

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 2028

By: Graves

AS INTRODUCED

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 51, which relates to second and subsequent offenses; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 51, is amended to read as follows:

Section 51. A. Except as otherwise provided in Sections ~~4 991a-5~~ through ~~7 991a-11~~ of ~~this act~~ Title 22 of the Oklahoma Statutes, every person who, having been convicted of any offense punishable by imprisonment in the State Penitentiary, commits any crime after such conviction is punishable therefor as follows:

1. If the offense of which ~~such~~ the person is subsequently convicted is such that upon a first conviction an offender would be punishable by imprisonment in the State Penitentiary for any term exceeding five (5) years, ~~such~~ the person is punishable by imprisonment in the State Penitentiary for a term not less than ten (10) years.

2. If ~~such~~ the subsequent offense is such that upon a first conviction the offender would be punishable by imprisonment in the

State Penitentiary for five (5) years, or any less term, then the person convicted of ~~such~~ the subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding ten (10) years.

3. If ~~such~~ the subsequent conviction is for petit larceny, the person convicted of ~~such~~ the subsequent offense is punishable by imprisonment in the State Penitentiary for a term not exceeding five (5) years.

B. Every person who, having been twice convicted of felony offenses, commits a third, or thereafter, felony offenses within ten (10) years of the date following the completion of the execution of the sentence, shall be punished by imprisonment in the State Penitentiary for a term of not less than twenty (20) years. Felony offenses relied upon shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Nothing in this section shall abrogate or affect the punishment by death in all crimes now or hereafter made punishable by death.

SECTION 2. This act shall become effective November 1, 1997.

46-1-6063

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