

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 SENATE BILL 1036

By: Sykes

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6 AS INTRODUCED

7 An Act relating to sentencing proceedings; amending
8 21 O.S. 2011, Section 701.10, which relates to murder
9 in the first degree; modifying sentencing proceeding
requirements for certain convictions; providing for
codification; and providing an effective date.

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

13 SECTION 1. AMENDATORY 21 O.S. 2011, Section 701.10, is
14 amended to read as follows:

15 Section 701.10. A. Upon conviction or adjudication of guilt of
16 a defendant of murder in the first degree, wherein the state is
17 seeking the death penalty, the court shall conduct a separate
18 sentencing proceeding to determine whether the defendant should be
19 sentenced to death, life imprisonment without parole or life
20 imprisonment. The proceeding shall be conducted by the trial judge
21 before the same trial jury as soon as practicable without
22 presentence investigation.

1 B. If the trial jury has been waived by the defendant and the
2 state, or if the defendant pleaded guilty or nolo contendere, the
3 sentencing proceeding shall be conducted before the court.

4 C. In the sentencing proceeding, evidence may be presented as
5 to any mitigating circumstances or as to any of the aggravating
6 circumstances enumerated in Section 701.7 et seq. of this title.
7 Only such evidence in aggravation as the state has made known to the
8 defendant prior to his trial shall be admissible. In addition, the
9 state may introduce evidence about the victim and about the impact
10 of the murder on the family of the victim.

11 D. This section shall not be construed to authorize the
12 introduction of any evidence secured in violation of the
13 Constitutions of the United States or of the State of Oklahoma. The
14 state and the defendant or his counsel shall be permitted to present
15 argument for or against sentence of death.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 701.10-1 of Title 21, unless
18 there is created a duplication in numbering, reads as follows:

19 A. Upon conviction or adjudication of guilt of a defendant of
20 murder in the first degree, wherein the state is not seeking the
21 death penalty but has alleged that the defendant has prior felony
22 convictions, the court shall conduct a separate sentencing
23 proceeding to determine whether the defendant should be sentenced to
24 life imprisonment without parole or life imprisonment, wherein the

1 state shall be given the opportunity to prove any prior felony
2 convictions beyond a reasonable doubt. The proceeding shall be
3 conducted by the trial judge before the same trial jury as soon as
4 practicable without presentence investigation.

5 B. If the trial jury has been waived by the defendant and the
6 state, or if the defendant pleaded guilty or nolo contendere, the
7 sentencing proceeding shall be conducted before the court.

8 SECTION 3. This act shall become effective November 1, 2013.

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