

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3104

By: Davis

AS INTRODUCED

An Act relating to criminal procedure; providing time limitations for commencement of criminal trials; providing extensions for specified reasons; 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 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.

46-2-9284

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