

1 ENGROSSED SENATE
2 BILL NO. 211

By: Anderson of the Senate

and

Williams of the House

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6 [enhanced punishments - second and subsequent
7 offenses - maximum sentences - effective date]
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 21 O.S. 2011, Section 51.1, is
11 amended to read as follows:

12 Section 51.1. A. Except as otherwise provided in the Elderly
13 and Incapacitated Victim's Protection Program and Section ~~3 of this~~
14 ~~act~~ 51.1a of this title, every person who, having been convicted of
15 any offense punishable by imprisonment in the State Penitentiary,
16 commits any crime after such conviction, within ten (10) years of
17 the date following the completion of the execution of the sentence,
18 and against whom the District Attorney seeks to enhance punishment
19 pursuant to this section of law, is punishable therefor as follows:

20 1. If the offense for which the person is subsequently
21 convicted is an offense enumerated in Section 571 of Title 57 of the
22 Oklahoma Statutes and the offense is punishable by imprisonment in
23 the State Penitentiary for a term exceeding five (5) years, such
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1 person is punishable by imprisonment in the State Penitentiary for a
2 term in the range of ten (10) years to life imprisonment.

3 2. If the offense of which such person is subsequently
4 convicted is such that upon a first conviction an offender would be
5 punishable by imprisonment in the State Penitentiary for any term
6 exceeding five (5) years, such person is punishable by imprisonment
7 in the State Penitentiary for a term in the range of twice the
8 minimum term for a first time offender to ~~life imprisonment~~ twenty
9 (20) years. If the subsequent felony offense does not carry a
10 minimum sentence as a first time offender, such person is punishable
11 by imprisonment in the State Penitentiary for a term in the range of
12 two (2) years to ~~life imprisonment~~ twenty (20) years.

13 3. If such subsequent offense is such that upon a first
14 conviction the offender would be punishable by imprisonment in the
15 State Penitentiary for five (5) years, or any less term, then the
16 person convicted of such subsequent offense is punishable by
17 imprisonment in the State Penitentiary for a term not exceeding ten
18 (10) years.

19 4. If such subsequent conviction is for petit larceny, the
20 person convicted of such subsequent offense is punishable by
21 imprisonment in the State Penitentiary for a term not exceeding five
22 (5) years.

23 B. Every person who, having been twice convicted of felony
24 offenses, commits a subsequent felony offense which is an offense

1 enumerated in Section 571 of Title 57 of the Oklahoma Statutes,
2 within ten (10) years of the date following the completion of the
3 execution of the sentence, and against whom the District Attorney
4 seeks to enhance punishment pursuant to this section of law, is
5 punishable by imprisonment in the State Penitentiary for a term in
6 the range of twenty (20) years to life imprisonment. Felony
7 offenses relied upon shall not have arisen out of the same
8 transaction or occurrence or series of events closely related in
9 time and location. Nothing in this section shall abrogate or affect
10 the punishment by death in all crimes now or hereafter made
11 punishable by death.

12 C. Every person who, having been twice convicted of felony
13 offenses, commits a subsequent felony offense within ten (10) years
14 of the date following the completion of the execution of the
15 sentence, and against whom the District Attorney seeks to enhance
16 punishment pursuant to this section of law, is punishable by
17 imprisonment in the State Penitentiary for a term in the range of
18 three times the minimum term for a first time offender to ~~life~~
19 ~~imprisonment~~ twenty (20) years. If the subsequent felony offense
20 does not carry a minimum sentence as a first time offender, the
21 person is punishable by imprisonment in the State Penitentiary for a
22 term in the range of four (4) years to ~~life imprisonment~~ twenty (20)
23 years. Felony offenses relied upon shall not have arisen out of the
24 same transaction or occurrence or series of events closely related

1 in time and location. Nothing in this section shall abrogate or
2 affect the punishment by death in all crimes now or hereafter made
3 punishable by death.

4 SECTION 2. This act shall become effective November 1, 2015.

5 Passed the Senate the 11th day of March, 2015.

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7 _____
8 Presiding Officer of the Senate

9 Passed the House of Representatives the ____ day of _____,
10 2015.

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13 Presiding Officer of the House
14 of Representatives
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