

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2934

By: McCullough

AS INTRODUCED

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

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

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

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

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

1 named in such action or indictment shall only be required to pay the
2 costs of that action if agreed upon by the parties.

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