

ENGROSSED HOUSE
BILL NO. 1031

By: Key, Adair, Bastin, Boyd
(Laura), Case, Claunch,
Cozort, Crocker, Dank,
Dunegan, Dunlap, Erwin,
Ferguson, Graves, Gray,
Greenwood, Hiett,
Hutchison, Maddux,
Matlock, Miller,
Mitchell, O'Neal,
Peltier, Pettigrew,
Phillips, Pope (Tim),
Ramsey, Reese, Rhodes,
Rice, Roberts,
Satterfield, Seikel,
Smaligo, Smith (Bill),
Smith (Dale), Stanley,
Sullivan (John),
Sullivan (Leonard),
Taylor, Weaver, Webb,
Weese, Wells and Worthen
of the House

and

Shurden of the Senate

An Act relating to criminal procedure; amending 22
O.S. 1991, Section 834, which relates to
responsibilities of a jury; requiring the court to
give jurors certain information; providing for
failure to give such information; and providing an
effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 834, is
amended to read as follows:

Section 834. A. On the trial of an indictment or information,
questions of law are to be decided by the court, and the questions

of fact are to be decided by the jury; and, although the jury have the power to find a general verdict, which includes questions of law as well as of fact, they are bound, nevertheless, to receive the law which is laid down as such by the court.

B. In a trial by jury, the court shall inform the jurors that each of them has an inherent right to vote on the verdict according to each juror's own conscience and sense of justice. Exercise of this right may include jury consideration of the defendant's motives and circumstances, degree of harm done, and evaluation of the law itself. Failure to so inform the jury is grounds for mistrial and another trial by jury.

SECTION 2. This act shall become effective November 1, 1995.

Passed the House of Representatives the 8th day of March, 1995.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate