

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1003

BY: POPE

AS INTRODUCED

AN ACT RELATING TO CRIMINAL PROCEDURE; STATING

LEGISLATIVE INTENT WITH RESPECT TO RAPE CHARGES;

PROHIBITING PLEA AGREEMENTS IN RAPE CASES;

AUTHORIZING SENTENCE RECOMMENDATIONS; PROVIDING FOR

CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 304.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

It is the intent of the Legislature to restrict the authority of prosecutors to reduce rape charges, while still permitting the recommendation of sentencing at the minimum level. The Legislature recognizes the necessity of plea agreements in criminal proceedings, but also recognizes that plea agreements reducing rape charges may have unanticipated effects that are detrimental to public safety.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 304.2 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. A district attorney or assistant district attorney shall not:

1. enter into an agreement to reduce a rape charge to a lesser offense if the facts of the case clearly indicate that the crime committed was a rape; or

2. enter into an agreement to reduce a first degree rape charge to a second degree rape charge if the facts of the case clearly indicate that the crime committed was first degree rape.

B. The district attorney may agree to recommend the minimum sentence for the first degree rape offense or the second degree rape offense if the defendant enters a plea of guilty to such rape charge.

SECTION 3. This act shall become effective September 1, 1991.

43-1-5098

MCD