

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2033

BY: Key

AS INTRODUCED

An Act relating to criminal procedure; restricting plea agreements; stating legislative intent; prohibiting plea agreements in certain circumstances; authorizing sentence recommendations; providing for liability; 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 certain felony 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 felony charges to misdemeanors may have unanticipated effects that are detrimental to public safety, such as allowing persons whose felony charges were reduced to misdemeanor charges to purchase certain firearms of types that would be prohibited to them had they been convicted of the original felony charges.

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 district attorney or assistant district attorney shall not enter into an agreement to reduce a felony charge to a misdemeanor if the facts of the case clearly indicate that the crime committed was a felony. In such cases, the district attorney may agree to recommend the minimum sentence for the felony if the defendant enters a plea of guilty to the felony charge.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 304.3 of Title 22, unless there is created a duplication in numbering, reads as follows:

A district attorney or assistant district attorney who enters into a plea agreement that violates Section 2 of this act shall be considered to be acting outside the scope of employment as defined in the Governmental Tort Claims Act, and shall be personally liable for damages resulting from any crimes involving a firearm committed by a person who would not have been able to obtain the firearm had not a felony charge been reduced to less than a felony by a plea agreement entered into by the district attorney or assistant district attorney.

SECTION 4. This act shall become effective September 1, 1994.

44-2-8512 SD