

ENGROSSED HOUSE
BILL NO. 2658

By: Askins, Glover, Tyler,
Paulk, Breckinridge,
Thornbrugh, Bryant and
Cotner of the House

and

Henry and Wilkerson of
the Senate

An Act relating to courts; amending 20 O.S. 1991,
Section 3001.1, which relates to setting aside
judgment on certain grounds; modifying grounds for
setting aside judgment in criminal cases; and
providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 3001.1, is
amended to read as follows:

Section 3001.1 A. No judgment shall be set aside or new trial
granted by any appellate court of this state in any civil case, ~~civil or criminal~~, on the ground of misdirection of the jury or for
error in any matter of pleading or procedure, unless it is the
opinion of the reviewing court that the error complained of has
probably resulted in a miscarriage of justice, or constitutes a
substantial violation of a constitutional or statutory right.

B. The Court of Criminal Appeals shall not set aside a judgment
or grant a new trial in any criminal case on the ground of
misdirection of the jury or for error in any matter of pleading or
procedure:

1. In the case of a violation of a constitutional right, if the state proves beyond a reasonable doubt that, absent the error, the outcome of the proceeding would not have been different; or

2. In the case of a violation of a statutory right, unless the defendant shows that, absent the error, the outcome of the proceeding would have been different.

SECTION 2. This act shall become effective November 1, 1996.

Passed the House of Representatives the 6th day of March, 1996.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate