

SHORT TITLE: Crimes and punishments; clarifying language regarding sentencing matrices and enhancers; effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1395

By: Mickle

AS INTRODUCED

An Act relating to crimes and punishments; amending Section 5, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 15), which relates to sentencing matrices and enhancers; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 5, Chapter 133, O.S.L. 1997 (21 O.S. Supp. 1997, Section 15), is amended to read as follows:

Section 15. A. On and after July 1, 1998, criminal offenses shall be punished as provided by the sentencing matrices and in accordance with the application of any sentencing enhancers authorized by the Oklahoma Truth in Sentencing Act.

B. For purposes of sentencing:

1. The main matrix shall be applied in felony cases for crimes that are classified pursuant to Section 6 of this act as a Schedule A, Schedule B, Schedule C, Schedule D, Schedule D-1, Schedule D-2, Schedule E, Schedule F, Schedule G, or Schedule H crime committed on or after July 1, 1998;

2. The sentencing matrix entitled "Intoxicant Crimes Involving a Vehicle Matrix" shall be applied in cases which are intoxicant crimes involving a vehicle that are classified as Schedule I-1, I-2, or Schedule I-3 crimes committed on or after July 1, 1998;

3. The sentencing matrix entitled "Drug Crimes Matrix" shall be applied in cases involving controlled dangerous substance offenses that are classified as Schedule N-1, Schedule N-2, Schedule N-3, Schedule N-4, or Schedule N-5 crimes committed on or after July 1, 1998; and

4. The sentencing matrix entitled "Sex Crimes Matrix" shall be applied in cases involving sexual offenses that are classified as Schedule S-1, Schedule S-2, Schedule S-3, or Schedule S-4 crimes.

C. The ranges of punishment for each level in the schedules shall be established as provided in Section 6 of this act.

Provided, however, Schedule A shall be subject to the criminal provisions of Sections 701.7 through 701.16 of Title 21 of the Oklahoma Statutes.

D. A sentencing matrix is a crime severity and criminal history classification tool. The sentencing matrix determines crime severity of the current ~~offense~~ crime of conviction according to sentencing level. The sentencing level classifies the severity of the circumstances of the offense and the criminal history of the offender.

E. A sentencing matrix, except for Schedule A, defines the possible terms of confinement or community punishment.

F. A sentencing matrix does not establish fines or other conditions of a sentence. Fines for the commission of a criminal offense shall be as provided by law and conditions of sentence dispositions are provided for by Section 991a of Title 22 of the Oklahoma Statutes.

G. The sentences provided for in the matrices shall be:

1. Field 1 - Sentencing to the Department of Corrections;
2. Field 2 - Sentencing to either the Department of Corrections or community punishment, at the option of the court. If the sentence is to community punishment, sentencing shall be pursuant to

Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 46 of this act;

3. Field 3 - Sentencing to community punishment pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 46 of this act; or

4. Field 4 - Sentencing to community punishment pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 46 of this act.

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

46-2-2391            MJM