

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 3104

By: Davis and Boyd (Laura)
of the House

and

Smith of the Senate

(criminal procedure - commencement of criminal trials -
codification - effective date)

AMENDMENT NO. 1. Page 1, strike the stricken title, enacting
clause and entire bill and insert

[criminal procedure - commencement of criminal
trials - codification -
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 583.1 of Title 22, unless there
is created a duplication in numbering, reads as follows:

A. If any person charged with a crime and held in jail solely
by reason thereof is not brought to trial during the next jury term
following such person's arraignment on the charge, such charge shall
be dismissed, unless the delay is the result of the application or
fault of the defendant, or a continuance is ordered by the court
pursuant to subsection C of this section; provided, however, the
charge may be refiled unless any applicable statute of limitations

has expired, upon a showing of newly discovered evidence which had not been discovered prior to the dismissal.

B. If any person charged with a crime and held to answer on an appearance bond is not brought to trial during the next jury term following such person's arraignment on the charge, such charge shall be dismissed, unless the delay is the result of the application or fault of the defendant, or a continuance is ordered by the court; provided, however, the charge may be refiled unless any applicable statute of limitations has expired, upon a showing of newly discovered evidence which had not been discovered prior to the dismissal.

C. The time for trial may be extended beyond the limitations of subsections A and B of this section for any of the following reasons:

1. The defendant is incompetent to stand trial;

2. A proceeding to determine the defendant's competency to stand trial is pending and a determination thereof cannot be completed within the time limitations fixed for trial by this section; or

3. Upon a showing of good cause with consideration being given by the court to the following:

- a. length of delay requested,

- b. reason for delay,

- c. defendant's assertion of his or her right to a speedy trial, and

- d. degree of prejudice suffered by defendant.

D. In the event a mistrial is declared or a conviction is reversed on appeal to the Court of Criminal Appeals, the time limitations provided for in this section shall commence to run from the date the mistrial is declared or the date of the mandate of the Court of Criminal Appeals.

SECTION 2. This act shall become effective November 1, 1998."

Passed the Senate the 7th day of April, 1998.

President of the Senate

Passed the House of Representatives the ____ day of

_____, 1998.

Speaker of the House of
Representatives