

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2437

By: Lowe (Jason)

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5  
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending  
8 21 O.S. 2021, Section 51.1, which relates to  
9 penalties for second and subsequent convictions;  
10 providing sentencing option for certain defendants;  
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2021, Section 51.1, is  
14 amended to read as follows:

15 Section 51.1 A. Except as otherwise provided in the Elderly  
16 and Incapacitated Victim's Protection Program and Section 51.1a of  
17 this title, every person who, having been convicted of any felony,  
18 commits any crime after such conviction, within ten (10) years of  
19 the date following the completion of the execution of the sentence,  
20 and against whom the district attorney seeks to enhance punishment  
21 pursuant to this section of law, is punishable therefor as follows:

22 1. If the offense for which the person is subsequently  
23 convicted is an offense enumerated in Section 571 of Title 57 of the  
24 Oklahoma Statutes and the offense is punishable by imprisonment in

1 the custody of the Department of Corrections for a term exceeding  
2 five (5) years, such person is punishable by imprisonment in the  
3 custody of the Department of Corrections for a term in the range of  
4 ten (10) years to life imprisonment;

5 2. If the offense of which such person is subsequently  
6 convicted is such that upon a first conviction an offender would be  
7 punishable by imprisonment in the custody of the Department of  
8 Corrections for any term exceeding five (5) years, such person is  
9 punishable by imprisonment in the custody of the Department of  
10 Corrections for a term in the range of twice the minimum term for a  
11 first time offender to life imprisonment. If the subsequent felony  
12 offense does not carry a minimum sentence as a first time offender,  
13 such person is punishable by imprisonment in the custody of the  
14 Department of Corrections for a term in the range of two (2) years  
15 to life imprisonment; and

16 3. If such subsequent offense is such that upon a first  
17 conviction the offender would be punishable by imprisonment in the  
18 custody of the Department of Corrections for five (5) years, or any  
19 less term, then the person convicted of such subsequent offense is  
20 punishable by imprisonment in the custody of the Department of  
21 Corrections for a term not exceeding ten (10) years.

22 B. Every person who, having been twice convicted of felony  
23 offenses, commits a subsequent felony offense which is an offense  
24 enumerated in Section 571 of Title 57 of the Oklahoma Statutes,

1 within ten (10) years of the date following the completion of the  
2 execution of the sentence, and against whom the district attorney  
3 seeks to enhance punishment pursuant to this section of law, is  
4 punishable by imprisonment in the custody of the Department of  
5 Corrections for a term in the range of twenty (20) years to life  
6 imprisonment or, after giving due regard to the nature of the crime,  
7 history, and character of the defendant, a term of supervised  
8 probation, as provided for in Section 991a of Title 22 of the  
9 Oklahoma Statutes. Felony offenses relied upon shall not have  
10 arisen out of the same transaction or occurrence or series of events  
11 closely related in time and location. Nothing in this section shall  
12 abrogate or affect the punishment by death in all crimes now or  
13 hereafter made punishable by death.

14 C. Every person who, having been twice convicted of felony  
15 offenses, commits a subsequent felony offense within ten (10) years  
16 of the date following the completion of the execution of the  
17 sentence, and against whom the district attorney seeks to enhance  
18 punishment pursuant to this section of law, is punishable by  
19 imprisonment in the custody of the Department of Corrections for a  
20 term in the range of three times the minimum term for a first time  
21 offender to life imprisonment or, after giving due regard to the  
22 nature of the crime, history, and character of the defendant, a term  
23 of supervised probation, as provided for in Section 991a of Title 22  
24 of the Oklahoma Statutes. If the subsequent felony offense does not

1 carry a minimum sentence as a first time offender, the person is  
2 punishable by imprisonment in the custody of the Department of  
3 Corrections for a term in the range of four (4) years to life  
4 imprisonment. Felony offenses relied upon shall not have arisen out  
5 of the same transaction or occurrence or series of events closely  
6 related in time and location. Nothing in this section shall  
7 abrogate or affect the punishment by death in all crimes now or  
8 hereafter made punishable by death.

9 D. A previous conviction for possession of a controlled  
10 dangerous substance pursuant to Section 2-402 of Title 63 of the  
11 Oklahoma Statutes, or the equivalent law for possession of a  
12 controlled dangerous substance from any other jurisdiction, may not  
13 be used to enhance punishment pursuant to this section of law.

14 E. Every person who, having previously been convicted of a  
15 felony other than a felony enumerated in Section 571 of Title 57 of  
16 the Oklahoma Statutes, is convicted of a second or subsequent felony  
17 for:

18 1. Uttering a subscription on instrument as that of one with  
19 the same name, as provided in Section 1592 of this title;

20 2. Receiving or concealing stolen property, as provided in  
21 Section 1713 of this title;

22 3. False personation of another, as provided in Section 1531 of  
23 this title;

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1 4. Unauthorized use of a motor vehicle, as provided in Section  
2 4-102 of Title 47 of the Oklahoma Statutes;

3 5. Grand larceny, as provided in Section 1705 of this title;

4 6. False declaration of ownership to a pawnbroker, as provided  
5 in Section 1512 of Title 59 of the Oklahoma Statutes;

6 7. Forgery in the second degree, as provided in Section 1577 of  
7 this title;

8 8. Receiving, possessing or concealing a stolen vehicle, as  
9 provided in Section 4-103 of Title 47 of the Oklahoma Statutes; or

10 9. Larceny of merchandise from a retailer, as provided in  
11 Section 1731 of this title,  
12 is punishable by imprisonment in the custody of the Department of  
13 Corrections for a term of not more than twice the maximum sentence  
14 that could have been imposed for a first conviction of the current  
15 offense.

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

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18 59-1-6191 GRS 01/09/23

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