

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   2nd Session of the 55th Legislature (2016)

4                   HOUSE BILL 2472

By: Peterson

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7                   AS INTRODUCED

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

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

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

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

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

23                  2.   The nature of the criminal offense;

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

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

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

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

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9 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
dated 02/17/2016 - DO PASS.  
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