district
22 attorney or other counsel for the state, the court shall inform the
23 jury of the full range of penalties for the offense for which the
24 defendant has been charged.

1 3. The district attorney, or other counsel for the state, must
2 open the case and offer the evidence in support of the indictment or
3 information.

4 ~~3.~~ 4. The defendant or defendant's counsel shall give an
5 opening statement immediately after the opening statement of the
6 district attorney unless the defendant affirmatively reserves the
7 opening statement until the district attorney has rested the state's
8 case. The defense may offer evidence after the close of the state's
9 case.

10 ~~4.~~ 5. The parties may then, respectively, offer rebutting
11 testimony only, unless the court for good reason, in furtherance of
12 justice, or to correct an evident oversight, permit them to offer
13 evidence upon their original case.

14 ~~5.~~ 6. When the evidence is concluded, the attorneys for the
15 prosecution may submit to the court written instructions. If the
16 questions of law involved in the instructions are to be argued, the
17 court shall direct the jury to withdraw during the argument, and
18 after the argument, must settle the instructions, and may give or
19 refuse any instructions asked, or may modify the same as he deems
20 the law to be. Instructions refused shall be marked in writing by
21 the judge, if modified, modification shall be shown in the
22 instruction. When the instructions are thus settled, the jury, if
23 sent out, shall be recalled and the court shall thereupon read the
24 instructions to the jury.

1 ~~6.~~ 7. Thereupon, unless the case is submitted to the jury
2 without argument, the counsel for the state shall commence, and the
3 defendant or his counsel shall follow, then the counsel for the
4 state shall conclude the argument to the jury. During the argument
5 the attorneys shall be permitted to read and comment upon the
6 instructions as applied to the evidence given, but shall not argue
7 to the jury the correctness or incorrectness of the propositions of
8 law therein contained. The court may permit one or more counsel to
9 address the jury on the same side, and may arrange the order in
10 which they shall speak, but shall not without the consent of the
11 attorneys limit the time of their arguments. When the arguments are
12 concluded, if the court be of the opinion that the jury might be
13 misled by the arguments of counsel, he may to prevent the same
14 further instruct the jury. All instructions given shall be in
15 writing unless waived by both parties, and shall be filed and become
16 a part of the record in the case.

17 SECTION 2. This act shall become effective November 1, 2023.

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19 59-1-6615 GRS 01/18/23

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