

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

HOUSE BILL NO. 1101

By: Matlock

AS INTRODUCED

An Act relating to the Oklahoma Truth in Sentencing Act; amending Section 5, Chapter 133, O.S.L. 1997, as amended by Section 4, Chapter 2, 1st Ex. Sess., O.S.L. 1998 (21 O.S. Supp. 1998, Section 15), which relates to punishment; clarifying language; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 5, Chapter 133, O.S.L. 1997, as amended by Section 4, Chapter 2, 1st Ex. Sess., O.S.L. 1998 (21 O.S. Supp. 1998, Section 15), is amended to read as follows:

Section 15. A. ~~On and after~~ Beginning July 1, 1999, 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 16 of this title 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, 1999;

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, 1999;

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, 1999; 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 16 of this title. Provided, however, Schedule A shall be subject to the criminal provisions of Sections 701.7 through 701.16 of this title.

D. A sentencing matrix is a crime severity and criminal history classification tool. The sentencing matrix determines crime severity of the current offense 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 987.8 of Title 22 of the Oklahoma Statutes;

3. Field 3 - Sentencing to community punishment pursuant to Section 991a-2 of Title 22 of the Oklahoma Statutes or subsection B of Section 987.8 of Title 22 of the Oklahoma Statutes; 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 987.8 of Title 22 of the Oklahoma Statutes.

SECTION 2. This act shall become effective July 1, 1999.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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