

ENGROSSED HOUSE
BILL NO. 2805

By: Paulk of the House
and
Douglass of the Senate

An Act relating to crimes and punishments; amending
21 O.S. 1991, Section 11, which relates to criminal
offenses specified in other chapters of the
statutes; providing exception to designated
governing statutes for series of offenses; and
providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 11, is
amended to read as follows:

Section 11. A. If there be in any other chapter of the laws of
this state a provision making any specific act or omission criminal
and providing the punishment therefor, and there be in this penal
code any provision or section making the same act or omission a
criminal offense or prescribing the punishment therefor, that
offense and the punishment thereof, shall be governed by the special
provisions made in relation thereto, and not by the provisions of
this penal code. But an act or omission which is an offense and
which is made punishable in different ways by different provisions
of this code may be punished under either of ~~such~~ the provisions,
except that in cases specified in Sections 51 and 54 of this title,

the punishments therein prescribed are substituted for those prescribed for a first offense, but in no case can ~~it~~ any offense be punished under more than one; and an acquittal or conviction and sentence under either one, bars the prosecution for the same ~~act or omission under any other~~ offense except that this provision in no manner prohibits the punishment of a series of offenses, which are separate and distinct offenses, or any offense which has, as a direct consequence, separate and distinct victims. This provision does not prohibit the punishment of a series of offenses committed during the course of a single episode or transaction, regardless of whether the offenses are incidents or facets of some other offense, or means to another ultimate objective, or in one criminal course of conduct. This provision does not diminish nor provide additional double jeopardy protection or protection from being twice put in jeopardy of life or liberty for the same offense.

B. ~~Provided, however, notwithstanding~~ Notwithstanding any provision of law to the contrary, any offense, including traffic offenses, in violation of the laws of this state which is not otherwise punishable by a term of imprisonment or confinement shall be punishable by a term of imprisonment not to exceed one day in the discretion of the court, in addition to any fine prescribed by law.

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

