

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

SENATE BILL 211

By: Anderson

AS INTRODUCED

An Act relating to enhanced punishments; amending 21 O.S. 2011, Section 51.1, which relates to enhanced sentences for second and subsequent offenses; modifying certain maximum sentences; and providing an effective date.

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

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

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

1. If the offense for which the person is subsequently convicted is an offense enumerated in Section 571 of Title 57 of the

1 Oklahoma Statutes and the offense is punishable by imprisonment in
2 the State Penitentiary for a term exceeding five (5) years, such
3 person is punishable by imprisonment in the State Penitentiary for a
4 term in the range of ten (10) years to life imprisonment.

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

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

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

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

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

1 years. Felony offenses relied upon shall not have arisen out of the
2 same transaction or occurrence or series of events closely related
3 in time and location. Nothing in this section shall abrogate or
4 affect the punishment by death in all crimes now or hereafter made
5 punishable by death.

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

7
8 55-1-1321 BH 2/18/2016 7:02:00 PM
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24