

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2658

By: Askins

AS INTRODUCED

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.

45-2-7838

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