

ENGROSSED HOUSE
BILL NO. 2804

By: Paulk of the House

and

Douglass of the Senate

An Act relating to criminal procedure; specifying items to be stated in indictment or information to confer subject matter jurisdiction; amending 22 O.S. 1991, Section 410, which relates to immaterial informalities in indictments or information; providing defects in indictment or information must be material to establish insufficiency; 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 401.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

Subject matter jurisdiction is conferred upon the trial court when the indictment or information:

1. States the person or persons charged;
2. States the violation or violations of Oklahoma law, either by statutory identification or by language which identifies with specificity the statute which has been violated; and
3. States that the charged crime occurred within the jurisdiction of the trial court.

To confer subject matter jurisdiction it is not necessary to plead every element of the charged crime.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 410, is amended to read as follows:

Section 410. No indictment or information is insufficient, nor can the trial, judgment, or other proceedings thereon be affected, by reason of a any defect ~~or imperfection in the matter of form~~ which does not ~~tend to the~~ materially prejudice ~~of~~ the substantial rights of the defendant upon the merits.

SECTION 3. 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