STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1343 By: Davis, Toure and Ross of the House

and

Smith of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; providing time limitations for commencement of criminal trials; providing extensions for specified reasons; amending 22 O.S. 1991, Section 817, which relates to dismissals of actions; modifying scope of authority to prosecute for an offense after dismissal; repealing 22 O.S. 1991, Sections 811, 812 and 813, which relate to dismissals of prosecution and continuances; 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 812.1 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 one (1) year after such person's arrest on the charge, such charge shall be dismissed, unless the delay is the result of the application or fault of the defendant or defendant’s counsel, or a continuance is ordered by the court pursuant to subsection C of this section; provided, however, the charge may be refiled, upon good cause shown, unless any applicable statute of limitations has expired.

B. If any person charged with a crime and held to answer on an appearance bond is not brought to trial within one and one-half (1 1/2) years after arrest 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 ordered by the court; provided, however, the charge may be refiled, upon good cause shown, unless any applicable statute of limitations has expired.

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 or a material witness which is unavailable; that reasonable efforts have been made to procure such evidence or witness; and that there are reasonable grounds to believe that such evidence or witness can be obtained and trial commenced within a reasonable time; and

4. Because of other cases pending for trial or other reasonable grounds, the court does not have sufficient time to commence the trial of the case within the time fixed for trial by this section.

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. AMENDATORY 22 O.S. 1991, Section 817, is amended to read as follows:

Section 817. An order for the dismissal of the action, as provided in this article, is not a bar to any other prosecution for the same offense<u>, except as provided in Section 1 of this act</u>.

SECTION 3. REPEALER 22 O.S. 1991, Sections 811, 812 and 813, are hereby repealed.

SECTION 4. This act shall become effective November 1, 1999.

47-1-7338 SD 6/11/15