

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)

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 within ninety (90) days
after 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 within one hundred eighty
(180) days after arraignment on the charge, such charge shall be
dismissed, unless the delay is the result of the defendant, or a
continuance 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;

3. There is material evidence which is unavailable; that reasonable efforts have been made to procure such evidence; and that there are reasonable grounds to believe that such evidence can be obtained and trial commenced within the next succeeding ninety (90) days. Not more than one continuance may be granted the state on this ground, unless for good cause shown, and if the original continuance was for less than ninety (90) days, and the trial is commenced within one hundred twenty (120) days from the original trial date; and

4. Because of other cases pending for trial, the court does not have sufficient time to commence the trial of the case within the time fixed for trial by this section. Not more than one continuance of not more than thirty (30) days may be ordered pursuant to this paragraph.

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 House of Representatives the 4th day of March, 1998.

Speaker

of the House of
Representatives

Passed the Senate the ____ day of _____, 1998.

President

of the Senate