

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2472

By: Peterson

AS INTRODUCED

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

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

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

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

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

2. The nature of the criminal offense;

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

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

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

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

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