

1 ENGROSSED HOUSE
2 BILL NO. 2934

By: McCullough of the House

3 and

4 Sykes of the Senate

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6
7 An Act relating to criminal procedure; amending 22
8 O.S. 2011, Section 815, which relates to the
9 dismissal of an action or indictment; authorizing the
10 dismissal of prosecutions by district attorneys;
11 providing for payment of costs upon agreement; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2011, Section 815, is
15 amended to read as follows:

16 Section 815. A. The court may either of its own motion or upon
17 the application of the district attorney, ~~and~~ upon the furtherance
18 of justice, order an action or indictment to be dismissed; but in
19 that case the reasons of the dismissal must be set forth in the
20 order, which must be entered upon the minutes.

21 B. The district attorney may dismiss an action or indictment by
22 filing a notice of dismissal at any time prior to commencement of
23 the preliminary hearing in the case of a felony or, in the case of a
24 misdemeanor, prior to the matter being set for trial. Any
subsequent request for dismissal of an action or indictment by the

1 district attorney must be made pursuant to the provisions of
2 subsection A of this section. A defendant named in such action or
3 indictment shall only be required to pay the costs of that action if
4 agreed upon by the parties.

5 SECTION 2. This act shall become effective November 1, 2016.

6 Passed the House of Representatives the 2nd day of March, 2016.

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9 Presiding Officer of the House
of Representatives

10 Passed the Senate the ___ day of _____, 2016.

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14 Presiding Officer of the Senate