

ENGROSSED HOUSE
BILL NO. 2271

BY: DUNLAP, JOHNSON (Rob),
CROCKER, TAYLOR, WEAVER
and KOUBA of the HOUSE

and

DOUGLASS of the SENATE

AN ACT RELATING TO CRIMES AND PUNISHMENTS; AMENDING
21 O.S. 1991, SECTION 701.10, WHICH RELATES TO THE
DEATH PENALTY; AUTHORIZING THE INTRODUCTION OF
CERTAIN EVIDENCE DURING THE SENTENCING PROCEEDING;
AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 701.10, is
amended to read as follows:

Section 701.10 A. Upon conviction or adjudication of guilt of
a defendant of murder in the first degree, the court shall conduct a
separate sentencing proceeding to determine whether the defendant
should be sentenced to death, life imprisonment without parole or
life imprisonment. The proceeding shall be conducted by the trial
judge before the same trial jury as soon as practicable without
presentence investigation.

B. If the trial jury has been waived by the defendant and the
state, or if the defendant pleaded guilty or nolo contendere, the
sentencing proceeding shall be conducted before the court.

C. In the sentencing proceeding, evidence may be presented as
to any mitigating circumstances or as to any of the aggravating

circumstances enumerated in Section 701.7 et seq. of this title. Only such evidence in aggravation as the state has made known to the defendant prior to his trial shall be admissible. In addition, the state may introduce evidence about the victim and about the impact of the murder on the family of the victim.

D. This section shall not be construed to authorize the introduction of any evidence secured in violation of the Constitutions of the United States or of the State of Oklahoma. The state and the defendant or his counsel shall be permitted to present argument for or against sentence of death.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 10th day of March, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate