

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 2885

By: Key

AS INTRODUCED

An Act relating to jury trials; providing procedure for jury trial if case is not contested; providing for codification; and providing an 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 834.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. In any criminal action, the defendant may plead no contest, whereupon said defendant shall be entitled to a trial by jury in which the following matters may be determined by the jury pursuant to its determination of a verdict:

1. Whether there are any circumstantial, motivational, or moral considerations which would mitigate, negate, or redirect guilt;

2. Whether the law itself and the sanctions which may be imposed upon conviction under the law are just, fair, and respectful of fundamental individual rights; and

3. Whether, after considering the above factors, applying the law as given by the judge in the instant case would produce a just and fair verdict.

B. The jurors shall be instructed in accordance with this section and, as part of their oath, shall affirm that they understand their role, power, and responsibility in bringing in a verdict based upon the above considerations, the nature of the uncontested facts of the case notwithstanding. No party to the trial may be prevented from encouraging the jury to reach a verdict based upon such considerations. Failure by the court to instruct the jurors in accordance with this section shall be grounds for mistrial and a new trial by jury.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 556.2 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. In any civil action, the defendant may enter a confession of judgment, whereupon said defendant shall be entitled to a trial by jury in which the following matters may be determined by the jury pursuant to its determination of a verdict:

1. Whether there are any circumstantial, motivational, or moral considerations which would mitigate, negate, or redirect liability;

2. Whether the law itself and the damages awardable to the prevailing party under the law are just, fair, and respectful of fundamental individual rights; and

3. Whether, after considering the above factors, applying the law as given by the judge in the instant case would produce a just, fair, and equitable determination of liability.

B. The jurors shall be instructed in accordance with this section and, as part of their oath, shall affirm that they understand their role, power, and responsibility in bringing in a judgment based upon the above considerations, the nature of the uncontested facts of the case notwithstanding. No party to the trial may be prevented from encouraging the jury to reach its judgment based upon such considerations. Failure by the court to

instruct the jurors in accordance with this section shall be grounds for mistrial and a new trial by jury.

SECTION 3. This act shall become effective November 1, 1998.

46-2-8201

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