

1 ENGROSSED HOUSE
2 BILL NO. 2472

By: Peterson, Sherrer and
Hoskin of the House

3 and

4 Treat of the Senate

5
6
7 An Act relating to criminal procedure; granting
8 district attorneys discretion to file misdemeanor
9 charges under certain circumstances; providing for
10 codification; and providing an effective date.

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

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 234 of Title 22, unless there is
14 created a duplication in numbering, reads as follows:

15 When determining the appropriate charge for a person accused of
16 committing a criminal offense, the district attorney shall have the
17 discretion to file the charge as a misdemeanor offense rather than a
18 felony offense after considering the following factors:

19 1. The criminal offense for which the person has been arrested
20 is not listed as a criminal offense in Section 13.1 of Title 21 of
21 the Oklahoma Statutes;

22 2. The nature of the criminal offense;

23 3. The age, background and criminal history of the person who
24 committed the criminal offense;

4. The character and rehabilitation needs of the person who committed the criminal offense; and

5. Whether it is in the best interests of justice to file the charge as a misdemeanor offense rather than a felony offense.

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

Passed the House of Representatives the 7th day of March, 2016.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2016.

Presiding Officer of the Senate